



REVISED AGENDA

**Regular Meeting of the Lompoc City Council
Tuesday, May 20, 2014
City Hall, 100 Civic Center Plaza, Council Chambers**

Open Session 7:00 P.M.

Please be advised that, pursuant to State Law, any member of the public may address the City Council concerning any Item on the Agenda, before or during Council consideration of that Item. Please be aware that Items on the Consent Calendar are considered to be routine and are normally enacted by one vote of the City Council. If you wish to speak on a Consent Calendar Item, please do so during the first Oral Communications.

*"Members of the Public are Advised that all **PAGERS, CELLULAR TELEPHONES** and any **OTHER COMMUNICATION DEVICES** are to be turned off upon entering the City Council Chambers."*

*Regular City Council meetings will be videotaped and rebroadcast in Lompoc on Channel 23 at 9:00 a.m. the following Wednesday. **The Agenda and related Staff reports are available on the City's web site: www.cityoflompoc.com** the Friday before Council meetings between 9:00 a.m. and 5:00 p.m.*

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available the Friday before Council meetings at the City Clerk's Office at City Hall, 100 Civic Center Plaza, Monday through Friday between 9 a.m. and 5 p.m. and at the Information Desk at the Lompoc Library, 501 E. North Avenue, Lompoc, California, Monday - Thursday between 10 a.m. and 7 p.m. and Friday and Saturday between 1 p.m. and 5 p.m. The City may charge customary photocopying charges for copies of such documents.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, including review of the Agenda and related documents, please contact the City Clerk at (805) 875-8241 at least 72 hours prior to the meeting. This will allow time for the City to make reasonable arrangements to ensure accessibility to the meeting.

CLOSED SESSION

OPEN SESSION – 6:15 P.M. – Council Chambers

ROLL CALL: Mayor John Linn
Mayor Pro Tempore DeWayne Holmdahl
Council Member Bob Lingl
Council Member Dirk Starbuck
Council Member Ashley Costa

ORAL COMMUNICATIONS: (maximum of five minutes per speaker, limited to subject of “Closed Session”)

CLOSED SESSION – City Council Conference Room

BUSINESS ITEM:

1. CONFERENCE WITH LABOR NEGOTIATORS: City Designated Representatives: Beth Flamm-Overby, Brad Wilkie, Colin Tanner Employee Organization: Lompoc Police Officers Association and IBEW.
2. CONFERENCE WITH LEGAL COUNSEL: Existing Litigation – Paragraph (1) of Subdivision (d) of Section 54956.9 – Name of Case: *Lindsay v. Lompoc*, Case Number 2:14- cv-03032.

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

REPORT ON ACTION TAKEN DURING CLOSED SESSION:

INVOCATION: Melanie Lange

PLEDGE OF ALLEGIANCE: Mayor John Linn

PRESENTATIONS PRESENTED ELSEWHERE:

PRESENTATIONS:

Presentation from Santa Barbara County Food Bank representative.

The Economic Development Committee will give a presentation on recent, current, and upcoming meetings, events and efforts pertaining to economic development in the Lompoc Valley.

CITY ADMINISTRATOR STATUS REPORT: (Information only)

ORAL COMMUNICATIONS (Maximum of 5 Minutes): (At this time, please direct comments to the City Council regarding Consent Calendar items, other agenda items if you are not able to stay until that matter is discussed, or issues not on the Agenda but within the jurisdiction of the Council.)

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 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.

1. **Approval of Minutes** of the Lompoc City Council Regular Meeting of 05/05/2014
2. **Approval of expenditures for:**
 - Payroll of April 23, 2014 - \$1,349,818.10
 - Voucher Register of April 18, 2014 - \$539,883.68
 - Voucher Register of April 25, 2014 - \$596,644.18
 - Utility Credit Refunds of April 25, 2014 - \$2,137.38

COUNCIL REQUESTS AND ANNOUNCEMENTS:

3. **Council Discussion Concerning Adding Items to Published Agendas.**
(Requested by Council Member Starbuck)

City Attorney Joseph W. Pannone
jpannone@awattorneys.com

Paralegal Teri Schwab
t_schwab@ci.lompoc.ca.us

Recommendation: Council discuss whether to impose more requirements than established by State law for adding items to a published agenda; and provide direction to staff.

(Public Comment)

UNFINISHED BUSINESS:

4. **Proposal for Financing of the InterAct Computer-Aided Police and Fire Dispatch/Records Management System/Jail Management System Vendor; Adoption of Resolution No. 5918(14).**

Management Services Director Brad Wilkie
b_wilkie@ci.lompoc.ca.us

Recommendation: Council adopt Resolution No. 5918(14) approving financing of the purchase of the InterAct's Computer-Aided Dispatch/Records Management System/Jail Management System (CAD/RMS/JMS) (System) and approving supplemental revenue of \$218,012.95 from financing proceeds, and supplemental appropriation of \$218,012.95 for the capital outlay to purchase the System; or provide alternate direction.

(Public Comment)

NEW BUSINESS:

5. **Adoption of Resolution No. 5925(14) Ratifying the Proclamation of a Local Emergency Issued by the City's Director of Emergency Services.**

Economic Development Director/Asst City Administrator Teresa Gallavan
t_gallavan@ci.lompoc.ca.us

Recommendation: Council adopt Resolution No. 5925(14), ratifying the proclamation of a local emergency issued and closed by the City's Director of Emergency Services.

(Public Comment)

6. **Declaration of Nuisance and Abatement Order.**

Fire Chief Kurt Latipow
k_latipow@ci.lompoc.ca.us

Recommendation: Council Adopt Resolution No. 5924(14), 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 Sections 39560-39588; or provide alternate direction.

(Public Comment)

7. **Introduction of Ordinance No. 1603(14) Amending Lompoc Municipal Code, Title 3, by Adding Section 3.36.175 – Regulated Communications.**

Purchasing & Materials Manager Ray Ambler
r_ambler@ci.lompoc.ca.us

Recommendation: Council introduce Ordinance No. 1603(14) approving Regulated Communications and amending the Lompoc Municipal Code, Title 3, by adding Section 3.36.175 – Regulated Communications, waive further reading; or provide alternate direction.

(Public Comment)

8. **Adoption of Resolution No. 5923(14), Requesting the Judges of the Superior Court of the County of Santa Barbara to Reform the Civil Grand Jury.**

Economic Development Director/Asst City Administrator Teresa Gallavan
t_gallavan@ci.lompoc.ca.us

NEW BUSINESS: (cont'd)

Item No. 8

Recommendation: Council Adopt Resolution No. 5923(14), requesting the judges of the Superior Court of the County of Santa Barbara to reform the Civil Grand Jury; authorize the Mayor to forward the resolution to the mayors of Santa Maria, Buellton, and Solvang, the Santa Barbara County Board of Supervisors, the Superior Court's Executive Officer and the Jury Commissioner; or provide alternate direction.

(Public Comment)

WRITTEN COMMUNICATIONS:

ORAL COMMUNICATIONS (2 Minutes Maximum):

COUNCIL REQUESTS, COMMENTS, AND MEETING REPORTS:

ADJOURNMENT:

Lompoc City Council will adjourn to a Joint Meeting with the Parks & Recreation Commission at 6:30 P.M. on June 3, 2014, in the City Council Chambers.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 15th day of May 2014.

Stacey Alvarez, City Clerk
By Lori Lardizabal

Lompoc City Council Agenda Item



City Council Meeting Date: May 20, 2014

TO: Patrick Wiemiller, City Administrator

FROM: Joseph W. Pannone, City Attorney
jpannone@awattorneys.com

Teri Schwab, Paralegal
t_schwab@ci.lompoc.ca.us

SUBJECT: Council Discussion Concerning Adding Items to Published Agendas

Recommendation:

Staff recommends the City Council:

- 1) Discuss whether to impose more requirements than established by State law for adding items to a published agenda; and
- 2) Provide direction to staff.

Background:

California's open meeting laws set forth in Government Code Sections 54950-54963 and referred to as the Ralph M. Brown Act (Brown Act), were enacted by the California legislature in 1953. The Brown Act guarantees the public's right to attend and participate in meetings of local government's legislative bodies (city councils, commissions, boards and committees). The City complies with the Brown Act, which sets forth certain requirements concerning those meetings such as:

- All meetings shall be open to the public [Cal. Gov. Code subsection 54953(a)];
- An agenda shall be posted at least 72 hours before a regular meeting [Cal. Gov. Code subsection 54954.2(a)(1)];
- No action or discussion shall be undertaken on any item that does not appear on the posted agenda except to briefly respond to statements made or questions posed by persons exercising their public testimony rights [Cal. Gov. Code subsection 54954.2(a)(2)];
- However, action may be taken on items not appearing on the posted agenda when certain circumstances exist [Cal. Gov. Code subsection 54954.2(b)]:

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Council Discussion Concerning Adding Items to Published Agenda

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- An emergency [Cal. Gov. Code subsection 54954.2(b)(1)];
 - Upon two-thirds vote (or a unanimous vote if less than two-thirds of the members are present) that there is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda being posted [Cal. Gov. Code subsection 54954.2(b)(2)]; or
 - The item was posted on a previous agenda and continued to a subsequent meeting [Cal. Gov. Code subsection 54954.2(b)(3)]; and
- Legislative bodies of local agencies may impose requirements on themselves, allowing greater access to their meetings than prescribed by the Brown Act [Cal. Gov. Code subsection 54954.7].

