

**Minutes of the Regular Meeting of the
LEMOORE CITY COUNCIL
September 19, 2006**

ATTENDANCE:

Mayor Buford; Mayor Pro Tem Murray; Councilmembers Grego, Martin, Plourde; City Manager Brittz; Assistant City Attorney Neufeld; Public Works Director Wlaschin; Parks and Recreation Director Hernandez; Finance Director Cota; Police Chief Morrell; Redevelopment Project Manager Narbaitz; Planning Director Smyth; City Clerk Lima.

PUBLIC COMMENT:

Brian Castadio, 416 N. Lemoore Avenue. Why is the City acquiring property to in turn sell it in competition with entrepreneurs in the city? Not using the money for good infrastructure items to draw the companies they are trying to draw by buying the property and then reverse selling it back to them. Now, the City has property and has had property for quite a few years and buying property isn't out of line, I'm not saying that. But it seems like there's a wave of purchasing property to sell to businesses. I don't think that's the City's business. I think the City's business is creating a good healthful environment for business. It is really difficult to do business, to come here and do business. To come here and get passed your systems are difficult. I know you've heard it once; you've heard it a thousand times, but thank god we argued for six to eight months, maybe fourteen months, and guess what, the developer is going to save \$300,000 – why? Because they decided to argue with the City. 'Cause numbers got crossed – because people just – it just don't work. You don't understand – you need to make some decisions that make it more advantageous for business to do business in this town. Not buy property and give it away and get it shoved back in your face because people don't do what they say they're going to do. You can go out – RDA money put property ready for sales tax dollars into sewers and storm drains and put that on your books in the RDA for people to owe you money and be repaid. There will be no prevailing wages on those jobs, if you decide to do that in front of business. Prepare yourselves, I think it is very difficult the decision you're going to make to make that happen, but you need to make that happen. It's stupid to do it like that.

The other thing is you have a nice downtown. Beautiful parties the other night and you got dusted-out, cause you don't control your railroad property. And as of the count tonight twenty-two trucks – I'm going to say they're illegally parked or all of us could park along the railroad tracks and make dust. Please do something – make the railroad contain their property – make it illegal to park there – you all know exactly where I'm talking about cause the bike people ate the dust the other night and it's ridiculous. If I want to build that gas station I've got to pave it, if I want to park my truck somewhere else, I've got to pave it. Twenty-

two trucks are parking for free and that's what I've got to say – I think you guys have some work to do – thanks for your time.

Lynda Lahodny, Lemoore Chamber of Commerce, thanked the Council and staff for their support of the Salute to Agriculture Dinner.

URGENCY ITEM – CONSENT CALENDAR ITEM 3E CARS IN THE PARK – SEPTEMBER 30, 2006 – STREET CLOSURE:

It was moved by Councilmember Murray, seconded by Councilmember Plourde, and carried that the Council approve the addition of Consent Calendar Item 3E Cars in the Park – September 30, 2006 – Street Closure to the Agenda pursuant to Government Code § 54954.2 (b)(2).

Ayes: Murray, Plourde, Martin, Grego, Buford

CONSENT CALENDAR:

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

- A. Approval – Minutes – Special Meeting – September 5, 2006
- B. Approval – Minutes – Regular Meeting – September 5, 2006
- C. Approval – Warrant Register
- D. Approval – Second Reading – Ordinance 2006-07 – Council Compensation
- E. Approval – Cars in the Park – September 30, 2006 – Street Closure

Ayes: Plourde, Grego, Martin, Murray, Buford

PUBLIC HEARING – ADOPTION – ORDINANCE 2006-08 – EXTENSION URGENCY INTERIM ORDINANCE 2006-06:

Planning Director Smyth stated there were four issues which the extension of the interim ordinance would provide time to address. The issues are 1) circulation, 2) storm drainage, 3) not meeting affordable housing requirements and 4) the buffering areas are not sufficient between residential and industrial. Our consultant, Dyett & Bhatia, supports the extension of the interim ordinance at least until the City knows where the General Plan policies are going. Decisions can be made that would be in direct conflict with where the City is going, which can also cause some problems with health, safety or welfare of the citizens.

