



TOWN OF LOOMIS
ACTION MINUTES
ADJOURNED REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650
www.loomis.ca.gov

THURSDAY

MARCH 10, 2011

7:30 P.M.

CALL TO ORDER Call to order by Mayor Morillas at 7:31 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Morillas
Councilmember Calvert
Councilmember Liss
Councilmember Scherer
Councilmember Ucovich

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Scherer stated he just finished his last chemo therapy session and thanked the community for their support they provided over this past year.

Councilmember Ucovich stated the following:

- they saw the Del Oro girls basketball team play at Arco in the Sections, it was a great game, and hopefully they will get to the Nor Cal Finals
- Homewood Lumber is starting to put the roofs on the sides of the building, it looks really nice, you can see the architectural features

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.

Sonja Cupler, 5630 Tudor Way, stated the following:

- it has come to her attention that some of the Council communicate with the public, whether it's a blog or emails
- some people in the community receive those emails and some do not
- she asked the Town to find a way to communicate with the whole community through the Town staff and that communication be made available to anyone that requests it

ADOPTION OF AGENDA: Council will typically adopt the agenda **in the order listed or modify the order** in a way that can best accommodate the time of people in attendance who wish to speak on particular items.

A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Calvert and passed by voice vote (5/0).

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.

The hi-lighted items were already discussed at the March 8, 2011 Council Meeting.

CONSENT AGENDA	RECOMMENDED ACTION
1. Council Minutes – 2/8/11 8/5/10 With Councilmember Calvert abstaining	<i>APPROVE</i> <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>
6. Select Rocklin Development Projects Update	<i>RECEIVE AND FILE</i>
7. 2010/11 Goals Update	<i>RECEIVE AND FILE</i>
8. Proclamation 2011 Year Of The Tree In Loomis	<i>APPROVE</i>
9. Cal Recycle AB 939 Compliance Report	<i>RECEIVE AND FILE</i>
10. Request For Donations – Military Honor Dance	<i>APPROVE</i>
11. A Resolution Of The Council Of The Town Of Loomis Approving The Master Resolution to Allow The Town Manager To Enter Into Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, Miscellaneous Authorizations, Certifications and Amendments With The California Department Of Transportation (Caltrans) To Receive State And Federal Funding	<i>ADOPT RESOLUTION</i>
12. A Resolution Of The Council Of The Town Of Loomis Accepting The King Road Overlay Project Improvements Provided By Delta Construction Company, Inc.	<i>ADOPT RESOLUTION</i>
13. Grant Submittal Form-Based Code For Northerly Town Center Area (Vacant and Underdeveloped Lands Behind Raley’s)	<i>APPROVE</i>

CONSENT ITEMS FORWARDED

BUSINESS

- 14. **Greenhouse Gas Emissions Inventory**
Chrissy Prestella of the Sierra Business Council will give a presentation on a greenhouse Gas emissions inventory that was conducted in Loomis
Recommended action: Discuss and give direction to staff if needed.
Public comment:
- 15. **Content Creation and Distribution Expo**
Peter Oaks, resident of Loomis, asks for time to discuss a project that he is organizing for

September 16 and 17, 2010 in Loomis

Recommended action: Hear presentation, discuss and give direction

Public comment:

16. **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:

17. **Term Limits Review and Follow-Up**

Council may have need for further review and follow-up on term limit matters

Recommended action: Discuss and give direction

Public comment:

Perry Beck, Town Manager, stated that Senator Gain's office said that the letter to the Attorney General was mailed Tuesday or Wednesday and he will follow-up to see when it was received.

Sonja Cupler stated the following:

- last month she requested that Councilmembers Scherer and Ucovich not vote or make any appointments while this is being figured out with the Attorney General's office
- she did that in an attempt to have accountability in the Council
- it was said by Councilmember Liss that the request was not worth the paper that it was printed on
- it was mockery of the Town when the Council voted in January 2010 to not do the will of the people and to not put this on the June 2010 Ballot
- they voted to put it on the November 2010 ballot, which caused the problem of the August 1st effective date
- in the January meeting Council said they didn't want to spend \$12,000 on a special election but now they have spent close to 3 times that much money to battle this in court

Debbie Shores, 9291 Tanglewood Way, stated the following:

- she agrees with Ms. Cupler, too much money has been spent on an issue that people have voted on
- Councilmembers Scherer and Ucovich should recuse themselves from any votes or appointments

Bill Branch, 6605 Wells Avenue, stated the following:

- putting it on the June ballot would not have solved the illegality of Measure A because it was not just a question of the August 1st date, the bigger problem was that it counted past the terms of office
- it has been said by attorneys that it is illegal to remove people from office, there is only one legal way, and that is a quo warranto lawsuit
- forbidding members of this Council, from fulfilling their obligations of their office would be illegal and not the way government operates
- Measure A supporters did not consult a lawyer and did not realize that Measure A wouldn't take effect until 10 days after the newly elected people were sworn into office, they had to be installed, you cannot then retro-actively remove them

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

- Measure A passed and Miguel Ucovich and Walt Scherer were re-elected (by the will of the people)
- she voted for them and would demand that they carry out their duties and represent this Town by serving the people who did vote for them

Council received the information and no direction was given.