The Council Handbook, at Section B2.4 (Attachment No. 1), references the Brown Act for the process to add items to a published agenda (Attachment No. 2). The entire Brown Act is incorporated into the Handbook as an attachment.

Discussion:

At a recent Council meeting, pursuant to Cal. Gov. Code subsection 54954.2(b)(2), action was taken on a non-agendized matter that came to the attention of the Council after the agenda was posted and for which action was needed before another regular or special meeting could have been convened. Some members of the public have raised concerns about the legality of that proceeding. To ensure the public's trust in its decision-making process regarding actions taken on matters added to a published agenda, at the April 15, 2014, meeting, Council Member Starbuck, with the support of the Council, directed staff to place an item on an upcoming agenda for the Council to discuss whether the Council should impose more stringent requirements than those established by the Brown Act for dealing with off-agenda items in the future. Staff suggests that discussion could also include whether all the City's Commissions, Boards, and Committees would also be required to follow those stricter requirements.

Fiscal Impact:

Council discussion has no fiscal impact on the General Fund.

Conclusion:

If Council decides to impose more stringent requirements concerning adding items to a published agenda, then staff recommends Council discuss what those requirements should be. Staff will return to Council with a resolution to amend the Council Handbook at Section B2.4 to establish those requirements.

Respectfully submitted,

Joseph W. Pannone, City Attorney

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Patrick Wiemiller, City Administrator

- Attachments: 1) [Council Handbook Section B2.4](#)
2) [California Government Code sections 54954.2 and 54957](#)

B2.3 Placing Business on the Agenda

Agenda items are limited to those business matters within the City's subject matter jurisdiction that are at issue and actually require the Council to hear, discuss, deliberate, decide, or act on the matter. Items of a theoretical nature and hypothetical questions generally are not suitable for inclusion on the agenda and should be avoided.

Placement of agenda items should be arranged with the City Clerk as far in advance of the meeting as possible. Before presentation to Council, all documents will be reviewed and approved by the City Administrator, City Attorney, City Clerk, or their respective designees.

Recurring matters that have legally established deadlines by which the Council must take action should be presented on an agenda for a regular Council meeting that will occur at least three regular Council meetings prior to that deadline. That scheduling is to provide the Council with sufficient time to consider those matters and continue discussion of those matters are deemed necessary. In addition, at least ninety (90) days prior to the applicable deadline, each of those matters shall be placed on the master calendar, which shall be made available to the Council at each regular Council meeting and that matter shall continue to be listed on the master calendar until the Council takes action on the matter.

Any item within the Council's jurisdiction may be placed on an agenda by a majority of Councilmembers, the City Administrator, the City Attorney, the City Management Services Director, or the City Clerk. During a meeting, any Councilmember may request an item be placed on a future agenda for the Council to decide whether that matter should be returned to Council for consideration and whether, when it is returned, staff should prepare a staff report discussing the matter and with recommendations. During public comment periods or by correspondence with Councilmembers, a member of the public may ask Council consider an item, and, upon consent of a majority of Councilmembers present, a staff report will be prepared and processed for a future agenda.

B2.4 Non-agendized Actions Prohibited

No action may be taken on any item not appearing on the posted agenda. Non-action items such as presentations, entertainment, and ceremonial activities should be scheduled and appear on the agenda so members of the public wishing to attend will be notified.

Notwithstanding the foregoing, Council may take action on items of business not on the posted agenda as permitted by the Brown Act:

The following non-agendized behavior also is permitted:

- Brief responses by Councilmembers and staff to statements or questions posed by the public.
- Questions for clarification.
- References to staff or other resources for factual information.
- Requests to staff to report on an issue at a future meeting.
- Requests to agendize a matter of business for a future meeting.

- Brief announcements by Councilmembers or staff and brief reports on their official activities.

B2.5 Order of Business

Council meetings should proceed efficiently and expeditiously, in full compliance with all applicable laws and with due regard for proper and appropriate consideration of Council's business on behalf of the City's residents.

Prior to the time set for each meeting, the Councilmembers, City Administrator, City Attorney, City Clerk, and any department heads required to be present, or their respective representatives, should take their regular places in the Council Chambers. The Presiding Officer should call the meeting to order promptly at the time set, and the business of the Council will be taken up for consideration and disposition in the order set forth in the published agenda, except that, with the consent by acclamation of two-thirds of the members present, items may be taken out of order. See, also, Section B6.3 of this Handbook. Council Request items scheduled for a Council agenda shall occur after Public Hearing items on that same agenda.

B3. PRESIDING OFFICER

B3.1 Mayor to Preside

The Mayor is the Presiding Officer at all meetings of the City Council. The Mayor pro tempore will preside in the Mayor's absence or at the Mayor's request. If both are absent, the City Clerk will call the Council to order, whereupon a temporary Presiding Officer will be elected by the Councilmembers present to serve until the arrival of the Mayor, the Mayor pro tempore, or adjournment of the meeting.

B3.2 Mayor pro tempore

At a regularly scheduled meeting soon after a General Municipal Election, the City Council shall choose one of its members as Mayor pro tempore, to serve a term of one year or until a successor is chosen. The Mayor pro tempore has all the powers and duties of the Mayor. Cal. Gov. Code §36801; Lompoc Municipal Code §2.04.030.

B3.3 Powers and Duties

Participation: The Presiding Officer may move, second, debate, and vote from the Chair. He/she shall not be deprived of any of the rights and privileges of a Councilmember by reason of acting as Presiding Officer.

Questions to be Stated: The Presiding Officer may restate each question immediately prior to calling for the vote. Following the vote, the Presiding Officer shall announce whether the question carried or was defeated. At his/her discretion, the Presiding Officer may explain the effect of a vote for the audience, or direct a member of the City staff to do so, before proceeding to the next item of business.

Maintaining Order and Decorum: The Presiding Officer is responsible for the maintenance of order and decorum at all meetings, and decides all questions of order, subject to an appeal to the Council. See Section B4.5 of this Handbook. Nondisruptive minor deviations in procedure and order generally are permitted if the validity of Council's action is unaffected.

CALIFORNIA GOVERNMENT CODE

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

54957. (a) This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

Lompoc City Council Agenda Item



City Council Meeting Date: May 20, 2014

TO: Patrick Wiemiller, City Administrator

FROM: Brad Wilkie, Management Services Director
b_wilkie@ci.lompoc.ca.us

SUBJECT: Proposal for Financing of the InterAct Computer-Aided Police and Fire Dispatch/Records Management System/Jail Management System Vendor; Adoption of Resolution No. 5918(14); Authorization of Purchase Order in the Amount of \$218,012.95 to AT&T Capital Services

Recommendation:

Staff recommends the City Council:

- 1) Adopt Resolution No. 5918(14) approving the financing of the purchase of the InterAct's Computer-Aided Dispatch/Records Management System/Jail Management System (CAD/RMS/JMS) (System) and approving supplemental revenue of \$218,012.95 from financing proceeds, and supplemental appropriation of \$218,012.95 for the capital outlay to purchase the System (attached);
- 2) Authorize the Purchasing and Materials Manager to issue a Purchase Order in the amount of \$218,012.95 to AT&T Capital Services (InterAct's financing partner) for the purchase of the System; or
- 3) Provide alternate direction.

Background:

At the April 15, 2014, City Council meeting, the Council approved the purchase of the System to provide improved services by and for the Lompoc Police and Fire Departments (and other City Departments). The City Council provided direction to staff to return at a later date to authorize financing, necessary appropriations, and budget adjustments, to provide for the purchase of the System utilizing internal financing opportunities, rather than financing available from AT&T Capital Services, the financing arm of InterAct.

During the April 15, 2014, City Council meeting, a presentation was made regarding the options for funding the purchase of the software and ongoing software maintenance. At that time, choices were presented for both the software purchase and the software

maintenance costs. Council provided direction to pursue internal financing for the purchase of the System, and to utilize existing maintenance appropriations to offset the current and future costs of the System, and maintenance costs over the System's initial five-year contract term.

As an alternative to InterAct's AT&T Capital Services financing option, the City may borrow internally from the Insurance/Benefits Internal Services Fund, which holds restricted long-term reserves earning interest at a current rate of 0.23%, rather than pay the financing rate of approximately 3%. Further, utilization of internal sources provides the City with flexibility related to the repayment of the borrowed funds to best match the City's budgetary cycles.

