



LEMOORE
CALIFORNIA

JOINT LEMOORE CITY COUNCIL
LEMOORE REDEVELOPMENT
SUCCESSOR AGENCY MEETING
COUNCIL CHAMBER
429 C STREET
December 1, 2020

AGENDA

Please silence all electronic devices as a courtesy to those in attendance. Thank you.

7:30 pm REGULAR SESSION

- a. CALL TO ORDER
- b. INVOCATION
- c. PLEDGE OF ALLEGIANCE
- d. ROLL CALL
- e. AGENDA APPROVAL, ADDITIONS, AND/OR DELETIONS

PUBLIC COMMENT

Public comment will be in accordance with the attached policy. This time is reserved for members of the audience to address the City Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. It is recommended that speakers limit their comments to three (3) minutes each and it is requested that no comments be made during this period on items on the Agenda. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. Prior to addressing the Council, any handouts for Council will be provided to the City Clerk for distribution to the Council and appropriate staff.

CEREMONIAL / PRESENTATION – Section 1

No Ceremonial / Presentations

DEPARTMENT AND CITY MANAGER REPORTS – Section 2

2-1 Department & City Manager Reports

CONSENT CALENDAR – Section 3

Items considered routine in nature are placed on the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Council member or member of the public requests individual consideration.

- 3-1 Approval – Minutes – Regular Meeting – November 17, 2020
- 3-2 Approval – Second Reading – Ordinance 2020-09 – Dissolving the Downtown Merchants Advisory Committee by Amending Section 3-2-5 of the Lemoore Municipal Code
- 3-3 Approval – Real Property Lease Purchase Option Agreement of City/Successor Agency Property to People’s Properties, LLC
Lease Purchase Option Agreement will be distributed at the meeting

CITY OF LEMOORE
ALL CITY COUNCIL REGULAR AND SPECIAL MEETINGS

Attendance and Public Comment Changes Due to COVID-19

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the City is implementing the following changes for attendance and public comment at all Council meetings until notified otherwise.

All upcoming regular and special City Council meetings will **only be accessible online**. The meeting may be viewed through the following options:

- Youtube: www.Youtube.com/c/cityoflemoore

The City will also provide links to streaming options on the City's website and on its Facebook page. Unfortunately, physical attendance by the public cannot be accommodated given the current circumstances and the need to ensure the health and safety of the City Council, City staff, and the public as a whole.

If you wish to make a general public comment or public comment on a particular item on the agenda, **you must submit your public comments by e-mail to:** cityclerk@lemoore.com. In the subject line of the e-mail, please state your name and the item you are commenting on. If you wish to submit a public comment on more than one agenda item, please send a separate e-mail for each item you are commenting on. Please be aware that written public comments, including your name, may become public information. Additional requirements for submitting public comments by e-mail are provided below.

General Public Comments & Comments on City Council Business Items

For general public comments and comments regarding specific City Council Business Items, all public comments must be received by e-mail no later than 5:00 p.m. the day of the meeting. Comments received by this time will be read aloud by a staff member during the applicable agenda item, provided that such comments may be read within the normal three (3) minutes allotted to each speaker. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions. If a general public comment or comment on a business item is received after 5:00 p.m., efforts will be made to read your comment into the record. However, staff cannot guarantee that written comments received after 5:00 p.m. will be read. All written comments that are not read into the record will be made part of the meeting minutes, provided that such comments are received prior to the end of the City Council meeting.

Public Hearings

For public comment on a public hearing, all public comments must be received by the close of the public hearing period. All comments received by the close of the public hearing period will be read aloud by a staff member during the applicable agenda item, provided that such comments

may be read within the normal three (3) minutes allotted to each speaker. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions. If a comment on a public hearing item is received after the close of the public hearing, such comment will be made part of the meeting minutes, provided that such comment is received prior to the end of the meeting.

PLEASE BE AWARE THAT ANY PUBLIC COMMENTS RECEIVED THAT DO NOT SPECIFY A PARTICULAR AGENDA ITEM WILL BE READ ALOUD DURING THE GENERAL PUBLIC COMMENT PORTION OF THE AGENDA.

The City thanks you for your cooperation in advance. Our community's health and safety is our highest priority.

**November 17, 2020 Minutes
Lemoore City Council
Study Session**

CALL TO ORDER:

At 7:00 p.m., the meeting was called to order.

