

MINUTES

**Regular Meeting of the Lompoc
City Council and Lompoc Redevelopment Agency
Tuesday, August 3, 2010
City Hall, 100 Civic Center Plaza, Council Chambers**

OPEN SESSION - 7:00 P.M.

CLOSED SESSION

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

Council Members Present: Tony Durham, Bob Lingl, Ann Ruhge, Mayor Pro Tempore Cecilia Martner, and Mayor Mike Siminski.

Staff Present: City Administrator Laurel Barcelona, City Attorney Joe Pannone, and City Clerk Donna Terrones.

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 matter.

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

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

Staff Present: City Administrator/Executive Director Laurel Barcelona, City Attorney/General Counsel Joe Pannone, City Clerk/Secretary Donna Terrones, Management Services Director Brad Wilkie, Community Development Director Arleen Pelster, Principal Planner Keith Neubert, and Utilities Director Ron Stassi.

Others Present: Mary Lou Parks, Ashley Costa, Pat Brady, John Linn, Arlen Sechrest, Joy Browder, Ella Gale, Fred Hayes, Kerry Moriarty, and Eric Brown.

Bill Denton gave the invocation and Mayor Mike Siminski led the Pledge of Allegiance.

REPORT ON ACTION TAKEN IN CLOSED SESSION:

Mayor Siminski announced that there was no reportable action taken, but that the item was regarding property being declared a public nuisance.

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

STAFF REQUESTS AND ANNOUNCEMENTS:

City Administrator Laurel Barcelona announced that tonight would be the last meeting for City Clerk Donna Terrones as she has accepted a position in Orange County.

COUNCIL/REDEVELOPMENT AGENCY REQUESTS AND ANNOUNCEMENTS:

- CITY 1. **Lompoc Valley Senior Community Center Project Root Cause Analysis .** *(Request by Council Member Lingl).*

City Administrator Laurel Barcelona presented the staff report, a PowerPoint presentation and staff's recommendations.

Council Member Martner commented on directives and guidelines to the Senior Community Ad Hoc Committee, proposed sites, and the proposed new guidelines. City Administrator Laurel Barcelona explained that there were no new guidelines at the time the directives were given on the proposed sites. She noted that there were several meetings by the Ad Hoc Committee, as well as several joint meetings with the Youth Commission, Senior Commission and the Parks and Recreation Commission.

Public Comment:

1. Mary Lou Parks spoke in support of the Senior Community Ad Hoc Committee. She commented on the duties assigned and proceeded to give timelines of what was done by the Committee.
2. Ashley Costa acknowledged staff's report and suggested Council consider that the next Ad Hoc Committee have experience with proposed future projects and that Phase III include a list of construction contingencies.
3. Pat Brady acknowledged staff's report, spoke in support of the Senior Community Ad Hoc Committee and noted that the Committee was not involved in the Root Cause Analysis.

Council Member Lingl questioned Ms. Brady if the Ad Hoc Committee was given clear direction. Ms. Brady stated yes, initially.

4. John Linn supported Ms. Parks and Ms. Brady's comments and feels other items could have been added to the report, and that policies be made by the public for the Ad Hoc Committees.

Council Member Lingl acknowledged staff's efforts in preparing the report and commented on the Findings No. 2) Council should take caution with any changes after Phase I, a budget be prepared, public input taken; an Ad Hoc Committee formed, a clear directive to the Committee, changes should only be made at a minimum and within the scope of a very moderate over run; No. 3) clear, concise guidelines should be drafted, to include involvement and communication with the Ad Hoc Committee, advising the Committee of the Brown Act requirements; No. 4) monitor the progress of the Committee; No. 5) establish a budget prior to purchasing property; and No. 6) brief Council on all major projects on a continual basis throughout the projects. Council Member Lingl noted the Council must demonstrate leadership to move projects along, on time and on budget.

Council Member Ruhge commented on all aspects involved in the proposed project. She acknowledged the Ad Hoc Committee, agreed with Council Member Lingl's comments, noting the length of the project due to constant input, and acknowledged staff's efforts. Ms. Ruhge asked staff to explain the backfill to the General Fund from the payment from the Hospital District. Staff explained that the initial property transfer agreement between the Hospital District and the City provided the City to be paid \$500,000 by the District in two payments in 2009, and the Hospital District would cash flow the \$500,000 for architectural work and the remodel. The \$2,000,000 payment from the Hospital District for the Community Center property reimbursed the General Fund, RDA, and CDBG, because these funds were used towards construction of the old Lompoc Community Center.

