

**Minutes of the Regular Meeting of the
LEMOORE CITY COUNCIL
July 17, 2007**

ATTENDANCE:

Mayor Murray; Mayor Pro Tem Grego; Council Members Hornsby, Martin, Rodarmel; City Manager Britz; City Attorney Cantú Montoy; Special Counsel Bacigalupi; Public Works Director Wlaschin; Finance Director Cota; Police Chief Morrell; Redevelopment Project Manager Holwell; Planning Director Smyth; Administrative Analyst Tyler; City Clerk Lima.

PUBLIC COMMENT:

There was no comment.

CONSENT CALENDAR:

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

- A. Approval – Minutes – July 3, 2007**
- B. Approval – Warrant Register 06-07 & Warrant Register 07-08**
- C. Approval – Final Map No. 2004-03 – The Landing – Tract 817 – Phase II – Flatly Homes**
- D. Approval – Evening Under the Stars – Downtown Street Closure**
- E. Approval – Notice of Completion – Tract No. 797 Parkview Estates**

Ayes: Rodarmel, Grego, Martin, Hornsby, Murray

DISCUSSION – GENERAL PLAN UPDATE PROGRESS:

Planning Director Smyth reported that staff should receive within the next week the Draft General Plan for Administrative Review; this review is to ensure all policies recommended by the General Plan Steering Committee are incorporated. Staff anticipates a mid-August release for the public review period which puts the possible adoption of the new plan in the month of November. Ms. Smyth reminded Council of the present interim ordinance that is in place expires August 15th. Staff has identified two areas that need to be addressed before the expiration of the interim ordinance and bridging the time before the adoption of the General Plan.

The first area is noise mitigation on the Westside. The Navy brought the issue of jet noise to the General Plan Steering Committee's attention, additional studies were performed and found that to reduce the noise threshold to less than significant on the Westside, major noise mitigations would need to be implemented. These mitigations could include thicker windows, stronger baffling, additional insulation on roof structures, etc.

The second area is the inconsistencies in zoning throughout the City.

In the staff report Special Counsel Bacigalupi presented the tools, an ordinance and resolution, to address these areas and bridge the time between the expiration of the interim ordinance and the adoption of the General Plan. The goal is to ensure that no development would occur during that time that is not consistent with the policies included in the proposed General Plan.

Council discussed the issues including the Navy's jet noise issue, the recommendation of the General Plan Steering Committee regarding the mitigation measures, and the land use issues. Council was assured that if during the adoption process there were changes made to the General Plan that contradict an earlier action taken by Council, the General Plan would be the law and the other actions null.

Council directed staff to bring back at the next Council meeting a resolution to initiate zoning amendments and an ordinance to address the noise mitigation measures.

PRESENTATION – KINGS COMMUNITY ACTION ORGANIZATION – ‘FLEX YOUR POWER’ GRANT:

Jeff Garner of Kings Community Action Organization gave a short presentation on the “Flex Your Power” energy efficiency and consumption outreach program.

REPORT AND RECOMMENDATION – DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR LEAGUE OF CALIFORNIA:

Council tabled this item since at this time no one was planning on attending the Annual Conference.

DEPARTMENT/CITY MANAGER REPORTS:

Public Works Director Wlaschin presented Council with copies of the water enforcement document being used by the Water Department. The person issuing the documents works between 4:00 p.m. and 10:00 p.m.

Planning Director Smyth announced the dedication ceremony for the Generations Adult and Child Daycare Center August 2nd.

COUNCIL REPORTS AND REQUESTS FOR INFORMATION:

Council Member Rodarmel reported that he would not be at the August 7th Council meeting. Council Member Rodarmel reported that he had traveled with the KWRA Board to San Diego for equipment. He inquired as to if the City had any restrictions on holiday lights being up year round. Mr. Rodarmel also noted that he had noticed some reflectors on City streets were missing. Public Works Director Wlaschin stated reflectors are usually replaced in the fall before the rain.

Council Member Grego reported that he and City Manager Briltz had attended the California Chapter of the American Planning Association awards dinner.

