

**Minutes of the Study Session of the
LEMOORE CITY COUNCIL
June 6, 2006**

ATTENDANCE:

Mayor Buford; Mayor Pro Tem Murray; Councilmembers Grego, Martin, Plourde; City Manager Briltz; City Attorney Bacigalupi; Public Works Director Wlaschin; Parks and Recreation Director Hernandez; Accountant Jorgensen; Police Commander Laws; Redevelopment Project Manager Narbaitz; Chief Planner Smyth; Public Works Superintendent Simonson; Administrative Analyst Tyler; City Clerk Lima.

ADJOURN TO JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING:

At 5:31 p.m., Council adjourned to a Joint City Council/Redevelopment Agency meeting.

PRESENTATION – OVERVIEW OF CITY OPERATIONS AND MAINTENANCE BUDGET:

City Manager Briltz gave a brief slide presentation reviewing ongoing and one-time expenses and revenues, General Fund revenues, General Fund expenses, Water Fund, Sewer Fund, and Refuse Fund.

REPORT AND RECOMMENDATION – REQUESTS FOR FUNDING – CHARITABLE ORGANIZATIONS:

Jane Dart, 789 S. 18th Avenue, Lemoore Senior Center. Attendance at the Senior Center has grown in the last two years from an average daily attendance of 60 to 87 and on any given Tuesday or Thursday we have up to 100 in attendance. Currently their only sources of income are bingo and the fireworks stand, both of which have been seriously impacted by the Palace. The Center currently provides eight seniors with the \$20/month KART pass. The Lemoore Senior Center requested \$10,000 in funding. There is need for a new air conditioner and a new water cooler.

Jeff Garner, the Community Outreach and Communications Specialist for Kings Community Action Organization, requested \$20,000 in funding for the Barbara Saville Women’s Shelter; this represents approximately 15% of their budget.

Linda Atkinson of the Sarah A. Mooney Museum requested \$5,000 to assist the museum with insurance costs.

Sharon DeMasters of Kings County Commission on Aging requested \$4,000 to assist with the purchase of furniture for the adult day care facility; this represents 1% of their budget.

Council discussion concluded without specifically allocating any of the \$25,000 and asking staff to contact all non-responding groups to verify receipt of notification letter and solicit their participation.

DEPARTMENTAL PRESENTATIONS – CITY OPERATING AND MAINTENANCE BUDGET:

The Council with the department representatives reviewed the budget department by department noting one-time expenses and any significant increases or decreases in each department.

PRESENTATION – REDEVELOPMENT AGENCY BUDGET:

This item was moved to the 7:30 p.m. meeting as Item 12.5

ADJOURNMENT: At 7:25 p.m., Council adjourned to the Regular Meeting at 7:30 p.m.

**Minutes of the Regular Meeting of the
LEMOORE CITY COUNCIL
June 6, 2006**

ATTENDANCE:

Mayor Buford; Mayor Pro Tem Murray; Councilmembers Grego, Martin, Plourde; City Manager Britz; City Attorney Bacigalupi; Public Works Director Wlaschin; Parks and Recreation Director Hernandez; Accountant Jorgensen; Police Commander Laws; Redevelopment Project Manager Narbaitz; Chief Planner Smyth; Assistant Planner Mendiola; Administrative Analyst Tyler; City Clerk Lima.

PUBLIC COMMENT:

Willard Rodarmel, 460 W. Deodar. Hanford-Armona Road has a flag man ahead sign out between 19th and Liberty Drive 24 hours a day. There is no flag man; the sign should actually say road construction ahead.

CONSENT CALENDAR:

Mayor Buford pulled item D Resolution 2006-24 – Conditional Use Permit No. 2006-03 – Ubiquitel and Item G Final Parcel Map No. 2005-03 – Westside from the Consent Calendar for separate consideration.

It was moved by Councilmember Plourde, seconded by Councilmember Grego, and carried that the Council approve the following Consent Calendar:

- A. Approval – Minutes – May 16, 2006**
- B. Approval – Warrant Register**
- C. Approval – Biennial Review Conflict of Interest Code**
- E. Approval – Final Map – Subdivision Agreement – Tract 821 – Phase 1 - Lennar**
- F. Approval - Final Map – Subdivision Agreement – Tract783 – Phase 2- Country Club Villas**

H. Approval – Street Closure/City Park Beer Garden – Lemoore/Navy July 4th Celebration

ITEM D – APPROVAL – RESOLUTION 2006-24- CONDITIONAL USE PERMIT NO. 2006-03 – UBIQUITEL:

Council questioned why Ubiquitel could not use existing towers such as the elementary school towers. Ubiquitel representatives explained to achieve a high level of coverage, specifically downtown, the request was to raise the existing tower 25 feet. In the future they might access the elementary school towers to expand coverage.