Discussion:

The City recently secured financing for all outstanding capital leases. This refinancing was conducted using an RFP process to secure the most beneficial rates available. The City had a number of capital leases with varying terms of repayment that were refinanced. The capital lease refinanced with the closest term of five years was awarded with an interest rate of 1.32% in September 2013. Staff's recommendation at the April 15, 2014, City Council meeting, was to mirror the 1.32% rate and provide for annual payments beginning July 1, 2015, such that the purchase of the System will be paid off on July 1, 2018. The amortization of the payments would be:

<u>Payment Date</u>	<u>Payment</u>	<u>Interest</u>	<u>Principal</u>	<u>Balance</u>
				\$ 218,012.95
7/1/2015	\$ 56,313.64	\$ 2,877.77	\$ 53,435.87	164,577.08
7/1/2016	56,313.64	2,172.42	54,141.22	110,435.86
7/1/2017	56,313.64	1,457.75	54,855.89	55,579.97
7/1/2018	56,313.64	733.67	55,579.97	(0.00)
Totals	<u>\$ 225,254.56</u>	<u>\$ 7,241.61</u>	<u>\$ 218,012.95</u>	

While interest expense would accrue from the date the System is purchased in 2014, the principal payments would occur during the FY 2015-17 and the FY 2017-19 budgetary cycles. This will allow for the planning of departmental costs for both the Fire and Police Departments during the regular budgetary cycles. It is expected the City's purchase of the System will occur close to the beginning of FY 2014-15.

Fiscal Impact:

The proposed schedule for repayment of the cost of the System will defer the principal portion of the repayment obligation to the FY 2015-17 and FY 2017-19 Budget cycles. As with most software purchases, maintenance for the first year is included with the purchase cost of the System, acting as a one-year warrantee. This one-year window

will provide Program 11150 – Police-CAD/RMS Operations with budgetary savings of \$48,286 in FY 2014-15.

FY 2014-15 will require the recognition of \$2,878 for interest costs, which can likely be accounted for with a budget adjustment from another line item in the 11150 program. Account No. 11150-58146 is proposed for use to account for the interest component of the financing. Account No. 11150-61146 is proposed to account for the principal portion of the financing.

The budgetary process for FY 2015-17 will require the dedication of resources for the payment of both the System purchase, as well as the first year of maintenance/software update costs of \$58,932.19. InterAct has proposed an initial five-year contract, providing for the maintenance/software update costs to remain at \$58,932.19 per year for five years. The City Council will be acting upon the FY 2015-17 Budget beginning in January 2015, with the adoption of the budget anticipated in June 2015. Therefore, no action is required at this time to authorize the payment of future maintenance costs for the System.

The April 15, 2014, City Council Agenda item for the purchase of the System anticipated a possible financing option to pay for the five years of maintenance as part of an overall financing package. Staff has confirmed this is not a requirement of the purchase of the System, but the annual price for the maintenance is set for the first five years as part of the contract. Without financing maintenance, the total amount necessary to be financed is \$218,013, rather than the \$453,742 included in the recommendation for the purchase of the System.

The Police Department has carried over appropriations in Program 11150 in anticipation of the conversion to the new System. The Department may request to carry-over remaining appropriations available at June 30, 2014, to reduce the amount of new appropriations required for the overall System cost in FYs 2015-17, including maintenance.

By utilizing financing, the initial purchase cost of the system can be spread over the initial contract term of five years, with repayments beginning July 1, 2015. Unlike the current system, all InterAct System upgrades and version updates are included in the contract terms and are paid for as part of the annual maintenance costs.

As the General Fund is considered a “governmental” fund and the Insurance/Benefit Fund is a “proprietary” fund, the financial representation of this transaction is going to be different from the budgetary presentation. Governmental funds cannot show long-term obligations such as this loan on their balance sheets, while proprietary funds show short-term and long-term obligations. To properly reflect this differentiation, the two funds will show offsetting “advances,” rather than a loan receivable and a loan payable;

however, the intent of the transaction is to mirror the available financing as available from an external vendor.

Conclusion:

Resolution No. 5918(14) provides for the advance between the Insurance/Benefits Internal Services Fund and the General Fund, and the related terms of annual repayments, which include 1.32% annual interest and repayment by July 1, 2018. The resolution also provides for the supplemental appropriations necessary for the purchase and proceeds during the remainder of the FY 2013-15 Budget, setting up any required new accounts, the budget adjustments necessary for recognition of current financing costs, and authorization to the Purchasing and Materials Manager to issue the Purchase Order. It does not appropriate funds for the repayment of the loan in FYs 2015-17 or FYs 2017-19, as those budgetary periods have yet to be deliberated.

Respectfully submitted,

Brad Wilkie, Management Services Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Patrick Wiemiller, City Administrator

Attachment: [Resolution No. 5918\(14\)](#)

RESOLUTION NO. 5918(14)

**A Resolution of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Authorizing Internal Financing for the Purchase
of InterAct's CAD/RMS/JMS Software System;
to Approve Fund Advances, Supplemental Appropriations
and Revenues Related to the Financing of the Purchase;
and to Approve Budget Adjustments Relating
to the Payment of the Financing of the Purchase**

WHEREAS, the City of Lompoc (City) is a city organized and existing under and pursuant to the Constitution and laws of the State of California (State); and

WHEREAS, the City desires to provide for lease-financing in the approximate amount of \$218,013 for the acquisition of a public safety Computer-Aided Dispatch, Records Management System, and Jail Management System (System); and

WHEREAS, the City Council authorized the acquisition of the System at its April 15, 2014, regular meeting utilizing resources of idle cash and investments available in the Insurance and Benefits Internal Service Fund, a Proprietary Fund of the City; and

WHEREAS, the Insurance and Benefits Internal Service Fund holds cash and investments with restricted use for long-term liabilities and investments of idle cash according to the City's Investment Policy; and

WHEREAS, the City's investment return is currently 0.23%, based on the most recent Local Agency Investment Fund published apportionment rate; and

WHEREAS, the City's recent external refinancing resulted in an interest rate of 1.32% on a five-year term instrument and corresponding current rates are relatively consistent with the competitive rates obtained with the external financing; and

WHEREAS, the System's provider, InterAct, included financing as part of their proposal package, with an interest rate of approximately 3.2% for a four-year term of financing.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA,
DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City's Insurance and Benefit Internal Service Fund has temporary idle cash and investments of \$218,013 available to lend to the City's General Fund and will do so under the following terms:

Loan Amount: \$218,013
 Interest Rate: 1.32% per year
 Payment Terms: Annual payments on July 1, for a term of four years
 Funding Date: Invoice Date from InterAct – approx June 30, 2014
 Initial Payment Date: July 1, 2015

SECTION 2. The repayment schedule of the internal financing is as follows:

<u>Payment Date</u>	<u>Payment</u>	<u>Interest</u>	<u>Principal</u>	<u>Balance</u>
7/1/2014				\$ 218,012.95
7/1/2015	\$ 56,313.64	\$ 2,877.77	\$ 53,435.87	164,577.08
7/1/2016	56,313.64	2,172.42	54,141.22	110,435.86
7/1/2017	56,313.64	1,457.75	54,855.89	55,579.97
7/1/2018	56,313.64	733.67	55,579.97	(0.00)
Totals	<u>\$ 225,254.56</u>	<u>\$ 7,241.61</u>	<u>\$ 218,012.95</u>	

SECTION 3. New account and object codes are set up to account for the budgetary and actual transactions related to the funding and repayment of the financing:

Interest Expense – General Fund Public Safety financing 11150-58171
 Principal Debt Service – General Fund Public Safety financing 11150-61171
 Principal to BS – General Fund Public Safety financing 11150-61199
 Lease Proceeds – From Insurance/Benefit ISF 40010-48171

SECTION 4. Funding of the financing lease proceeds in the following accounts with the amounts specified:

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
71-12010	Insurance Fund – Due From GF	\$218,013	
10-21071	General Fund – Due To Ins Fund		\$218,013

SECTION 5. Budget Adjustments necessary to provide for interest on this loan transaction for FYs 2013-15 include the following:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
<u>From:</u>		
11150-53359	Police – CAD/RMS Operations – Software License	\$2,878
<u>To:</u>		
11150-58171	Police – CAD/RMS Operations – Interest Expense	\$2,878

SECTION 6. Supplemental Appropriations and Supplemental Revenue adjustments necessary to provide for the payment of the InterAct System purchase are as follows:

Supplemental Revenues to recognize the lease proceeds in order to provide for the InterAct System acquisition during FYs 2013-15 are as follows:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
<u>From:</u>		
40010-48171	Lease Proceeds – From Ins ISF	\$218,013
71-34099	Fund Balance – Insurance ISF	218,013

Supplemental Appropriations necessary to provide for the acquisition of the InterAct System during FYs 2013-15 are as follows:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
<u>To:</u>		
11150-73188	Police – CAD/RMS Operations – Software Purchase	\$218,013
71991-61640	Prin – Lease Purchase Loan	218,013

SECTION 7. Year-end closing transactions necessary to present the financing between the governmental fund (General Fund) and the proprietary fund (Insurance Internal Services Fund) and to properly present the transaction on the City’s end-of-year financial statements for FY 2013-14 and FY 2014-15 are as follows:

<u>General Fund</u>	<u>Debit</u>	<u>Credit</u>
Dr 40010-48900 – Lease Proceeds to Principal	\$218,013	
Cr 10-21071 – Due to Insurance/Benefit Fund		\$218,013
Insurance/Benefit ISF		
Dr 71-12010 – Due from General Fund	\$218,013	
Cr 71991-61640 – Prin – Lease Purchase Loan		\$218,013

SECTION 8. The Purchasing and Materials Manager is authorized to issue a Purchase Order in the amount of \$218,012.95 to AT&T Capital Services (InterAct’s financing partner) for the purchase of the System.

