

MINUTES

Regular Meeting of the Lompoc
City Council and Lompoc Redevelopment Agency
Tuesday, May 18, 2010
City Hall, 100 Civic Center Plaza, Council Chambers

OPEN SESSION - 7:00 P.M.

Council/Agency Members Present: Bob Lingl, Ann Ruhge, Mayor Pro Tempore/Vice Chair Cecilia Martner, and Mayor/Chair Siminski.

Council/Agency Members Absent: Tony Durham

Staff Present: City Administrator/Executive Director Laurel Barcelona, City Attorney/General Counsel Joe Pannone, City Clerk/Secretary Donna Terrones, Public Works Director Larry Bean, Solid Waste Superintendent Claudia Stine, Community Development Director Arleen Pelster, Redevelopment Program Coordinator Linda Wertman, and Battalion Fire Chief Jeffrey States.

Others Present: John Hess, John Linn, Ralph Harman, Frances Sheel, Arlen Sechrest, Frank Thompson, Dulcie Sinn, Shellan Miller, Michael Sakamoto, and Fred Lamont.

John Reil gave the invocation and Mayor Mike Siminski led the Pledge of Allegiance.

CITY ADMINISTRATOR/EXECUTIVE DIRECTOR’S STATUS REPORT: (distributed as an informational report)

STAFF REQUESTS AND ANNOUNCEMENTS:

City Administrator Laurel Barcelona advised Council of a typo on page two of Consent Calendar Item No. 4.

COUNCIL/REDEVELOPMENT AGENCY REQUESTS AND ANNOUNCEMENTS:

CITY 1. **Review of Previously Approved Invocation Provision of the Lompoc City Council Handbook.**

City Administrator/Executive Director Laurel Barcelona presented the staff report and recommendations

Public Comment: None

Mayor/Chair Siminski noted that the change is minor.

Council/Agency Member Lingl stated that there were no changes made at the February 16, 2010 Council Meeting. He noted he spoke to various ministers who do not agree with the wording. Council Member Lingl recommended deleting “non-sectarian” and “shall be removed” and moved for his recommendation. Motion failed due to lack of second.

ACTION: Motion/Second: Martner/Ruhge. By a 3 to 1 vote (*Council/Agency Member Lingl voted **NO** and Council/Agency Member Durham **ABSENT***), the City Council readopted Resolution No. 5611(10), approving the revised City Council Handbook.

Council/Agency Member Lingl announced on July 10, 2010, at 8 A.M. at the Lompoc Police Department the local churches, led by Pastor Bernie Federmann and Pastor Darren Hunt, will be hosting a city wide clean-up.

Mayor/Chair Siminski announced a phone call received acknowledging the efforts of the Lompoc Police Department’s Check Point program. He announced the American Cancer Society’s “Relay for Life” event was a success, acknowledged the efforts of the Beautification Commission, and announced a general work day they will be having in May.

ORAL COMMUNICATIONS:

1. John Hess commented on the Home Use Permit process.

CONSENT CALENDAR:

ACTION: Motion/Second: Martner/Ruhge. By a 4 to 0 vote (*Council/Agency Member Durham **ABSENT***), the City Council/Agency with noted changes to Item No. 4:

- CITY/RDA 2. Approved Minutes of the Lompoc City Council and Lompoc Redevelopment Agency Regular Meetings of May 4, 2010 and April 20, 2010.
- CITY 3. Approved expenditures for:
Payroll of 4/28/10 - \$1,036,376.19
Voucher Register of 5/7/10 - \$1,270,060.36
Voucher Register of 4/30/10 - \$389,612.17
Credit Refunds 5/5/10 - \$1,955.27
Manual Checks (Mar 2010) 4/23/10 - \$13,000.00
- CITY 4. Adopted Resolution No. 5635(10) (i) to preliminarily approve the Engineer's Report and (ii) to provide notice of a public hearing for the proposed continuation of the assessments for the Park Maintenance and City Pool Assessment District No. 2002-01 in order to receive any public input on the proposed continuation of the assessments, the proposed assessment budget for fiscal year 2010-2011, the services and improvements of the assessments fund, and any other issues related to the assessments.
- CITY 5. Adopted Resolution No. 5638(10), which authorizes the temporary closure of portions of "H" Street and Ocean Avenue.
- CITY 6. Adopted Resolution No. 5640(10) amending the Classification and Compensation Plans to include the new job classes and salary ranges for Code Enforcement Officer I and II, and Senior Code Enforcement Officer, approved the position allocation change in the Community Development Department's budget, and approved the appropriations and program changes that fund the proposed salary range adjustments for the balance of Fiscal Years 2009-2011 budget.

