



MINUTES

Regular Meeting of the Lompoc City Council
Tuesday, May 15, 2018, 2018
City Hall, 100 Civic Center Plaza, Council Chamber

OPEN SESSION – 5:45 P.M. – Council Chamber

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

Staff Present: Interim City Manager Teresa Gallavan, City Clerk Stacey Haddon, and City Attorney Joseph Pannone.

Others Present: Tom Davidson

ORAL COMMUNICATIONS: Tom Davidson spoke to encourage Council to help move the Sure Fresh proposed project forward, stating he believes this will have a positive effect on the City.

CLOSED SESSION – City Council Conference Room

BUSINESS ITEM:

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** Property: Easements in the public right-of-way along the north side of Central Avenue between the westerly boundary of the City and V Street and on V Street north of Central Avenue and/or the southerly portion of the Wastewater Treatment Plant property. Agency negotiators: Teresa Gallavan, Interim City Manager and Joseph W. Pannone, City Attorney. Negotiating party: Tom Witt, Sure Fresh. Under negotiation: Price and terms of payment.

OPEN SESSION - 6:30 P.M. – Council Chamber

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

Staff Present: Interim City Manager Teresa Gallavan, City Clerk Stacey Haddon, City Attorney Joseph Pannone, Police Chief Pat Walsh, Fire Battalion Chief/Fire Marshall Dena Paschke, Building Division Supervisor Al Johnson, Development Programs Specialist Jasmine McGinty, and Police Sergeant Deanna Clement.

Others Present: John Linn, March Ashamalla, Rob Traylor, Joe Garcia, John Pfarr, Todd Mitchell, John Friel, Jeremy Ball, Richard Smith, and (unknown first name) Adamson.

REPORT ON ACTION TAKEN DURING CLOSED SESSION:

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

Pastor Bernie Federmann gave the invocation and Mayor Bob Lingl led the **Pledge of Allegiance**.

PRESENTATIONS:

Mayor Lingl reported the sliding door to City Hall was mistakenly closed before Council returned from Closed Session at the May 1, 2018 Regular City Council Meeting and at the end of that meeting Council Member Osborne made an official Council request to direct Staff to return at a future meeting with an item for Council discussion and possible action on placing a tax measure on the November 6, 2018 ballot, regarding commercial cannabis use sales. Council Member Osborne reiterated that request, the request was seconded by Council Member Vega and carried by Mayor Lingl.

Mayor Lingl presented a proclamation in honor of Police Officer's Memorial Week May 13-19, 2018. Police Chief Walsh announced the Police Department will be holding an open house on May 16, 2018.

PRESENTATIONS: (cont'd)

Mayor Lingl presented a proclamation in honor of Building Safety Month. Battalion Chief/Fire Marshall Dena Paschke introduced Al Johnson, the Building Division Supervisor.

CITY MANAGER REPORT: (Information only)

- **List of City expenditures**
 - **April 9 – 13, 2018 - \$732,755.99**
 - **April 16 – 20, 2018 - \$878,093.23**
 - **April 20, 2018 Payroll - \$1,325,910.51**

Interim City Manager Teresa Gallavan reported the Lompoc Kennel Club will not produce their annual dog show for 2018; stated a recent report on the audit of the processes used by the City to receive and process claims, concluded the City is managing the processes very well; and invited Police Sargent Deanna Clement to give a brief update on the City's work to address the local issues associated with homelessness.

Sgt. Clement explained the City has begun to work with local agencies and organizations, including the County of Santa Barbara to put together short term and long range plans that will remove individuals living in the Santa Ynez Riverbed and to help provide public health services for the homeless population in the local area.

Council thanked Staff for their work on this very difficult issue and asked what a private property owner could do to help the Police Department with criminal activity. Sgt. Clement stated owners of commercial properties inside the City Limits can sign an agreement with the Police Department that allows for full enforcement from the Police Department of trespassing laws on that private property.

