



TOWN OF LOOMIS

ACTION MINUTES REGULAR MEETING OF LOOMIS TOWN COUNCIL LOOMIS DEPOT

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650
AND WASHINGTON MARRIOTT, 2660 WOODLEY ROAD NW, WASHINGTON, DC 20008
INQUIRE AT THE FRONT DESK FOR COUNCILMEMBER GARY LISS'S ROOM NUMBER

TUESDAY	FEBRUARY 8, 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 LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One potential cases</p> <p>b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR: Pursuant to Section 54956.9 of the Government Code: Property: APN 044-133-002 Placer County parcel at 3790 Taylor Road Agency Negotiator: Perry Beck, Town Manager Under Negotiation: Price and term</p>		
TUESDAY	FEBRUARY 8, 2011	7:30 P.M.

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

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

Mayor Morillas called a moment of silence for Doug Hanzlick.

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action taken.
- b. Council directed staff to start negotiations on 3790 Taylor Road.

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Scherer stated the following:

- he suggested inviting Rocklin Council for dinner in Loomis to help break the ice
- he suggested putting this on the next Council agenda

Councilmember Ucovich pointed out that the entry sign on Taylor Road, that was done by an Eagle Scout, turned out great.

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.

Peter Oakes, 5782 King Road, expounded on the following:

- this is an event that will take place in Loomis on September 16th and 17th, the CCD Expo (Content, Creators and Distribution Expo)
- Northern California is a hub of new digital technologies and we have an opportunity to introduce others to the talent that is in this area such as manufacturers of equipment, writers of software for gaming, Apps, movies, television shows, and documentaries
- we have a new television show in 3-D being proposed for the Blue Goose event center that will start in March on Direct TV and will give world wide exposure to the Town of Loomis
- they have secured the Blue Goose event center, the Veteran's Memorial Hall, the Train Depot and are working with High Hand Nursery
- they will start promoting in March and will be expecting thousands of people to attend this event
- they are working with Beverly Lewis with Placer County Film Commission in Auburn and Dan McBride with the Blue Goose
- the break-out sessions will be broadcast world wide
- he requested to have this item on the next Council meeting

Mayor Morillas asked Mr. Oakes to work with the Town Manager, Perry Beck, for this item to be on the next agenda.

Dan McBride, South Placer Heritage Foundation, stated that they would like to think of this like the Sundance Film Festival and give the businesses revenue for two days.

Ed Worley, 5550 Tudor Way, stated the following:

- he is concerned about the Lazarus Project that is proposed to come in across from his fence
- the people that are promoting the project don't know anything about our Town
- they haven't provided sufficient evidence about crime rates for uses like this
- once you put a project like this in our Town the demands won't diminish, it will only grow
- he asked Council to keep the original project that was approved

Brian Mishler, 6036 Mareta Lane, stated the following:

- he has lived in Loomis since 1971, graduated from Del Oro, and has five children, four who have graduated from Del Oro High School
- regarding the proposed skate park he recently spoke with Valerie Harris, Auburn Chief of Police, and asked her opinion on Auburns skate park:
 - drug dealing and drug use is higher in the skate park area
 - vandalism is nearly constant and an ongoing problem
 - skate parks should be located in plain view of the Town's citizens, easily viewed by the passing community at large
- he also spoke with the Auburn Parks District Administrator and following were his comments:
 - most important is to have the skate park in plain open view so the citizens can easily monitor the activity
 - they made an error when choosing their site as it is nearly impossible to view and monitor
 - there is increased drug dealing and drug activity
 - the problems don't necessarily occur inside the park but all around and in the vicinity
 - liability is uncertain some protection to the city if the users are 12 years and older but not necessarily a release of liability
 - less then 10% use any form of protection
 - Auburn skate park is fenced and gated, when locked the gate is always removed, it is now no longer locked
 - graffiti is a constant problem and is routinely painted over every two months, though it could be more often
 - approximately 200 hours more per year to maintain the skate park
 - the original landscaping was nearly entirely destroyed within two months, with the shrubs uprooted and the trees broken in half and Auburn will not replace the landscaping
- he urged Council to go slow and deepen the research before moving forward with any skate park
- if Council decides to build a skate park he asks that they build one in plain view for all to see

Karen Jarvis, 3473 Paloma, regarding the skate park she stated the following:

- she also graduated from Del Oro High School
- she sent an email to Council a few weeks ago regarding this
- she agrees with Mr. Mishlers comments
- as a resident she would like to see what is being proposed and have some say in it

Gail Wheeler, 3402 Barker Road, made the following comments on the skate park:

- she is concerned with mixing the two – the young children in the water park and the older children in the skate park
- she would like to keep them separated, she moved from the bay area five years ago and the parks there completely separated the picnic and children playgrounds from the basketball and skate park areas

