



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

DECEMBER 10, 2013

7:30 P.M.

CALL TO ORDER

Called to order at 7:30 p.m. by Acting Mayor Ucovich

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Acting Mayor Ucovich
Councilmember Black
Councilmember Calvert
Councilmember Morillas
Councilmember Wheeler

AT THIS TIME SELECTION OF MAYOR AND MAYOR PRO TEMPORE FOR THE TERM DECEMBER 2013 THROUGH THE SEATING OF THE NEW MAYOR AT THE BEGINNING OF THE FIRST REGULAR MEETING OF DECEMBER 2014 WILL OCCUR. (Need a motion for both appointments)

At this time Mayor Ucovich asked the public if anyone wanted to make a comment before the selection of the Mayor and Mayor pro tempore.

Bill Branch, 6605 Wells Avenue, stated the following:

- what we should deal with is not problems, but solutions and hopefully a solution that everybody wins in
- Council doesn't have to take sides on this matter tonight, all Council has to do is simply announce that they are going to go out of order on the mayor selection
- Mr. Wheeler can take the mayor's chair next year and somebody else takes the mayor's chair this year
- this gives Mr. Wheeler adequate time to clear up these accusations and avoids Council having to take sides
- if Council does install Mr. Wheeler as mayor, he respectfully suggests Council will be taking sides, big time
- he is concerned if Council makes that decision tonight it will be something that will follow them for the rest of their political careers, like a tin can tied to a dogs tail

Brian Lammi, 3457 Margaret Drive, stated he knows Dave Wheeler, he is an honest, hardworking man, and he supports him for mayor.

Kathleen Jibson, 5690 Connie Court, stated she strongly supports Dave Wheeler for Mayor.

Sonja Cupler, 5630 Tudor Way, stated the following:

- she supports Dave Wheeler 1001 percent
- as far as Mr. Branch's suggestion of having Dave Wheeler wait a year, it is against what the people in town voted for

Walt Scherer stated the following:

- in 1986 we established a rotation schedule so that we would not have to deal with this matter
- abandoning the rotation schedule would be taking sides in a political fray
- he encouraged Council to follow the established schedule

Joel Meyer, 3472 Paloma Drive, supports Dave Wheeler becoming mayor.

Hazel Hineine, Barker Road, stated she supports Dave Wheeler as mayor and encouraged Council to follow the rotation schedule.

John Meyer stated the following:

- Dave Wheeler is an honest man with great integrity and supports him
- pointed out to Mr. Branch that the sides have already been drawn at the election ballot

Ralph Wilson, 4301 Barton Road, stated the following:

- encouraged the Council to use the regular rotation and place Dave Wheeler as mayor
- this doesn't involve the Town, this is an administrative dispute between the Fire Board and CalPERS

Jean Wilson, 4301 Barton Road, stated the following:

- reminded Council that in our American system of justice we make a presumption of innocence until there is guilt proven
- she suggested Council look at this in the same way, on the matter with the Attorney General's office, no determination has been made
- if Council read the final report on the matter, with CalPERS, the last page points out that no final determination has been made and even when it has been made it is still subject to an appeal
- she asked Council if they read the report and also the eight page rebuttal from the Fire District to see what is going on
- it's not the Council's job to prematurely judge how it is going to come out
- in the interest of the Town, Council needs to follow the rotation selection

John Picone, Barker Road, stated he has known Dave Wheeler to be an honorable and honest man and should be mayor.

Cindy McAyeal, 3988 Del Mar Avenue, stated that she and her husband support Dave Wheeler.

Charlene Meyer supports Dave Wheeler.

Sherry Barker, 3333 Barker Road, stated that Dave is a neighbor and she and her husband support Dave Wheeler and following the rotation.

Melanie Beddes, 3423 Humphrey Road, stated that Dave Wheeler is a friend and honest man and encouraged Council to follow the rotation schedule.

Tom Millward, 3893 South Holly Street, stated that the majority of the voters elected Dave Wheeler on the Town Council and he should be mayor.