Council Member Mosby asked Staff about the commercial cannabis use license applications and the Bailey Avenue annexation process. Interim City Manager Teresa Gallavan stated the City has received a total of 8 applications for a commercial cannabis use license and explained the City has reached out to the County requesting a follow-up meeting regarding the annexation application for the Bailey Avenue Corridor, and expects to meet with County personnel soon.

PUBLIC COMMENT ON CONSENT CALENDAR ITEMS (Maximum of 3 Minutes): None

CONSENT CALENDAR:

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

1. Approved the Minutes of the Lompoc City Council Regular Meeting of December 5, 2017.
2. **Approval of the Integrated Regional Water Management Memorandum of Understanding.**

Approved the Integrated Regional Water Management (IRWM) Memorandum of Understanding (Subject MOU) by and among local governmental agencies, special districts, and non-governmental organizations qualified under 501(c)(3)(4) or (5), within Santa Barbara County, as listed in Appendix A of the Subject MOU, and referred to as **Cooperating Partners**; and authorize the Interim City Manager to execute the Subject MOU on behalf of the City of Lompoc.
3. **Adoption of Resolution No. 6178(18) Declaring the City Council's Intention to Levy Assessments for Fiscal Year 2018-2019, Preliminarily Approving an Engineer's Report and Providing Notice of a Public Hearing for the Park Maintenance and City Pool Assessment District No. 2002-01.**

CONSENT CALENDAR: (cont'd)

Item No. 3

a) Adopted Resolution No. 6178(18):

- Declaring the City Council's intention to again levy the annual park and pool assessments for Fiscal Year (FY) 2018-2019 and schedule public hearing for the same,
- Preliminarily approving the Engineer's Report (Attachment 2), and
- Providing notice of a public hearing on June 5, 2018, for the proposed continuation of the assessments for the Park Maintenance and City Pool Assessment District No. 2002-01 (Assessment District), in order to receive public input on:
 - i. The proposed continuation of the assessments;
 - ii. The proposed assessment budget for FY 2018-2019; and
 - iii. The services and improvements of the assessments fund, and any other issues related to the assessments.

STAFF PRESENTATIONS/ANNOUNCEMENTS/REQUESTS: None

ORAL COMMUNICATIONS (3 Minutes Maximum):

1. John Linn thanked Council for repeating the Council request directing Staff to return at a future meeting with an item for Council discussion and possible action on placing a tax on the November 6, 2018 Ballot; and complained about the City's code enforcement policy and provided a copy of a memo from 2012 regarding the City's code enforcement policies.
2. Mark Ashamalla stated he believes a private school located on North H Street, Lompoc, is operating without proper building and safety permits, and believes this shows the City's code enforcement is unfair and biased

APPOINTMENTS:

4. **Reappointment of a City of Lompoc Representative to the County Library Advisory Committee.**

ACTION: Motion/Second: Osborne/Vega. By a 5-0 vote Council approved the reappointment of Lompoc resident Alice Down to the Santa Barbara County Library Advisory Committee with a term expiration of June 30, 2019.

5. **Council Appointments to the Economic Development Committee.**

ACTION: Motion/Second: Vega/Osborne. By a 5-0 vote Council appointed Chuck Madsen to the Economic Development Committee with a term ending December 2018.

NEW BUSINESS:

6. **Adoption of Resolution No. 6181(18), Approving a Declaration of Nuisance and Abatement Order for Weeds and Debris.**

Battalion Chief – Fire Marshall Dena Paschke presented the Staff report and recommendations.

Council Member Vega asked Staff to confirm the number of letters sent to the responsible party of any property listed. Battalion Chief – Fire Marshall Dena Paschke stated the Fire Department sends two separate letters to responsible parties for any property that may be in danger of being placed on the declaration of nuisance and abatement order, and works closely with those parties to help achieve voluntary compliance.

Public Comment: None

ACTION: Motion/Second: Osborne/Vega. By a 5-0 vote Council adopted Resolution No. 6181(18), declaring certain parcels of property as public nuisances by virtue of weed growth or by the accumulation of rubbish, refuse and dirt, pursuant to Government Code Section 39560-39588.

