



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

TUESDAY

FEBRUARY 9, 2010

7:00 P.M.

CALL TO ORDER

Call to order by Mayor Liss at 7:05 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Liss
Councilmember Kelley
Councilmember Scherer
Councilmember Ucovich

Absent: Councilmember Morillas

RECOGNITIONS/PROCLAMATIONS

Boy Scouts 100th Anniversary

Loomis Basin Horsemen's Association 25th Anniversary

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Ucovich stated the following:

- he would like an update on the Horseshoe Bar/Interstate 80 bridge raising by Caltrans
- complimented the company that has been maintaining Sunrise Loomis Park

Councilmember Kelley stated the following:

- the Placer County Mosquito District building will be finished by the end of the month
- from the money that was saved they will be able to pay for a new lab, which should be done in April before the Mosquito season

Mayor Liss noted the following:

- the mission statement at the end of the Agenda that was adopted by the Town
- announced that we have a goal setting session this Saturday at 9 a.m. and the public is invited
- February 27th we will be having a community meeting on the Park, Recreation and Open Space Master Plan

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 is five minutes.** 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.

Perry Beck, Town Manager, requests an item be added to the agenda that was received after the Council packets were distributed and needs to have a response before the next regular Council meeting authorizing a letter to be prepared advising the League of California Cities concerning possible recommendation that they are looking at to suspend AB 32.

Mayor Liss stated this item would be added after item 17 is discussed as item 17b.

A motion was made to adopt the agenda as amended. On motion by Councilmember Ucovich, seconded by Councilmember Scherer 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 9, 11, 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 – 1/12/10 With Councilmembers Morillas abstaining. | <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. | 2009/10 Goals Update | <i>RECEIVE AND FILE</i> |
| 7. | Select Rocklin Development Projects Update | <i>RECEIVE AND FILE</i> |
| 8. | A Fair Share Cost Study On Selected Roadways Prepared By DKS Associates At A Cost Of \$19,000 | <i>APPROVE</i> |
| 10. | Agreement With Rocklin To Do Improvements On Sierra College Boulevard Between Granite Drive And Taylor Road And Authorize Mayor To Sign | <i>APPROVE</i> |
| 13. | A Resolution Of The Town Council Of The Town Of Loomis Proclaiming National “Arbor Day” Observance On March 7, 2010 | <i>ADOPT RESOLUTION
Resolution 10-05</i> |
| 14. | Mid Year Budget Review | <i>RECEIVE AND FILE</i> |

CONSENT ITEMS FORWARDED

- | | | |
|----|--|----------------|
| 9. | A Preliminary Design And Cost On Sierra College Boulevard From Taylor Road To Bankhead Prepared by TLA Engineering And Planning At A Cost Of \$9,900 | <i>APPROVE</i> |
|----|--|----------------|

Councilmember Ucovich asked for clarification on the following:

- Figure 1, on the landscape median on Taylor Road
- Figure 2, asked if the median is three feet

Perry Beck, Town Manager, stated the following:

- there will be a natural landscaping there but there is no plan at this time
- the median is three feet

No public comment.

Following further discussion on the matter, a motion was made to approve TLA Engineering to do a fair share cost study on selected roadways at a cost of \$9,900. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote.

11. Modified Wording For The Town Hall Dedication Plaque *APPROVE*

Councilmember Scherer suggested, in addition to this plaque (for the inside), having a plaque on the outside stating the history of the building.

No public comment.

A motion was made to approve the wording and directed staff to research the history of the building for a plaque on the outside. On motion by Councilmember Kelley, seconded by Councilmember Ucovich and passed by voice vote.

12. A Resolution Of The Town Council Of The Town Of Loomis *ADOPT RESOLUTION*
Approving A Memorandum Of Understanding With The Loomis
Public Works Employee's Bargaining Unit (Operating Engineers,
Stationary Local No. 39)

Perry Beck pointed out that in Article 13, C, it needs to be changed to thirty minutes for lunch break and not sixty minutes.

No public comment.

Following further discussion on the matter, a motion was made to adopt Resolution 10-06, approving a Memorandum of Understanding with the Loomis Public Works Employee's bargaining unit (Operating Engineers, Stationary Local No. 39). On motion by Councilmember Kelley, seconded by Councilmember Scherer and passed by voice vote.