Councilmember Plourde questioned a portion of Condition 12 requiring close mounted antenna to the mast and asked are we providing the best service to the public? Are the antenna Ubiquitel is currently proposing as efficient as the antenna originally requested? Ubiquitel representatives responded they would be adequate for their needs for the downtown area, they could not speak for other carriers.

It was moved by Councilmember Plourde, seconded by Councilmember Martin, and carried that the Council approve Resolution 2006-24 affirming the Planning Commission's approval of Conditional Use Permit No. 2006-03 with conditions stated therein.

Ayes: Plourde, Martin, Grego, Murray, Buford

ITEM G – APPROVAL – FINAL PARCEL MAP NO. 2005-03 – WESTSIDE:

Tim Palmquist of Aslan Development, 1403 N. Tustin, Santa Ana, CA. Mr. Palmquist stated they were asking for the Lot Line Adjustment to be included in the Final Map in an attempt to accelerate the process enabling the developer to meet a commitment made to West Hills College to construct a road to the Charter School.

The relocation would move the lot line from the wetlands, to the north, to the end of the proposed subdivision and would not change the number of lots or parcels.

Council expressed concerned about making changes before the General Plan Update is complete. Council inquired if Dyett & Bhatia were aware of the Westside Project, Chief Planner Smyth replied no, but they are forwarded all approved Tentative Subdivision Maps on the east and Westside.

City Manager Britz suggested that Council consider this adjustment after the Tentative Subdivision Map review. Council agreed.

Council moved this to Item 5.5

PUBLIC HEARING – DECLARING PUBLIC NUISANCES – WEED ABATEMENT:

Fire Chief Gibson reported that approximately 105 properties within the City had been posted. Half of those properties have already been abated. The Fire Department has put out 17 grass fires in the last month.

At 8:10 p.m. Mayor Buford opened the Public Hearing to accept testimony regarding Weed Abatement.

At 8:11 p.m. the Public Hearing closed.

It was moved by Councilmember Murray, seconded by Councilmember Martin, and carried that the Council instruct staff to continue efforts on those properties not cleared by the owners.

Ayes: Murray, Martin, Plourde, Grego, Buford

PUBLIC HEARING – TRACT NO. 845 – VICTORY VILLAGE – ASLAN DEVELOPMENT AND CENTEX HOMES:

A. RESOLUTION 2006-23 TO ADOPT A MITIGATED NEGATIVE DECLARATION AND AMEND THE GENERAL PLAN

B. ORDINANCE 2006-04 AMENDING THE ZONING ORDINANCE MAP AND PLANNED UNIT DEVELOPMENT BOUNDARIES

C. RESOLUTION 2006-28 APPROVING TENTATIVE SUBDIVISION MAP 2005-02/PLANNED UNIT DEVELOPMENT NO. 2005-01/CONDITIONAL USE PERMIT 2005-01/SITE PLAN REVIEW 2005-01:

Chief Planner Smyth reported Victory Village would be on the Westside of State Route 41 and north and west of West Hills College. Staff looked at gross and net density issues particularly looking at whether to change a portion of APN 023-510-011 from RM-3 to RM-2 depending on traffic issues. Staff worked with a Traffic Engineer on a Traffic Study returning to the County to correct numbers regarding industry in the area, the staff recommendation is that the zoning remains RM-3. Staff has also worked with CalTrans and they have approved the traffic mitigation measures set out in conditions 10 and 11 of Resolution 2006-28; which at full build out in 2030 will include 6 lanes on Bush Street at the State Route 41 Interchange. Traffic signals at both the southbound and northbound State Route 41 ramps, signalization at Semas Street, Bush Street at Belle Haven Drive, Bush Street at College Avenue and coordination of signals along Bush Street.

Council discussed at length possible re-zoning, proposed traffic mitigations, and the previously requested Lot Line Adjustment.

Ron Meade, 1320 Cherry Lane. The School District started the Charter School three years ago, the City asked that they not build the road to the school, to let the developer build the arterial road. They entered into an agreement with the developer at the request of the City. If the Tentative Subdivision Map is not approved there will not be a road to the school and they will not be able to open in the fall.

