

MINUTES
Closed Session/Lompoc City Council
Tuesday, October 16, 2001
COUNCIL CHAMBERS/100 CIVIC CENTER PLAZA

CLOSED SESSION – 5:45 P.M. - Administrative Conference Room

Councilmembers Present: DeWayne Holmdahl, Janice Keller, Mike Siminski, and Mayor Dick DeWees.

Oral Communications: None.

NEW BUSINESS:

In accordance with Government Code Section 54956.95, Council met with the City Attorney and Personnel Director concerning settlement of the worker's compensation case of Charles Silkwood.

MINUTES
REGULAR MEETING/
JOINT MEETING LOMPOC CITY COUNCIL/UTILITY COMMISSION
TUESDAY, October 16, 2001
COUNCIL CHAMBERS/100 CIVIC CENTER PLAZA

6:05 P.M. – Study Session
Lompoc Electric Utility and Northern California Power Agency

Councilmembers Present: DeWayne Holmdahl, Janice Keller, Mike Siminski, and Mayor Dick DeWees.

Utility Commissioners: Denise Caron, Bess Christensen, Marvin Loney, Robert Holloway, and Chair David Pierce. Chair Pierce and Commissioner Caron arrived shortly after the meeting started.

PRESENTATION:

Lompoc Electric Utility and Northern California Power Agency (NCPA) -

Utility Director Gary Keefe presented an overview of the history of the City's electric service, noting that Lompoc joined Northern California Power Agency in 1968 to allow for collective contracting of wholesale electricity. He described the progress on development of public power and significant changes that have occurred due to electric deregulation in 1996. The results of deregulation have diminished reliability and caused higher rates and costs State-wide. While wholesale costs have escalated, Lompoc does not project a rate increase due to the efficiency of the City's partial ownership in various energy sources.

NCPA General Manager George Fraser advised that Lompoc is one of 15 active members and reported that Councilmember Mike Siminski was elected Chair of NCPA, having served for many years. Mr. Fraser's slide presentation covered issues regarding PG&E's bankruptcy, Western Area Power Administration (WAPA) power cost, interconnection, refunds, political arena, and local control. He reported that NCPA is working aggressively to recover \$11 million from PG&E and that this has impacted WAPA's power costs as well. NCPA works with lobbyists to protect the interests of its members and to educate Congressional representatives in such areas as transmission, public trading, price gouging, and market costs. Mr. Fraser explained the issues to be resolved when the City's Interconnection Agreement with PG&E will expire in March 2002. He announced the Strategic Planning Workshop and legislative rally in Washington, D.C. for January 2002, and an NCPA Commission meeting in Lompoc in June 2002.

PRESENTATIONS (Cont'd)

NCPA Staff Don Dame spoke regarding the Interconnection Agreement and the available options, discussed current and past market conditions, and noted there are more than 500 energy related bills proposed at the State level that continue to be monitored. NCPA Legislative Director Jane Cirrincione commended the City's elected officials for their ongoing support, which is necessary to be effective at the State and National levels. She discussed various state and federal legislation issues and stressed the importance of elected officials attending the Washington, D.C. legislative rally, January 26-30, 2002.

Councilmember Siminski inquired about the status of transmission lines in Los Banos and San Luis Obispo County which is known as Path 15. Mr. Fraser stated that efforts are underway to build a connection in the middle of the State from a Transmission Agency of Northern California connection to hydroelectric facility in Oregon. Discussion continued on security measures taken at various NCPA projects and the need for diverse energy sources to secure better prices and reliability in the future.

Public Comment: None.

Adjournment: At 7:04 P.M., the Joint Meeting of the City Council and Utility Commission was adjourned.

Regular Meeting Lompoc City Council – October 16, 2001
7:12 P.M. – Regular Session

Councilmembers Present: DeWayne Holmdahl, Janice Keller, Mike Siminski and Mayor Dick DeWees.