Ms. Smyth reported that City Attorney Bacigalupi had expressed concerns to staff that if the extension is only through the end of January, policies still would not be adopted nor would the Environmental Impact Report (EIR) be complete. This puts the City at risk since when applications are deemed complete they are subject to the policies that are in place at the time.

Ms. Smyth also brought to the Council's attention the letter from Caltrans reversing their position on the circulation issue at Highway 41 and Bush Street. She believes Caltrans is worried that the City would not address all the circulation issues; not only current interchanges but also future interchanges as well.

Staff sees three different options regarding the possible extension of Ordinance 2006-06; 1) do not extend and let the ordinance expire 2) extend the ordinance to

January 31, 2007, which gives us the general direction the General Plan is heading but does not implement the policies required to protect the City and 3) extend the ordinance 10 months and 15 days or until the General Plan is adopted, whichever occurs first.

Council discussed the position reversal by Caltrans on the traffic circulation at the Highway 41 and Bush Street interchange. How is the Council supposed to make valid decisions when they aren't given accurate information to start with from Caltrans? There are two consultants working on the issue from two different areas and now Caltrans is not happy with the numbers. Caltrans approved the KCAG model yet, if they are not happy with the numbers, they never should have approved the model. The Council approved the Victory Village project based on information Caltrans now says is inaccurate.

Council was reassured by City Manager Britz that Victory Village stands, but the City has some work to do with Caltrans trying to sort the issue out. If, in fact, their opinions changed and why; the City has ongoing traffic studies being conducted and to expect a resolution with Caltrans anytime soon is optimistic, but the City has to move forward.

At 8:01 p.m. Mayor Buford opened the Public Hearing to take testimony regarding adoption of Ordinance 2006-08 – Extension Urgency Interim Ordinance 2006-06.

Les Peterson, Cambridge Homes, 8080 N. Palm, Fresno, CA. We have a project that is directly impacted by this moratorium and I don't believe it should be; I'd like to go over that with you. Our project is a 292 lot single-family residential subdivision on the south side of Bush between College and Semas. In June of '05, we met with the staff to discuss this project and discuss the necessary General Plan amendments that were required to implement what we wanted to do. Namely moving some office designation on the south side of Bush and converting some multifamily to single family residential due to a large single-family residential project. Staff seemed agreeable at the time and we went ahead in July of '05 and submitted our tentative map application. In September of '05 we again met with staff at their request because the Council had recently expressed concern about the loss of multifamily housing designation around the college and based on that meeting we redesigned our map and took out about 20 lots, designated an eleven acre parcel at the corner of Bush and College as multifamily. We also added a higher density single-family residential component for a mix of housing in this project. We re-submitted the map and application in September of '05 – in April of '06 we submitted our check for the application fees, the City accepted the check, cashed the check and to this date we still do not have an application that has been deemed complete, fourteen months later. I believe we should have been deemed complete in April when the City took our check, which would have given us a complete application prior to the imposition of the moratorium that is currently in place. I'm asking you here tonight to direct staff to deem our application complete and allow us to process our map outside of the moratorium, as I believe it should be. Our attorney has looked at this issue – he believes we have a

legal case to make this application deemed complete; he has talked to Dale Bacigalupi about this.

I believe our map addresses the four issues that are outlined in your staff report tonight. The issue of incompatible land use – as I said we redesigned the map to address the loss of multifamily, we designated a large parcel for multifamily and introduced a higher density single-family residential component for a mix of housing. The traffic concerns – that’s a bit of a problem we were under the impression, as was staff until a couple of days ago, the Victory Village Traffic Study had addressed the issues and we have hired and the City has taken over the processing of a supplementary traffic impact study, which generated the letter you have from Caltrans now. It was directly aimed at the scoping of our project and staff had been working with Caltrans diligently to get the scoping tied down on this. We thought we had it done. We thought Moses Sites was on board and then we get this letter from someone else in Caltrans that threw out everything we and the staff had done for the last month or so. The drainage issue- we don’t believe is a big issue – we had a meeting last week with City staff, interested property owners, other developers, and their engineers to discuss this drainage issue. The Westside Drainage Master Plan, as I understand it from Dave McGlason our engineer, the City has a citywide requirement: the retention basins can be a maximum five feet deep. There’s some concern that on the westside the water table is higher than that, but according to Dave it’s no big deal. We’ll do the test to determine where the water table is and if it is shallower than five feet, the basins will become a little larger. It’s a very simple engineering issue, one that’s normally dealt with during the engineer review process. The loss of multifamily property – I’ve already addressed with the redesign of the map.