Craig Pedersen. In 1995 CalTrans approached us to purchase land for the Bush Street Interchange, West Hills College approached us to purchase land to build the college. In 1997 the City annexed their property and West Hills College to ensure the college was in Lemoore. It has been ten years, it is time to move forward.

At 9:00 p.m. Mayor Buford opened the Public Hearing to accept testimony regarding Tract No. 845 – Victory Village.

Tim Palmquist, Aslan Development, 1403 N. Tustin, Santa Ana, CA. CalTrans spoke in favor of the project. They have been working on the Tentative Subdivision Map for several years; with the delay due to a traffic model that was incorrect. They have increased park acreage as requested and accept all conditions discussed tonight. They agree with staff on their recommendations.

Charlie Klaus of TPG Consulting. TPG Consulting conducted the Traffic Study, the delay was due to erroneous information from Kings County Association of Governments. He never expected a traffic study to take twelve months, they looked at nine intersections, fourteen different scenarios, land use profiles, etc. They looked at the worst of the worst and can mitigate to meet CalTrans requirements.

At 9:15 p.m. Mayor Buford called a recess.

At 9:28 p.m. the Public Hearing was reconvened.

City Attorney Bacigalupi reviewed what was before the Council for action. The property owner and the developer have applied for an amendment to the General Plan and a Mitigated Negative Declaration. Council can deny or adopt the General Plan Amendment; adopt the Mitigated Negative Declaration or request a complete Environmental Impact Report. Secondly they are requesting a zone change, the zone change, and General Plan Amendment are simple legislative action. Lastly, they were considering approving the Tentative Subdivision Map, Planned Unit Development, Conditional Use Permit, and Site Plan Review.

Rick Tarbel, Aslan Development, 1403 N. Tustin Avenue, Santa Ana, CA. We've been working on this project for 2 ½ years, working with the General Plan overlay the City currently has. We are asking for action of 73 acres and agree to the RM-3 zoning.

Harry Tow, City Engineer, Quad Knopf. General Plans are very useful tools but they are not perfect. It is doubtful if any significant change in this residential area would be addressed in the General Plan Update.

John Dutton, Provost and Prichard Engineers, 3500 W. Orchard Court, Visalia. Provost and Prichard has been working on this project of 1 ½ years. He feels it is a good project.

At 9:45 p.m. the Public Hearing closed.

Councilmember Murray inquired as to elevations of the proposed houses for Council review. Elevations would be brought to Council at a later date.

Councilmember Martin was worried about this project at first, he is satisfied with the traffic element.

It was moved by Councilmember Plourde, seconded by Councilmember Grego, and carried that the Council adopt Resolution 2006-23 which approves a Mitigated Negative Declaration for the project pursuant to the California Environment Quality Act and approves the General Plan amendments as outlined and delineated on Exhibits A1 and B1a.

Ayes: Plourde, Grego, Martin, Murray, Buford

It was moved by Councilmember Martin, seconded by Councilmember Grego, and carried that the Council waive the first reading and pass to second reading Ordinance 2006-04 changing various Zone Districts and Planned Unit Development overlays as discussed in the Ordinance and delineated on Exhibits A2 and B2a.

Ayes: Martin, Grego, Plourde, Murray, Buford

It was moved by Councilmember Plourde, seconded by Councilmember Martin, and carried that the Council adopt Resolution 2006-28 approving the applications for Tentative Subdivision Map No. 2005-02/Planned Unit Development No. 2005-01/Conditional Use Permit No. 2005-01/Site Plan Review No. 2005-01 for Aslan Development and Centex Homes with the 38 conditions stated therein.

Ayes: Plourde, Martin, Grego, Murray, Buford

ITEM G – APPROVAL – FINAL PARCEL MAP NO. 2005-03 – WESTSIDE:

It was moved by Councilmember Martin, seconded by Councilmember Plourde and carried that the Council approve Final Parcel Map 2005-03 subject to the modification of the boundary line adjustment between parcels 6 and 7 affecting pages 6 and 9 to match the hand-out map, and accept the offers of public dedication and authorize the City Clerk to certify such approval on the map and forward to the Kings County Recorder for its recordation.

Ayes: Martin, Plourde, Grego, Murray, Buford

REPORT AND RECOMMENDATION – RESOLUTION 2006-25 – OPPOSITION TO TELECOM FRANCHISE CHANGES WITHOUT CERTAIN PROTECTIONS:

Administrative Analyst Tyler introduced Debbie Olson from the League of California Cities. Ms. Olson reported that changes are coming in the telecommunications field combining television, cable and telephones. The question is whether

the changes will be from the State or the Federal government. The current bill AB 2987 approved by the Assembly allows discrimination. The companies will be able to provide more services to newer sections of a city and not provide those services to the older sections of the City. Cities will lose control over services provided and possibly lose the franchise fee currently collected.