Councilmember Absent: Will Schuyler

Staff Participants: City Administrator Frank Priore, City Attorney Sharon Stuart, City Clerk Jane Green, Assistant City Administrator Dave Norman, and Parks and Recreation Director Vince Elizondo.

Other Participants: Dave Pierce, Ralph Harman, John Read, Anna Bass, and Claude Lee.

Ernie Freund gave the invocation and Mayor DeWees led the pledge of allegiance.

PRESENTATIONS:

Mayor DeWees presented proclamations for Make a Difference Day, October 27, 2001, to Parks & Urban Forestry Manager Cindy McCall; for Red Ribbon Week, October 23-31, 2001, to Joe Bailey and George Berrios, Lompoc Police Department; and displayed the Public Power Week Proclamation for October 7-13, 2001 from Assemblymember Abel Maldonado.

STAFF REQUESTS AND ANNOUNCEMENTS:

City Administrator Frank Priore requested that Consent Calendar Item 9 (Out-of Agency Service Agreement) be pulled for discussion at a later date. He advised the public that during the last three months the City has been involved with enhancing security measures and working with the County and other cities to address these issues regionally. Security measures will be discussed with City Council in Closed Session at the next meeting.

COUNCIL REQUESTS AND ANNOUNCEMENTS:

Mayor DeWees congratulated the Lompoc Police Department for raising \$14,000 for survivors of victims of New York and Pentagon tragedies. He announced the Lompoc Pops Orchestra's Salute to America, October 22, 2001 at 7:00 P.M., encouraged the public to visit the Cypress Gallery for a new art show, and advised he will attend a California LAFCO Conference October 31-November 2.

Councilmember Holmdahl stated he would attend an NCPA meeting October 24-25, 2001. He thanked Staff for the traffic report on H and Laurel and recommended the schools be contacted for their assistance. Community Development Director Marlene Demery advised the report would be provided CalTrans for their safety improvement suggestions and Staff will be working on various student safety issues with the schools and PTA.

Councilmember Keller suggested CAC Head Start representatives also be contacted to address traffic safety issues. She announced October 20, 2001 is the Library's Dinner with the Authors and November 3 is the Soroptimists' annual holiday bazaar. Ms. Keller reported that the Lompoc Valley Committee recently discussed the need to address additional traffic flow at "H" and Purisima Road, and that the Hospital Board is considering the purchase of property at Seventh and Ocean as a new hospital site.

1. City of Lompoc Relationship with the Mural Society. Requested by Councilmember Keller.

Prior to consideration of this item, Mayor DeWees stated he is the non-salaried Co-Chair of the Lompoc Mural Society.

City Administrator Frank Priore summarized the Staff report that included historical background on the Mural Society, noted minimal staff time is allocated, and advised that the report's reference to current revenues should be approximately \$80,000.

Councilmember Keller stated she did not want the Mural Society to become a City Commission, however, did want the City's role with the Mural Society clarified. She expressed concern and urged the Mural Society to obtain Internal Revenue Service 501(c)(3) (nonprofit) status. Councilmember Holmdahl spoke in support of the revenues generated from the mural project, which offsets the City's staff time.

Public Comment: None.

Brief discussion followed on disbursement of funds and insurance for the Mural project. No Council action was taken.

2. Written Waiver of Special Meeting Notices. Requested by Councilmember Siminski.

City Clerk Jane Green advised that Government Code Section 54956 allows for a procedure to streamline the special meeting notice requirements that gives the Councilmembers the option of waiving the written notice requirement. In such case, the Councilmembers are contacted regarding the meeting details via telephone within 24-hours of the special meeting.

Councilmember Siminski spoke in support of the proposal to simplify procedures.

Public Comment:

Dave Pierce expressed concern that the policy needs to include confirmation from Councilmembers as to their attendance at the special meeting to insure there is a quorum.