Linda Kelly stated the following:

- we need to focus on the good in this town and what Loomis is all about
- we voted to have the person with the most votes be mayor after he has served on the Council for a year

John Scherer, Loomis Fire Board Member, stated the following:

- the issue tonight is to swear Dave Wheeler in as mayor
- he voted for Dave Wheeler, as most of the people here tonight did, and they expect that to happen

Chris Gibson, 3482 Sherwood Court, stated the following:

- the people have voted for Dave Wheeler and he has worked very hard
- we need to get back to business with normalcy in this town and it is not about headlines of Dave Wheeler
- he supports putting Dave Wheeler in as mayor

Greg Reichhold, 3344 Opal Lane, stated the following:

- he has known Dave Wheeler for 45 years and knows him to be honest
- we need to get this done tonight and make him mayor

Jerry Lawson stated that Loomis is a better place because of Dave Wheeler and he supports him.

Russ Kelley, 4246 Barton Road, stated that the agenda says we install the mayor with a motion from the Council and that is what we should be doing.

A motion was made to appoint Councilmember Wheeler as Mayor. On motion by Councilmember Morillas, seconded by Councilmember Black and following was discussion on the motion:

Councilmember Calvert stated the following:

- this Council should be the five people in the community that have the highest standards, the highest values and the highest integrity
- it is best for the Town of Loomis that we don't appoint someone as mayor that is under ongoing investigation
- she never wants to see Loomis compared to a Bell or to a Stockton
- at this time the honorable decision would be to step aside and not bring this to the Town until everything is squared away
- this has nothing to do with the Attorney General, we're not the jury, we're not here to decide if Dave is a good guy or bad guy, this is about what is best for the Town of Loomis

Councilmember Black stated the following:

- he disagrees with Councilmember Calvert, the people of Loomis have spoken
- anyone can accuse anyone of anything, nothing has been proven, he has a right to be heard and to be seated

Mayor Ucovich pointed out the following:

- the Attorney General's office has not said that Councilmember Wheeler cannot be on the Council and CalPERS has nothing to do with the Council
- he complimented the audience for their outstanding behavior tonight

The motion passed by the following roll call vote (4/1):

Ayes: Black, Morillas, Ucovich, Wheeler
Noes: Calvert

A motion was made to appoint Councilmember Morillas as Mayor Pro Tempore. On motion by Councilmember Ucovich, seconded by Councilmember Calvert and passed by the following roll call vote (5/0):

Ayes: Black, Calvert, Morillas, Ucovich, Wheeler
Noes: None

RECOGNITIONS/PROCLAMATION

Cate Luebke

Walt Scherer

Recess and Refreshments

Recess at 8:20 p.m. to 8:32 p.m.

MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS

Councilmember Calvert stated the following:

- Del Oro's football team won the Division and will be taking off at noon on Friday to play in the Regional game
- she asked if the Loomis News would put something in their paper that would help let people know to line our streets with fans at noon
- asked if we could recognize the coaches and team at our next meeting
- asked if the Loomis News could put on line an advertisement to find sponsors so the game could be aired on KHI for \$1000

Pat Brechtal and Jenny Knisley, with the Chamber of Commerce, stated the following:

- they need help to support KHI
- San Jose City College is asking for \$1000 in order to air the game

TOWN REPORT

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 three minutes but can be changed by the Mayor. **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.

A motion was made to adopt the Agenda. On motion by Councilmember Morillas, seconded by Councilmember Ucovich 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.

A motion was made to adopt the Consent Agenda, pulling item 6 forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote (5/0).

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|----|---|--|
| 1. | Council Minutes – 11/12/13
10/14/13, 11/7/13 With Councilmember Black abstaining | <i>APPROVE</i>
<i>APPROVE</i> |
| 2. | Monthly Check Register – November | <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. | Resolution of the Town Council of the Town of Loomis
Authorizing the December 2013 Holiday Closure Of Town
Operations From December 23 rd to January 1st | <i>ADOPT RESOLUTION</i>
<i>Resolution 13-28</i> |

CONSENT ITEMS FORWARDED

6. Resolution of the Town Council of the Town of Loomis Approving Wage and Benefit Changes With The Loomis Diversified Employees Group And With The Loomis Public Works Employee's Bargaining Unit (Operating Engineers, Stationary Local No. 39)

ADOPT RESOLUTION
Resolution 13-27

Councilmember Ucovich questioned if this was following Council's policy.

