

MINUTES

Regular Meeting of the Lompoc City Council
Tuesday, June 20, 2017
City Hall, 100 Civic Center Plaza, Council Chamber

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

Council Members Present: Victor Vega, James Mosby, Jenelle Osborne, Dirk Starbuck, and Mayor Bob Lingl.

Staff Present: City Manager Patrick Wiemiller, Economic Development Director/Assistant City Manager Teresa Gallavan, City Clerk Stacey Haddon, and City Attorney Joseph Pannone.

ORAL COMMUNICATIONS: None

CLOSED SESSION – City Council Conference Room

BUSINESS ITEM:

1. **CONFERENCE WITH LABOR NEGOTIATORS:** City Designated Representatives: Gabriel Garcia, Brad Wilkie, Colin Tanner, and Patrick Wiemiller. Employee Organization: Lompoc Police Officer's Association (LPOA).
2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** City Manager

OPEN SESSION - 6:38 P.M. – Council Chamber

Council Members Present: Victor Vega, James Mosby, Jenelle Osborne, Dirk Starbuck, and Mayor Bob Lingl.

Staff Present: City Manager Patrick Wiemiller, Economic Development Director/Assistant City Manager Teresa Gallavan, City Clerk Stacey Haddon, City Attorney Joseph Pannone, Development Programs Specialist Jasmine McGinty, Building Official Ron Takiguchi, Police Officer Augustin Arias, Financial Services Manager Melinda Wall, Battalion Chief/Fire Marshall Dena Paschke, Administrative Analyst Laura Dubbles, Library Director Sarah Bleyl, Accounting and Revenue Manager Dean Albro, and Management Services Director Brad Wilkie

Others Present: Maria Hall, John Linn, Ann Ruhge, Charles Sommer, Atul Patel, Ken Ostini, Lisa Renken, and Alison Wales.

REPORT ON ACTION TAKEN DURING CLOSED SESSION:

City Attorney Joseph Pannone announced no reportable action was taken during the Closed Session.

Pastor Joey Robinson gave the invocation and Mayor Bob Lingl led the **Pledge of Allegiance**.

PRESENTATIONS:

The Lompoc Economic Development Committee Chair Maria Hall, along with Development Programs Specialist Jasmine McGinty, and Economic Development Director/Assistant City Manager Teresa Gallavan presented a report on the Committee's accomplishments, meetings, goals, future events, as well as reports on economic growth inside the City of Lompoc.

CITY MANAGER REPORT: (Information only)

City Manager Patrick Wiemiller asked Lompoc Fire Department Battalion Chief/Fire Marshall Dena Paschke to the podium. Ms. Paschke introduced the Building Official Ron Takiguchi.

PUBLIC COMMENT ON CONSENT CALENDAR ITEMS (Maximum of 3 Minutes):

1. John Linn suggested Council review past expenditure vouchers to confirm the City is not in jeopardy of becoming financially unstable.
2. Agustin Arias, President of the Lompoc Police Officer's Association asked Council to be mindful of the personnel levels in the Lompoc Police Department and how many officers are leaving the City for other agencies with higher pay and benefits.

CONSENT CALENDAR:

ACTION: Motion/Second: Osborne/Starbuck. By a 5-0 vote, Council:

1. Approved the Minutes of the Lompoc City Council Regular Meeting of May 2, 2017
2. Approved the expenditures for:
Payroll of 05/19/2017 - \$1,472,659.99
Voucher Register of 05/19/2017 - \$592,370.75
Voucher Register of 05/26/2017 - \$309,111.99
Credit Refunds of \$4,824.06
3. **Unclaimed Property: Stale-Dated Checks; Adoption of Resolution No. 6126(17).**

Adopted Resolution No. 6126(17), transferring property (stale-dated checks) to the General Fund.

STAFF PRESENTATIONS/ANNOUNCEMENTS/REQUESTS:

Library Director Sarah Bleyl gave a presentation on the summer programs offered at the Lompoc Public Library.