COUNCIL REQUESTS (Cont'd)

Item 2 (Cont'd)

ACTION: Motion/Second: Councilmember Siminski/Mayor DeWees. The motion to accept the proposed procedures for waiver of special meeting notice failed, 2-2 (Councilmembers Holmdahl and Keller voted **NO**, and Councilmember Schuyler **ABSENT**). Motion/Second: Councilmember Keller/Holmdahl. Following further discussion regarding modifying the policy to require confirmation from Councilmembers regarding the meeting, on a 4-0 vote (Councilmember Schuyler was ABSENT) the Council adopted a policy, as provided in Government Code Section 54956, to provide for a Waiver of a Special Meeting Notice, with confirmation from the Councilmembers that they received the notice, and directed Staff to accordingly amend the City Council Handbook.

3. Council Meeting Attendance by Teleconference. Requested by Councilmember Siminski.

City Attorney Sharon Stuart summarized the Staff report noting the Brown Act authorizes teleconferencing at meetings to which the members are connected by electronic means (audio or video or both) and outlined the requirements.

Public Comment:

- (1) Ralph Harman spoke against teleconferencing of public meetings.
- (2) John Read, Lompoc Record, expressed concerns about the ability of the public to listen to all comments at the meetings.
- (3) Bess Christensen said teleconferencing may work for routine matters, however, problems may arise when there is considerable debate.
- (4) Anna Bass spoke against the proposal and said telephone meetings are difficult because voice connections are not always clear.

ACTION: Motion/Second: Councilmember Siminski/Holmdahl. On a 4-0 vote (Councilmember Schuyler ABSENT) the City Council approved an amended motion to adopt minor changes to allow a procedure for Council to attend and participate in City Council Closed Sessions by teleconference as permitted by California Government Code Section 54953. The original motion was to adopt the Staff's proposed text for Closed Sessions only. The amended motion added provisions for at least three Councilmembers to meet in the accustomed meeting place within the City of Lompoc and that one of the three Councilmembers preside over the meeting. The policy does not apply to open sessions.

ORAL COMMUNICATIONS

- (1) Dave Pierce stated that the Special Meeting Notice, whether verbal or written, to the City Councilmembers should include the meeting details and business to be discussed.
- (2) Ralph Harman said the Teleconferencing item was not properly noticed since the Staff report referenced using Teleconferencing for regular meetings not closed sessions.
- (3) Claude Lee said that a CalTrans representative referred him to the City to report that the traffic signal light at Ocean and Seven is changing too soon for cross traffic.

CONSENT CALENDAR:

Motion/Second: Councilmembers Holmdahl/Siminski. Items listed under Consent Calendar were approved except as noted under Items 9 and 12. The motion carried on a vote of 4-0

(Councilmember Schuyler **ABSENT**).

