

## Minutes

### Regular Meeting of the Lompoc City Council Tuesday, March 5, 2013 City Hall, 100 Civic Center Plaza, Council Chambers

#### CLOSED SESSION

#### OPEN SESSION – 6:00 P.M. – Council Chambers

Council Members Present: DeWayne Holmdahl, Dirk Starbuck, Mayor Pro Temp Ashley Costa, and Mayor John Linn.

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

ORAL COMMUNICATIONS: None

#### CLOSED SESSION – Employee Break Room

#### BUSINESS ITEM:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – CONTRACT REVIEW: City Attorney.
2. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One Matter.

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

Council Members Present: DeWayne Holmdahl, Dirk Starbuck, Mayor Pro Temp Ashley Costa, and Mayor John Linn.

Staff Present: City Administrator Laurel Barcelona, City Attorney Joseph Pannone, City Clerk Stacey Alvarez, Economic Development Director/Assistant City Administrator Teresa Gallavan, Management Services Director Brad Wilkie, Financial Services Manager Melinda Wall, Wastewater Plant Superintendent Tim Smith, Fire Chief Kurt Latipow, Senior Civil Engineer Craig Dierling, and Planning Manager Lucille Breese.

Others Present: Habib Issac, Greg Tobler, Kathy Schmerzler, Ken Ostini, Brent Hamner, Josh Baltz, Whitt Hollis, Herb Janklow, Mary Ellen Brooks, Judith Taggart, Carol Benham, Mike Hecker, Steve Stormen, Gerald Tidwell, and Jim Mosby.

#### REPORT ON ACTION TAKEN DURING CLOSED SESSION:

City Attorney Joseph Pannone announced there was no action taken on the Closed Session Items.

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

#### STAFF REQUESTS AND ANNOUNCEMENTS:

City Administrator Laurel Barcelona stated Economic Development Director/Assistant City Administrator Teresa Gallavan would be presenting Agenda Item No. 4, **Consideration of a Proposed Lompoc Criterium Bicycle Race**, as well as an update of the newly completed **Lompoc Valley Motorsports Kids Moto Fun Park**, and explained the hard copies placed in Council's Agenda Binders for the Engineer's Report of Agenda Item No. 5 were copied incorrectly and some pages were accidentally removed, but a corrected version has been distributed and the full report was linked to the Agenda and posted to the City's website.

Economic Development Director/Assistant City Administrator Teresa Gallavan presented a short PowerPoint Presentation on the successful opening of the **Lompoc Valley Motorsports Kids Moto Fun Park**, which took place on Saturday, March 2, 2013 at 10:00 A.M.

Council Member Costa asked Staff if the grant application for the Lompoc Valley Motorsports Park Project had been completed. Ms. Gallavan answered yes.

## **STAFF REQUESTS AND ANNOUNCEMENTS:** (cont'd)

Mayor Linn thanked everyone involved in the construction of the Kids Moto Fun Park and everyone who worked to make it possible to open the Kids Moto Fun Park on time.

Fire Chief Kurt Latipow announced the Lompoc Firefighters Association Annual Fundraising Event, the Fire & Ice Ball, will be held on Saturday, March 9, 2013, at the Lompoc Elks Lodge and there are a few tickets still available for purchase at Fire Station No. 1, located at 115 South G Street, Lompoc.

## **ORAL COMMUNICATIONS:**

1. Lompoc Valley Chamber of Commerce President Ken Ostini gave an update on the current and upcoming Chambers events, including the anticipated launch of the Chamber's new website at the end of March, 2013, the Ribbon Cutting event on Saturday, March 2, 2013, at the Kids Moto Fun Park, and the completion of the Chambers Financial Audit. Mr. Ostini presented a copy of the completed financial audit to City Clerk Stacey Alvarez.
2. Brent Hamner, Chairman of the Disc Golf Committee thanked everyone involved in the creation of the Beattie Park Disc Golf Course and stated the 18-hole course has received a 4 out 5 star rating from the Disc Golf Course Review.

## **CONSENT CALENDAR:**

**ACTION:** Motion/Second: Holmdahl/Starbuck. By a 4-0-1 vote (Council Member Lingl was Absent), Council:

1. Approved the Minutes of the Lompoc City Council Regular Meeting of February 5, 2013.
2. Approved the expenditures for:  
  
Payroll of 02/13/2013 - \$1,251,136.44  
\*Voucher Register of 02/08/2013 - \$470,840.63  
Voucher Register of 02/15/2013 - \$530,488.72  
Credit Refunds of 02/12/2013 - \$3,921.71  
Manual Payments of January 2013 - \$58,484.56  
Electronic Payments of January 2013 - \$1,758,730.15  
*\*(Mayor Linn will not participate in the vote for Check #311101 to Smitty's Towing for \$491.25)*

## **PUBLIC HEARING:**

3. **The City Council will Consider Public Input, Discuss Options, and Provide Direction Regarding 2030 General Plan Land Use Element Expansion Area D – The Wye Residential.**