PUBLIC HEARING:

- CITY 7. **Establishing New Rates and Fees for the Collection and Disposal of Solid Waste.**

Public Works Director Larry Bean presented the staff report, recommendations and a PowerPoint presentation. He announced that Solid Waste Superintendent Claudia Stine and David Davis of MSW Consultant are available for questions.

Council Member Martner thanked staff for their report. She questioned the increase to fleet. Finance Director Brad Wilkie explained the increase is due to the increase of fuel costs. Public Works Director Larry Bean added that staff will come to Council every six months and advise Council if there are new regulations pertaining to rates. Ms. Martner proposed spreading the rate increases over five years instead of three years. Public Works Director Larry Bean stated that this would only increase the reserves by 10% over a five year period as opposed to 20% over a three year period.

PUBLIC HEARING: (cont'd)

Council Member Lingl acknowledged staff's report, commented on a proposed recommendation of reducing the 15% to 10%. He asked staff to explain the effects of a 10% increase in reserves vs. a 15% increase to reserves. Staff explained that reserves are used for capital improvements and a 15% increase would put \$684,000 back into the reserves and a 10% increase would only put \$350,000. Mr. Bean feels this doesn't balance out the portions to what they are losing and the need to develop the reserve and spoke in support of staff's recommendations.

Public Comment:

1. John Linn commented on potential cost savings.
2. Ralph Harman commented on the rate increases and commended the Solid Waste staff for their service.

Council Member Lingl reiterated the recommended and proposed single family, multi family, and commercial increases. Staff gave a brief overview of the increases at the recommended and proposed increases.

Council Member Martner proposed a 10% increase due to economic times. Single Family at 13% first year, 10% second year, and 8% third year. Staff continued with Multi Family 6% first year, 5% second year and 4% third year and Commercial 3% first year, 2% second year and 2% third year. Staff stated changes to the Resolution will be made once approved.

Council Member Ruhge stated she wasn't aware of the proposed change but supports the proposed change to the recommendation.

Mayor Siminski spoke in opposition to staff proposed recommendations.

ACTION: Motion/Second: Martner/Lingl. By a 3 to 1 vote (*Mayor Siminski voted **NO** and Council Member Durham **ABSENT***), the City Council adopted Resolution No. 5630(10) establishing new rates and fees for the collection and disposal of solid waste.

RECESS: At 8:25 P.M. Mayor/Chair Siminski announced a break. At 8:35 P.M., the meeting reconvened with all Council/Agency Members present.

CITY 8. **City Council Consideration of a Planning Commission Recommendation for a Text Amendment to the City's Zoning Ordinance to Amend Chapter 17.148 – Application of Environmental Guidelines to Zoning Matters and a Recommendation for Adoption of Amended Environmental Review Guidelines. The Proposed Text Amendment will Amend the City of Lompoc Environmental Review Guidelines to be Consistent with Requirements of the California Environmental Quality Act (CEQA). If Adopted, the Ordinance will be Effective Citywide. A Negative Declaration has been Prepared for this Project in Accordance with the California Environmental Quality Act (CEQA). (Planning Division File No. TA 10-02)**

Community Development Director Arleen Pelster presented the staff report and recommendations.

PUBLIC HEARING: (cont'd)

Public Comment:

- 1. John Linn spoke in support of staff’s recommendations.

Council Member Lingl complimented staff’s effort with the report.