18. **Draft Blue Goose Facility Lease Agreement**

A blue Goose facility use and lease agreement could address certain changes that the South Placer Heritage Foundation would favor, like extending the lease term, and things the Town would favor like how development fees will be paid and Town use of the Blue Goose Shed.

Recommended action: Discuss and give direction

Public comment:

No public comment.

Council discussed the following:

- flexibility on our uses, to be able to use the Blue Goose facility for whatever the Town wants
- clarify if the uses, 4 times a year, will be offsetting the development fees, then we should be able to use it for whatever the Town wants
- we need a town policy for future use regarding giving away the use of the Blue Goose, it should be something that benefits the community as a whole

following further discussion on the matter, Council directed staff to continue negotiations with the Foundation and clarify the fees, flexibility and use of the Blue Goose facility.

19. **Committee Appointments**

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

Recommended action: Ratify the appointments

Public comment:

20. **Soliciting Proposals For Town Attorney Services**

Council has expressed a desire to solicit proposals on services that the Town provides one such being Town Attorney Services

Recommended action: Authorize soliciting

Public comment:

Jo-Carol Arisman, 6160 Rachel Lane, suggested noticing in the Daily Journal for Attorneys published in Sacramento, then it will get to all the attorneys.

Sonja Cupler asked how much we are currently paying for Town Attorney services?

Perry Beck stated that his base yearly amount is \$68,250 and there could be additional fees for special legal services which can bring it up to \$70,000 to \$80,000.

Following further discussion on the matter, a motion was made to authorize soliciting for qualifications for Town Attorney services and notice in the Daily Journal. On motion by Councilmember Ucovich, seconded by Councilmember Liss and passed by voice vote (5/0).

21. **Development Review Policy** (Continued from 2/8/11)

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:

Jo-Carol Arisman asked why this is needed, will this be an open meeting, what is the intent and asked to be educated on this?

Councilmember Liss stated the following:

- the intent is that it will be an open and noticed meeting that follows the Brown Act
- this will eliminate the confusion of whether it is proper or not to meet with developers
- this policy will go beyond the letter of the law to the spirit of the law to have everything done at an open meeting
- this would be for any major development that would require Planning Commission or Council approvals

Mayor Morillas stated that we don't need to micro-manage every little thing.

Councilmember Scherer noted that this prohibits Council and Planning Commissioners from meeting with developers to discuss their projects outside of public meetings.

Following further discussion on the matter, a motion was made to adopt Resolution 11-05, approving a development review policy with the amendment to add "this will apply to the review process for development projects as found in the Town Zoning Code at Section 13.60.03 Table 6-1." On motion by Councilmember Calvert, seconded by Councilmember Liss and passed by voice vote with Mayor Morillas and Councilmember Ucovich voting no (3/2).

22. **Development Project Processing** (Continued from 2/8/11)

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

Recommended action: Discuss and give direction

Public comment:

Councilmember Ucovich stated that this request came from Tom Seth for clarification on project processing.

Tom Seth, Mareta Lane, stated the following:

- in the past the Open Space Committee (OSC) did things that were not authorized by Council, such as the green sheets
- what is the Park, Recreation and Open Space Committee's (PROSC) liberty, what general things can they take on

Perry Beck, Town Manager, stated the following:

- within the resolution of the PROS Committee, just about anything can be referred to them for recommendation
- there is a method but we really haven't had a great deal going on

Councilmember Calvert stated the following:

- the recreational activities that PROSC performs (such as Earth Day) is in the budget and is very clear
- she likes the idea of scoping out for the new committee members

Councilmember Scherer stated that the Council approves their annual work plan and it doesn't need to be brought to the Council again unless there is a problem.

Councilmember Liss stated the following:

- he would like to have a motion that addresses major projects where decisions are to be made by Planning Commission or Council to have a scoping meeting workshop before the application for the project is deemed complete
- people talk with the staff but they don't talk with the Council or the community before they spend all their time and money

Perry Beck stated the following:

- there is a legal issue here
- a person is entitled to submit an application and the Town entitled to review that application
- there are laws governing how a project is deemed complete
- he would like to talk to the attorney about this and understand how this can be made to work.