We believe this is simply an issue of fairness, we worked for fourteen months to try to get this map deemed complete, it should have been back in April and it hasn’t been and now we’re stuck in the moratorium. We had to negotiate three six-month extensions with the property owner/seller and our last extension runs out in December. We were informed today he may not be willing to grant a fourth extension and none of these extensions were free - they’ve cost us money every time. So, we’re asking you to make the determination that our map application is complete and not subject to the moratorium so we can get on with our project. We like working in Lemoore, we like building in Lemoore, we want to bring a couple of new products to Lemoore, but we can’t do it without your help. Thank you.

Brian Castadio, 416 N. Lemoore Avenue. Since Caltrans was brought into the issue and you’re really looking at what goes on with Caltrans. How can you believe them when you drive up and down our roads Highway 198 and Highway 41 and they build a crossroad where a 45 foot trailer sticks in the fast lane over Highway 198. Some of these decisions have to be made they can’t just be based on job changes at Caltrans. Look at it – we don’t have that much – this ain’t L.A. – ya’ll can drive out there go look – decisions aren’t being made with real value. You’re just taking your staffs input nobody else’s. You aren’t taking ours from [inaudible], dang sure don’t take mine, you don’t. Yet we who have lived here as long as

- I don't know anybody else but just as long as anybody – I know not longer than that guy sitting in the front row. But he's a businessman and he's been sitting where you've been sitting before and he's made decisions he's had to make – he ain't waiting on everybody else to make decisions. You have impacted the business community whether you understand it or not. You made a decision on your staff's information, I personally feel that you don't have the staff to give you that kind of information. [Inaudible] I've only been trying to develop for 2 ½ years and yet you're agreeing with everything they say. Don't go out there and look for yourselves – don't take somebody out there and look at the property that all drains one way and we're going up hill with water. Don't go out there and say Caltrans is right, yet they can leave a 45-foot van in the middle of Highway 41 sticking out in the middle of fog.

They build one brand new stoplight situation over here and they don't put an off ramp here by the high school to alleviate traffic. How worried are they about traffic? Think about it – you got one lane coming west off 198 right by the high school, they put a stoplight there and they didn't even put an access lane into your fourth lane. Think about it – just go out and look at it and be real - you guys waste way too much time on stuff you don't go out and look at. The reality is you've had people spend tremendous amounts of money and you listen to your staff and sometimes your staff has been dead wrong. Dead wrong, I've been dead wrong, but I'm man enough to admit it and I've admitted to you guys. But whenever it goes wrong out of staff, well we just make the decision anyway. What makes them right - what makes their situation right? This guy come doing this General Plan update he didn't contact any business leaders, buddies. I'll guarantee you. I asked him. That night we spent down there I gave my information. He didn't talk to no business leaders; he didn't talk to anybody out in that industry out there. Now as far as traffic out there, but is it fixable – yeah – sit down and fix it. Get some people that make decisions, if you don't have the right people in the right spots how can you honestly give us the right decisions? Fair question.

If you're scared to make a decision out there cause what's going to happen in 30 years, give up. You won't last in the business world. The reality is there's tough decisions that's gotta be made out there. And business growth in this community is suffering for what you have already put on a moratorium on the business level. I was told by one person that there was no effect in the business community yet correlate phase 1, phase 2, phase 3 and we said ok, yeah. You do not know directly you affect people wanting to come to this town. Cause we deal with other business people, they ask us how is it to do business in Lemoore. Ah, the engineer said god I don't know how you get it done, Bob Shockley, he built gas station in every town at every off ramp by 99, 41 all this stuff. Yet he's too stupid to be listened to? I don't understand. You're making decisions based on a telescopic view. You think I ramble on but I don't see anybody else jumping in the fire doing business. There's reasons why. You know, when you put a moratorium on the business level and expect to gain sales tax dollars, everybody's just chomping at the bit to get here. You approved maps out there two years ago that you got a college into this town, god bless the Pedersens. And if you ever think he ain't

