

MINUTES

**Regular Meeting of the Lompoc
City Council and Lompoc Redevelopment Agency
Tuesday, October 18, 2011
City Hall, 100 Civic Center Plaza, Council Chambers**

CLOSED SESSION

OPEN SESSION – 5:30 P.M. – Council Chambers

Council Members Present: Ashley Costa, Cecilia Martner, Dirk Starbuck, Mayor Pro Tempore Bob Lingl, and Mayor John Linn.

Staff Present: City Administrator Laurel Barcelona, City Attorney Joe Pannone, and City Clerk Stacey Alvarez.

ORAL COMMUNICATIONS: None

CLOSED SESSION – Utility Conference Room

BUSINESS ITEM:

1. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One case

OPEN SESSION - 7:00 P.M. – Council Chambers

Council/Agency Members Present: Ashley Costa, Cecilia Martner, Dirk Starbuck, Mayor Pro Tempore/Vice Chair Bob Lingl, and Mayor/Chair John Linn.

Staff Present: City Administrator/Executive Director Laurel Barcelona, City Attorney/General Counsel Joe Pannone, City Clerk/Secretary Stacey Alvarez, Economic Development Director/Asst City Administrator Teresa Gallavan, Planning Manager Lucille Breese, Utilities Director Ronald Stassi, Library Director Molly Gerald, Senior Civil Engineer Michael Luther, and Human Services Manager Beth Flamm-Overby.

Other Present: Carol Benham, Joyce Howerton, Toni Ostini, Nicholas Schmidt, Butch Browder, Marc Annottii, David Schwartzman, Paul Westbridge, Lielle Arad, and Alan Tratner.

REPORT ON ACTION TAKEN DURING CLOSED SESSION:

Mayor Linn stated no reportable action was taken during the Closed Session.

Mayor John Linn gave the invocation and led the **Pledge of Allegiance**.

Mayor Linn spoke about the importance of taking an active role of helping prevent Domestic Violence.

PRESENTATIONS:

- CITY 1. **Presentation from Environmental Education Group regarding the California Space Center Project.**

Economic Development Director/Asst City Administrator Teresa Gallavan presented the Staff report.

Mayor Linn clarified how the City was contacted by the Environmental Education Group (EEG).

Mr. Alan Tratner and Lielle Arad presented an overview of EEG and the proposal for the revival of the California Space Center as the California Space Enterprise Center.

Council discussed in depth the previous California Space Center proposed project, California Space Authority and its recent dissolution, possible sources of funding and donations for the new proposed project, the current EGG board members along with recent and past projects successfully completed by EEG, the request from EEG for an Exclusive Negotiating Agreement for the newly proposed project, the timeline for EEG to prepare and present a proforma for the proposed project, and the proposed project site location.

PRESENTATIONS: (cont'd)

Item No. 1

Public Comment:

1. Joyce Howerton spoke against this item being discussed outside of an open meeting and suggested Council reach out for greater community involvement with the proposed project.
2. Carol Benham asked about EEG's board members.
3. Toni Ostini spoke in favor of the proposed project.

Council Member Martner voiced concern about not having sufficient information about EEG and the proposed project.

Council Member Costa stated this item is a negotiations for real property and could have been discussed in Closed Session(s), but explained Council's desire to keep the community involved as much as possible; and motioned to direct Staff to prepare a Non-Exclusive Negotiations Agreement with EEG for an approximately 96-acre site including portions of and around Ken Adam Park. The motion was seconded by Council Member Martner. Council discussed an Exclusive Negotiations Agreement compared to a Non-Exclusive Negotiations Agreement and then voted on the motion. The motion failed by a 2-3 vote (*Council Members Lingl and Starbuck and Mayor Linn voted NO.*)

ACTION: Motion/Second Starbuck/Lingl. By a 3-2 vote, (*Council Members Costa and Martner voted NO*) Council considered the proposal from Environmental Education Group regarding the revival of the California Space Center as the California Space Enterprise Center; and directed Staff to draft an Exclusive Negotiation Agreement (ENA) with Environmental Education Group (EEG) for an approximately 96-acre site including portions of and around Ken Adam Park to be presented to Council at a later date; and directed Staff to prepare a report on the EEG and their credentials that shall include the names of current EEG board members, past and current projects, fundraising endeavors, and events to be presented to Council for review at least one week before the ENA will be presented to Council for consideration.

BREAK:

At 8:37 P.M. Mayor Linn announced a break. At 8:45 P.M., the meeting reconvened with all Council Members present.