ROLL CALL: Mayor: NEAL (via Telephone)
Mayor Pro Tem: PLOURDE
Council Members: LYONS, SCHALDE

City Staff and contract employees present: City Manager Olson; City Attorney Lerner; City Clerk Avalos.

Council adjourned to Closed Session at 7:01 p.m.

CLOSED SESSION

1. Government Code Section 54956.9
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of
Section 54956.9: One Case
2. Government Code Section 54956.9
Conference with Legal Counsel – Exposure to Litigation
Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of
Section 54956.9
Two Cases

Council adjourned at 7:26 p.m.

**November 17, 2020 Minutes
Lemoore City Council
Regular City Council Meeting**

CALL TO ORDER:

At 7:30 p.m., the meeting was called to order.

ROLL CALL: Mayor: NEAL (via Telephone)
Mayor Pro Tem: PLOURDE
Council Members: LYONS, SCHALDE

City Staff and contract employees present: City Manager Olson; City Attorney Lerner; Police Chief Kendall; Public Works Director Rivera; City Clerk Avalos.

AGENDA APPROVAL, ADDITIONS, AND/OR DELETIONS

No agenda additions, and/or deletions.

PUBLIC COMMENT

No Public Comment.

CEREMONIAL / PRESENTATION – Section 1

No Ceremonies / Presentations.

DEPARTMENT AND CITY MANAGER REPORTS – Section 2

City Manager Olson stated that Kings County will be going back to purple tier. On Saturday, LPD received the Harley Davidson motorcycle from the End of Watch Organization in honor of Officer Diaz. He stated it was an awesome event. He is thankful for LPD and LVFD.

CONSENT CALENDAR – Section 3

- 3-1 Approval – Minutes – Regular Meeting – November 3, 2020
- 3-2 Approval – Budget Amendment – Processing Fees for Technical Studies
- 3-3 Approval – Budget Amendment and Undulation Request on Oakdale Avenue

Item 3-3 pulled for separate consideration.

Motion by Council Member Lyons, seconded by Council Member Schalde, to approve the Consent Calendar as presented, except for item 3-3.

Ayes: Lyons, Schalde, Neal, Plourde

- 3-3 Approval – Budget Amendment and Undulation Request on Oakdale Avenue

Spoke: Patrick Luis (submitted via email)

Motion by Council Member Schalde, seconded by Mayor Neal, to approve the Budget Amendment and Undulation Request on Oakdale Avenue.

Ayes: Schalde, Neal, Lyons, Plourde

PUBLIC HEARINGS – Section 4

- 4-1 Public Hearing – Resolution 2020-36 – Revising and Updating the Master User Fee Schedule (Speer)

Public hearing opened at: 8:05 p.m.

No one spoke.

Public Hearing Closed at: 8:05 p.m.

Motion by Council Member Schalde, seconded by Council Member Lyons, to approve Resolution 2020-36, Revising and Updating the Master User Fee Schedule.

Ayes: Schalde, Lyons, Neal, Plourde

- 4-2 Public Hearing – First Reading – Ordinance 2020-09 – Dissolving the Downtown Merchants Advisory Committee by Amending Section 3-2-5 of the Lemoore Municipal Code

Public hearing opened at: 8:24 p.m.

No one spoke.

Public Hearing Closed at: 8:25 p.m.

Motion by Mayor Pro Tem Plourde, seconded by Council Member Neal, to introduce and waive the first reading of Ordinance 2020-09, dissolving the Downtown Merchants Advisory Committee by Amending Section 3-2-5 of the Lemoore Municipal Code.

Ayes: Plourde, Neal, Lyons, Schalde

NEW BUSINESS – Section 5

- 5-1 Information Only – Prop 68 Proposed Park Grant Application (Holwell)

Mark Howard, Director of Business Services of Lemoore Union High School District presented to Council in regards to a Prop 68 park grant opportunity.

BRIEF CITY COUNCIL REPORTS AND REQUESTS – Section 6

- 6-1 City Council Reports / Requests

Council Member Lyons thanked the End of Watch organization for the dedication of the motorcycle and he thanked the Police Department. He stated he has an Aging Committee meeting on Thursday. He provided a list of COVID providers in the County to be posted on the website and Facebook.