Council Member Martner commented on guidelines that need to be established. She suggested that, in the future Ad Hoc Committees be fully involved.

COUNCIL/REDEVELOPMENT AGENCY REQUESTS AND ANNOUNCEMENTS:
(cont'd) Item No. 1

Council Member Durham acknowledged the Ad Hoc Committee and staff. He feels the downfall was Council allowing the public so much input which sidetracked the project and extended the length of time.

Mayor Siminski spoke in support of staff's recommendations.

Council Member Lingl noted that all points made will be incorporated.

ACTION: Motion/Second: Lingl/Martner. By a 5 to 0 vote, the City Council accepted A and B:

- A) Establish specific guidelines for future City Council-appointed Ad Hoc Committees; and
- B) Define future City projects involving construction of new, or significant rehabilitation of public buildings in three phases for Council's approval:

Phase I – preliminary project, project description, planning, site selection, award of architect, pre-design, and architect's cost estimate;

Phase II – design and funding approval; and

Phase III – bid and project management award, construction through, project completion.

Council/Agency Member Martner requested staff review the sign ordinance, compare other cities' ordinances, review the pros and cons, and bring back to Council at a later date. Seconded by Council Member Ruhge, Third by Durham. Mayor/Chair Siminski voiced concern with establishing priorities with staff. Council/Agency Member Martner feels that the request is part of code enforcement that has already been requested by Council to review and is part of an Economic Development issue.

Council/Agency Member Ruhge gave an update on the WiFi system and announced that the Parks and Recreation Department is hosting its "Movie in the Park" program at Ryon Park on Friday, August 13, 2010, at 6 P.M.

Council/Agency Member Durham acknowledged the Parks and Recreation's program "Movie in the Park," and announced the Lompoc Police Department's "National Night Out," this evening. He requested staff prepare a Social Host Ordinance regarding under age drinking and holding owners liable who host events where alcohol and juveniles are in attendance. Seconded by Council/Agency Member Lingl, Third by Council/Agency Member Ruhge.

Council/Agency Member Lingl announced he was a judge for the Parks and Recreation Talent Show and noted various events in town; Dog Show, Play "Annie," Jazz concert at the Library, and a BBQ hosted by the Lions Club.

Mayor/Chair Siminski announced various donations given to the community by Wal-Mart and community participation of the Food Pantry.

Council/Agency Member Durham announced on July 26, 2010, the Council attended a presentation by the Lompoc Hospital announcing that Addicted Medical Services is proposing to open a rehabilitation center for first responders and military at the old hospital building.

ORAL COMMUNICATIONS:

1. John Linn commented on vacant commercial property, new businesses, sign ordinance, use of RDA funds and suggested posting information on the City’s website on local events.
2. Arlen Sechrest recommended the Social Host Ordinance be the tenant’s responsibility and not the owner, and commented on the sign ordinance.
3. Ashley Costa supported Mr. Linn’s comment and suggested revamping the City’s website and adding a monthly calendar with local events.

Council Members Ruhge and Durham stated that, at the Economic Development Special Meeting it was suggested to revamp the City’s website.

4. Joy Browder commented on previous City projects, closure of the old Senior Community Center, Senior Community Center Ad Hoc Committee, lack of effort from Council and Staff, cost of Aquatic Center, site locations, and pocket park.
5. Ella Gale asked where the Senior Community Center is located.

Mayor Siminski asked when the Senior Center will be agendized. City Administrator Laurel Barcelona stated the bid award for construction of the Lompoc Valley Senior Community Center will be on the Agenda of August 17, 2010.

RECESS:

At 8:30 P.M. Mayor/Chair Siminski announced a break. At 8:45 P.M., the meeting reconvened with all Council/Agency Members present.

CONSENT CALENDAR:

ACTION: Motion/Second: Lingl/Durham. By a 5 to 0 vote, the City Council/Agency:

CITY/RDA 2. Approved Minutes of the Lompoc City Council and Lompoc Redevelopment Agency’s Regular Meetings of July 6 and 20, 2010.