CITY ADMINISTRATOR/EXECUTIVE DIRECTOR'S STATUS REPORT: (Information only)

City Administrator Laurel Barcelona clarified the newly signed California State Assembly Bill AB 634, authorizing the use of carbon monoxide for control of burrowing rodent pests, becomes law on January 1, 2012, and introduced Senior Civil Engineer Michael Luther who presented monthly status reports on the Installation of Traffic Signal and Curb Ramps at Hwy 246 (Ocean Avenue) and "R" Street, the Lompoc Aquatic Center Dehumidification Project, and the Dick DeWees Community and Senior Center.

Council Member Costa asked if any major issues have been detected with the new dehumidification system at the Aquatic Center. Senior Civil Engineer Michael Luther answered no.

STAFF REQUESTS AND ANNOUNCEMENTS:

City Administrator Laurel Barcelona stated the City has received notification from the U.S. Department of Housing and Urban Development (HUD) regarding 518 No. T Street, Lompoc, CA., and the requirement to develop affordable housing at that location or return the \$140, 322 funding received from HUD for that project and explained Staff has contacted HUD to ensure the City takes the appropriate steps to return the funds. Ms. Barcelona requested Council approve November 8, 2011 for a Council Workshop to begin at 6:00 P.M. in the Council Chambers', with a general consensus Council approved the workshop date and time. City Administrator Laurel Barcelona announced there was a reported rise in second quarter sales tax this year by 10.7% from this same time last year.

ORAL COMMUNICATIONS:

1. Carol Benham spoke about the draft Minutes for the October 4, 2011 City Council Meeting.

Council Member Martner requested Staff revise the October 4, 2011 draft Minutes to reflect corrections to pages 2, 4 and 5.

CONSENT CALENDAR:

All items listed under Consent Calendar are considered to be routine and will be enacted, after one motion, in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the Council/Agency vote. Any items withdrawn from the Consent Calendar for separate discussion will be addressed immediately before the second Oral Communications, near the end of the meeting.

Mayor Linn distributed a page with his suggestion of a change to the proposed draft Minutes and Council Member Martner confirmed her requests for revisions to the draft Minutes.

ACTION: Motion/Second: Martner/Mayor Linn. By a 5-0 vote the City Council/Agency Board:

- CITY/RDA 2. Approved the Minutes of the Lompoc City Council and Lompoc Redevelopment Agency Regular Meeting of October 4, 2011, with requested revisions.

Council Member Costa stated the Library funding for FY 2011/2012 declined by 15%, announced a funding needs study will be conducted, and asked Staff to confirm that a presentation will be given to Council when the study is completed. Library Director Molly Gerald answered yes. Mayor Linn asked Staff to speak about the 15% decline in funding for the Library. City Administrator Laurel Barcelona explained the 15% equals \$54,953 and that the Library Board of Trustees approved the use of Library Reserve Funds to balance the FY 2011/2012 Library budget. Library Director Molly Gerald added the Library has also reduced the hours of operation because of loss in funding.

ACTION: Motion/Second: Costa/Martner. By a 5-0 vote the City Council/Agency Board:

- CITY 3. Approved the expenditures for:
Payroll of 09/27/11 - \$1,077,703.99
Voucher Register of 09/23/11 - \$883,748.78
Voucher Register of 09/29/11 - \$664,548.68
- CITY 4. **Approval of Agreement for Operation of a Countywide Free Library System for FY 2011-2012.**
Approved the FY 2011/2012 Agreement for Operation of Countywide Free Library System.
- CITY 5. **Approval of Resolution No. 5745(11), the “Third Amended and Restated Northern California Power Agency (NCPA) MSS Aggregator Agreement.”**
Adopted Resolution No. 5745(11), approving the Third Amended and Restated NCPA MSS Aggregator Agreement (“AGREEMENT”) and authorized the Mayor to execute it.
- CITY 6. **Final Acceptance of Project No. FY-09-Energy, the Chevron Energy Services Contract.**
Accepted Project No. FY-07-Energy; and instructed the City Clerk to file the required Notice of Completion regarding this project.

APPOINTMENTS:

CITY 7. **Appointment of Council Nominee to the Beautification Commission for One Term ending December 2012.**

Council Member Costa requested Staff contact the second applicant Ms. Elizabeth Schmidt and inform her of any and all other Board, Commission, and Committee vacancies and invite her to apply if interested.

ACTION: Lingl/Starbuck. By a unanimous vote, the City Council appointed Michelle Schaefer to the Beautification Commission for one term ending 12/2012.

PUBLIC HEARING:

CITY 8. **Council Consideration of Planning Commission recommendation for a Text Amendment to the City’s Zoning Ordinance.**

Planning Manager Lucille T. Breese, AICP presented the Staff report and recommendations.