PUBLIC HEARING

15. **Ground Mounted Solar Collectors**
Consider adding setback and height requirements for ground mounted solar collectors in order to lessen the impacts of such devices on adjacent neighbors
Recommended action: Take public comment and hold first reading of ordinance
Public comment:

Roger Smith, 6755 Wells Avenue, stated the following:

- in a rural area solar array can be industrial looking
- he is concerned that some people, in rural areas, will want to put this far away from their own home and closer to a neighbor's house
- suggested requiring that a solar array can be no nearer a neighbors dwelling as it is to the owners dwelling
- fifteen feet is too high for maximum height, like to see 10 feet as the maximum

Jean Wilson, 4301 Barton Road, pointed out that the Planning Commission wanted to do more but ran into State Law that prohibits some regulations that affect the aesthetics.

Irene Smith, 6755 Wells Avenue, stated the following:

- the number of solar panels a person has depends on the energy use
- if they have excessive demands then that could increase the size
- maybe there should be some stipulation that panels cannot exceed a certain size based on an average energy use and not to exceed average use per household

Janet Thew, Planning Commissioner, stated the following:

- they were treating this as an accessory structure and that is why the 15 feet
- they were concerned with the solar owner and the neighbors property rights if they allowed it to be up against fences on smaller lots
- by State law the neighbors cannot plant trees on their own property which will significantly reduce the efficiency of their neighbors solar
- so the closer the solar is allowed to the fence the more restriction is placed on the neighbor, regarding planting of trees along the property line

Following further discussion on the matter, a motion was made to hold first reading of Ordinance 246, amending the Municipal code by adding setback and height requirements for ground mounted solar collectors, with the following modifications: adding "a solar collector is allowed anywhere on the lot where it is screened by solid fencing" and changing the height limit from fifteen to six feet. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote (4-0 with Morillas absent).

Following further discussion on the matter, a motion was made to direct staff to review State law implications prior to the next meeting and to address the following issues in the future: 1) explicitly provide that solar arrays are included in the Town's impermeable surface calculations; 2) provide that homes should be oriented to allow roof-top solar arrays; and 3) explicitly provide that solar arrays on residentially zoned property should be incidental to the primary use as a residence. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote. (4-0)

Recess at 8:35 to 8:45 p.m.

BUSINESS

16. Open Space Committee 2 Recommendations Review and Citizen Idea on Monserrat Subdivision (Continued from 1/12/10)

Council completed most of its review of Open Space Committee 2 recommendations however there were some items that were slated to return to Council for further deliberation and decision; and a citizen request item was received in December that also requires Council review

Recommended action: Decide on the recommendations and citizen request, determine which, if any, to forward to the Park, Recreation and Open Space Committee for inclusion in the draft Park Master Plan

Public comment:

Citizen Request

Irene Smith discussed the following:

- her previous request was to purchase about 50 acres of land in Monserrat for a nature preserve, outdoor education center, and nature trail system
- this is based on the prospect that the foreclosed property could be sold at bargain prices
- the subdivision could be potentially broken up if it is not sold in bulk but there are a lot of obstacles and legal questions
- she recently learned that there are existing conservation easements on the property that would prohibit any further development
- she is withdrawing her citizens request (given at the last meeting) for further study, to see what develops on the property
- she encouraged the Council and the PROSC to continue to look for opportunities for outdoor education through hands on experiences

Cindy Saldona, 9641 Clos De Loc Circle, stated the following:

- she has similar interests as Ms. Smith to inspire kids to seek education outside of the classroom
- the last six years she has worked on a garden based enrichment curriculum that they are looking to take nationwide
- her mission is to try to change the health of children and their families
- she would like to have a garden on every school campus
- she is completely in favor of working with Pat Shea and Mr. Riley (Monserrat and other local developments) to see if we can get more outdoor education and exploration areas

Pat Shea, 101 Kinderly Court in Lincoln, stated the following:

- three years ago a conservation easement was filed (on about 120 acres) in Placer County
- there is language in the conservation easement that prohibits certain activities
- the Army Core of Engineers were involved in the wetland areas

Following further discussion on the matter, a motion was made to table this request. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote (4-0)

Section A. 7. Expand the list of Specific areas in Chapter III, Sec. G to include several areas proposed by the OSC-2

Roger Smith, 6755 Wells Avenue, stated the following:

- in the General Plan there is already a list of specific areas that are worthy of special considerations, should development be proposed, for preservation
- this proposal would be to expand that existing list to zones or regions within the Town that are worthy of special consideration

Following further discussion on the matter, a motion was made to refer this to PROSC for inclusion in the Master Plan update. On motion by Councilmember Scherer, seconded by Mayor Liss and following was discussion on the motion:

Councilmember Ucovich pointed out that the request for additional information has not been done.