Council Member Starbuck thanked Staff for the presentation and asked if the Library currently has a literacy program. Ms. Bleyl answered yes, and stated the Library has a contract with an outside company based in Santa Maria, CA.

ORAL COMMUNICATIONS (3 Minutes Maximum):

1. Ann Ruhge, Chairperson of the Lompoc Library Commission, commended the City Staff at the Lompoc Public Library for their continued helpful work and encouraged everyone to visit the Library.
2. Charles Sommer suggested the Lompoc Parks & Recreation Commission meetings held in the Council Chamber be broadcast on the City's radio channel, to help engage the public with the Commission.

COUNCIL REQUESTS:

4. **Affirmation of Approved Utility Service Charges for Wastewater for Fiscal Year 2017-2018 and discussion of the Electric rates.** (Mosby)

Financial Services Manager Melinda Wall presented the Staff report and recommendations.

Council thanked Staff for the information presented and discussed the wastewater service charges and the need for a rate and fee study of the City's electric utility.

Public Comment:

1. Tim Smith, Chairperson of the Lompoc Utility Commission, spoke about the Commission's approval of the proposed City's Wastewater service charges, and asked Council to ensure repair/replacement of the City's sewer mains be the first Capital Improvement Project for the Wastewater Division.

COUNCIL REQUESTS: (cont'd)

Item No. 4

ACTION: Motion/Second: Osborne/Mosby. By a 4-1 vote (Council Member Vega voted No), Council received the Staff report and affirmed Wastewater service charge rates and fees effective July 1, 2017, established by Resolution No. 5858(13); and Discussed Electric rates and the impact of a rate adjustment.

UNFINISHED BUSINESS:

5. **Adoption of Resolution No. 6128(17) Approving the Suspension of the Fiscal Year 2017-2018 Increase in the Monthly Water Service Charges.**

Financial Services Manager Melinda Wall presented the Staff report and recommendation.

Public Comment: None

ACTION: Motion/Second: Mosby/Vega. By a 4-1 vote (Council Member Osborne voted No), Council adopt Resolution No. 6128(17), suspending the Fiscal Year 2017-2018 increases in the monthly water service charges and maintaining the rates as established by Resolution No. 6052(16).

6. **Review of Changes to 2013 Editions of the Fire Code and the California Building Standards Code and Adoption of Ordinances No. 1632(17) and 1633(17) Adopting the 2016 Edition of the Fire Code and the California Building Standards Code.**

Battalion Chief Dena Paschke presented the Staff report and recommendations.

Council Member Mosby asked for clarification of D. Section 105.7.19(1) on page 3 of 23 of Attachment No. 2 to the Staff Report, **Changes to 2013 Fire Code Compared to 2016 Fire Code**, which reads as follows:

105.7.1519 Additional construction permits. In addition to the permits required by Section 105.7, the following permits shall be obtained from the Fire Chief, or his/her designee.

1. **Landscaping, irrigation, fuel modification.** To install or alter landscaping and irrigation, or to perform fuel modification of hazardous vegetation in the Wildland Urban Interface.

City Attorney Joseph Pannone suggested Staff provide a memo of interpretation for this matter to be available to the public.

Council Member Mosby continued to speak about Attachment No. 2 to the Staff report, and specifically asked Staff to comment on why the Violation Penalties (as shown below) are written, in his opinion, so aggressive.

109.4 Violation penalties. Any person who violates a provision of this chapter, or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Chief, or his/her designee, or of a permit or certificate used under provisions of this chapter, shall be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding one hundred eighty (180) calendar days, or by both such fine and imprisonment, for each violation. Each day a violation continues, after due notice has been served, shall be deemed a separate offense. The Fire Chief, or his/her designee, may also proceed pursuant to the provisions of Chapter 1.36 of the code; and such individuals are hereby designated as a Special Officer for purposes of that chapter.

Battalion Chief/Fire Marshall stated the City works diligently with all cases to bring voluntary compliance, the Code is meant to guide and help educate, not to impose fines, but there must be a course of action available to the City that will help advance compliance if the process comes to a standstill.