Councilmember Scherer stated that we have done it in the past as an option, not a requirement.

Councilmember Ucovich stated the following:

- he agrees with Councilmember Liss, a developer may spend a ton of money before he finds out that is not what the people want
- they should have a public meeting first, so it can be seen and talked about

Mayor Morillas stated the following:

- why go through the process if the community doesn't want it
- first the developer should have a community meeting not a workshop

Following further discussion on the matter, Council agreed that a developer should have a community meeting first, before a major project is brought in.

23. Loomis and Rocklin Council Meeting

Councilmember Scherer asked that Council consider hosting a dinner for the Rocklin City Council

Recommended action: Discuss and give direction

Public comment:

Councilmember Scherer stated the following:

- we are trying to re-shape the dynamics of our relationship with Rocklin
- he suggested getting together with Rocklin's new manager and Council and find the things that we can work together positively on
- maybe having the historical society from both cities come and discuss the historical Highway 40 and talk about things they have in common

Jo-Carol Arisman, 6160 Rachel Lane, asked how many people will be coming and is there a budget for this?

Councilmember Calvert stated that we should extend the olive branch and invite them over and hi-light the film expo.

Councilmember Liss suggested having a low cost meal because it is not about the food, it is about the discussion and relationship building.

Councilmember Ucovich suggested everyone giving \$20 for pizza.

Following further discussion on the matter, a motion was made to meet in May or June and Council will pay for the meal. On motion by Councilmember Liss, seconded by Councilmember Ucovich and passed by voice vote (5/0).

Recess at 9:04 p.m. to 9:14 p.m.

24. Goal Workshop Follow-Up

Council is asked to consider Goal 5 Sustainability Initiatives and some proposed budget items for 2011 to complete the goal review that was started at the 2/19/11 workshop

Recommended action: Discuss and confirm goal 5 and clarify tasks under that goal if needed; and confirm proposed budget items as presented or as Council may edit

Goals A & B

Nancy Beck, 6304 David Avenue, said she called Recology about the blue bags and their uses and the woman that spoke didn't know what can be recycled other than paper.

Following further discussion on the matter, Council agreed to combine Goals A and B, "Pilot Super Recycler Service" and "Improve Blue Bag Program."

Goal C

No public comment.

Following further discussion on the matter, Council agreed to "delete lawn area next to the Train Depot, as it's on a slope, which wastes water and is of little practical use."

Goals D & I

No public comment.

Following further discussion on the matter, Council agreed to combine Goals D and I, "Cal-Green Building Code" and "Educational Forums."

Goals E & J

No public comment.

Following further discussion on the matter, Council agreed to combine Goals E & J, "Green Business & Economic Development Programs," and "Placer County Green Business Program."

Goal F

Jo-Carol Arisman stated that PG& E is allowing people to opt out of their smart meters.

Following further discussion on the matter, Council agreed to add "to residential and non residential customers."

Goal G

No public comment.

Following further discussion on the matter, Council agreed that the lights at Del Oro Football Stadium are off when the field is not being used.

Goal H

No public comment.

Following further discussion on the matter, Council agreed to add "remove landscape chemical use in park."

Tom Seth, Mareta Lane, recommended inventorying the "Villages and Market Place" properties.

Pat Miller, 4395 Gold Trail Way, stated she supports enforcement of open space violations.

Nancy Beck agrees with Pat Miller because we need to protect our open space.

Councilmember Scherer suggested having an informational item on an agenda explaining the current enforcement process.

25. Downtown Park Next Features

Council is asked to identify the next features to include in the Downtown Park

Recommended action: Discuss and give direction

Public comment:

26. Heritage Park Subdivision Planning

Council is asked to make a decision on what to do with the Heritage Park Subdivision land that is owned by the Town

Recommended action: Discuss and give direction

Public comment:

Pat Miller stated that she would like Heritage Park Subdivision to be a park on the entire site and suggested doing nothing right now.

Tom Seth suggested doing nothing now and send it to the PROS committee.

Nancy Beck suggested doing nothing now.

Jo-Carol stated she was in favor of developing the property to residential for more tax base.

Following further discussion on the matter, a motion was made to do nothing until next year but send it back to the PROS committee to review. On motion by Councilmember Scherer, seconded by Councilmember Calvert and passed by voice vote with Councilmember Liss voting no (4/1).

COMMITTEE REPORTS

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

ADJOURNMENT Mayor Morillas stated there was no further business and adjourned at 10:38 p.m.

Mayor

Town Clerk