Council Member Schalde thanked the End of Watch organization for the donation of the Harley Davidson. He thanked everyone involved, it was a sight to see. He thanked LVFD for having the flag out there. He stated he is disheartened to see Measure K fail.

Mayor Pro Tem Plourde stated that Measure K received a good number of 'Yes' votes, just not the number needed. He informed the Council Members that the next meeting is the last opportunity to give a Council report. New Council Members will be sworn in at the next meeting.

Mayor Neal asked if the Recreation Center was currently open to the public.

ADJOURNMENT

At 8:46 p.m., Council adjourned.

Approved the 1st day of December 2020.

APPROVED:

John Plourde, Mayor Pro Tem

ATTEST:

Marisa Avalos, City Clerk



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Staff Report

Item No: 3-2

To: Lemoore City Council

From: Nathan Olson, City Manager

Date: November 19, 2020

Meeting Date: December 1, 2020

Subject: Second Reading – Ordinance 2020-09 – Dissolving the Downtown Merchants Advisory Committee by Amending Section 3-2-5 of the Lemoore Municipal Code

Strategic Initiative:

- | | |
|---|--|
| <input type="checkbox"/> Safe & Vibrant Community | <input type="checkbox"/> Growing & Dynamic Economy |
| <input checked="" type="checkbox"/> Fiscally Sound Government | <input checked="" type="checkbox"/> Operational Excellence |
| <input type="checkbox"/> Community & Neighborhood Livability | <input type="checkbox"/> Not Applicable |

Proposed Motion:

Approve the second reading of Ordinance 2020-09, Dissolving the Downtown Merchants Advisory Committee by Amending Section 3-2-5 of the Lemoore Municipal Code.

Subject/Discussion:

Based on the fiscal position of the City and the difficulty in obtaining a quorum in order to conduct the Downtown Merchants Advisory Committee (DMAC) meetings on a regular basis, City Council provided direction to staff to bring forth an Ordinance to eliminate the DMAC. Such would allow the Downtown Merchants (“DM”) to meet according to their own schedule and to address their needs on a less formal basis as well as save staff time and resources.

Ordinance 2020-09, revises the current ordinance to permanently disband the Downtown Merchant’s Advisory Committee, but continue to collect the assessment. Ordinance 2020-09, disbanding the DMAC, does not prevent City Council from exercising its right to partner with other entities to effectuate the purposes of the ordinance.

Financial Consideration(s):

None.

Alternatives or Pros/Cons:

Pros:

- Allows the Downtown Merchants to operate more efficiently.

Cons:

- None noted.

Commission/Board Recommendation:

Not Applicable.

Staff Recommendation:

Staff recommends that City Council approve the second hearing first of the proposed Ordinance 2020-09.

Proposed Motion:

Approve the second reading of Ordinance 2020-09, Dissolving the Downtown Merchants Advisory Committee by Amending Section 3-2-5 of the Lemoore Municipal Code.

Attachments:

- Resolution:
- Ordinance: 2020-09
- Map
- Contract
- Other
- List:

Review:

- Assistant City Manager
- City Attorney
- City Manager
- City Clerk
- Finance

Date:

- 11/25/2020
- 11/25/2020
- 11/25/2020
- 11/25/2020
- 11/25/2020

ORDINANCE NO. 2020-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMOORE
DISSOLVING THE DOWNTOWN MERCHANTS ADVISORY COMMITTEE
BY AMENDING SECTION 3-2-5 OF THE LEMOORE MUNICIPAL CODE**

WHEREAS, the City Council adopted an Ordinance in February 1995, which created the Downtown Merchants Advisory Committee (the “Committee”) to advise the City Council on the operation and extent of the downtown business improvement area (the “area”), and the methods and ways in which the revenue from the assessment imposed within the area shall be used; and

WHEREAS, the City Council desires to dissolve the Committee and assume all functions and duties regarding operation and extent of the area and use of revenue from the assessment imposed within the area.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMOORE
DOES ORDAIN AS FOLLOWS:**

Section 1. Title 3, Chapter 2, Section 3-2-5 of the Lemoore Municipal Code is hereby amended in its entirety to read as follows:

3-2-5 DISSOLUTION OF THE DOWNTOWN MERCHANTS ADVISORY COMMITTEE:

The Downtown Merchants Advisory Committee, created by this Title 3, Chapter 2, is dissolved as of December 1, 2020 by operation of this ordinance. The terms of all existing members shall end on December 1, 2020. All extant duties of the Advisory Committee shall revert to the City Council. City Council shall consider and make decisions regarding the operation and extent of the area, the methods and ways in which the revenue derived from the assessment imposed by this Chapter shall be used within the scope of the purposes set forth in this Chapter, and perform any other duties deemed necessary to carry out the provisions of this Chapter. The City Council retains the ability to work in conjunction with downtown merchants in order to effectuate the provisions of this section.