SECTION 9. Budget Appropriations for future cycles (FYs 2015-17 and FYs 2017-19) will be considered as part of the overall budget preparation processes for each cycle during the January 2015 to June 2015, and January 2017 to June 2017 periods, respectively. It is anticipated the City will budget the remaining repayment of the loan during the next two budget cycles, based on the accounts and the repayment schedule identified in this resolution. The budget of the repayments will be from Program 11150, while the funding contribution for Program 11150 will be considered from all benefitting divisions including: Fire, Police, and enterprise funds that utilize Program 11150 services.

SECTION 10. Effective Date. This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on May 20, 2014, by the following vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

John H. Linn, Mayor
City of Lompoc

ATTEST:

Stacey Alvarez, City Clerk
City of Lompoc

Lompoc City Council Agenda Item



City Council Meeting Date: May 20, 2014

TO: Patrick Wiemiller, City Administrator

FROM: Teresa Gallavan, Economic Development Director/
Assistant City Administrator
t_gallavan@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 5925(14) Ratifying the Proclamation of a Local Emergency Issued by the City's Director of Emergency Services

Recommendation:

Staff recommends the City Council adopt Resolution No. 5925(14) (Attachment 1) ratifying the proclamation of a local emergency issued and closed by the City's Director of Emergency Services.

Background/Discussion:

On May 13, 2014, the Miguelito Fire Incident, originating in the Miguelito Canyon area of the City of Lompoc, led to the activation of the Lompoc Emergency Operations Center. The City Administrator has been appointed by the Mayor with the advice and consent of the City Council as the Director of Emergency Services pursuant to Lompoc Municipal Code Section 2.36.050. The Director of Emergency Services is empowered to declare a local emergency if the City Council is not in session (State Government Code, Sections 8558 and 8630, *et seq.* and Lompoc Municipal Code Section 2.36.060). In the event of a disaster or condition of extreme peril to persons and property within a jurisdiction, which is beyond the capability of local responder to manage, the City may issue a Proclamation of Emergency. Proclamations of Emergency provide the City with certain emergency powers and are important in requesting and receiving State and Federal assistance and reimbursement. The need for continuing the local emergency existed from May 13, 2014, through May 15, 2014. The Mayor and Council must ratify the declaration within seven days.

Fiscal Impact:

The adoption of Resolution No. 5925(14) ratifying the proclamation of a local emergency is important in requesting and receiving State and Federal assistance and reimbursement. As of the publication date of the staff report, an estimate of expenses and potential reimbursements is not available.

May 20, 2014

Adoption of Resolution to Ratify Proclamation of Local Emergency

Page 2 of 2

Conclusion:

By adopting the resolution ratifying the declaration of emergency, the City has certain emergency powers and support in requesting and receiving State and Federal assistance and reimbursement.

Respectfully submitted,

Teresa Gallavan, Economic Development Director/Assistant City Administrator

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Patrick Wiemiller, City Administrator

Attachment: [Resolution No. 5925\(14\)](#)

RESOLUTION NO. 5925(14)

**A Resolution of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Ratifying the Proclamation of a Local Emergency
Issued By the City's Director of Emergency Services**

WHEREAS, California Government Code Sections 8558 and 8630 et seq., and Section 2.36.060(A)(1) of the Lompoc Municipal Code empower the City's Director of Emergency Services to proclaim the existence, or threatened existence, of a local emergency when the City is affected by a disaster and the City Council is not in session, provided that the Director's declaration is subsequently ratified by the City Council within seven days of the proclamation; and

WHEREAS, pursuant to Section 2.44.050 of the Lompoc Municipal Code, the Mayor with the advice and consent of the City Council has appointed the City Administrator as the City's Director of Emergency Services; and

WHEREAS, conditions of extreme peril to the safety of persons and property arose within this City, at approximately 3:00 p.m. on May 13, 2014 due to the Miguelito Fire Incident originating in the Miguelito Canyon area of the City; and

WHEREAS, on May 13, 2014, the Lompoc City Council was not in session, the City Director of Emergency Services issued a proclamation of the existence of a local emergency within the City of Lompoc (see Exhibit "A," copy of the May 13, 2014, "Proclamation of Existence of a Local Emergency"); and

WHEREAS, the City Council does hereby find these conditions of a Wildland disaster warranted and necessitated the proclamation of the existence of a local emergency and that it was appropriate to request to the Governor of California to proclaim a State of Emergency covering the City of Lompoc.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby ratifies the proclamation of the existence of a local emergency as issued by the City Director of Emergency Services on May 13, 2014.

SECTION 2. The need for continuing the local emergency existed from May 13, 2014 through May 15, 2014.

SECTION 3. The above-stated recitals are true and correct and accurately reflect the findings and determinations of the City Council of the City of Lompoc.

SECTION 4. Effective Date. This Resolution is effective upon its adoption.

The foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on May 20, 2014, by the following vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

John H. Linn, Mayor
City of Lompoc

ATTEST:

Stacey Alvarez, City Clerk
City of Lompoc

Attachment:

Exhibit A: [Proclamation of the Existence of a Local Emergency](#)

**A PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES PURSUANT TO
LOMPOC MUNICIPAL CODE SECTION 2.36.060(A)(1), CALIFORNIA**

WHEREAS, state Government Code, Sections 8558 and 8630, *et seq.* and Lompoc Municipal Code Section 2.36.060 empower the Director of Emergency Services to declare a local emergency if the City Council is not in session;

WHEREAS, the City Administrator of the City of Lompoc has been appointed by the Mayor with the advice and consent of the City Council as the Director of Emergency Services pursuant to Lompoc Municipal Code Section 2.36.050;

WHEREAS, the City Council of the City of Lompoc is not in session and cannot immediately be called into session;

WHEREAS, pursuant to Lompoc Municipal Code Section 2.36.060(A)(1), the Director of Emergency Services is authorized to proclaim a local emergency if the City Council is not in session;

WHEREAS, conditions of significant threat to the safety of persons and property arose, resulting from the Miguelito Fire incident beginning on May 13, 2014;

WHEREAS, the Director of Emergency Services activated the emergency services center at the Lompoc Police Department at 107 Civic Center Plaza, Lompoc, California at 1453 on May 13, 2014 due to the Miguelito Fire incident;

WHEREAS, the Director of Emergency Services has received reports from those assessing the field and conducted his own visual assessment; and

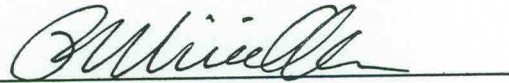
WHEREAS, existing conditions, coupled with the Miguelito Fire incident collectively, constitute conditions of extreme peril to the safety of persons and property within the boundary of the City of Lompoc, which conditions are likely to be beyond the control of the services, personnel, equipment and facilities of the City of Lompoc and will require the combined forces of the other political subdivisions of the county, state and federal government.

NOW, THEREFORE, BE IT PROCLAIMED the Director of Emergency Services, hereby declares as follows:

SECTION 1. There is proclaimed a state of local emergency to exist in the City of Lompoc, California, due to the Miguelito Fire incident.

SECTION 2. This state of local emergency will continue for no more than seven days, unless the City Council ratifies this proclamation.

SECTION 3. That as of May 13, 2014, all City departments are directed to take those actions, measures and steps deemed necessary to assure the safety and welfare of the inhabitants of the City of Lompoc and property, including requesting mutual aid to the extent such aid is necessary.



Patrick Wiemiller
Director of Emergency Services

ATTEST:



Teresa Gallavan
Assistant City Administrator

Lompoc City Council Agenda Item



City Council Meeting Date: May 20, 2014

TO: Patrick Wiemiller, City Administrator

FROM: Kurt Latipow, Fire Chief
k_latipow@ci.lompoc.ca.us

Dena Foose, Deputy Fire Marshal
d_foose@ci.lompoc.ca.us

SUBJECT: Declaration of Nuisance and Abatement Order

Recommendation:

Staff recommends the City Council:

- 1) Adopt Resolution No. 5924(14) (attached), 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 Sections 39560-39588; or
- 2) Provide alternate direction.

Background/Discussion:

In accordance with the Fire Department's annual weed abatement program, the Fire Department has inspected each of the properties identified on Exhibit A to Resolution No. 5924(14) (attached) and found there is potential for growth of weeds which, when dried, will constitute a fire hazard or other noxious and dangerous condition. Further, it has been found these same lots often have an accumulation of rubbish, debris and dirt, creating a fire hazard or dangerous condition.

To proceed with the abatement of the weed conditions, City Council must determine hazardous or dangerous conditions exist and set a public hearing to hear objections to the proposed weed removal. The Council is being requested to set that public hearing for the June 17, 2014, City Council meeting. If, at that meeting, the Council determines nuisance conditions exist, then the Council could order abatement of the nuisance conditions by removal of the weeds by the property owners, and failing that, by the City, with the cost of administrative code enforcement and of removal assessed against the properties as a lien upon them until paid.