UNFINISHED BUSINESS: (cont'd)

Item No. 6

Public Comment:

1. (Name not given), expressed confusion of about possible confusion of State Codes and City Codes and how a citizen would request a letter of interpretation from the State and what process is in place for a Board of Appeals.

Council Member Mosby asked if the City has a Board of Appeals.

Battalion Chief/Fire Marshall Dena Paschke and City Attorney Joseph Pannone stated the City would assemble a Board of Appeals when necessary, but does not have a standing Board.

Council Member Starbuck asked Building Official Ron Takiguchi to speak about the proposed revisions to the City's Fire and Building Codes. Mr. Takiguchi stated the State allows for individual jurisdictions to administratively add the level of fines and violation management based on that agency or city's enforcement of the Code and estimated costs to manage a violation.

ACTION: Motion/Second: Osborne/Vega. By a 5-0 vote, Council reviewed the changes between the 2013 City of Lompoc (City)-adopted Fire and Building Codes and the proposed 2016 Fire and Building Codes; and adopted Ordinances No. 1632(17) and 1633(17) adopting the 2016 Edition of the Fire Code and the California Building Standards Code, as amended.

BREAK:

At 8:36 P.M. Mayor Lingl announced a break. At 8:46 P.M., the meeting reconvened with all Council Members present.

7. Discussion and Possible Approval of 2017/2019 Biennial Budget.

Staff presented a report on the Council's previous requests to present a four, five, and six percent reduction to the numbers shown on page 138 of the Draft Fiscal Year 2017 – 2019 Biennial Budget document (General Fund – Ten Year Projections), and include the addition of funding all non-profit organizations which were previously funded in the 2015 – 2017 Biennial Budget, and remove all estimated revenues from proposed tax measures; provided information regarding the City acquiring a **Pension Obligation Bond**, stating the City has been advised a **Pension Obligation Bond** would not provide a cost savings to the City, as the investment community does not see these Bonds as sound investment items; and provided detailed information regarding the Mayor and Council Member's stipend and what funds pay for those stipends. City Attorney Joseph Pannone explained a sitting Council cannot take action on salaries or benefits that would affect a current Council, all action would take effect after a new Council is seated.

Council discussed in depth.

Public Comment:

1. Atul Patel thanked City Staff for the cooperative work between the City and himself and his team on the Hilton Garden Hotel and asked Council to bring forward a discussion regarding the transient occupancy tax that will be collected from this new hotel and directing that tax to a single specific use by the City.

Council Member Vega asked if the Council had a desire for a formal discussion restricting the use of any transient occupancy tax (TOT). City Attorney Joseph Pannone reminded Council this item was briefly discussed at the May 2, 2017 Regular City Council Meeting with City Manager Patrick Wiemiller strongly advocating against the binding of any General Fund monies to a single use, and no Council did not express interest in moving forward with this matter. Council Member Mosby suggested Council wait for another discussion of this matter after the TOT from this new hotel has been received and an accurate calculation of the TOT can be completed.

UNFINISHED BUSINESS: (cont'd)

Item No. 7

Council Member Osborne distributed a copy of the Council's current Budget Priorities List.

With a general consensus, Council set the June 26, 2017 Budget Session Meeting, to begin at 6:30 P.M.

NEW BUSINESS:

8. **Renewal of Agreement with County of Santa Barbara for Animal Control Services for a Two-month Period.**

Administrative Analyst Laura Dubbles presented the Staff report and recommendations.

Council discussed this matter.

Public Comment: None

Council Member Vega made a motion that the City not renew this agreement. The motion died for a lack of a second.

Council continued a brief discussion of the proposed extension and the process for publishing a request for proposals (RFP) for animal control services inside the City of Lompoc.