ACTION: Motion/Second: Lingl/Martner. By a 4 to 0 vote (*Council Member Durham ABSENT*), the City Council:

- A) Received and reviewed the Planning Commission recommendation; and
- B) Held the public hearing; and
- C) Certified the Negative Declaration prepared for the Text Amendment and directed staff to file a Notice of Determination (NOD); and
- D) Waived further reading and introduced Ordinance No. 1562(10) approving Text Amendment TA 10-02 amending the City’s Zoning Ordinance *Chapter 17.148-Application of Environmental Guidelines to Zoning Matters*; and
- E) Adopted Resolution No. 5633(10) amending the City of Lompoc’s Environmental Review Guidelines.

- CITY 9. **Approval of Resolution No. 5636(10), a Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Declaring a Public Nuisance (1128 North “A” Street).**

Community Development Director Arleen Pelster presented the staff report and recommendations.

Council Member Martner stated she drove by the property and asked how long it’s been in disarray. Staff stated the property has been this way for several years and that contact with the property owner has been made with no response.

Public Comment:

- 1. Frances Sheel commented on the property owner and suggested owner sell it.

City Attorney stated the City is not in the position to negotiate the sale of the property, that it is up to the owner or representative. He noted for the record that the property owner or representative was not present at the Council Meeting and therefore did not make any comments during the Public Hearing.

Council Member Lingl stated numerous attempts were made to contact the owner of the property.

ACTION: Motion/Second: Lingl/Martner. By a 4 to 0 vote (*Council Member Durham ABSENT*), the City Council:

- A) Adopted Resolution No. 5636(10), Declaring a Public Nuisance; and
- B) Authorized abatement of 1128 North “A” Street as follows:

PUBLIC HEARING:

- 1) Replace all windows and doors that are currently boarded up with boards fitted to the opening and painted to match the surrounding structure;
- 2) Replace all dilapidated fences with chain-link fences;
- 3) Board-up all broken windows, doors, and other openings with boards fitted to the opening and painted to match the surrounding structure;
- 4) Trim or remove all grass and weeds, including shrub-like plants, that are overgrown to an average height in excess of one foot from the ground level that are a) likely to harbor rats or other vermin; b) constitute an unsightly appearance; c) dangerous to public safety and welfare; d) detrimental to neighboring properties or property values;
- 5) Remove all lumber, junk, trash, or debris upon the premises which is visible from a public street, alley, or adjoining property;
- 6) Remove all accumulation of dirt, litter, or debris, in vestibules, doorways, adjoining walkways or pathways.

CITY/RDA 10. **Request for City Council and RDA to Approve the Use of Tax Increment Funds for Construction and Rehabilitation Projects for Community Recreation Facilities and Structures.**

Redevelopment Program Coordinator Linda Wertman presented the staff report and recommendations.

Public Comment: None

Mayor Siminski stated for the record the Council met with the Members of the Senior Commission, and stated they are in support of this item.

ACTION: Motion/Second: Martner/Ruhge. By a 4 to 0 vote (*Council Member Durham ABSENT*), the City Council:

- A) Held a public hearing and took public testimony to consider the use of the Lompoc Redevelopment Agency's tax increment revenue to assist with construction, installation, and rehabilitation costs for the Community Recreation Facilities Rehabilitation Project; and
- B) Adopted Resolution No. 5637(10), approving the use of tax increment revenue by the Agency for the Community Recreation Facilities Rehabilitation Project.

ACTION: Motion/Second: Martner/Ruhge. By a 4 to 0 vote (*Agency Member Durham ABSENT*), the Board:

- A) Adopted Resolution 10-140 authorizing the expenditure of approximately \$7,100,000 of bond proceeds revenue for land and equipment acquisition, rehabilitation, construction, and installation costs for the Community Recreation Facilities Rehabilitation Project, which includes the Senior Community Center, and the Aquatic Center.

NEW BUSINESS:

CITY

11. **Declaration of Nuisance and Weed Abatement Order.**

Battalion Fire Chief Jeffrey States presented the staff report and recommendations.

Council Member Ruhge questioned if the City received responses to the letters that were sent to the property owners. Staff stated that 29 of the property owners have complied.

Council Member Lingl asked staff to explain the process the Fire Department goes through regarding the properties that are a nuisance. Staff explained the process.

Mayor Siminski clarified that the process is only for vacant lots, not residential.

Public Comment:

- 1. Arlen Sechrest commented on various properties that have mowed and caused weed seeds to blow around the City. He asked Council to have staff look into doing something.