Adoption of the proposed resolution will also address the re-growth of weeds. The Fire Chief has determined weeds are seasonal and recurrent nuisances. The Fire Chief's findings are in accordance with Government Code Section 39562.1, which will allow subsequent abatements by the City to be conducted within the same calendar year, with no further public hearing, as long as post card notices are sent to the subject property owners.

Fiscal Impact:

Government Code Section 39573 permits the Council to order a special assessment and lien, pursuant to Government Code Section 39577, after an order to abate nuisance conditions has been issued by Council and not followed. It will only apply to those parcels that have an abatement order issued by the Council, but will apply whether the parcel is subsequently cleared by the property owner or by the City, after the order to abate has been issued. After the assessment is made and confirmed, a lien attaches on the parcel for the assessment amount. As the County of Santa Barbara adopted the "Teeter Plan" for distribution of property taxes and assessments, the City will receive the lien amount for the assessment during the next annual property tax distribution cycle following the imposition of the lien. Parcels cleared by the owner prior to the City Council's abatement order will not be subject to the administrative fee. At least five days prior to the public hearing, a notice to abate weeds/debris will be sent to all owners of subject parcels, informing them of the public hearing date, administrative fee and abatement procedures.

Costs related to the annual weed abatement program that are not ultimately charged to the property owner as a lien are budgeted for and paid from the Fire Prevention program, which is a General Fund division. The administrative fee assessed to parcel owners who ultimately have an abatement order processed recovers a portion of the General Fund costs associated with the implementation of this program.

Conclusion:

Adoption of the proposed resolution is consistent with the Department's commitment to community risk reduction and the elimination of hazardous conditions.

Respectfully submitted,

Kurt Latipow, Fire Chief

Dena Foose, Deputy Fire Marshal

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Patrick Wiemiller, City Administrator

Attachment: [Resolution No. 5924\(14\)](#)

RESOLUTION NO. 5924(14)

**A Resolution of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Declaring Public Nuisance by Virtue of
Weed Growth and/or the Accumulation
of Rubbish, Debris and/or Dirt on Private Property,
Pursuant to Government Code Sections 39560-39588**

WHEREAS, the Fire Chief has filed a report with the City Council, showing weeds within the definition of Government Code Subsection 39560 (b) that have or will attain such a large growth as to become a fire menace when dry, or that are otherwise noxious or dangerous, upon each and every parcel of land described in the report, a copy of which is attached hereto as Exhibit A and incorporated herein by reference as though set forth at length; and

WHEREAS, the City Council does hereby find and determine all of the properties described in Exhibit A are real properties upon which weeds, as defined in Government Code Subsection 39560(b), are now growing, and which growth has become large and sufficiently dry to be a fire menace, or which are otherwise noxious or dangerous, or likely to become noxious or dangerous during the pending dry season.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to Government Code Sections 39560-39588, the City Council hereby declares the dangerous or noxious weeds growing upon all the properties described in Exhibit A, and each parcel thereof, constitute a public nuisance, which must be abated by the removal of those weeds from those parcels of property and they shall be removed and the nuisance abated by the City. After the order to abate has been issued, the cost of investigation, boundary determination, measurement, clerical and other related costs, including removal, shall be assessed upon the land from which the weeds will have been removed, and such charges will constitute a lien upon the applicable properties until paid.

SECTION 2. June 17, 2014, at 7:00 p.m., at the meeting place of the City Council at 100 Civic Center Plaza, Lompoc, California, is hereby fixed as the time and place for hearing objections to the proposed removal of such weeds and the entry of the order to abate.

SECTION 3. The Fire Department, pursuant to Government Code Section 39567.1, is directed to mail written notice of this Resolution to all persons owning properties described on attached Exhibit A, at least five days prior to June 17, 2014. The notice shall be in the form provided by Government Code Section 39566, except the heading thereof need not comply with Government Code Section 39565. That mailing is an

alternative to the posting required by Government Code Section 39564, and no posting shall be required.

SECTION 4. Pursuant to Government Code Section 39562.1, the City Council finds and declares the weeds on the properties described in Exhibit A are seasonal and recurrent. Accordingly, any subsequent occurrence of such nuisance within this calendar year may be abated in accordance with Government Code Section 39562.1, without further public hearing and with notice to the subject property owners by post card.

SECTION 5. This Resolution is effective immediately upon adoption.

Councilmember _____ proposed the above and foregoing Resolution, seconded by Councilmember _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on May 20, 2014, by the following electronic vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember:

John H. Linn, Mayor
City of Lompoc

ATTEST:

Stacey Alvarez, City Clerk
City of Lompoc

Attachment: [Exhibit A](#)

City of Lompoc
ACTIVE CASES - by Officer

Case No.	Opened	Type Sub-Type	Assigned To Status	Site Address and Parcel	Owner/Resident
CE14-0234	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	2225 BRIAR CREEK WAY 093070067	LOMPOC MINI-STORAGE, LLC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0338	5/2/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	BURTON RANCH 097250084	TOWBES GROUP, INC
	<i>Case Name</i>	Brush and weeds on a large parcel vacant lot			
	<i>Description</i>				
CE14-0289	4/28/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	913 CLEMENS WAY 085470024	VAN DER HEIJDEN HENDRIKA TRUST
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0243	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	424 COMMERCE CT 093450008	PEREZ, CRISTINA
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0244	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	440 COMMERCE CT 093450006	RODRIGUEZ, MICHELLE
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0245	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	801 CORDOBA AVE 093450020	NOTRICA, LEON REVOCABLE TRUST
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0246	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	851 CORDOBA AVE 093450019	NOTRICA, LEON REVOCABLE TRUST
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0247	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	CORONADO DR 093320028	FOOTHILL ESTATES HOMEOWNERS ASS
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0248	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	CORONADO DR & OLIVE AVE 093310031	FOOTHILL ESTATES HOMEOWNERS ASS
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0249	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1401 E CYPRESS AVE 085150018	LOMPOC PACIFIC ASSOCIATES
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0250	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1406 E CYPRESS AVE 085260007	MARTINEZ, MERCEDES TRUST 5/21/
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				

Exhibit A

City of Lompoc
ACTIVE CASES - by Officer

Case No.	Opened	Type Sub-Type	Assigned To Status	Site Address and Parcel	Owner/Resident
CE14-0251	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	220 E CYPRESS AVE 085203001	GUERRERO, MIGUEL M
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0312	4/29/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	1300 E HICKORY AVE 085271020	HAUENSTEIN EDWARD E/LOP AVNE TP
	<i>Case Name</i>	Weeds on SFH lot			
	<i>Description</i>				
CE14-0259	4/27/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	1301 E HICKORY AVE 085260047	COX, KARL C
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0260	4/27/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	1321 E HICKORY AVE 085260056	HAUENSTEIN EDWARD E/LOP AVNE TP
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0261	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1325 E HICKORY AVE 085260055	HAUENSTEIN EDWARD E/LOP AVNE TP
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0262	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1329 E HICKORY AVE 085260054	HAUENSTEIN EDWARD E/LOP AVNE TP
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0328	5/1/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	204 E LAUREL AVE 085022007	JOHNSON, RON S
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0330	5/1/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	208 E LAUREL AVE 085022008	JOHNSON, RON S
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0331	5/1/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	212 E LAUREL AVE 085022009	JOHNSON, RON S
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0332	5/1/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	216 E LAUREL AVE 085022010	NATAL, DAVID
	<i>Case Name</i>	weeds on lot			
	<i>Description</i>				
CE14-0333	5/1/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	300 E LAUREL AVE 085031012	SMITH, KIMBERLY GAIL
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				

Exhibit A

City of Lompoc
ACTIVE CASES - by Officer

Case No.	Opened	Type Sub-Type	Assigned To Status	Site Address and Parcel	Owner/Resident
CE14-0314	4/29/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	400 E LAUREL AVE 085032010	ORNELAS, BENJAMIN
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0337	5/1/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	E LAUREL AVE (RR) 085010034	WEYRICK, COLIN & CANDY FAMILY
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0327	5/1/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	E LAUREL AVE (RR) 085040003	LEVEL 3 COMMUNICATIONS, LLC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0334	5/1/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	108 E NORTH AVE 087040054	MOSBY JAMES H/VIRGINIA E TRUST
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0270	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	107 E OCEAN AVE 085122022	JAY, HUGH H
	<i>Case Name</i>	Weeds on vacant land			
	<i>Description</i>				
CE14-0271	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	113 E OCEAN AVE 085122010	PPYH LLC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0272	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	119 E OCEAN AVE 085122007	MORRIS, ROGER P
	<i>Case Name</i>	Weeds on vacant land			
	<i>Description</i>				
CE14-0275	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1600 E OCEAN AVE 085360007	COURTNEY TOM & ASSOCIATES INC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0293	4/28/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1416 E WALNUT AVE 085150009	CLEAR HORIZON, LLC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0294	4/28/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	804 E WALNUT AVE 085150001	JANSSEN, ROBERT
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0295	4/28/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	917 E WALNUT AVE 085110026	SEAMOUNT, JEAN L
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				