ACTION: Motion/Second: Osborne/Vega. By a 3-2 (Council Member Mosby and Mayor Lingl voted No) vote, Council authorized the City Manager to execute a one-month Fifth Amendment to Agreement for Animal Control Services for the period of July 1, 2017, through July 31, 2017, with the County of Santa Barbara in the total amount of \$25,127. This amount represents a one-month proration of the current Fiscal Year (FY) 2016-2017 Agreement in place.

9. **Approval of Either an Agreement with Lompoc Valley Chamber of Commerce and Visitor's Bureau for Tourism Promotion and Business Assistance Services for Fiscal Years 2017-2019 or Amendment to Extend the Existing Agreement for 60 Days.**

Economic Development Director/Assistant City Administrator Teresa Gallavan present the Staff report and recommendations.

Amber Wilson, C.E.O. of the Lompoc Chamber of Commerce and Visitor's Bureau, spoke about the work the Chamber does to promote the City of Lompoc and the work it does to support local area businesses.

Mayor Lingl asked Ms. Wilson if the Chamber works with Visit Lompoc on advertising and if that cooperation has led to lowering the Chambers advertising expenses. Ms. Wilson answered yes to both questions.

Public Comment:

1. Ken Ostini, Board Member of Visit Lompoc, Inc, spoke about the advertising work Visit Lompoc does to promote the City of Lompoc and the entire local area.
2. Lisa Renken, Executive Director Lompoc Museum, asked if the Museum and other outside agencies that receive funding from the City will remain receiving those funds while the City's Budget process continues.

City Manager Patrick Wiemiller stated it was his understanding with the approval of City resolution number 6129(17), **Authorizing the Continuance of Operations into Fiscal Year 2017/2018 at Fiscal Year 2016/2017 Appropriation Levels**, would continue to fund those outside agencies as they have been funded in the fiscal year 2016/2017.

NEW BUSINESS: (cont'd)

Item No. 9

3. Charles Sommer encouraged Council to continue to fund the Lompoc Chamber of Commerce and Visitor's Bureau, stating he believes this organization is vital to the City of Lompoc.
4. Alison Wales, a representative from the North County Rape Crisis and Child Protective Services, encouraged Council to continue its current level of support for the Victim's Advocate position inside the Police Department.

ACTION: Motion/Second: Starbuck/Osborne. By a 5-0 vote, Council authorize the City Manager to execute Amendment 1 to extend the current Agreement for 30 days beginning July 1, 2017, and expiring July 31, 2017.

WRITTEN COMMUNICATIONS: None

ORAL COMMUNICATIONS (2 Minutes Maximum):

1. (name not given) & (name not given) spoke in favor of the Council enacting a City ordinance to allow marijuana use and sales inside the City of Lompoc.
2. Brad Wilkie spoke about the County of Santa Barbara's proposal to reduce the payment to the City of Lompoc for use of the City's jail facilities.

COUNCIL REQUESTS, COMMENTS, AND MEETING REPORTS:

Council Member Osborne presented a status Report from the Adhoc Committee Regarding Marijuana Regulations inside the City Limits of Lompoc; and requested Council direct Staff to return at a future Regular City Council Meeting with a draft ordinance to address medical and marijuana use and sales inside the City of Lompoc. The request was seconded by Council Member Starbuck and carried by Council Member Vega.

Council Member Mosby reported he attended meetings as the City's representative, for the Santa Barbara County Air Pollution Control District and the Santa Barbara County Association of Governments.

Council Member Starbuck announced the ground breaking ceremony for the Fallen Warriors Memorial at Beattie Park on July 1, 2017.

Council Member Vega reminded everyone the Flower Festival is June 21 – 25, 2017, at Ryon Park.

Council Member Osborne stated she attended the Flower Festival Queen's Coronation on June 17, 2017 at the Lompoc Elks Lodge.

Mayor Lingl reported he attended several meetings and events.

ADJOURNMENT: At 10:08 P.M. Mayor Lingl adjourned the Lompoc City Council to a Regular Meeting on July 18, 2017 at 6:30 P.M., in City of Lompoc Council Chamber.

Approved via Council Action on September 5, 2017:

Stacey Haddon

Stacey Haddon, City Clerk