Safety

Mayor Siminski asked City Administrator Laurel Barcelona to have the Public Commission look into it.

Council Member Lingl reiterated the Mayor's comment.

ACTION:

Motion/Second: Martner/Ruhge. By a 4 to 0 vote (*Council Member Durham ABSENT*), the City Council adopted Resolution No. 5634(10) declaring certain parcels as public nuisances by virtue of weed growth, and/or by the accumulation of rubbish, refuse, and dirt pursuant to Government Code Sections 39560-39588 and setting a public hearing regarding the same.

CITY/RDA

12. **Request for Approval of Funding Recommendations in Response to the Redevelopment Agency and Lompoc Affordable Housing Trust Fund's (LAHTF) Notice of Funds Available (NOFA) and the Community Development Block Grant (CDBG), Federal HOME and Human Services Funding NOFA.**

Redevelopment Program Coordinator Linda Wertman presented the staff report and recommendations and noted minor changes in the report. She introduced Shellan Miller of Pacific West Properties who presented a PowerPoint presentation and spoke in support of staff's recommendations.

Ms. Wertman introduced Mike Sakamoto and Nelson Oliva with NEO Consulting who presented a PowerPoint presentation and spoke in support of staff's recommendations.

Ms. Wertman introduced Fred Lamont of the Housing Authority of the County of Santa Barbara who spoke in support of staff's recommendations.

Council/Agency Member Martner questioned Pacific West Properties location of the proposed project and how secure is the project in moving forward. Ms. Wertman stated that the organization has had many successful projects but is also dependent on the receipt of tax credits. Ms. Martner questioned if NEO Consulting was the only applicant. Ms. Wertman stated that the three applicants who applied are the three here tonight.

Mayor/Chair Siminski asked staff if Pacific West Properties was the only one applying for tax credits. Staff stated no, that the Housing Authority has applied as well. Mayor/Chair Siminski questioned the dates of the tax credit applications and if the City could do anything else to help support the agencies obtainin the tax credits. Staff stated that a lot of effort has gone into helping the agencies with the process.

NEW BUSINESS: (cont'd)

Mayor/Chair Siminski asked Shellen Miller of Pacific West Properties, once they receive tax credits how long after are they ready to break ground. Ms. Miller stated within 150 days.

Public Comment:

1. Frank Thompson spoke in support of staff's recommendations.
2. Dulcie Sinn commented on the proposed projects and voiced concern with traffic impact, residential parking, and review by Planning Commission.

Staff stated that the proposed projects are going before the Planning Commission on June 10, 2010, that all regulations will be in compliance, and that staff will be able to recommend approval.

Council/Agency Member Lingl questioned the status of prior projects of Pacific West Properties. Ms. Miller stated that the projects in 2008 are nearing completion and the projects in 2009 are in the closing process due to breakdown in investments. He questioned the requirements for the City regarding low-income housing. Staff stated that the proposed projects will help meet the City's housing element goals.

ACTION: Motion/Second: Martner/Ruhge. By a 3 to 1 vote (*Agency Member Lingl voted NO and Agency Member Durham ABSENT*), the Board:

- A) Approved loan funds totaling \$1.3 Million to Pacific West Properties, Inc. for the Cypress Court project located at 1420 East Ocean Avenue, (APN: 085-150-17 & 18), with disbursement of funds contingent upon award of low-income housing tax credits from the California Tax Credit Allocation Committee (CTCAC) to the project. Loan funds will be provided as follows:
 - 2) \$450,000 Housing Set-Aside Incentive funds.
 - 3) \$650,000 Housing Set-Aside Revolving funds.
 - 4) \$200,000 Redevelopment CalHFA HELP II funds; and

ACTION: Motion/Second: Lingl/Martner. By a 4 to 0 vote (*Agency Member Durham ABSENT*), the Board:

- B) Approved loan funds totaling \$1.175 Million to the Housing Authority of the County of Santa Barbara (HACSB) for the housing portion of the Santa Rita Village project which is located at 815 West Ocean Avenue (APN: 091-040-90, 92 & 93). Loan funds will be provided as follows:
 - 1) \$500,000 Housing Set-Aside Incentive funds.
 - 2) \$500,000 Housing Set-Aside Revolving funds.
 - 3) \$175,000 CalHFA HELP II funds; and