4. Approved Regular City Council Meeting Minutes of October 2, 2001.
5. Approved expenditures for:
Payroll of 9/28/01 - \$888,146.71
Voucher Register of 10/05/01 - \$1,003,205.63
Voucher Register of 9/28/01 - \$416,719.08
6. Appropriated an additional \$28,000 in public benefit funds for rebate incentives to replace old refrigerators with new energy efficient refrigerators, to be charged to account number 52530-57202, entitled Energy Efficiency Incentive Services.
7. Adopted Resolution No. 4961(01), Authorizing the City of Lompoc to enter into a Revised Cost Sharing Agreement for Maintenance of State Highway Traffic Signals and Safety Lighting within the City Limits and authorized the Mayor to sign the Agreement with CalTrans.
8. Adopted the Plans and Specifications for Project No. FY-01-S-1; awarded a Contract in the amount of \$771,707.40 to R. Burke Corporation; authorized the Mayor to execute the necessary agreements for this Project; and authorized the City Engineer to approve contract change orders in an amount not-to-exceed \$160,000.
9. No action was taken on a request by Mike Perry to allow sewer connection of an existing single-family house to the City's wastewater system for property located at 629 San Miguelito Road (APN 93-130-011), which is outside the City limits. This project is categorically exempt pursuant to the provisions of the California Environmental Quality Act. *(City Administrator Frank Priore requested this item be considered at a later date.)*
10. Adopted Resolution No. 4965(01) Granting an Extension to May 1, 2002 of the Cable Franchise with Comcast Cablevision.
11. Authorized the Mayor to execute the Eighth Amendment to Consultant Service Agreement with Kennedy/Jenks Consultants, CS95-W-1, Design of a 4 Million Gallon (MG) Reservoir, which increases the contract by \$41,384.67 for a revised contract amount of not to exceed \$650,475.27.
12. Application for Grant Funding under the Safe Neighborhood, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 and Designate the Use of these Grant Funds for the Lompoc Aquatic Center Project. *(Councilmember Keller requested this item be discussed separately at the end of the meeting.)*
13. Approved sending a revised letter to the Santa Barbara County Association of Governments (SBCAG) supporting the addition of a CAE bus, formerly utilized on the Ventura-Santa Barbara route, to a route from Lompoc to downtown Santa Barbara. *(Previously considered at the October 2 City Council meeting.)*

PUBLIC HEARING:

14. **Tax and Equity Fiscal Responsibility Act of 1982 (TEFRA) Hearing: 800 North G Street (Valli-Hi Apartments), Increase in Bond Authority.**

Assistant City Administrator Dave Norman reported that on June 26, 2001, the City Council adopted Resolution No. 4938(01), approving the Issuance of Qualified Private Activity Bonds by the **PUBLIC HEARING** (Cont'd)

Item 14.

Statewide California Communities Development Authority for the rehabilitation of Valli-Hi Apartments at 800 N. "G" Street. Subsequently, Pacific American Properties, Inc. determined that

an additional \$200,000 in bond funding was needed for additional rehabilitation, which brings the total from \$5,760,000 to \$5,960,000.

Public Testimony: None.

ACTION: Motion/Second: Councilmember Holmdahl/Keller. On a 4-0 vote (Councilmember Schuyler **ABSENT**) Council adopted Resolution No. 4966(01), Approving an Increase in the Issuance of Qualified Private Activity Bonds by the Statewide California Communities Development Authority (800 N. G Street Valli-Hi Apartments).

LEGISLATIVE MATTERS:

Resolution No. 4961(01), Authorizing the City of Lompoc to enter into a Revised Cost Sharing Agreement for Maintenance of State Highway Traffic Signals and Safety Lighting With the City Limits See under Consent Calendar

Resolution No. 4962(01) Approving the City of Lompoc to Apply for Grant Funds for the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, & Coastal Protection Bond Act of 2000 See under Consent Calendar

Resolution No. 4963(01) Approving an Application For Grant Funds for the Roberti-Z’Berg-Harris Grant Program under the Safe Neighborhood Parks, Clean Water, and & Coastal Protection Bond Act of 2000 See under Consent Calendar

Resolution No. 4964(01) Approving the City’s Application for Grant Funds for Urban Recreational And Cultural Centers, Museums, and Facilities for Wildlife Education or Environmental Education Program Under the Safe Neighborhood Parks, Clean Water, Clean Air & Coastal Protection Bond Act of 2000 for Construction Of the Lompoc Aquatic Center. See under Consent Calendar

Resolution No. 4965(01) Granting an Extension to May 1, 2002 of the Cable Franchise with Comcast Cablevision of Lompoc, Inc. See under Consent Calendar

Resolution No. 4966(01) Approving an Increase in the issuance of Qualified Private Activity Bonds by the California Statewide Communities Development Authority See under Consent Calendar

Resolution No. 4967(01) Expressing Outrage and Sorrow regarding the terrorist attacks on the United States on September 11, 2001, and supporting the Determination of the President and Congress of the United States. See under Consent Calendar

NEW BUSINESS:

15. **Resolution Pertaining to September 11, 2001 National Tragedy.**

City Administrator Frank Priore advised several cities had adopted resolutions pertaining to the national tragedy of September 11, 2001 and suggested the City Council may wish to adopt a similar

resolution expressing outrage and sorrow regarding the terrorists' attacks. He reviewed changes proposed to Resolution No. 4967(01).

