

**Minutes of the Study Session of the
LEMOORE CITY COUNCIL
November 6, 2007**

ATTENDANCE:

Mayor Murray; Mayor Pro Tem Grego; Council Members Hornsby, Martin; City Manager Briltz; City Attorney Cantú Montoy; Public Works Director Wlaschin; Fire Chief Gibson; Finance Director Cota; Police Chief Morrell; Re-development Project Manager Holwell; Planning Director Smyth; Housing Specialist Austin; City Clerk Lima.

ABSENT: Council Member Rodarmel

PUBLIC COMMENT:

There was no comment.

DISCUSSION – FIRE CODE CHANGES OVER PAST 30 YEARS AND ADDITIONAL ALTERNATIVES TO REDUCE RISK OF FIRES:

Public Works Director Wlaschin reviewed the Uniform Building Codes and Uniform Fire Code for the past 30 years. The 2007 California Building Code which will be before the Council in early 2008, will require automatic sprinklers in all multi-family dwelling units except duplexes.

Fire Chief Gibson would prefer that the City mandate battery operated smoke detectors in the sleeping area of every rental unit. Chief Gibson also requested that the City investigate banning barbecues on patios of a certain size in multi-family complexes. He would also like to see automatic sprinklers be required in all multi-family dwelling units including duplexes and mother-in-law units.

Bob Keenan, of the Home Builders Association of Kings/Tulare County, asked that the Council use due-diligence when considering modifying the 2007 California Building Code.

Tim Palmquist, a developer, said new multi-family projects have barbecue areas away from the buildings.

Council directed staff to research the Chief's three recommendations 1) banning barbecues on patios of a certain size in multi-family developments; 2) legal research to see if there is a way we could require all property owners to retrofit sleeping areas with battery operated smoke detectors; and 3) gather more information regarding sprinklers for Council to consider further mandating sprinklers on duplexes, attached units.

UPDATE – SAN JOAQUIN VALLEY RAILROAD OPERATIONS:

Redevelopment Project Manager Holwell reported to the Council on the continuing issues and conversation with the railroad. The railroad has voluntarily reduced their speed to 25 mph, but will not commit to this speed in the future. There have been fewer complaints regarding the blockage of Fox Street, Follett Street and Lemoore Avenue simultaneously.

DISCUSSION – PROGRESS OF THE RESIDENTIAL SOLAR GRANT PROGRAM:

Redevelopment Project Manager Holwell updated the Council on the Solar Grant Program. Council directed staff to bring this item back in December to give non-profits and businesses a chance to make comments.

JOINT MEETING OF THE LEMOORE CITY COUNCIL AND THE LEMOORE REDEVELOPMENT AGENCY:

The meeting convened at 6:17 p.m.

UPDATE – INCLUSIONARY HOUSING DISCUSSION:

Housing Specialist Austin reviewed a PowerPoint presentation with the Council/Board exploring the definition of an affordable family locally. Ms. Austin presented scenarios, using financial information provided by the Home Builders Association, that addressed the potential financial impact to the development community and; potential market-rate homebuyers as a result of an inclusionary housing requirement. Ms. Austin also attempted to address the question regarding the effect on the ability of for-profit apartment developers to obtain financing as a result of an inclusionary housing requirement. There is no firm information regarding the effect on the ability to secure financing for for-profit apartment developers; but large banks such as Bank of America, U.S. Bank, and Wells Fargo are providing financing for apartments that include an inclusionary housing requirement.

Bob Keenan of the Home Builders Association of Kings/Tulare Counties expressed his associations' opposition to inclusionary housing policies. He also questioned the figures used in the analysis.

Tim Palmquist, a developer, expressed his concern regarding more restrictions being placed on the developer.

Council/Board directed staff to bring back an inclusionary housing item at a future meeting for a vote on whether or not to proceed.

CLOSED SESSION PUBLIC COMMENT:

There was no comment:

CLOSED SESSION:

At 6:46 p.m., the Council/Board adjourned to Closed Session regarding Existing Litigation and Property Acquisition. There was no announcement.

ADJOURNMENT: At 7:20 p.m., Council adjourned to the Regular Meeting at 7:30 p.m.

**Minutes of the Regular Meeting of the
LEMOORE CITY COUNCIL
November 6, 2007**

ATTENDANCE:

Mayor Murray; Mayor Pro Tem Grego; Council Members Hornsby, Martin; City Manager Brittz; City Attorney Cantú Montoy; Public Works Director Wlaschin; Parks and Recreation Director Hernandez; Finance Director Cota; Police Chief Morrell; Redevelopment Project Manager Holwell; Planning Director Smyth; Housing Specialist Austin; Parks and Facilities Superintendent Simonson; City Clerk Lima.

ABSENT: Council Member Rodarmel

PUBLIC COMMENT:

There was no comment.