PUBLIC HEARING:

- 7. Adoption of Resolution No. 6180(18) Declaring Results of Majority Protest Proceedings and Renewing the Lompoc Tourism Improvement District.**

Development Programs Specialist II Jasmine McGinty presented the Staff report and recommendations.

Council Member Starbuck asked if Visit Lompoc, Inc., had any objections to the Staff's recommended revisions to the proposed agreement. Paul Patel, representative of Visit Lompoc, Inc., stated there were no objections and the recommended revisions are agreeable to the organization.

Mayor Lingl asked if the proposed assessment is an additional charge, above and beyond the City's current Transient Occupational Tax (TOT), to hotel patrons, and why did Visit Lompoc, Inc., stand against the City increasing the TOT. Paul Patel, representative of Visit Lompoc, Inc., stated the additional monies scheduled to be received by Visit Lompoc, Inc., will be used for advertising.

Public Comment: None

ACTION: Motion/Second: Osborne/Vega. By a 5-0 vote Council held a public hearing, declared the results of majority protest proceedings; and adopted Resolution No. 6180(18) to renew the Lompoc Tourism Improvement District for ten years.

COUNCIL REQUESTS:

- 8. Discussion and Direction Regarding Possible Commercial Cannabis Activities Tax Measure for the November, 2018, Election.**

Interim City Manager Teresa Gallavan presented the Staff report and recommendations.

Council discussed the information presented.

Public Comment:

1. Rob Traylor asked Council to be conservative with the tax and suggested it be implemented slowly.
2. Joe Garcia suggested Council approve a tax on recreational cannabis use only and not allow the tax to be higher than 5%.
3. John Pfarr, Andrew Brassington, (First name not given) Adamson, and Richard Smith spoke against a proposed tax for the commercial cannabis businesses that will be located inside the City.
4. Todd Mitchell suggested Council approve a 1% - 2% tax with a total cumulative not to exceed 4%.
5. John Friel spoke in favor of a retail tax and requested no tax or a small tax be attached to cannabis manufacturing businesses.
6. Jeremy Ball suggested the item be sent to the voters to allow for a democratic decision.

Council continued discussion of this matter.

ACTION: Motion/Second: Osborne/Vega. By a 5-0 vote Council directed Staff to prepare a tax measure regarding commercial cannabis activities which will impose a general tax on certain commercial cannabis activities within the City of Lompoc as follows: Cultivation – up to 1% of proceeds; Non-medical Retail Operations – up to 6% of proceeds; Manufacturing and Distribution – Flat tax of \$15,000 for less than \$2 Million of net income and flat tax of \$30,000 for net income of \$2 Million or more; Testing – No tax; Microbusiness – Rates in accordance with the above, but no more than an aggregate total of 6% of proceeds; and to return this item to Council for discussion and action at a future Council meeting.

WRITTEN COMMUNICATIONS: None

ORAL COMMUNICATIONS (2 Minutes Maximum): None

COUNCIL REQUESTS, COMMENTS, AND MEETING REPORTS:

Council Member Mosby vocalized his beliefs of why the City's budget was a difficult process and why the General Fund is not balanced.

Council Member Osborne announced she attended several meetings and events, including the **National Day of Prayer** event at the City of Lompoc courtyard; and the Economic Development Committee Meeting; the Santa Barbara County Managers & Mayors Meeting; invited the public to the Lompoc Police Department's 2nd Annual Food Truck Fest on May 16, 2018 at City Hall; and the Fallen Warriors Memorial Fundraising Event on May 18, 2018; and requested a fast track for commercial cannabis use license applications which illustrate local hiring and a community benefit. The request was seconded by Council Member Vega and carried by Mayor Bob Lingl.

Mayor Lingl announced he attended the **National Day of Prayer** event at the City of Lompoc courtyard.

ADJOURNMENT: At 8:44 P.M. Mayor Lingl adjourned the Lompoc City Council to a Regular Meeting on June 5, 2018 at 6:30 P.M., in City of Lompoc Council Chamber.

Approved by Council action on October 2, 2018:

/Stacey Haddon/
Stacey Haddon, City Clerk