Exhibit A

City of Lompoc
ACTIVE CASES - by Officer

Case No.	Opened	Type Sub-Type	Assigned To Status	Site Address and Parcel	Owner/Resident
CE14-0233	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	N B ST (RR) 085040004	LEVEL 3 COMMUNICATIONS, LLC
		<i>Case Name</i> <i>Description</i>			
		Weeds on Lot			
CE14-0236	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	204 N C ST 085101012	PAHLER FAMILY TRUST 10/9/13
		<i>Case Name</i> <i>Description</i>			
		Weeds on vacant land			
CE14-0311	4/29/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	528 N DAISY ST 087232001	PHILLIPS ARTHUR R
		<i>Case Name</i> <i>Description</i>			
		Weeds on SFH Lot			
CE14-0307	4/29/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	309 N E ST 085031004	LAZAER JOE
		<i>Case Name</i> <i>Description</i>			
		Weeds on vacant land			
CE14-0252	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	113 N G ST 085122006	CHANG ROGER/ANGELA
		<i>Case Name</i> <i>Description</i>			
		Weeds on vacant lot			
CE14-0253	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	121 N G ST 085122005	COUNTY OF SANTA BARBARA
		<i>Case Name</i> <i>Description</i>			
		Weeds on vacant lot			
CE14-0254	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	413 N G ST 087242017	SCOLARI ALPHONSO TR ESTATE OF
		<i>Case Name</i> <i>Description</i>			
		Weeds and Palm Tree leaves on lot			
CE14-0255	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	901 N G ST 087040056	MOSBY JAMES H/VIRGINIA E TRUST
		<i>Case Name</i> <i>Description</i>			
		Weeds on vacant lot			
CE14-0256	4/27/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	1201 N H ST 089490013	LOMPOC LAND HOLDINGS, LLC
		<i>Case Name</i> <i>Description</i>			
		Weeds on vacant lot			
CE14-0257	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	239 N H ST 085081001	BEATTIE, FRANCIS H TR/REVERED V
		<i>Case Name</i> <i>Description</i>			
		Weeds on vacant land			
CE14-0258	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	901 N H ST 089070027	TESORO SIERRA PROPERTIES, LLC
		<i>Case Name</i> <i>Description</i>			
		Weeds on lot			

Exhibit A

City of Lompoc
ACTIVE CASES - by Officer

Case No.	Opened	Type Sub-Type	Assigned To Status	Site Address and Parcel	Owner/Resident
CE14-0264	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	211 N K ST 091061008	GIJON, ANTONIO
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0267	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1501 N O ST 093450018	NOTRICA, LEON REVOCABLE TRUST
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0291	4/28/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	604 N Q ST 089143004	VICTORY OUTREACH LOMPOC
	<i>Case Name</i>	Weeds/Storage on vacant lot			
	<i>Description</i>				
CE14-0278	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	111 N SEVENTH ST 085150087	HEALTHCARE DISTRICT
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0292	4/28/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	616 N SIXTH ST 087183013	WIGNOT JACKSON E & DOROTHY FAM
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0283	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1275 N V ST 093070036	COASTAL SPRINGS, LLC
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0286	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	930 N V ST 089040028	GORDON COURT, LLC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0266	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	NEWPORT DR 093460038	FOOTHILL ESTATES HOMEOWNERS ASS
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0265	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	NEWPORT DR 093460039	FOOTHILL ESTATES HOMEOWNERS ASS
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0277	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	RIVER TERRACE PROJECT 099141021	COASTAL RIVER TERRACE, LLC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0227	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	526 S AVALON ST 093400018	CURRY FAMILY TRUST
	<i>Case Name</i>	Weeds on Vacant Lot			
	<i>Description</i>				

Exhibit A

City of Lompoc
ACTIVE CASES - by Officer

Case No.	Opened	Type Sub-Type	Assigned To Status	Site Address and Parcel	Owner/Resident
CE14-0231	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	528 S AVALON ST 093400014	CURRY, THOMAS R/MONICA M FAMIT
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0226	4/25/2014	WM FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	530 S AVALON ST 093400019	CURRY, THOMAS R & MONICA M TRIT
	<i>Case Name</i>	WEEDS ON VAC LOT			
	<i>Description</i>				
CE14-0232	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	532 S AVALON ST 093400020	SERVICE FAMILY TRUST
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0235	4/27/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	409 S C ST 085294001	BROWN, DAVID GEORGE
	<i>Case Name</i>	Weeds on SFH Lot			
	<i>Description</i>				
CE14-0263	4/27/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	114 S J ST 091103016	JOHNSON LEWIS H/LOIS M TRUSTEE
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0313	4/29/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	401 S J ST 091182002	CARPIO ESPIRIDION/MARY
	<i>Case Name</i>	Weeds on SHF lot			
	<i>Description</i>				
CE14-0315	4/29/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	301 S N ST 091132002	JACOBS, MARGARET LIVING TRUST
	<i>Case Name</i>	Weeds on lot beside house			
	<i>Description</i>				
CE14-0340	5/5/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	301 S N ST 091132002	JACOBS, MARGARET LIVING TRUST
	<i>Case Name</i>	Weeds on lot and side yard			
	<i>Description</i>				
CE14-0279	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	209 S SEVENTH ST 085260051	HAUENSTEIN EDWARD E/T ORAYNE TR
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0280	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	213 S SEVENTH ST 085260052	HAUENSTEIN EDWARD E/T ORAYNE TR
	<i>Case Name</i>	Weeds on vacant land			
	<i>Description</i>				
CE14-0281	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	217 S SEVENTH ST 085260053	HAUENSTEIN EDWARD E/T ORAYNE TR
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				

Exhibit A

City of Lompoc
ACTIVE CASES - by Officer

Case No.	Opened	Type Sub-Type	Assigned To Status	Site Address and Parcel	Owner/Resident
CE14-0284	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	300 VALLEY VIEW DR 085273005	HODGES LIVING TRUST
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0285	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	305 VALLEY VIEW DR 085273004	MECUM REVOCABLE FAMILY TRUST 1
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0288	4/28/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	220 W BARTON AVE 089011015	GRAN & GARCIA PROPERTIES, LLC
	<i>Case Name</i>	Tumble weeds on vacant lot			
	<i>Description</i>				
CE14-0237	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1025 W CENTRAL AVE 093450056	P K PROPERTIES LOMPOC, LLC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0238	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1035 W CENTRAL AVE 093450055	P K PROPERTIES LOMPOC, LLC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0240	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	2300 W CENTRAL AVE 093070068	BRIAR CREEK COMMUNITY ASSOCIAT
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0317	4/30/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	1401 W FIR AVE 093252006	GARCIARODRIGUEZ, HUGO HUMBERTO
	<i>Case Name</i>	Weeds on SFH lot			
	<i>Description</i>				
CE14-0273	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1038 W OCEAN AVE 091110047	TRI W ENTERPRISES INC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0316	4/29/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1040 W OCEAN AVE 091110045	SECHREST ARLEN W/LYLA S
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0274	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1220 W OCEAN AVE 091110034	TRI W ENTERPRISES INC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				
CE14-0276	4/27/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1300 W OCEAN AVE 091110035	TRI W ENTERPRISES INC
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				

Exhibit A

Case No.	Opened	Type Sub-Type	Assigned To Status	Site Address and Parcel	Owner/Resident
CE14-0335	5/1/2014	DDF FIRE CODE WEEDS SINGLE	DENA FOOSE LETTER SENT	706 W OCEAN AVE 091091003	YAKI, MATTHEW
	<i>Case Name</i>	Weeds on lot			
	<i>Description</i>				
CE14-0290	4/28/2014	DDF FIRE CODE WEEDS ON VAC LOT	DENA FOOSE LETTER SENT	1321 W PINE AVE 089290030	ANGUIANO, ALBERTO
	<i>Case Name</i>	Weeds on vacant lot			
	<i>Description</i>				

79 Case(s) with no Closed Date

Lompoc City Council Agenda Item



City Council Meeting Date: May 20, 2014

TO: Patrick Wiemiller, City Administrator

FROM: Ray Ambler, Purchasing & Materials Manager
r_ambler@ci.lompoc.ca.us

SUBJECT: Introduction of Ordinance No. 1603(14) Amending Lompoc Municipal Code, Title 3, by Adding Section 3.36.175 – Regulated Communications

Recommendation:

Staff recommends the City Council:

- 1) Introduce Ordinance No. 1603(14), approving Regulated Communications and amending the Lompoc Municipal Code, Title 3, by adding Section 3.36.175 – Regulated Communications (Attachment 1), and waive further reading; and
- 2) Provide alternate direction.

Background/Discussion:

Standards of Public Procurement call for “equal access and opportunity to all qualified suppliers” and “no insiders when it comes to opportunity to do business with government.” Adoption of Ordinance No. 1603(14) adding Section 3.36.175, titled: “Regulated Communications,” to the Lompoc Municipal Code (LMC) is intended to memorialize the past practices of the City regarding interaction during a procurement process between active bidder/proposers (Proposer) and elected officials.