Paul Hunt, 5529 Myrtle Drive, regarding the skate park he made the following comments:

- he agrees that the youth in this area is some of the finest
- he is a father of three and he works out of his home so he is able to take his children to the park often
- he has often had to ask some of the Loomis youth to stop smoking around them at the park and at times he has not allowed his children to use the slide because there has been vulgarity and inappropriate drawings written on it
- he asked Council to be aware of the issues that may happen when you mix ages

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 and moving Item 16 as the first item under business. 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 8 and 10 forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Calvert and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|-----|--|--|
| 1. | Council Minutes – 12/14/10, 1/11/11 | <i>APPROVE</i> |
| 2. | Monthly Check Register – January | <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 A Memorandum Of Understanding With The Loomis Public Works Employee’s Bargaining Unit (Operating Engineers, Stationary Local No. 39) | <i>ADOPT RESOLUTION
Resolution 11-01</i> |
| 9. | A Resolution Of The Council Of The Town Of Loomis Authorizing the Not-To Exceed Billing Amount of \$10,000 To Process The Railroad Pre-Emption Timing At The King Road Crossing For The New Traffic Signal At The Intersection Of King Road And Swetzer Road | <i>ADOPT RESOLUTION
Resolution 11-02</i> |
| 11. | Mid-Year Budget Review | <i>RECEIVE AND FILE</i> |

CONSENT ITEMS FORWARDED

- | | | |
|----|--|-------------------------|
| 8. | A Resolution Of The Council Of The Town Of Loomis Approving A Revised Lease Agreement With The South Placer Heritage Foundation For Use of Town Owned Property At 3550 Taylor Road, Loomis, California | <i>ADOPT RESOLUTION</i> |
|----|--|-------------------------|

Councilmember Liss commented on the following:

- questioned if we have an agreement from South Placer Heritage Foundation on the use of the Blue Goose for different types of activities and for the deferred development fees that are passed due
- staff was directed to negotiate with the South Placer Heritage Foundation last year
- before we approve this agreement we need to delineate what the Town wants first

No public comment.

Following further discussion on the matter, Council agreed to continue this item to the March Council meeting.

- | | | |
|-----|--|----------------|
| 10. | Authorize Contract With Environmental Consultant For The Regina Coeli Priory At Southwest Corner of Barton And Rocklin Roads And Waive The Bid Requirement | <i>APPROVE</i> |
|-----|--|----------------|

Councilmember Liss stated the following:

- he understood that new major projects need to go to Council for general feedback on the project before they get too far along in the development, design and spending a lot of money and time
- it's not clear what the project description is, why waive the bid requirement, and what is the policy

Kathy Kerdus, Planning Director, stated the following:

- the project before you is consistent with the General Plan and the Zoning
- the bid waiver was asked because they were on the approved list of consultants established by the Town a number of years ago
- we are only in the information gathering process at this time and this is the standard way the Town has handled these in the past
- a scoping meeting can be done if the Council wishes and that is where people can voice their opinion

Perry Beck, Town Manager, noted the following:

- the money does not come from the Town, the Developers pay for the environmental review documents
- the issues that Councilmember Liss talked about would all be covered in an environmental report
- the primary reason for an environmental report is to provide information by which decisions can be made
- You first receive the project then the public input is received at a scoping meeting
- a project must be complete before it is technically a project

Councilmember Ucovich pointed out that public input should be received prior to any environmental document is created.

Councilmember Scherer stated he preferred some type of community workshop on this project.

Roger Smith, 6755 Wells Avenue, stated the following:

- supports a scoping session prior to the project getting to far down, maybe the wrong track
- the Open Space Committee report identified this property in their report as an area we pay close attention in what we do because this is one of the key entries for the Town coming from Rocklin
- this is a project that we should do all the best practices we can possible put together

Following further discussion on the matter, Council directed staff to continue this item and set up a workshop meeting and to extend the noticing to not only the 300 foot noticing but to all of the RA district, St. Francis Woods and Montclair.

PUBLIC HEARING

12 #10-12 Barker Road Abandonment APN 030-043-044

Applicant requests that the Town abandon a portion (0.15 acre) of right-of-way, 15' section, adjacent to 3330 Barker Road with a return of a Multi Purpose Easement to the Town.

Recommended action: Approve Resolution approving the transfer of 0.15 acres of right-of-way to the Muschetto fee parcel (APN 030-043-044) with a return of a Multi Purpose Easement to the Town

Public comment:

Spencer Short, representing the applicant, stated the following:

- there is a correction to the staff report which states he isn't planning to split the property at this time, that is incorrect, he has no intention of developing the property in his life time but would like to split it so he can work out his estate planning
- this request is intended to protect the zoning of the Town of Loomis

Hazel Hinele, Barker Road, stated that she supports the request.