Public Comment:

- (1) Anna Bass spoke in support of the changes to the Resolution and noted that many non-citizens were killed in the tragic event.
- (2) Claude Lee spoke in support of the Resolution.

ACTION: Motion/Second: Mayor DeWees/Councilmember Holmdahl. The City Council on a 3-1-0 vote (Councilmember Keller **ABSTAINED** and Councilmember Schuyler **ABSENT**) adopted a modified Resolution No. 4967(01) Expressing Outrage and Sorrow Regarding the Terrorist Attacks on the United States on September 11, 2001, and Supporting the Determination of the President and Congress of the United States. Mayor DeWees' motion was to accept the proposed changes, however, keep the words "as Americans" in Section 1 of the Resolution. Mayor DeWees and Councilmember Keller debated whether the reference to the Nation standing together should include all nationalities and origins regardless of citizenship status.

WRITTEN COMMUNICATIONS: None.

ORAL COMMUNICATIONS: None.

Consent Calendar Item 12 - Application for Grant Funding under the Safe Neighborhood, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 and Designate the Use of these Grant Funds for the Lompoc Aquatic Center Project.

Councilmember Keller objected to applying for grant funds for the Lompoc Aquatic Center project because it has not been determined if the City will proceed with the project and inquired about grant application deadlines and requirements. Parks and Recreation Director Vince Elizondo explained that City Council had directed Staff to proceed with securing Proposition 12 funding for the Aquatic Center. The Proposition 12 grants were on a per capita basis, are flexible for other parks and recreation purposes, and have contract deadlines in 2003 and 2004. Resolution No. 4964(01) is for a competitive grant with a deadline of November 1, 2001. Councilmember Keller suggested action be delayed on the Proposition 12 grants until the Council receives a full report on the survey and the schematic drawings for the aquatic center project. Councilmember Siminski spoke in support of the recommendations stating allocating the Proposition 12 funds to the Aquatic Center would give support to the competitive grant.

ACTION: Motion/Second: Councilmember Siminski/Mayor DeWees. The City Council on a 3-1-0 vote (Councilmember Keller **NO** and Councilmember Schuyler **ABSENT**) took the following action as requested by Staff:

- a. Approved and supported the application of funds available through the Safe Neighborhood, Clean Water, Clean Air, and Coastal Protection Act of 2000 (also known as Proposition 12) and adopted Resolutions No. 4962(01), 4963(01), and 4964(01).
- b. Allocated all funds received from the Proposition 12 Per Capita Grant Program, the Roberti-Z' Berg-Harris Block Grant Program, and the URCC Competitive Grant Program to be designated for the Lompoc Aquatic Center project.
- c. Authorized the City Administrator to act as the Agent for the City in executing all documents including applications, agreements, amendments, payment requests, and so on, which will be necessary for the completion of the aforementioned project.

COUNCIL REQUESTS AND COMMENTS:

Councilmember Keller requested the Staff review the complaint regarding the fast traffic light at Seventh and Ocean and expressed concern that a citizen was not allowed to comment during the first Oral Communications on an agenda item scheduled later in the meeting.

ADJOURNMENT:

At 8:39 P.M., Mayor DeWees adjourned the meeting

to the Regular Meeting of November 6, 2001 at 7:00 P.M. The meeting will be preceded by a Closed Session to begin at 5:30 p.m. or at the time shown on the agenda.

Dick DeWees, Mayor
City of Lompoc

ATTEST:

Jane C. Green
City Clerk
Dated: October 19, 2001