part of this community, you guys get the heck out of here. 'Cause that's a personal thing and that did not sit well with me. I don't know who said it up here – it came out of your Council. Those people have property around this town and have done everything for the community they could possibly do, and the disrespect you gave them is unbearable. I can't believe someone would say that at the Council meeting. I can't believe it. You got a lawyer up here. Why don't you sue Caltrans for what they're doing? Why worry about that stuff, 'til they come down and make you do something, start building, get some sales tax in here – you don't have enough police. Your police situation is a problem. Ok? You don't think so? Ask how many years they in tenure, what's the rotation? She barely got full, you don't pay enough, your fireman – it's a volunteer situation, if they left you – you'd be I still think you can be sued for houses on the other side that catch on fire. 'Cause you've got a shell of a fire station at the old water station ok – I'd like to see him defend that.

Councilmember Plourde asked Mayor Buford if the discussion could stay on point.

Mr. Castadio – No, we are on point. This is about sales tax dollars. I don't like being interrupted like that unless he wants to make a point about me either.

Mayor Buford reminded Mr. Castadio that this is a public hearing regarding the moratorium not sales tax.

Mr. Castadio – The moratorium should have been dealt with and you could still individually deal with every project. Am I wrong Mr. Lawyer?

Attorney Neufeld – What is your question?

Mr. Castadio – Can they deal with every project that comes through the situation. Individual project and vote it down. Yes or no?

Attorney Neufeld – Vote for approval of a project?

Mr. Castadio – Yes.

Attorney Neufeld – Of course.

Mr. Castadio - Yes, so why do we have to have a moratorium, why can't they just do that? Can you explain it to me? Isn't that just doing the same thing? I don't understand.

Attorney Neufeld – No, it has to do with what standards are in effect.

Mr. Castadio – Ok, and the standards are in effect.

Attorney Neufeld – That's what they are revisiting right now; whether they track accurately what they foresee as the future growth of the City.

Mr. Castadio – And they can stop it.

Attorney Neufeld – Well, no they can't disapprove it if it's based on current standards. This is the moratorium to keep them from approving those things that might conflict with the future growth of the City.

Mr. Castadio – So, all of a sudden in two years we're in this much of a crisis where we can't grow. Is what you're telling us as business people, it affects us – I don't know if you believe it or not. I've got projects that's definitely affected by it. You're already thinking about going to a year and it wasn't even 45 days just around the corner. Why do business? Wasn't this about housing anyway about C Street, or Champion Street, wasn't it about the multi-units there? I mean really – did it have to do with the business plan. I find it hard to believe that you can't hire the people to make this stuff work under you. And I'm sorry to shoot real bullets, but it's time real bullets got shot cause you're shooting real bullets back the other way.

Moratorium don't do anybody any good, they just say you guys aren't doing your job in the whole atmosphere. Maybe they didn't do their job years ago and have an update done. But lets get over this stuff of putting a moratorium on business. You need business in that area right there – that's a fact you need it – you keep running business out because your staff presents you with a need for a moratorium. Did someone else present that to you?

Mayor Buford – Brian, I'd like to make a comment, because I want to make sure you're clear on this. The moratorium is regarding zone changes, so that if a plan was proposed that complied with current zoning – the moratorium doesn't affect that because there is no proposed zone change. So if a business were proposed or a project proposed that complied with current zoning the moratorium wouldn't affect that. This only affects projects that propose as part of them a zone change.

Mr. Castadio – Can I get an answer to my question? Who proposed the moratorium?

Mayor Buford – Just like all other things that come onto the agenda, it came from staff. There can be items that are brought onto the agenda by Councilmembers.

Mr. Castadio – So, all the business people didn't come to you and say hey we need a moratorium on business? Or on zoning? We're having just dire – that's been my obvious upsetness with working with you guys, is that we needed a moratorium. Hell, it took us 2 ½ years to get built. You don't need a moratorium, it takes too long to get through.

Mayor Buford – Do you have an additional point?

Mr. Castadio – Yeah, I want to know why you would listen to the moratorium on a business level. It had to do with C Street or not C, excuse me, Champion the multi...