Mr. Grego presented Planning Director Smyth with the 1st Place award for 2007 Central Section Planning Project Award for the Lemoore Senior and Child Day-care Project.

RDA MEETING:

At 8:04 p.m., Council adjourned to sit as the Redevelopment Agency of the City of Lemoore and reconvened as a Joint Meeting of the Lemoore City Council and Lemoore Redevelopment Agency at 8:05 p.m.

REPORT AND RECOMMENDATION – CONSIDERATION OF LOAN OPTIONS FOR RESIDENTIAL SOLAR IMPROVEMENTS:

The Council/Agency directed Redevelopment Project Manager to develop a pilot program at \$1,000/kW to a maximum of a 5kW system per home. Bring the pilot program and a budget adjustment of \$100,000 for the General Fund and \$150,000 for the Redevelopment Agency back at a future meeting.

DISCUSSION- PROPOSED INCLUSIONARY HOUSING POLICY:

Planning Director Smyth reported that City Attorney Cantú Montoy had prepared a brief report regarding the framework of a possible ordinance. Ms. Smyth stated there were two corrections to be made to Ms. Cantú Montoy's memo. Under item 1. Council Direction Re: Inclusionary Housing, A. Percent of Affordable Housing.; bullet 1 should read "Developments of 20 units or more of *single family* housing...". Bullet 3 "...so that (10% to low Income *renters* and..." Ms. Smyth turned the presentation over to City Attorney Cantú Montoy. Ms. Cantú Montoy stated while several cities have inclusionary housing ordinances; there are no specific state laws that address inclusionary housing, while there are several state laws that address affordable housing.

The courts have upheld inclusionary housing ordinances for the cities of Sacramento and Napa. An inclusionary housing ordinance should include:

- a. General Application Requirements
- b. Availability of Alternatives to Onsite Production
- c. Clear Definitions
- d. Findings Based on Data
- e. Waiver Provisions
- f. Incentives/Concessions
- g. Elimination of Potential Issues Regarding Rent Control Laws
- h. Affordability Covenants

Bob Keenan, President of the Home Builders Association of Tulare/Kings Counties (HBA), stated the HBA recognizes the need for affordable housing and supports those programs that help fund, build, and subsidize affordable housing. The HBA of Tulare/Kings Counties is opposed to inclusionary housing, as is the California Building Industry Association statewide if it affects the pricing of market housing. Where it has been put in place pricing has been artificially increased well above the actual cost of market housing. Mr. Keenan quoted from a letter from the Director of the California Department of Housing and Community Development and presented Council with a copy of that letter. The HBA

asked that the Council find a way to develop affordable housing that would not affect or increase the cost of market housing. Mr. Keenan concluded his presentation informing the Council that there was a lawsuit in San Diego that had a different outcome than the Napa suit and there is a current case including either Monterey or Santa Monica.

The discussion included:

- a. Not subsidizing affordable housing at the expense of market buyers.
- b. Including duplexes and 4-plexes in single family housing.
- c. Incentives for affordable housing in addition to RDA programs.
- d. Condominiums.
- e. Density bonus.
- f. Varying the square footage of homes in single family subdivisions.

Steve Butler of Butler Investment Group. Mr. Butler stated he is a market rate builder of multifamily units. He has taken the information the City Council has already considered regarding inclusionary housing to his lender; if inclusionary housing is mandated he will not be able to get a loan to build his proposed projects in Lemoore, nor could he make a profit on those projects.

Council directed staff to research how developments in cities where inclusionary housing is mandated are financed for developers that do not receive tax credits. Also staff is to model in today's dollars a typical 100 unit single family neighborhood with 10 affordable units using all subsidizes outlined and come close or entirely cover the gap.

RDA MEETING:

At 9:13 p.m., Council adjourned to sit as the Redevelopment Agency of the City of Lemoore and reconvened at 9:23 p.m.

CLOSED SESSION:

At 9:24 p.m., the Council adjourned to Closed Session regarding Labor Negotiations and Public Employee Performance Evaluation. There was no announcement.

Full digital audio recording is available.

Approved the 7th day of August, 2007.

John F. Murray, Mayor

Attest:

Nanci C. O. Lima, City Clerk