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

### **Public Comment:**

1. Whitt Hollis, Summit View Homes applicant, spoke in favor of the proposed Wye Residential Expansion Area and the Final EIR Project.
2. Herb Janklow, Lanes End resident, urged Council to set a maximum reasonable end date for construction of the proposed Wye Residential Project and asked that the Project be required to construct its own entrance/exit access road.
3. Josh Baltz, Lanes End resident, expressed concern about possible negative impacts to the surrounding areas of the Wye Residential Project, stated he submitted a letter in response to the draft EIR for Summit View Homes with his concerns, suggested solutions and requested Council address those concerns before final approval of the Project.
4. Mary Ellen Brooks, Vandenberg Village resident, spoke in support of Alternative No. 1, regarding the proposed Wye Residential Expansion Area.

**PUBLIC HEARING:** (cont'd)

Council discussed the potential growth and available land for City growth north of the City Limits, the proposed Wye Residential Project, the necessity to have continued public input on this Project, and the current land use designation of the Project area.

**ACTION:** Motion/Second: Holmdahl/Costa. By a 4-0-1 vote (Council Member Lingl was Absent), Council approved the Planning Commission recommendation of the Final EIR Project – 4.6 dwelling units per acre – 46 total units Expansion Area D - Wye Residential Area inclusion with the General Plan Update.

**UNFINISHED BUSINESS:**

4. **Consideration of Proposed Lompoc Criterium Race for June 30, 2013.**

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

Mayor Linn asked City Attorney Joseph Pannone if the location of this proposed race poses any conflict of interests issues for any member of the Council that owns property in the general area. Mr. Pannone stated he sees no conflict of interest issues for any member of the Council.

Council Member Starbuck asked what happens if a title sponsor cannot be signed up for this proposed race and inquired if future dates of this event would be based on coordinating with the Lompoc Flower Festival dates. Mike Hecker of Grind Stump Productions stated a title sponsor has been identified and a formal announcement will be made if Council approves the proposed Lompoc Criterium Bicycle Race for June 30, 2013. He explained the dates for any future local criterium races would be based on the Southern California Bicycle Racing Calendar.

Council Member Costa stated she is excited to have this event come to Lompoc and was concerned about businesses closing during this event and being unable to realize any extra customers or sales, but spoke to several businesses located in the race course area and was assured that the local businesses are excited by the possibility of having this event held in town. She then requested Mr. Hecker add parking to both sides of the race course.

**Public Comment:**

1. Judith Taggart, Lompoc Healthy Coalition representative spoke in favor of this proposed project.
2. Kathy Schmerzler stated she believes this would be a great event for the City, but is concerned about traffic and parking issues this would create, especially for the residential neighborhood on South H Street.

Mayor Linn asked if the Flower Festival Association has been contacted. Mr. Hecker explained he and Recreation Manager JoAnne Plummer had a meeting with a Flower Festival Association Board Member to discuss coordinating the Criterium Race with the end of the Flower Festival to help maximize attendance for both events.

Council Member Costa requested the City work closely with the Flower Festival Association, the Lompoc Chamber of Commerce, and Mr. Hecker to help make this event and the Flower Festival as successful as possible. She asked Mr. Hecker to comment on how the \$5,000 cash contribution from the City for this event will be utilized. Mr. Hecker explained the cash contribution will be used for promotion and not for prize money.

Mayor Linn asked why the estimate for the in-kind contribution from the City is listed at \$5,000 to \$7,000, and if those various departments are reimbursed by the General Fund. Economic Development Director/Assistant City Administrator Teresa Gallavan stated the in-kind contribution is based on estimates received by the various City departments that will be needed to help produce this event and explained there will be no reimbursement to the departments from the General Fund.

**ACTION:** Motion/Second: Costa/Starbuck. By a 4-0-1 vote (Council Member Lingl was Absent), Council approved a \$5,000 cash contribution necessary for the event; approved an in-kind contribution of labor for support from the Police Department, Fire Department, Recreation and Streets Divisions; and authorized the City Administrator to sign an agreement (to be prepared by Staff) with Mike Hecker of Stump Grinder Productions to conduct a Criterium event on June 30, 2013.

**BREAK:**

At 8:12 P.M. Mayor Linn announced a break. At 8:20 P.M., the meeting reconvened with all Council Members present.

**UNFINISHED BUSINESS:** (cont'd)

**5. Report on Old Lompoc Theater Roofs.**

Senior Civil Engineer Craig Dierling presented the Staff report and recommendations.

Mayor Linn announced he spoke to Mr. Schott directly regarding the Theater building.

Council discussed the presented Staff report and attached Engineer's Report, the possible liability to the City and Cal-Trans, current ownership of the building and property, the legal processes to possibly gain ownership of the property, and lack of available City funding, outside of General Fund Reserves, for repairs to the property.