Especially during the solicitation period, communications between the Mayor or Council Members and active proposers/bidders may be seen as non-transparent or creating undue pressure. When the City has put forward a solicitation and has set a process in motion with set methods of communications through the offices of the Purchasing Agent, the City has a history of leaving all communications to that one point of contact.

Adoption of Ordinance No. 1603(14) would memorialize that past practice and provide during the solicitation period, all communication between the proposers/bidders and elected officials are prohibited, except for communications when they are:

- 1) Made on the record in a regular or special meeting of the Council; or

May 20, 2014

Introduction of Ordinance No. 1603(14) – Regulated Communications

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- 2) Between or among elected officials outside of regular or special Council meetings; provided, that none of the communicants are agents or representatives of a proposer, or acting in concert with, or at the behest of a proposer; and provided, further, that the communication is not prohibited under the Ralph M. Brown Act (California Government Code §§ 54950, et seq.); or
- 3) Part of the record presented to the Council as a result of being communicated to City staff involved in, and in the ordinary course of, the competitive procurement; or
- 4) An identical writing that is delivered simultaneously and by identical means to all elected officials, the City's Purchasing Agent, and the City Administrator, at their respective official City offices. Except to the City's Purchasing Agent, hand deliveries must be made by someone other than a Proposer.

The regulated communication rule shall be set forth in each Bid Invitation, Request for Expression of Interest (RFEI), Request for Proposals (RFP) and Request for Qualifications (RFQ), or in the respective specifications or other documents referred to therein.

Any elected official and any proposer who has initiated, engaged in, continued in, or received, any regulated communication shall disclose that regulated communication. A regulated communication should be disclosed at the earliest feasible time, but in any event, it shall be disclosed no later than 24 hours, or on the next business day, following such communication, whichever is earlier.

A proposer who violates this provision may be sanctioned by disqualification, finding of non-responsibility, or withholding award of the contract.

Fiscal Impact:

The adoption of Ordinance No. 1603(14) is not anticipated to result in significant fiscal impact to the City's General Fund or other funds. The implementation of LMC Section 13.36.175 will allow for the continued, consistent application of Standards of Public Procurement, which call for "equal access and opportunity to all qualified suppliers" and "no insiders when it comes to opportunity to do business with government."

Conclusion:

The adoption of Ordinance No. 1603(14) will further the Council's goal of accountability and transparency in the procurement of goods and services when done through the formal procurement process outlined in Chapter 3.36 – Purchasing of the Lompoc Municipal Code.

Respectfully submitted,

Ray Ambler, Purchasing and Materials Manager

APPROVED FOR SUBMITTAL TO THE CITY ADMINISTRATOR:

Teresa Gallavan, Economic Development Director/Assistant City Administrator

Kevin McCune, Public Works Director

Brad Wilkie, Management Services Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Patrick Wiemiller, City Administrator

Attachment: [Ordinance No. 1603\(14\)](#)

Ordinance No. 1603(14)

**An Ordinance of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Adding Section 3.36.175 to Chapter 3.36,
of the Lompoc Municipal Code
Relating to Purchasing and Public Projects**

WHEREAS, the City of Lompoc procurement system is established to provide an efficient, equitable and uniform procedure for purchase of materials, supplies, equipment, and services at the lowest possible cost commensurate with the quality needed; and

WHEREAS, the City of Lompoc shall comply with applicable provisions of Chapter 3.36 of the Lompoc Municipal Code (LMC) and all relevant provisions of law; and

WHEREAS, the City of Lompoc proposes guidelines to continue to enhance the application of Chapter 3.36 to further provide for the efficient, equitable, and uniform procedures contained therein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The LMC is hereby amended by adding Section 3.36.175, thereto, to read as follows:

3.36.175 Regulated Communications with the Mayor and City Council during Competitive Procurement Process

A. Definitions. The following definitions shall apply for the purposes of this article:

1. "Bidder" shall mean a person or entity responding to a competitive procurement process, including a Bid Invitation.
2. "Bid Invitation" shall mean a notice, in writing to potential responders, to submit bids to the City, when any award is to be made to the lowest responsive and responsible Bidder, subject to the City's right to reject any and all bids.
3. "Communication" means communication in any form, directly or indirectly, by or between a Bidder or Proposer, on the one hand, and a Council Member or the Mayor, on the other hand, during the pendency of a competitive procurement, regardless of whether the Bidder or Proposer, at the time of the communication, had yet to put forward, present, or sponsor a request, proposal, bid, or quote for consideration of a contract, if the Bidder or Proposer eventually does so.

4. "Competitive bidding" shall mean the offering procedure involving sealed bids to the City for materials, supplies, equipment or any public work or improvement, as described in Section 3.36 of this Code.
5. "Competitive procurement" shall mean and include the processes for competitive bidding, Request for Expression of Interest, Request for Proposals, and Request for Qualifications.
6. "Competitive procurement remains pending" shall mean until the competitive procurement is completed upon either the award of a contract, official notice from the City of cancellation of the competitive procurement or a determination by the Council not to award a contract; provided, that that determination is final and Council does not direct the re-initiation of the competitive procurement at the time it determines not to make an award of the contract.
7. "Continue" shall mean to persist in, remain in, carry on, recommence or resume a communication.
8. "Disclosure" shall mean the writing, or oral statement entered in Council proceedings, containing the information required by Subsection 3.36.175(D) necessary to disclose a regulated communication.
9. "Elected official" shall mean the Mayor and each Council Member.
10. "Initiate" shall mean to cause a communication to begin to send, transmit, or convey information.
11. "Initiation of competitive procurement" shall mean the issuance, publication or announcement by the City of a Request for Expression of Interest, Request for Proposals, Request for Qualifications, or Bid Invitation.
12. "Proposer" shall mean a person, other than personnel from a City division or department, who puts forward, presents, or sponsors an expression of interest, statement of qualification, request, proposal, bid, or quote for consideration of a contract, including a bidder. For purposes of this Section, a Proposer is also any agent or representative, or officer of a Proposer, and any person holding an ownership, beneficial, equitable or security interest in a Proposer. However, a commercial lending institution is not a Proposer if it merely holds a security interest as a result of a loan or loans, which are made in the lender's regular course of business on terms available to members of the public without regard to official status.
13. "Record" shall mean the oral and written information conveyed to the Mayor and Council through writings and statements made available to the public, or an attorney-client privileged communication, in connection with a competitive procurement, and upon which the Council could rely in considering whether to

award a contract. "Record" shall include oral communication during a regular or special meeting of the Council.

14. "Regulated communication" shall mean any communication prohibited under Subsection (D) of this Section.
15. "Request for Expression of Interest" (RFEI) means a solicitation to prospective proposers on a procurement opportunity. An RFEI may be issued in advance of an RFP to assist in the development of a more definitive set of terms and conditions, scope of work or service and the selection of qualified proposers. An RFEI does not contain all of the information a prospective proposer needs to provide a full bid or proposal response, and should not to be construed as an RFP or notice inviting bids. The RFEI enables potential proposers to determine whether they have a serious interest in preparing a proposal or bid in response.

The RFEI may be used simultaneously with a RFQ when the proposed procurement is well-defined and the City has clear expectations for the procurement.

16. "Request for Proposal" (RFP) shall mean an invitation for providers of services or work to solicit the right to supply services or work to the City, when any award is to be made to a Proposer providing the best value in meeting the interest of the City and the objectives of the project, based on criteria, such as benefit to the City, qualifications, experience, and demonstrated ability, subject to the City's right to reject any and all proposals.
17. "Request for Qualification" (RFQ) shall mean a City request for the submission of a statement of qualifications from interested potential Proposers, as a prerequisite to a bid or proposal for the right to supply materials, supplies, equipment, services or work.
18. "Subject Proposer or Bidder" as used in this Section, shall mean the Proposer who is the subject of a disclosure and consideration of potential sanctions.
19. "Writing" shall mean a writing as defined in California Evidence Code Section 250.

B. Applicability

This Section applies to competitive procurement, which may result in the award of a contract by the Council, including competitive bidding, Request for Proposals, Request for Expression of Interest, and Request for Qualifications. It applies whether the procurement process is classified as legislative or otherwise. The requirements of this Section apply upon the initiation of competitive procurement and while the competitive procurement remains pending. Any communication (even if unintended or inadvertent)

covered by this Section must be disclosed, as provided by this Section or any other applicable local, state or federal law or regulation.