CITY 3. Approved expenditures for:

- Payroll of 7/21/10 - \$1,310,925.30
- Voucher Register of 7/15/10 - \$676,779.39
- Voucher Register of 7/16/10 - \$377,151.84
- Voucher Register of 7/22/10 – \$258,753.80
- Voucher Register of 7/23/10 - \$444,922.00

CITY 4. Adopted Resolution No. 5663(10) which authorizes the temporary closure of portions of “H” Street and Ocean Avenue.

CITY 5. Adopted Resolution No. 5662(10) and RDA Resolution No. 10-144, amending the City’s and Agency’s Conflict of Interest Code that requires certain officials and employees to file Statements of Economic Interest; and accepted the memorandum as the report required by Government Code Sections 87306 and 87306.5 for biennial review of the Conflict of Interest Code of the City of Lompoc and the Lompoc Redevelopment Agency.

CITY 6. Adopted Resolution No. 5661(10) authorizing City staff to file and execute the necessary documents for the purpose of obtaining financial assistance provided by the Governor’s Office of Homeland Security, 2009/10 Transit System Safety, Security & Disaster Response Account Program.

PUBLIC HEARING:

- CITY 7. **Approval of Resolution No. 5664(10), A Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Declaring a Public Nuisance (409 South “C” Street).**

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

Public Comment:

1. Fred Hayes spoke in support of staff’s recommendations.

Council Member Lingl supported Mr. Hayes’ comment. He noted he spoke with the neighbor, who stated they can’t open their windows due to the smell of the rotting fruit. He hopes the City can also clean the backyard. Staff stated that they can also abate code violations that are visible from the alley or adjoining property.

Council Member Durham stated he drove past the property and agrees that it is a public nuisance.

Council Member Martner reiterated the staff recommendations.

ACTION: Motion/Second: Lingl/Martner. By a 5 to 0 vote, the City Council:

- A) Adopted Resolution No. 5664(10), A Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Declaring a Public Nuisance; and
- B) Authorized abatement of 409 South “C” Street as follows:
- 1) Repair, replace, or remove all dilapidated fences;
 - 2) Trim or remove all grass and weeds that are overgrown to an average height in excess of one foot from the ground level that are 1) likely to harbor rats or other vermin; 2) constitute an unsightly appearance; 3) dangerous to public safety and welfare; 4) detrimental to neighboring properties or property values;
 - 3) Remove all lumber, junk, trash, or debris upon the premises which is visible from a public street, alley, or adjoining property.

- CITY 8. **Council Consideration of a Planning Commission Recommendation for a Mitigated Negative Declaration, Approval of Zone Change (ZC 09-02) and Preliminary/Precise Development Plan (DR 09-11) for the Third Street Apartments 24-Unit Apartment Complex. The Property is Approximately .96 Acres Located at 109 South Third Street (Assessor Parcel Number: 85-150-47)**

Principal Planner Keith Neubert presented the staff report and recommendations.

Council Member Durham questioned the density bonus and the carport pitch. Staff explained the density bonus request and stated the carport pitch was required to match the roof pitch of the building, but the Planning Commission agreed to accept flat carports instead of pitched.

Kerry Moriarty spoke in support of staff’s recommendations and requested a change to the design to have the option to construct or convert to individual water meters, and feels if he pitches the carport roof it would overwhelm the property.

Mayor Siminski asked Staff to respond to Mr. Moriarty’s request. Staff stated nothing would preclude the applicant from constructing the individual water meters and explained that in the past pitched roofs were required.

Public Comment: None

Council Member Durham questioned Mr. Moriarty if there would be an impact to traffic and noted that it is in the area of one of the main streets in town. Mr. Moriarty feels there would only be a minimal impact.

Council Member Ruhge indicated perhaps other materials could be used for the pitched roofs.

Council Member Lingl questioned the traffic study. Staff stated that due to the size of the project a traffic study was not required. Mr. Lingl voiced concern with the amount of units and feels it would add traffic. Staff stated that the traffic wouldn't be substantial.

Council Member Durham moved to accept the recommendations. Council Member Lingl asked if he was going to add the individual metering. Council Member Durham stated it was not necessary. Council Member Martner seconded. Mayor Siminski asked what the recommendation is with regard to the pitched roof. Mr. Durham stated if staff accepts, then he supports it. Staff stated that a condition would need to be added if Council wishes to accept the pitched roof. Council Member Durham withdrew his motion.