Following further discussion on the matter, a motion was made to direct staff to bring this back to the March 8th meeting with the Planning Commission's Conditions included with the resolution and put on consent. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

Council discussed item 16 at this time

BUSINESS

13. Complaint On Berg Lane Houses

Council invited Mr. Duane Fender, a resident on Berg Lane, to further discuss issues he has with certain houses on Berg Lane

Recommended action: Discuss and give direction to staff if needed.

Public comment:

Mr. Fender requested to continue this item.

14. **Loomis Downtown Park Project – Award To Low Bidder**

Consider the following: 1)continue with only the Base Bid and Council direction (Item A) in the amount of \$466,910.67; 2) construct Item A with Alternative 4 and delete the picnic tables, in the amount of \$532,483.89; 3) construct Item A with Alternative 4, delete the picnic tables and add colored paving, in the amount of \$563,433.89; 4) or other.

Recommended action: Discuss and give direction

Public comment:

Council discussed item 14 after item 15.

No public comment.

Councilmember Ucovich suggested installing the five spray heads and the piping for the water park prior to laying the concrete so eventually, if it is ever put in, it will be already hooked up.

Councilmember Scherer stated the following:

- questioned why we are installing concrete when it will eventually be removed for the water park
- we don't need to adopt a resolution because we are not spending any more money then what we have already authorized

Councilmember Liss questioned if there were any options to deal with the “drop-off” elevation problem.

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

- they can put lawn in there instead
- after June we will have the CMAQ money to help pay for the parking lot (that will go out to bid)
- we can re-install the post and cable in the areas that are high elevation difference so people won't go across

Following further discussion on the matter, Council directed staff to go with #1 – continue with only the base bid and Council direction (Item A) in the amount of \$466,910.67 and remove concrete in the water park area.

At this time Council discussed item 17.

15. **Summer Swim 2011**

The Town became involved in the summer Swim Program in 2009 at the urging of a Loomis Resident, who was able to devote considerable time and effort in the program but there does not appear to be adult volunteers to do a summer swim program in 2011.

Recommended action: Forego the 2011 summer swim program

Public comment:

Item 15 was discussed after item 16.

Pat Brechtel stated the following:

- he would like to see some sort of plan for a 2011 summer swim program
- he would like to see this go on the next months agenda to work on a plan on how to keep this open
- give us a chance to put a swim season together

Dinean Swenson, 5900 ½ Horseshoe Bar Road, stated the following:

- encouraged Council to approve funding for the 2011 Summer Swim program
- this could be changed to a five week program instead of nine weeks
- the revenue from the swimming lessons pays for the staff
- suggest offering the “mommy and me” classes, that could help the enrollment
- this program offers employment to the young adults, recreation for our families, and water safety for our youth
- she would like to work on ideas to make a 2011 swim program possible

Dan Bernash, 3020 Lemos Ranch Drive, stated the following:

- his kids have used this program the last two years and before they had to go out of Town
- he asked Council to give them a month to put together a proposal that wouldn't cost the Town money

Following further discussion on the matter, a motion was made to bring this item back next month with a proposal for the summer swim 2011. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

At this time Council discussed item 14.

16. **Term Limits Review and Follow-up**

Council may have need for further review and follow-up on the term limits initiative matters that will be discussed at the Special Council meeting on February 4, 2011

Recommended action: Discuss and give direction

Public comment:

Item 16 was discussed after item 12.

Dave Larsen, Town Attorney, stated that Rich Miadich from Olson, Hagel & Fishburn firm is available and will serve as the attorney to make a request for an Attorney General opinion.

Perry Beck, Town Manager, stated that he got a communication from Sonja Cupler and she indicated the following:
Since our Town government can still operate with a quorum of three members, she petitions the Council to require Councilmember Scherer and Ucovich to abstain from making motions voting on any and all issues pertaining to the Town and for making any appointment until the term limit initiative Measure A issue is completely resolved in a legal manner. I believe this would be the most appropriate fair and just thing to do in the interest of all the Town's people involved and it would lessen the appearance of a conflict of interest from the business of the Council.