It was moved by Councilmember Martin, seconded by Councilmember Plourde, and carried that the Council approve Resolution 2006-25 in opposition to California Assembly bill AB 2987: THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006 in its current form and support reform of federal telecommunications laws guided by the League's Telecommunications Taskforce recommendations; and authorize the City Manager to communicate the City's position to state and congressional delegation.

Ayes: Martin, Plourde, Grego, Murray, Buford

REPORT AND RECOMMENDATION – RESOLUTION 2006-27 – PETITION FOR INCLUSION IN NEW LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT – FLATELY HOMES:

City Engineer Tow reported that the developers had asked for a new Landscaping and Lighting Maintenance District to be called a Public Facilities Maintenance District. The first step in the process is the Engineers Report which establishes the cost of approximately \$53.00 per month, per lot.

URGENCY ITEM – RESOLUTION 2006-29 – INTENTION TO ORDER FORMATION OF CITY OF LEMOORE LANDSCAPING AND LIGHTING DISTRICT NO. 2 AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS IN ZONE 1 THEREOF FOR FISCAL YEAR 2006-07:

It was moved by Councilmember Plourde, seconded by Councilmember Martin, and carried that the Council approve the addition of Resolution 2006-29 to the Agenda pursuant to Government Code 54954.2 (b) (2).

Ayes: Plourde, Martin, Grego, Murray, Buford

It was moved by Councilmember Martin, seconded by Councilmember Grego, and carried that the Council adopt Resolution 2006-27 and Resolution 2006-29.

Ayes: Martin, Grego, Plourde, Murray, Buford

REPORT AND RECOMMENDATION – FIRST READING – ORDINANCE 2006-03 – AMENDING BUSINESS TAX ORDINANCE:

City Manager Britz reported that the section of the Municipal Code to be revised is to streamline the language of Business License in respect to Licensed Real Estate Agents. The proposed changes insure that Real Estate Brokers are not taxed on the basis of out-of-City sales.

Dick Jacques, President of the Kings County Board of Realtors
Bob Baker, 466 Avalon Drive
Jerry Steely

**Lynn Silverhick
Stacey Crape, Century 21
Robin Boyer, Kings County Properties
Tom Atwater, Realty World of Hanford**

The above noted spoke in opposition of Ordinance 2006-03. Stating their belief that it is illegal. That the courts have ruled an agent is an employee of the broker. Lemoore is setting a precedent for all the towns in the valley and not all agents can afford the \$50.00 fee. They believe it is double taxation. How would Lemoore enforce the law?

Council discussed the enforcement issue; City Manager Britz responded enforcement is like all other businesses. We expect people to secure a Business License and when the City learns they do not have a Business License we start enforcement procedures.

It was moved by Councilmember Martin to waive the first reading of Ordinance 2006-03. There was no second.

It was moved by Councilmember Plourde, seconded by Councilmember Grego, and carried that the Council waive the first reading and pass to a second reading Ordinance 2006-03 with Section 1 amending Section 3-1A-2-4 removed from the Ordinance.

Ayes: Plourde, Grego, Murray

Noes: Martin, Buford

REPORT AND RECOMMENDATION – DEPOT ARBOR USE POLICY:

It was moved by Councilmember Murray, seconded by Councilmember Martin, and carried that the Council approve the reservation application process for use of the Depot Arbor including the Rules and Regulations.

Ayes: Murray, Martin, Plourde, Grego, Buford

RDA MEETING: At 11:20 p.m., Council adjourned to sit as the Redevelopment Agency of the City of Lemoore and reconvened as City Council at 11:25 p.m.

DEPARTMENT/CITY MANAGER REPORTS:

None

COUNCIL REPORTS AND REQUESTS FOR INFORMATION:

Councilmembers Plourde, Martin, Murray, and Grego would like to attend the *Mayors and Council Members Academy Executive Forum and Advanced Leadership Workshops*.

Councilmember Murray has received a complaint regarding the Meyer Ranch House occupancy and use. He requested Council receive an update on the occupancy of the house.

Mayor Buford cancelled the first Council meeting in July.

ADJOURNMENT:

The meeting was adjourned at 11:30 p.m.