ACTION: Motion/Second: Ruhge/Martner. By a 3 to 1 vote (*Agency Member Lingl voted NO and Agency Member Durham ABSENT*), the Board:

- C) Approved a \$350,000 in Housing Set-Aside loan funds to NEO Consulting, Inc. dba Affordable Housing Solutions Group for foreclosure acquisition and rehabilitation of single family homes to be sold to lower-income households; and

NEW BUSINESS: (cont'd)

ACTION: Motion/Second: Lingl/Martner. By a 4 to 0 vote (*Council Member Durham **ABSENT***), City Council:

- A) Approved a \$1,635,000 Lompoc Affordable Housing Trust Fund loan to the Housing Authority of the County of Santa Barbara (HACSB) for the housing portion of the Santa Rita Village project which is located at 815 West Ocean Avenue (APN: 091-040-90, 92 & 93), with fund disbursement contingent upon fund availability; and

ACTION: Motion/Second: Martner/Ruhge. By a 3 to 1 vote (*Council Member Lingl voted **NO** and Council Member Durham **ABSENT***), the City Council:

- B) Approved a reservation of \$500,000 from the Federal HOME affordable housing funds for Pacific West Communities for project costs related to the development of a 78-unit affordable rental housing development at 1420 East Ocean Avenue (APN: 085-150-17 & 18).

RDA 13. **Loan Extension Request from Lompoc Housing and Community Development Corporation (LHCDC) for a \$375,000 CalHFA Help II Loan for Property Located at 114 South “K” Street (APN 091-102-18,19).**

Redevelopment Program Coordinator Linda Wertman presented the staff report and recommendations.

Agency Member Martner voiced concern with the current standing of loans that LHCDC currently has and their risk of foreclosure on the properties. Legal Counsel Joe Pannone explained that a process has been started with a notice already sent indicating that it is the intent the Agency is trying to recover funds previously provided.

Dulcie Sinn with LHCDC spoke in support of the Corporation. She explained the efforts by LHCDC in trying to obtain programmatic monies from the State and private companies.

Agency Member Lingl voiced his concern with the numerous projects that LHCDC is involved in that have not been completed. Ms. Sinn further explained that LHCDC has been working very hard to turn things around.

Public Comment: None

Agency Members Martner and Ruhge spoke in opposition to the request for an extension.

Agency Member Lingl commended all the efforts made by LHCDC but does not support the request.

Chair Siminski noted that the Agency previously requested LHCDC to submit financial statements and thus far, the statements have not been submitted.

Legal Counsel stated that LHCDC is willing to process a deed in lieu and noted this would be the easiest alternative. Ms. Sinn of LHCDC concurred.

Agency Member Ruhge moved to have staff do what is necessary to obtain the property at 114 South “K” Street.

NEW BUSINESS: (cont'd)

Item No. 13

ACTION: Motion/Second: Martner/Ruhge. By a 4 to 0 vote (*Agency Member Durham **ABSENT***), the Board denied a two-year loan extension request from the Lompoc Housing and Community Development Corporation (LHCDC) for the \$375,000 CalHFA Help II Loan.

ACTION: Motion/Second: Ruhge/Chair Siminski. By a 4 to 0 vote (*Agency Member Durham **ABSENT***), the Board directed staff to do what is necessary to obtain the property located at 114 South “K” Street (APN 091-102-18,19).

WRITTEN COMMUNICATIONS: None.

ORAL COMMUNICATIONS: None.

COUNCIL/REDEVELOPMENT AGENCY REQUESTS, COMMENTS, AND MEETING REPORTS: None.

ADJOURNMENT:

At 10:05 P.M. Mayor/Chair Siminski adjourned the Lompoc City Council/Redevelopment Agency a Joint Meeting with the Public Safety Commission at 6:30 P.M. on Tuesday, June 1, 2010.

Michael A. Siminski, Mayor/Chair
City of Lompoc

ATTEST:

Donna N. Terrones, CMC
City Clerk
Date: May 25, 2010