Council discussed the proposed recommendations, possible reductions in cost and time to the public with the establishment of a Zoning Administrator, how the Zoning Administrator will be appointed, and requested edits to the proposed additional chapter of the Lompoc Municipal Code Book.

Public Comment:

1. Butch Browder spoke against approving the establishing of a Zoning Administrator.

Mayor Linn stated the intent of establishing a Zoning Administrator would be to help make the permitting process quicker and easier.

Council discussed the type of permits or projects the Zoning Administrator would be able to make rulings on, the appeal process and cost to the applicant, and how City fees are calculated.

ACTION: Costa/Lingl. By a 5-0 vote, the Council received and reviewed the Planning Commission recommendation; held the public hearing; adopted the Negative Declaration prepared for the Text Amendment and direct Staff to file a Notice of Determination (NOD); and waive further reading and introduced Ordinance No. 1578(11) approving Text Amendment TA 11-02, amending the City’s Zoning Ordinance – adding Chapter 17.22, with Council recommended edits, establishing a Zoning Administrator – amending Chapter 17.124, establishing Minor Use Permits – adding language to provide for the issuance of Minor Permits for certain uses in the various zoning districts Chapters 17.016, 17.020, 17.024, 17.028, 17.036, 17.040, 17.052, 17.053, 17.064, and 17.072.

COUNCIL/REDEVELOPMENT AGENCY REQUESTS AND ANNOUNCEMENTS:

CITY 9. **Irrigation Well Water for Parks and Schools.**

Utilities Director Ronald V. Stassi presented the Staff report and recommendations.

Council discussed the recommendations, the engineering services proposal from Lee & RO, Inc., the proposed study and the sites to be studied, what fund will be used to pay for the study, the necessity of contracting with an outside consultant, and the level of interest from the Lompoc Unified School District (LUSD) to be part of this study and share in the cost.

Public Comment: None

Council discussed the cost of the study, the willingness of the LUSD to share in the cost of the study, and the scope of the proposed study.

Council Member Costa moved to have Staff contact the LUSD to confirm the willingness of the LUSD in cost sharing of this proposed study and return this item for Council’s reconsideration at a later date. The motion was seconded by Council Member Martner.

COUNCIL/REDEVELOPMENT AGENCY REQUESTS AND ANNOUNCEMENTS:

Item No. 9 (cont'd)

Mayor Linn called LUSD Superintendent Greg Kampf and announced Mr. Kampf stated the LUSD is still interested in the proposed study and would be willing to share in the cost of the study.

Council Member Costa rescinded her motion.

ACTION: Mayor Linn/Lingl. By a 5-0 vote, Council directed Staff to complete and engineering study be completed at a cost of \$6,944 to assist the City in its analysis of the concept of using irrigation wells for schools and parks needs.

BREAK:

At 10:46 P.M. Mayor Linn announced a break. At 10:52 P.M., the meeting reconvened with all Council Members present.

Mayor Linn announced Item No. 14 will be presented next.

Council Member Lingl motioned to extend the meeting past 11:00 P.M.; the motion was seconded by Council Member Costa and carried by a unanimous vote.

NEW BUSINESS:

CITY 14. **Proposal to consider a Frisbee Disc Golf Course in Beattie Park.**

Parks, Recreation & Urban Forestry Director Dan McCaffrey presented the Staff report and introduced Nicholas Schmidt who presented a Power Point presentation of the proposed project.

Council thanked Mr. Schmidt for his presentation and discussed the proposed course, the grant funding, the course equipment and installation of equipment.

Public Comment: None

ACTION: Starbuck/Martner. By a 5-0 vote, the Council accepted the Staff report; and approved the proposal to create and develop a turn-key nine-hole Frisbee Disc Golf Course in Beattie Park.

Mayor Linn announced Item No. 11 would be presented next.

COUNCIL/REDEVELOPMENT AGENCY REQUESTS AND ANNOUNCEMENTS:

(cont'd)

CITY 11. **Proposed Land Exchange.**

Economic Development Director/Asst City Administrator Teresa Gallavan presented the Staff report and recommendations.

Council discussed the proposed land exchange, costs to the City of moving from the current storage yard on North V Street, costs for clean up of either one or both properties, responsibility of those costs, scope of appraisals of the identified properties, negotiations of an agreement between the City and Harridge Lompoc, LLC., for the property appraisal, and the proposed property use by Harridge Lompoc, LLC., if the land exchange is approved.