Roger Smith clarified the following:

- this was an attempt to identify additional regions within the Town
- for example the intersection of Brace and Horseshoe Bar and Laird Roads and the intersection of Rocklin and Barton Roads
- regions they felt were worth preserving the open space and character of Loomis

Councilmember Kelley stated the "Neighboring Jurisdictions" should be eliminated.

Following further discussion, a motion was made to not include the reference to the "neighboring jurisdiction." and to include the following areas: intersection areas of Rocklin Road/Barton Road, Barton Road/Wells Avenue, Horseshoe Bar Road/Brace Road/Laird Road, Sierra College Boulevard/King Road, Barton Road/Brace Road, Brace Road/Sierra College Boulevard, and Sierra College Boulevard/Taylor Road (entry roads into Town). Rural roadways: Rocklin Road, Barton Road, Wells, Laird Road, Brace Road, Horseshoe Bar Road, King Road, Taylor Road, and Del Mar Avenue (potential open space corridors). The following motion passed by voice vote (4-0).

Section B. 1. Zoning Ordinance

Jean Wilson, 4301 Barton Road, stated the following:

- she doesn't think this is necessary
- who is going to do the evaluation, will we hire consultants to get some kind of report
- suggested asking the County Agricultural people before we pass an ordinance we may not need
- she would hate to see additional constraints put on the efforts of people trying to do agriculture

Irene Smith stated the following:

- she disagrees with Ms. Wilson
- she saw what went on in Montserrat, the vineyard (45 acres) was never talked about until after the final map approval
- we saw the degradation that occurred after the final approval of the map (scraping, grading, removing 2000 trees, disturbing the water and the wild life habitat)
- this has an impact and should be reviewed

Roger Smith, 6755 Wells Avenue, stated the following:

- the vineyard was built as an add-on
- Agriculture is an allowed use and seems to be exempt from environmental review of any kind
- there is a concern about soil erosion, use of chemicals, dust, visual, and loss of habitat

Pat Miller, 4395 Gold Trail Way, stated the following:

- in favor of agriculture, with one caveat, not everything is a vineyard
- some of the agricultural operations are pretty hazardous with pesticides and the way the land gets treated
- the chemicals that are used for strawberry farms are some of the worse
- she would like to see agriculture flourish in Loomis but they need to be treated like any other development

Following further discussion on the matter, a motion was made to refer to the Planning Commission to establish a new policy for agricultural open space, require environmental review of agricultural operations, and ensure that agricultural open space doesn't lead to environmental degradation when combined in a mixed use residential project. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote (4-0).

Section B. 3.

Jean Wilson stated the following:

- currently we only allow clustering when there are significant environmental reasons to do so
- this would make a significant change in that
- asked Council to not take the current rules away, but to add this as a supplement

Roger Smith stated the following:

- he agrees with Ms. Wilson
- the intent was that this would be additional language to supplement the rules that already exist for clustering

A motion was made to refer to PROSC with a request for further definition as to what the "significant benefit" is and "significant preservation," what counts, what the rule should be, and if it varies it needs to go to discretionary approval. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote (4-0).

Following further discussion on the matter, a motion was made to continue to February 13, 2010 at 1:00 p.m. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote (4-0).

17. Downtown and Freeway Signs (Continued from 1/12/10)

Decide if downtown and freeway signs are needed.

Recommendation: Hear Councilmember Ucovich's ideas on downtown and freeway signs and give direction as to how Council wishes to proceed

Public comment:

No public comment.

Following further discussion on the matter, Council directed staff to come back with recommendations on sign designs and a plan for directional signs.

17b. Suspending AB 32

Discuss preparing a letter advising League of California Cities concerning suspending AB 32

A motion was made to make a finding of urgency on an item that came up after the close of the agenda and that must be dealt with before the next regularly scheduled Council meeting and request that it be put on this agenda as item 17b. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote (4-0).

No public comment.

Following further discussion on the matter, a motion was made, should the issue of suspending AB 32 come up before the League of California Cities, that staff is directed to send a letter stating that the League should not take a position of suspending AB 32. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote with Councilmember Kelley abstaining (3 – 1 abstaining).

COMMITTEE REPORTS

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

ADJOURNMENT

A motion was made to adjourn at 10:34 p.m. to an Adjourned Regular meeting on February 13, 2010 at 1 p.m. at the Loomis Depot. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote. (4-0)

Mayor

Town Clerk