Council Member Lingl moved to accept staff's recommendations with the addition of a requirement of a pitched roof for the carports. Seconded by Council Member Ruhge.

ACTION: Motion/Second: Lingl/Ruhge. By a 5 to 0 vote, the City Council:

- A) Received and reviewed the Planning Commission recommendation; and
- B) Held the public hearing; and
- C) Certified the Mitigated Negative Declaration and directed staff to file a Notice of Determination (NOD) for the project; and
- D) Waived further reading and introduced Ordinance No. 1565(10) approving Zone Change (ZC 09-02) amending the City's Zoning Map; and
- E) Adopted Resolution No. 5659(10) approving a Preliminary/Precise Development Plan (DR 09-11); and
- F) Adopted Resolution No. 5660(10) approving a Density Bonus.

NEW BUSINESS:

RDA 9. **RDA Resolution No. 10-145 Supporting the Lompoc Theater Project Located at 112 North "H" Street.**

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

Council Member Ruhge commented on a previous meeting where Lompoc Housing and Community Development Committee (LHCDC) asked for support, and feels Council should move forward with the adoption of the resolution in support of the theater project.

NEW BUSINESS: (cont'd)
Item No. 9

Council Member Lingl spoke in opposition to staff's recommendation.

Mayor Siminski, Council Members Durham and Martner spoke in support of staff's recommendation.

Public Comment:

1. Eric Brown spoke in support of the theater project.

ACTION: Motion/Second: Ruhge/Durham. By a 4 to 1 vote (*Agency Member Lingl voted NO*), the Board adopted RDA Resolution No. 10-145 in support of the Lompoc Theater Project.

CITY 10. **Northern California Power Agency's (NCPA) Second Phase Agreement for Funding the Planning and Development Activities of the Solar Photovoltaic Project (Solar PV Project).**

Utilities Director Ron Stassi presented the staff report and recommendations.

Council Member Martner questioned if the Environmental Analysis Study will be necessary, and the cost being approximately \$58,000. Staff stated that eventually we will need the study and that the cost will come out of electric/utility funds.

Council Member Lingl questioned the additional cost. Staff stated that if the City backs out of the project they will have to pay half of the additional cost. Mr. Lingl questioned who will be managing the project and if Council will be receiving quarterly reports. Mr. Stassi stated that for the City, he would be managing the project once the participant group is formed, then it will be Electric Utility Manager Marty Hostler, and if Council wishes, reports can be presented on a quarterly basis. Mr. Lingl questioned the 20% contingency. Mr. Stassi stated that NCPA insists on the contingency as part of the project participant agreements.

Council Member Durham questioned the approval process for the phases. Staff stated that the phases are approved at the NCPA's Annual Meeting by the City's appointed Commissioner to vote.

Public Comment:

1. Eric Brown questioned the benefit to the citizens.

Staff explained that it would benefit the City for non-pollution and market it as a green community.

Council Member Martner acknowledged Staff's presentation.

ACTION: Motion/Second: Ruhge/Durham. By a 5 to 0 vote, the City Council approved participation in the NCPA's "Second Phase Agreement" for Funding the Planning and Development Activities of NCPA's SOLAR PV Project, authorized expenditures of up to \$82,600, which includes a 20% contingency of \$11,700 and an allowance of \$12,500 to reimburse the developer if NCPA elects to not proceed with the SOLAR PV Project, and authorized the Mayor to sign the subject agreement.

WRITTEN COMMUNICATIONS: None

ORAL COMMUNICATIONS: None

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

Council/Agency Member Durham announced that he will not be at the next City Council Meeting of August 17, 2010.

Council/Agency Member Ruhge disclosed she received an email from one of the Public Safety Commissioners requesting Council's support in opposition to Proposition 19. She asked staff for a review and to agendaize at a future date. Council/Agency Members concurred.

Mayor/Chair Siminski announced a meeting he attended.

ADJOURNMENT:

At 9:50 P.M. Mayor/Chair Siminski adjourned the Lompoc City Council/Redevelopment Agency to a Joint Meeting with the Human Services Commission at 6:30 P.M. followed by the Regular Meeting at 7:00 P.M. on Tuesday, August 17, 2010.

Michael A. Siminski, Mayor/Chair
City of Lompoc

ATTEST:

Donna N. Terrones, CMC
City Clerk
Date: August 9, 2010