Perry Beck stated the following:

- we have gone through the \$25,000 that was set aside for the attorney fees
- there will be a need for about another \$10,000 for the Rocklin 60 issues and another \$10,000 for the term limit issue
- he asked Council to authorize staff to set aside another \$25,000 from reserve and this can be approved February 19th at a special meeting

Bill Branch, 6605 Wells Avenue, stated the following:

- he is shocked and distressed by Ms. Cupler's letter
- this may be illegal to remove two elected officials from voting
- the lawyers explained that both Councilmembers will probably not be effected because Measure A did not take effect until 10 days after they were seated
- these people are tearing this Town apart just to get rid of two Councilmembers they don't like

Tom Millward, 3893 South Holly Street, stated the following:

- Council made the choice to put the Measure A on the ballot in November
- Measure A passed and Councilmembers Ucovich and Scherer were re-elected and should be able to serve the four years
- it looks like the Council is trying to repeal Measure A altogether
- we are going over-board, it shouldn't cost over \$20,000 to ask the Attorney General for an opinion
- clarification of the effective date of Measure A should have been resolved in a timely manner

Pat Brechtel, 3330 Spence Road, questioned why the will of the people is being discounted by the Council by possibly over-turning Measure A .

Councilmember Scherer stated the following:

- 58% of the people voted to put him on the Council, he is going to represent them
- term limits are going to be the law of the land in Loomis, but we need to make sure that there is no illegal clause in Measure A and that we have a clear opinion, a third parties opinion
- we are not trying to undo term limits in any way

Councilmember Calvert stated the following:

- nobody is here to over-turn term limits
- term limits is what the voters want and she is here to uphold what the voters want
- we had a workshop on this last Friday and agreed to go with the Attorney General opinion

Councilmember Ucovich stated that he agrees with Tom Millward, this is his last four years he is serving.

Councilmember Liss stated we should be able to have 24 to 48 hours to comment on the draft letter to the Attorney General.

Mayor Morillas noted that on February 19, 2011 we will bring back this item only to discuss how much money is needed for the attorneys.

Recess at 9:17 p.m. to 9:27 p.m.

At this time they discussed item 15.

17. Streamlining Program For Form-Based Code

Discuss filing an application for Technical Assistance for up to \$100,000 to create form-based codes for the Northerly Town Center Area through the Sacramento Regional Air Quality and Streamlining Program

Recommended action: Discuss and authorize application

Public comment:

Council discussed item 17 after item 14.

Michelle Richardson, 6334 David Avenue, stated the following:

- she is interested in what may happen between her back yard (Village area) and Raleys
- she is an administrator at Koinonia and they have six offices downtown Loomis, no one has spoken to them and they are concerned on what is going on
- she questioned how form based codes will benefit us any different than the process that we have now

Nancy Beck, 6304 David Avenue, stated the following:

- a few years ago Council made a motion to only allow new single story homes next to existing single story homes, she doesn't want that to change
- she is concerned with rezoning of Mr. Lowell's property and will their opinions be heard as this progresses

Ed Worley, 5550 Tudor Way, asked how does the form based code deal with air pollution?

Kathy Kerdus, Planning Director, stated the following:

- the air pollution districts are giving this grant
- in the proposed application there is a form that gives points on whatever you are doing, depending on how close you are for example to the train depot (within a quarter of a mile is considered very walkable), if you show sidewalks – worth points, increase density – worth points, close to shopping- worth points, because that reduces pollution

Following further discussion on the matter, a motion was made to authorize the submittal of the grant application. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

Ms. Kerdus will let Mr. Lowell know that he will need to change the diagram on the last page of the packet that shows two story homes next to existing single family homes.

18. **Commission and Committee Appointments**

Council is requested to complete appointments to the Planning Commission and Park, Recreation and Open Space Committee

Recommended action: Ratify the appointments

Public comment:

No public comment.

Councilmember Calvert recommended appointing Pat Miller to the Planning Commission.

Following further discussion on the matter, a motion was made to appoint Pat Miller as Councilmember Calvert's appointment on the Planning Commission and Mike Hogan as Councilmember Ucovich's appointment on the Planning Commission. On motion by Councilmember Calvert, seconded by Councilmember Scherer and passed by voice vote.

19. **Town Manager Recruitment Process**

Determine how Council wishes to recruit a new Town Manager

Recommended action; Discuss and give direction

Public comment:

Ed Worley stated the following:

- he recommends that Council put policy questions on the Town website of what type of town manager we want
- suggest having a series of questions Council would like every applicant to answer

Nancy Beck stated that we want someone that has experience, knows about small towns, and preserving the quality of life in small towns.

Jean Wilson, 4301 Barton Road, stated that it is money well spent to hire a consultant.

Following further discussion on the matter, a motion was made to direct staff to write the job description and hire a consultant. On motion by Councilmember Calvert, seconded by Councilmember Scherer and passed by voice vote.

20. **Development Review Policy** (Continued from 1/11/11)

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:

Continued to March 8, 2011.

21. **Development Project Processing**

Councilmember Ucovich asks that the Council consider how development projects are processed

Recommended action: Discuss and give direction

Public comment:

Continued to March 8, 2011.

COMMITTEE REPORTS

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

ADJOURNMENT

Mayor Morillas stated there was no further business and adjourned at 10:55 p.m.

Town Mayor

Town Clerk