Councilmember Murray – Brian let me just say something, too. You're talking only business. Business is one aspect of the General Plan, Champion Street and

all these other sections, they all had issues. California requires that we update the General Plan, we hired a very good, respectable, expensive consultant and he had meetings with the business community and with the City Council and they came up with some direction to go. All we're trying to do is say lets digest what has been presented in those gatherings to make sure we're not doing something dumb. So that we do it right this time and if it takes a little bit longer, I think that's a better path to travel than to kind of shotgun this project and that project. I mean if they are agreeable we'll work it out, but all you're talking about is business and the residents who live in this town should be the big beneficiaries of this General Plan Update. So their neighborhoods look right, and there are enough parks and schools, that's what has to be done. It's not just business.

Mr. Castadio – Why do you affect business? I don't understand. How would you affect business and business plans that are coming into this and zone change whatever would have to be in case we wanted a zone change.

Councilmember Martin – I think if we developed a plan based on your analysis, I think in 10, 15, 20 years that plan would be in fault and it would truly affect business as well as residents at that point. That's where I'm from.

Mr. Castadio – So you're saying what Councilmembers did in prior years some 15 to 18 years if I'm correlating your scenario correctly – ah Tim – what they did was wrong. I'm just going by what you said, Ed.

Mayor Buford – Actually, Brian that's not what he said at all. You're putting words in his mouth and you shouldn't do that. You need to reach a conclusion to your comments. I'll give you one more minute.

Mr. Castadio – I love ya. I think you should – if you want to continue a moratorium put it on your houses. Don't put it on zoning changes that would incur the business community that would affect your businesses. And please, please look outside your staff, maybe look inside of them, maybe look a little closer than you need to look. We're all businessmen here – there's a reason why Tim Lee is here I guarantee it.

Mayor Buford clarified the record through Planning Director Smyth that the moratorium covered citywide zone changes, General Plan changes, and site plan reviews and tentative subdivision maps in specified areas. Also, most commercial development does not trigger such changes.

Craig Pedersen, 12285 16th Avenue, Lemoore. Well, Brian has a way about expressing his frustration, I don't express my frustrations quite that way. But, I can assure you inside my frustrations are equivalent if not worse. Brian has one project, we have numerous projects and it's a real frustration. I mean – I think you experienced a little of those frustrations this evening, Caltrans is an unworkable agency. For how many years? When Steve Froberg was here they told him that, if Steve had accepted what they proposed there would be a road running through the middle of Wal-Mart today. Is this workable? Brian expressed a 45 ft. swath between two lanes of Highway 41 in the middle of a fog season. It is a –

is that reasonable? When they developed the on-ramp and the off-ramp at Bush and 41 and I said in the first meeting and they said well I designed that and it's adequate. Do they not have some responsibility as well? And you guys can't pass that off – my frustration is nobody can make a decision – no one – we'll deal with an issue for six months, we'll resolve it, and now again you've got a letter before you from Caltrans they don't like it. It's not from Moses Sites, the head of Caltrans, it's from someone else. Is he trying to create some situation that causes some sort of thought process? I can tell you that the traffic circulation issue is going to be addressed. And you guys have the full ability to address it. You can trigger – not just the triggers – I can tell you from the standpoint of those involved whether it's Lennar, Wal-Mart or anyone else, they certainly don't want to be exposed to any lawsuit. Whatever the City asks, and I think that's the big frustration, everything the City has asked at least on our project we've said ok. You look at the map, Lennar's talking about their project – you asked that you wanted [inaudible, stepped away from the microphone] you said we had too much commercial, we changed it and created a new parcel [inaudible] we did exactly what you asked exactly [inaudible].

I can't express to you how frustrating this process has been. We don't know where to go, our family is clueless. We have tried to do everything that you've asked, everything; and we've implemented it and that's not enough. And no, and I'm not understating that the millions of dollars that have been spent to prepare the City for what's going to happen and to generate the kind of funds that are going to take care of the signals, take care of the road improvements, solve all the issues now, is just going to be thrown out the window. Maybe in ten months they're going to come back and tell you yes, you were right, you need the zoning change for multi-family. We've answered the question already. Somebody needs to make a decision here and the frustration level just continues to grow. Brian kind of stood up for me, I would agree with Brian – I don't live in downtown Lemoore, but my family has lived here for four generations. I pay sales tax, I shop at Save Mart, I buy things from Lemoore Auto, I buy fuel from Brian, it's too expensive sometimes but I still buy it from him, cause he's a good guy, I think. In all fairness, there has to be some sort of realization or justification, not justification, reward for doing the right things. And we have done everything that has been asked of us - everything.