CONSENT CALENDAR:

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

- A. Approval – Minutes – October 16, 2007**
- B. Approval – Warrant Register November 01, 2007**
- C. Approval – Quarterly Investment Report**
- D. Approval – Resolution 2007-44 – Rule 20A – Undergrounding Utilities on Lemoore Avenue**
- E. Approval – Contract Approval – Well #13 Design and Testing – Award to Kleinfelder in the Amount of \$83,635**
- F. Approval – Lemoore Chamber of Commerce Tree Raising and Holiday Festival Street Closing**
- G. Approval – Lemoore Chamber of Commerce Christmas Parade Street Closing**
- H. Approval – Appointment Director/Alternate Director to San Joaquin Valley Power Authority**
- I. Approval – Resolution 2007-46 – Authorizing submittal of an application grant to California Integrated Waste Management Board for Tire-Derived Product mulch for playgrounds**

Ayes: Grego, Hornsby, Martin, Murray

Absent: Rodarmel

EMPLOYEE OF THE QUARTER:

Mayor Murray presented Michael Rosas with the Employee of the Quarter Award for the 3rd Quarter of 2007.

CONTINUED PUBLIC HEARING – RESOLUTION 2007-42- VACATION OF LODGE WAY:

Council Member Hornsby recused herself and left the Chambers since she owns property within 500 feet of the subject location.

The public hearing closed at 7:40 p.m.

It was moved by Council Member Martin, seconded by Council Member Grego, and the motion was not carried by the Council to vacate Lodge Way.

Ayes: Martin, Grego Noes: Murray Abstain: Hornsby Absent: Rodarmel

PUBLIC HEARING – ENVIRONMENTAL IMPACT ASSESSMENT 2006-07 – ZONE CHANGE 2007-01 – SITE PLAN REVIEW 2006-20 – SIMPSON HOUSING SOLUTIONS LLC - OLEANDER TERRACE:

A. RESOLUTION 2007-43 – APPROVING MITIGATED NEGATIVE DECLARATION 2006-27 – AND SITE PLAN REVIEW 2006-22

B. FIRST READING – ORDINANCE 2007-08 – CHANGING THE ZONE DISTRICT BOUNDARIES OF ASSESSOR PARCEL NUMBERS 021-020-064 AND 023-020-065 FROM RM-2 AND R-1-7 TO RM-3 ON BOTH PARCELS AS PER ZONE MAP #2007-01

Mayor Murray opened the public hearing at 7:57 p.m. to accept testimony regarding the Environmental Impact Assessment 2006-07, Zone Change 0207-01, and Site Plan Review 2006-20 for Simpson Housing Solutions LLC proposed project Oleander Terrace.

**The following person spoke in favor of the project:
Sarah White**

**The following people spoke against the project:
Steven Reynolds
Tom Avery
Terry Reynolds
Eric Laparolery
Bruce Polder
Herb Dennison**

Judy Finney, of the Lemoore Advance, asked the City Attorney for the Government Code she had referred to at the Planning Commission meeting.

The public hearing closed at 8:19 p.m.

A motion was made by Council Member Martin, but died due to a lack of a second.

Council referred the item back to staff for alternatives, full explanation of Government Code §65589.5 and possible findings per the Government Code.

REPORT AND RECOMMENDATION – RESOLUTION 2007-45-ENTERPRISE ZONE APPLICATIONS FOR 2008 DESIGNATION – MEMORANDUM OF UNDERSTANDING AND LETTER OF COMMITMENT – KINGS COUNTY ECONOMIC DEVELOPMENT CORPORATION:

It was moved by Council Member Martin, seconded by Council Member Hornsby, and carried that the Council:

1. Adopt Resolution 2007-45 authorizing application to the State of California for designation of the Kings County Enterprise Zone;
2. Adopt the Enterprise Zone Letter of Commitment by minute order, whereby the City commits its funding, in-kind resources and staffing to the Kings County Enterprise Zone for the life of the Zone; and
3. Approve a Memorandum of Understanding for multi-agency cooperation in the implementation, management and marketing of the Kings County Enterprise Zone.

Ayes: Martin, Hornsby, Grego, Murray

Absent: Rodarmel

DEPARTMENT/CITY MANAGER REPORTS:

Planning Director Smyth presented the State Planning Award for the Generations Day Care project.

Redevelopment Project Manager Holwell reminded Council of the Holiday Stroll Saturday November 10th.

Finance Director Cota briefly reviewed the Financial Focus with the Council reporting that the General Fund revenues are below budget for this time of year.

City Manager Britz asked for volunteers from the Council for the Christmas parade coordination. Council Member Grego was volunteered.

COUNCIL REPORTS AND REQUESTS FOR INFORMATION:

Mayor Murray announced he would not be at the November 20th Council meeting.

RDA MEETING: At 9:20 p.m., Council adjourned to sit as the Redevelopment Agency of the City of Lemoore.

Full digital audio recording is available.

Approved the 4th day of December, 2007.

John F. Murray, Mayor

Attest:

Nanci C. O. Lima, City Clerk