Section 2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

Section 4. This Ordinance shall take effect thirty (30) days after its adoption.

Section 5. The City Clerk is authorized and directed to cause this ordinance to be codified after its adoption.

Section 6: The City Clerk is further authorized and directed to cause this ordinance, or a summary of this ordinance, to be published once in a newspaper of general circulation published and circulated in the City of Lemoore within fifteen (15) days after its adoption. If a summary of this ordinance is published, then the City Clerk also shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the Office of the City Clerk at least five (5) days prior to the City Council's meeting at which the ordinance is to be adopted and again after the meeting at which the ordinance is adopted. The City Attorney shall approve the summary.

* * *

The foregoing Ordinance No. 2020-09 was introduced at a regular meeting of the City Council of the City of Lemoore on the 17th day of November, 2020, and was passed and adopted at a regular meeting of the City Council on the 1st day of December, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

ATTEST:

APPROVED:

Marisa Avalos
City Clerk

John Plourde
Mayor Pro Tem



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Staff Report

Item No: 3-3

To: Lemoore City Council

From: Nathan Olson, City Manager

Date: November 25, 2020

Meeting Date: December 1, 2020

Subject: Real Property Lease Purchase Option Agreement of City/Successor Agency Property to People's Properties, LLC

Strategic Initiative:

- | | |
|--|---|
| <input type="checkbox"/> Safe & Vibrant Community | <input checked="" type="checkbox"/> Growing & Dynamic Economy |
| <input type="checkbox"/> Fiscally Sound Government | <input type="checkbox"/> Operational Excellence |
| <input type="checkbox"/> Community & Neighborhood Livability | <input type="checkbox"/> Not Applicable |

Proposed Motions:

Approve a Lease Purchase Option Agreement (Exhibit "A") for use of approximately 19.15 acres of city/successor agency property.

Subject/Discussion:

The City of Lemoore/Successor Agency owns two parcel with approximately 19.15 acres of undeveloped land. People's Properties, LLC desires to use the property for agricultural-related uses related to cultivation of cannabis. The City recently entered into a separate real property lease agreement with a purchase option for a different City-owned parcel. This Lease Purchase Option Agreement would lease the subject property on similar terms as the prior lease.

The City previously entered into a PDA with the developer and under section X(e) of that PDA, the City Manager is delegated authority to administratively amend the PDA so long as the changes do not materially alter the land uses or development contemplated under the PDA. The Manager desires to amend the PDA to include the subject 19.15 acres which will provide the same uses as originally proposed in the PDA. If Council desires to have this item return as a PDA amendment, it can direct staff to return at a later date with a formal PDA amendment.

The proposed agricultural uses are deemed exempt from the California Environmental Quality Act (CEQA) under the general rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment CEQA Guidelines Section 15061(b)(3).

Financial Consideration(s):

People’s Properties, LLC will pay annual rent of \$2,000 per acre for the approximately 19.15 acres leased. 90% of the rent shall be credited to the purchase price if the option to purchase is exercised. The purchase price for 19.15 acres is \$574,500.

Alternatives or Pros/Cons:

Pros:

- Economic benefits through rent payments and purchase price
- Job creation
- Potential stimulation of future growth

Cons:

- Public Perception

Commission/Board Recommendation:

Not Applicable.

Staff Recommendation:

Staff recommends approval of a Lease Purchase Option Agreement with People’s Properties, LLC.

Attachments:

- Resolution:
- Ordinance:
- Map
- Contract
- Other

List: Project Development Agreement

Review:

- Asst. City Manager
- City Attorney
- City Clerk
- City Manager
- Finance

Date:

- 11/25/2020
- 11/25/2020
- 11/25/2020
- 11/25/2020