I spoke at the last meeting opposing the initial moratorium and two days later I had Code Enforcement at my door step. They told me I could no longer park farm equipment on my property. So, you don't want me to farm it, you don't want me to develop it, but nobody seems to have an answer about what they want. I'm clueless and I think that is the frustration you're feeling here tonight. We had two citizens here the last time that spoke against a project that was just approved by the Planning Commission that hasn't been to City Council for approval. You have all the tools that anyone could ask for to control every aspect from elevation to traffic to the look of the streets with your PUD. I don't know. Thank you.

Nelson Majors - We're talking about a moratorium is that correct? For the whole town?

Mayor Buford – Its' a moratorium extension, we are already in the middle of a 45 day moratorium.

Mr. Majors – And the extension goes after 45 days, how long?

Mayor Buford – That depends on what the Council chooses to do. The Council could choose not to extend it at all, in which case it would just expire at the end of the 45 days after it was adopted; which would be something like two more weeks. We could extend it for up to 10 ½ months or anywhere in between.

Mr. Majors – Now does that mean any project that has gone through the City Council and been okayed is frozen at this time.

Mayor Buford – No, any project that has been accepted by the Planning Department and has been deemed complete has already begun that process and can't be halted. If it still has to go through the normal approval would have to go through review by the Planning Commission.

Mr. Majors – The Building Department that's where I'm at, ready to go through the Building Department so I'm not affected by this. I just didn't know if I shot three years down the tube or not, I was just checking. Thank you.

At 8:30 p.m. the Public Hearing closed.

Mayor Buford addressed a comment from Les Peterson of Lennar Homes. He explained that the Council could not direct staff to deem their application complete because it was not on the evenings' agenda. Attorney Neufeld added that normally deeming an application complete was a staff action and was also determined by state law.

Mayor Buford asked for clarification regarding the extension whether the Council chose to extend it 10 ½ months or something less than 10 ½ months, what would happen if it needed to be extended again. Attorney Neufeld explained that if another extension was needed there would be another public hearing and if approved the extension would be for 1 year from the date of the public hearing, total maximum of 2 years.

Mayor Buford expressed concern over potential litigation and that it could possibly interfere, or needs to be considered, in making a decision. Attorney Neufeld advised if there were potential litigation specifically based on action taken tonight that he would recommend a closed session at the next Council meeting.

Mayor Buford stated he was specifically referring to the Caltrans issue, since the City now has conflicting recommendations from Caltrans, if the City chose to ignore the most current letter from Caltrans would we be opening the City up to litigation from them. Attorney Neufeld said Caltrans history has been to wait until a project that would impact an area they are interested in comes up for Envi-

ronmental Impact Review and then protest on the circulation impact. Caltrans has usually been pleased once funding mechanisms are in place to fund future projects without tapping into State funds. Councilmember Martin asked that staff could contact Caltrans and elicit their reasoning/justification for two very different letters on the same subject.

Mayor Pro Tem Murray expressed his satisfaction with how well the details were related in the staff report. Mr. Murray expressed his understanding of Mr. Pedersen's frustrations, but could not disregard the recommendations of staff and the General Plan consultant.

Council discussed at length the possibility of approving projects with conditions placed on the projects that they must meet future General Plan land use and traffic circulation conditions.

It was moved by Councilmember Martin, seconded by Councilmember Plourde, that the Council approve the extension of urgency interim ordinance 2006-06 for 10 months and 15 days.

Ayes: Martin, Plourde, Murray

Noes: Grego, Buford

Council continued discussion of the extension of the moratorium and trying to work with developers.

It was moved by Councilmember Martin, seconded by Councilmember Plourde, and carried that the Council approve the extension of urgency interim ordinance 2006-06 for 10 months and 15 days.

Ayes: Martin, Plourde, Murray, Buford

Noes: Grego

It was moved by Mayor Buford, seconded by Councilmember Plourde, and carried that the Council direct staff to develop an agreement to allow certain projects to move forward in spite of the moratorium process as long as they comply with current law, go through the process as described currently, but that they agree that they will comply with future General Plan and policies and restrictions as those become known and that Council is willing to consider an amendment to Ordinance 2006-08 to allow such developments to be processed and that such an agreement will come back to City Council prior to enactment.