Public Comment:

1. Ian Stroupe spoke against previous projects completed by this developer.

COUNCIL/REDEVELOPMENT AGENCY REQUESTS AND ANNOUNCEMENTS:

Item No. 11(cont'd)

ACTION: Mayor Linn/Costa. By a 5-0 vote, the Council considered a request from Marc Annotti of Harridge Lompoc, LLC., to exchange a vacant 3.66-acre parcel (APN: 093-007-067) located generally between Central Avenue, Western Avenue, Briar Creek Way, and The Briar Creek Park within Seabreeze/Briar Creek Development for the 4.39-acre parcel (APN: 093-007-37) on North V Street currently utilized as the City of Lompoc Electric/Waste Water Storage Yard; and directed Staff to negotiate with Harridge Lompoc, LLC., on a mutually acceptable property appraisal format, accept a formal application to consider the proposed Land Exchange and return to Council with a Constraints Analysis, identifying potential costs including the cost of relocating the City Storage Yard, environmental issues, and options for use of the property.

Mayor Linn announced Item No. 12 would be presented next.

UNFINISHED BUSINESS:

CITY 12. **Contract Amendment – Summary of Action – Amend contract with California Public Employees’ Retirement System (CalPERS).**

Human Resources Manager Beth Flamm-Overby presented the Staff report and recommendations.

Public Comment: None

ACTION: Martner/Lingl. By a 5-0 vote, the Council waived further reading and adopted Ordinance No. 1577(11).

COUNCIL/REDEVELOPMENT AGENCY REQUESTS AND ANNOUNCEMENTS:

(cont'd)

CITY 10. **Local Agency Foundation Commission (LAFCO) Proposed Legislation.**

Planning Manager Lucille T. Breese, AICP presented the Staff report and recommendations.

Mayor Linn asked Staff to confirm if this proposal by LAFCO is to help curb abuse by some agencies. Planning Manager Lucille Breese explained that is exactly what LAFCO Executive Officer Bob Braitman has stated.

Council Member Costa asked Ms. Breese if LAFCO has ever denied a request from the City of Lompoc. Ms. Breese answered no.

Public Comment: None

Council Member Costa voiced her concern for the potential loss of local control if the proposed LAFCO Government Code Amendment is approved.

ACTION: Lingl/Starbuck. By a 5-0 vote, the Council authorized the Mayor to sign the attached letter supporting the proposed LAFCO Amendments to Government Code Section 56133.

Mayor Linn announced Item No. 13 would be presented next.

BREAK:

At 11:52 P.M. Mayor Linn announced a break. At 11:57 P.M., the meeting reconvened with all Council Members present.

UNFINISHED BUSINESS: (cont'd)

CITY 13. **Economic Development Committee.**

Economic Development Director/Asst City Administrator Teresa Gallavan presented the Staff report and recommendations.

Council Member Lingl commented on the CalED report recommendations and asked Ms. Gallavan if she has had previous successful interactions with Economic Development Committees. Ms. Gallavan answered yes and recommended a very broad business sector base.

Public Comment: None

Mayor Linn distributed a handout with his recommendations for the Committee's functions and responsibilities, term limits, and the process of appointing Committee Members.

Council discussed the proposed amended Committee description, the market segment list, requirements for being appointed to the Committee, how members will be appointed, and term limits. With a general consensus, Council directed Staff to revise the Economic Development Committee description, delay opening the application period, and return to Council for consideration at the November 1, 2011 City Council Meeting.

WRITTEN COMMUNICATIONS:

Mayor/Chair Linn submitted written notifications of financial interest in property located in the Redevelopment Project area.

ACTION: Motion/Second: Lingl/Costa. By a 5 to 0 vote the City Council/Redevelopment Board received and accepted the written notification of financial interest in property located in the Redevelopment Project Area as submitted by Mayor/Chair Linn.

Mayor Linn provided a typed letter to Council clarifying how information is filed in the Council Office and on the Mayor's desk at City Hall.

ORAL COMMUNICATIONS:

1. Carol Benham spoke about the Lompoc Housing and Community Development Corporation, Marks House, and homeless services in and around the City of Lompoc.

COUNCIL/REDEVELOPMENT AGENCY REQUESTS, COMMENTS, AND MEETING REPORTS:

Council Member Lingl reported he attended a meeting for the Allan Hancock College advisory board for medical assistance and a Santa Barbara Foundation Meeting.

Mayor Linn reported he attended several meetings.

ADJOURNMENT:

At 12:48 A.M. Mayor Linn adjourned the Lompoc City Council/Redevelopment Agency to a Closed Session of a Regular Council Meeting at 7:00 P.M. on November 1, 2011.

John H. Linn
Mayor

ATTEST:

Stacey Alvarez
City Clerk
October 26, 2011