Following further discussion on the matter a motion was made to adopt Resolution 13-27, approving wage and benefit changes with the Loomis Diversified Employees Group and with the Loomis Public Works Employee's Bargaining Unit (Operating Engineers, Stationary Local No. 39). On motion by Councilmember Ucovich, seconded by Councilmember Calvert and passed by voice vote.

PUBLIC HEARING

8. **Loomis Municipal Code Amendments**
Second reading of Ordinance 251 amending the Loomis Municipal Code: repealing Chapter 2.44 Redevelopment Agency; deleting Sections 2.36.050 (duplicate section for Planning Commission Compensation); adding to Section 2.04.030 under Salary an item B. "Nothing herein precludes any town councilmember from electing to decline receipt of monthly compensation. The decision to decline compensation shall be made known to the town manager for the necessary deletion from payroll records." In Section 2.28.010 deleting under item A. the words "town council," deleting item B. "the compensation of each council member shall be in the sum of three hundred dollars per month effective with the seating of new terms of office in 1996 and 1998," changing item C. to B., changing item D. to C. and under item C. deleting the words "any town councilmember or."
Recommended action: Approve Ordinance 251, repealing Chapter 2.44 and Section 2.36.050, and amending Sections 2.04.030 and 2.28.010, of the Loomis Municipal Code
Public comment:

No public comment.

Following further discussion on the matter, a motion was made to approve second reading of Ordinance 251, repealing Chapter 2.44 and Section 2.36.050, and amending Sections 2.04.030 and 2.28.010, of the Loomis Municipal Code. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

BUSINESS

9. **Commission Appointments**
Consider Councilmember Wheeler and Black's appointments on the Planning Commission
Recommended action: Ratify the appointments.
Public comment:

No public comment.

Following further discussion on the matter, a motion was made to appoint Brian Baker as Mayor Wheeler's appointment and Jeff Duncan as Councilmember Black's appointment on the Planning Commission. On motion by Councilmember Ucovich, seconded by Councilmember Black and passed by voice vote.

10. **Committee Appointments**
Mayor will assign committee appointments
Recommended Action: Ratify the appointments
Public comment:

No public comment.

Following further discussion on the matter, a motion was made to approve the following appointments:

- Placer County Community Services Commission – Morillas/Ucovich
- Placer County Economic Development Board – Black/Wheeler
- Placer County Flood Control/Water Conservation District – Morillas
- Placer County Transportation Planning Agency – Ucovich/Calvert
- PCTPA Funding Strategy Update Steering Committee – Ucovich/Wheeler
- Placer County Mosquito Abatement – Russ Kelley as Citizen Representative
- Placer County Air Pollution Control District – Black/Ucovich
- Local Agency Formation Commission – Ucovich
- Sacramento Area Council of Governments – Wheeler/Black
- Placer Land Trust ex-officio representative – Calvert
- Borders Committee – Wheeler/Morillas
- Business Committee – Black/Morillas
- Schools Liaison – Black/Wheeler

On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

11. **Revised Tree Ordinance Workshop Date**

At the October 6, 2013 Town Council meeting Council directed that a workshop be scheduled to fully discuss the proposed amendments to the existing Tree Preservation and Protection Ordinance

Recommended action: Set a date in January, 2014, to hold a workshop on the proposed revised Loomis Tree Conservation Ordinance

Public comment:

No public comment.

Following further discussion on the matter, the Council consensus was to have a workshop on February 1, 2014 at 10 a.m.

COMMITTEE REPORTS

- 12. Project Go, Inc. – Community Action Agency - Calvert/Morillas
- 13. Placer County Economic Development Board – Wheeler
- 14. Placer County Flood Control/Water Conservation District – Morillas
- 15. Placer County Transportation Planning Agency – Calvert
- 16. Placer County Mosquito Abatement – Russ Kelley as citizen rep
- 17. Placer County Air Pollution Control District – Ucovich/Morillas
- 18. Local Agency Formation Commission - Ucovich
- 19. Sacramento Area Council of Governments – Scherer/Wheeler
- 20. Placer Land Trust ex-officio representative – Scherer
- 21. Borders Committee – Scherer/Wheeler and Calvert as alternate
- 22. Business Committee – Scherer/Wheeler and Calvert as alternate
- 23. Schools Liaison – Calvert/Scherer

ADJOURNMENT

A motion was made to adjourn at 9:15 p.m. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

Mayor

Town Clerk