Ayes: Martin, Plourde, Grego, Murray, Buford

REPORT AND RECOMMENDATION – AMENDMENT TO UTILITY SEPARATION AGREEMENT – ARK:

Redevelopment Project Manager Narbaitz reported that ARK purchased the west half on the Cinnamon Municipal Complex and as part of that sale there is a Utility Separation Agreement which was to be completed within 12 months of the close of escrow, October 13, 2005. ARK has requested a six-month extension on the Utilities Separation Agreement, which would extend the length of the Agreement to April 13, 2007.

It was moved by Councilmember Plourde, seconded by Councilmember Martin, and carried that the Council approve the requested six-month extension of the Utilities Separation Agreement ending April 13, 2007.

Ayes: Plourde, Martin, Grego, Murray, Buford

DISCUSSION – AUTHORIZE ENVIRONMENTAL REVIEW FOR A POSSIBLE CDBG ECONOMIC DEVELOPMENT GRANT:

Planning Director Smyth reported that a business owner is actively looking at entering into a long-term lease of the Food King building and upgrading the interior and exterior of the store to meet current market standards, and provide additional job opportunities. The lessee and staff have been reviewing possible funding sources to help fill a possible funding shortfall for the improvements. An environmental review is a preliminary stage, and could take between 45-60 days, before applying for a grant.

It was moved by Councilmember Martin, seconded by Councilmember Plourde, and carried that the Council authorize the staff to move forward with the needed environmental assessments under CEQA and NEPA for the possible project.

Ayes: Martin, Plourde, Grego, Murray, Buford

REPORT AND RECOMMENDATION – RESOLUTION 2006-43 – 2006-2008 CAPITAL IMPROVEMENT BUDGET:

Finance Director Cota reported that staff was available to answer any questions Council might have on the 2006-2008 Capital Improvement Budget.

Councilmember Plourde asked if the improvements at Fox and Antelope Street, the traffic signal scheduled for March of 2008 and the lift station scheduled for June of 2009 would be done at the same time. Public Works Director Wlaschin responded in the affirmative.

Councilmember Murray stated he believed that there was an error in the letter to Council and he would bring the document in to the City Manager on Wednesday.

It was moved by Councilmember Plourde, seconded by Councilmember Grego, and carried that the Council approve Resolution 2006-43 adopting the proposed 2006-2008 Capital Improvement Budget.

Ayes: Plourde, Grego, Martin, Murray, Buford

RDA MEETING: At 9:35 p.m., Council adjourned to sit as the Redevelopment Agency of the City of Lemoore and reconvened as City Council at 9:40 p.m.

DEPARTMENT/CITY MANAGER REPORTS:

Parks and Recreation Director Hernandez reminded the Council of Evening Under the Stars this Saturday night.

City Manager Britz reported the League regional meeting will be held in Selma and to RSVP to either Nanci or Val.

Mr. Briltz reported he and Councilmember Plourde attended the League of California Cities Annual Meeting in San Diego September 6-9, 2006.

Mr. Briltz closed reminding Council of the Employee BBQ September 28 at Heritage Park with Employee recognition Awards at 6:00 p.m.

COUNCIL REPORTS AND REQUESTS FOR INFORMATION:

Councilmember Plourde referred Council to his trip report on the League of California Cities Annual Meeting. Mr. Plourde reported he also attend the South San Joaquin Division of the League of California Cities Executive Board Meeting and Lemoore is set to host a meeting in February 2007.

Councilmember Murray reported he and three of his fellow Councilmembers attended the Community Choice Aggregation Meeting in Hanford today. Mr. Murray requested that there be a study session item to discuss Community Choice Aggregation before the group comes before Council for a decision.

REDEVELOPMENT AGENCY CLOSED SESSION:

At 9:47 p.m. the Council adjourned to the Redevelopment Agency.

RECONVENED:

The meeting reconvened at 10:08 p.m.

CLOSED SESSION:

At 10:08 p.m., the Council adjourned to Closed Session regarding Public Employment, City Attorney. There was no announcement.

ADJOURNMENT:

The meeting adjourned at 10:19 p.m.

Approved the _____ day of _____, 2006.

Thomas E. Buford, Mayor

Attest:

Nanci C. O. Lima, City Clerk