**Public Comment:**

1. Kathy Schmerzler voiced concern about the City spending money for repairs to property not owned or controlled by the City.
2. Steve Stormen, representative of the Lompoc Theater Project group, thanked Council for this report, stated the Lompoc Theater Project group is committed to the rehabilitation of the Old Lompoc Theater building, requested the marquee be removed completely intact if it becomes necessary to remove the marquee for safety reasons, and suggested the roof be shrinkwrapped.

Mayor Linn asked Mr. Stormen if the Lompoc Theater Project group has been able attain a 501(c)(3) non-profit status. Mr. Stormen answered yes, stating the Lompoc Theater Project is busy working to identify donors.

3. Carol Benham, representative of the Lompoc Theater Project, suggested the City pressure the Oversight Board to the Successor Agency of the Dissolved Lompoc Redevelopment Agency to find a solution to the ownership of the Old Lompoc Theater property and stated the public safety issue raised in the Engineer's Report regarding the marquee, needs to be dealt with as soon as possible.
4. Judith Taggart spoke in favor of the City moving forward as soon as possible to remove or secure the marquee.
5. Gerald Tidwell spoke against the City spending money on a property not owned or controlled by the City.

Council discussed at length the Staff report, the Engineer's report, possible abatement procedures, costs for repair or removal of the marquee, current ownership of the property, unpaid property taxes on the property, and additional funding for the Consultant to further explore the marquee and options available to insure the public's safety. With a general consensus, Council directed Staff to contract with Fred H. Schott & Associates for an amount not to exceed \$2,000 to explore and provide recommendations and options of removing or shoring up the marquee on the Old Lompoc Theater building, send a letter to CalTrans with current findings, provide information to Council from the State regarding the current financial loans on the property and return to Council for review as soon as possible.

Council Member Starbuck returned to the dais.

**BREAK:**

At 9:25 P.M. Mayor Linn announced a break. At 9:40 P.M., the meeting reconvened with all Council Members present.

**UNFINISHED BUSINESS:** (cont'd)

6. **Water and Wastewater Rate Study Presentation and Request to Start the Proposition 218 Process for Rate Adjustments.**

Management Services Director Brad Wilkie introduced Financial Services Manager Melinda Wall, who presented the Staff report and introduced the Consultants from Willdan Financial Services, Mr. Habib Issac and Greg Tobler, who presented a summary of the water and wastewater rate study and the various scenarios for rate adjustments.

Council discussed at length the financial health of the water and wastewater funds, the Bond requirements for the wastewater treatment plant, Proposition 218 requirements when increasing a utility rate, State requirements for reductions in water usages, historical and estimated population growth for the City, the various scenarios for rate adjustments and users located outside the City Limits.

At 10:48 P.M., Council Member Starbuck motioned to extend the meeting past the 11:00 P.M. deadline. The motion was seconded by Mayor Linn and approved by a unanimous vote.

**Public Comment:**

1. Jim Mosby spoke about his recent tours of the City's water and wastewater plants and suggested the City review the plants' operations to find other ways to gain greater efficiencies.

Council devoted considerable discussion regarding efficiencies of the operations of the water and wastewater plants, State requirements and mandates for water use reductions, Bond and debt service requirements, the various presented scenarios, the Utilities Commission recommendations of using scenario 1 for both the water and wastewater treatment plants, and the need for replacement of aging water and wastewater pipes.

Council Member Costa moved to direct Staff to start the process on the next City Council agenda, to follow Proposition 218 guidelines and adjust rates by the amounts as recommended by Consultant in Scenario 3 for the water and wastewater services. The motion was seconded by Council Member Holmdahl and defeated by a 2-2-1 vote (Council Member Starbuck and Mayor Linn Voted NO and Council Member Lingl was absent).

Mayor Linn moved to continue this item to the next City Council Meeting of March 19, 2013. The motion was seconded by Council Member Holmdahl and approved by a 4-0-1 vote (Council Member Lingl was absent).

**WRITTEN COMMUNICATIONS:**

City Clerk Stacey Alvarez stated the Council received a copy of an email from Justin Ruhge, regarding Expansion Area D – The Wye Residential.

**ORAL COMMUNICATIONS (2 Minutes Maximum):** None

**COUNCIL REQUESTS, COMMENTS, AND MEETING REPORTS:**

Mayor Linn reported he has been busy working on the Motorsports Park grant application for the past two weeks.

Council Member Costa announced she will be in Washington, D.C. on April 30, 2013, and requested Council allow a discussion at the March 19, 2013, Regular Council Meeting on a possible change to the Tentative General Plan Schedule. Council approved the request with a general consensus.

**ADJOURNMENT:** At 11:55 P.M. Mayor Linn adjourned the Lompoc City Council to a Regular Meeting at 7:00 P.M. on Tuesday, March 19, 2013.

Respectfully submitted by: \_\_\_\_\_  
Stacey Alvarez, City Clerk