C. Regulation of Communications during Competitive Procurement; Notice of Regulated Communication Rule

1. No Proposer or Bidder shall initiate, engage in, or continue any communication to or with any elected official, and no elected official shall initiate, engage in, or continue any communication to or with any Bidder or Proposer, concerning or touching upon any matter which is the subject of a competitive procurement within the scope of this Section except as permitted in this Section.
2. Only communications meeting the following requirements are allowed under this Section: a communication that is
 - (a) Made on the record in a regular or special meeting of the Council; or
 - (b) Between or among elected officials outside of a regular or special Council meeting; provided, that none of the communicants is an agent or representative of a Proposer or Bidder, or acting in concert with or at the behest of a Proposer or Bidder; and provided, further, that the communication is not prohibited under the Ralph M. Brown Act (California Government Code §§ 54950 *et seq.*); or
 - (c) Part of the record presented to the Council as a result of being communicated to City staff involved in, and in the ordinary course of, the competitive procurement; or
 - (d) An identical writing that is delivered simultaneously and by identical means to all elected officials, the City's Purchasing Agent, and the City Manager, at their respective official City offices; provided, that hand deliveries to the City's Purchasing Agency must be made by someone other than a Proposer or Bidder.
3. The regulated communication rule established by this Section and a reference thereto shall be set forth in each Bid Invitation, RFEI, RFP and RFQ, or in the respective specifications or other documents referred to therein.

D. Disclosure of Regulated Communications

1. Any elected official and any Proposer or Bidder who has initiated, engaged in, continued in, or received, any regulated communication shall disclose that regulated communication, as provided in this Section.

2. A regulated communication shall be disclosed at the earliest feasible time, but in any event, it shall be disclosed no later than 24 hours or the next business day following such communication, whichever is earlier.
3. Disclosures shall be in writing, unless the regulated communication occurs on the date the Council is to consider award of the contract, in which case it may be orally disclosed on the record during the Council proceedings concerning the subject procurement. Written disclosures shall be directed to the City's Purchasing Agent, and a copy filed with the City Clerk.
4. The disclosure shall contain all the information necessary to fully and fairly convey the substance of the communication. At minimum, disclosures shall include the following information:
 - (a) Person making the disclosure;
 - (b) Date, time and place of the regulated communication;
 - (c) Identity of each person who initiated, engaged in, continued or received the regulated communication;
 - (d) Copies of all written-regulated communications;
 - (e) Summary of all oral-regulated communications;
 - (f) Identity of all persons present during the regulated communication; and
 - (g) Identification of subject competitive procurement and subject Proposer.
5. The City Clerk shall promptly distribute to all Council Members and the Mayor every disclosure filed pursuant to this Section.

E. Sanctions

1. In accordance with the applicable procedures for the respective competitive procurement as referenced or set forth in the specifications of the respective Bid Invitation, RFEI, RFP or RFQ, a Proposer or Bidder violating this Section may be sanctioned as follows:
 - (a) Disqualification from the competitive procurement;
 - (b) A finding of non-responsibility under the procurement; and
 - (c) Setting aside by Council of any award of contract prior to its execution by both parties.

2. Those sanctions may be imposed in addition to any remedies provided by any other law or regulation.

F. Evaluation, Criteria, and Appeals

EVALUATION OF DISCLOSED COMMUNICATIONS; CRITERIA FOR IMPOSITION OF SANCTIONS; APPEALS.

1. The City's Purchasing Agent shall ensure the information, which is the subject of a disclosure, is reviewed, evaluated, and processed in accordance with applicable laws and regulations, this Section, and the specifications, criteria and requirements of the applicable competitive procurement.
2. The City's Purchasing Agent shall report the disclosure in the record of the competitive procurement, summarize the results of the evaluation of the disclosure, and make a recommendation on whether or not to impose sanctions concerning the regulated communication.
3. Before sanctions may be imposed, it shall first be established the subject Proposer or Bidder did initiate, engage in, or continue a regulated communication, and, if so, whether any of the following extenuating circumstances exist:
 - (a) The regulated communication was inadvertent and did not affect the integrity or outcome of the procurement process;
 - (b) The regulated communication was initiated by the Mayor or a Council Member, the subject Proposer or Bidder advised the Mayor or Council Member of the regulated communication rule, and the subject Proposer or Bidder did not continue or engage in the regulated communication;
 - (c) The regulated communication was made under bona fide mistake of fact or law, other than a mistake or ignorance of the provisions of this Section, and the regulated communication was not material to the procurement. A regulated communication may be deemed material if it relates to any provision of a Bid Invitation, RFEI, RFP, RFQ, or specifications or other documents referenced therein, including documents responsive to a Bid Invitation, RFEI, RFP or RFQ, unless the regulated communication is so obviously insignificant and unimportant that it could be objectively found that no reasonable person would have been influenced by it, or attached any importance to it.
4. In the absence of extenuating circumstances, the subject Proposer may be sanctioned under this Section if doing so is deemed consistent with the objectives of this Section and in the best interest of the City.

5. The subject Proposer or Bidder may appeal the determination of the City's Purchasing Agent if that determination forms a basis of his or her recommendation for imposition of a sanction in accordance with the appeal procedures specifically applicable to the subject Bid Invitation, RFEI, RFP, or RFQ. In the absence of such a specifically applicable appeal procedure, the subject Proposer or Bidder may protest the determination of the Purchasing Agency, in accordance with Section 3.36.170 of this Code.

6. If a disclosure is made subsequent to the posting of the Council agenda, which includes notice of the consideration of the subject contract, then the Council shall refer the matter back to the Purchasing Agent for his or her evaluation, and report and recommendations, in accordance with this Section.

SECTION 2. Effective Date. This Ordinance shall be effective thirty (30) days after its adoption.

This Ordinance was introduced on May 20, 2014, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2014, by the following electronic vote:

PASSED AND ADOPTED this ___th day of ___ 2014, by the following electronic vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember (s):

PASSED, APPROVED and ADOPTED this ___ day of ___ 2014.

John H. Linn, Mayor
City of Lompoc

Attest:

Stacey Alvarez, City Clerk
City of Lompoc

Lompoc City Council Agenda Item



City Council Meeting Date: May 20, 2014

TO: Patrick Wiemiller, City Administrator

FROM: Teresa Gallavan, Economic Development Director/
Assistant City Administrator
t_gallavan@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 5923(14) Requesting the Judges of the Superior Court of the County of Santa Barbara to Reform the Civil Grand Jury

Recommendation:

Staff recommends the City Council:

- 1) Adopt Resolution No. 5923(14) requesting the judges of the Superior Court of the County of Santa Barbara to reform the Civil Grand Jury (Attachment 1); and
- 2) Authorize the Mayor to forward the resolution to the Mayors of Santa Maria, Buellton, Solvang, and Guadalupe, the Santa Barbara County Board of Supervisors, the Superior Court's Executive Officer and the Jury Commissioner; or
- 3) Provide alternate direction.

Background/Discussion:

During its meeting of March 6, 2014, the Economic Development Committee (EDC) unanimously approved forwarding a resolution, requesting the judges of the Superior Court of the County of Santa Barbara to reform the Civil Grand Jury, to Lompoc City Council for adoption. Positive impacts of implementing the requests of the resolution include:

- Proportionate representation of Lompoc citizens on the Grand Jury will correct the imbalance of the 2012-2013 Grand Jury, which had twelve Grand Jurors from Montecito/Santa Barbara and only four from Lompoc;
- More representation of Lompoc on the Grand Jury may result in the views, ideas and experiences of Lompoc being better addressed, for example:

- The Grand Jury has addressed economic development issues that impact Lompoc such as:
 - 2012-2013 – Oil severance tax;
 - 2011-2012 – Lack of mental healthcare facilities in the North County;
 - 2009 -2010 – Water management in the Santa Ynez River Water Conservation District; and
 - 2007 -2008 – Lompoc Veterans Building activity report;
- Moving the Grand Jury’s weekly meetings from Santa Barbara to the center of the County will eliminate the two-hour commute from Lompoc, encouraging more Lompoc citizens to apply and serve; and
- Moving the Grand Jury Office to Lompoc will provide local employment and result in the patronizing of local merchants by the grand jurors and staff.

Fiscal Impact:

The adoption of Resolution No. 5923(14) requesting reform of the Civil Grand Jury would have no direct fiscal impact to the City’s General Fund budget.

Conclusion:

By adopting the resolution and forwarding it to the Mayors of Santa Maria, Buellton, Solvang, and Guadalupe; the Santa Barbara County Board of Supervisors; the Superior Court’s Executive Officer; and the Jury Commissioner; the effort to reform the Civil Grand Jury for the County of Santa Barbara may move forward, benefitting Lompoc and the region.

Respectfully submitted,

Teresa Gallavan, Economic Development Director/Assistant City Administrator

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Patrick Wiemiller, City Administrator

Attachment: [Resolution No. 5923\(14\)](#)

RESOLUTION NO. 5923(14)

**A Resolution of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Requesting the Judges of the Superior Court
of the County of Santa Barbara
to Reform the Civil Grand Jury**

WHEREAS, the Mission Statement of the Santa Barbara County Grand Jury states: “Grand Jurors are a diverse volunteer group of citizens from the five supervisorial districts;” and

WHEREAS, the 2012-2013 Grand Jury had no jurors from Santa Maria, the largest city in Santa Barbara County, four jurors from Lompoc, one juror from Santa Ynez, one juror from Goleta, one juror from Montecito and eleven jurors from Santa Barbara, resulting in only five jurors from the Third, Fourth and Fifth Supervisorial Districts combined and thirteen jurors from the First and Second Supervisorial Districts; and

WHEREAS, prior grand juries have had no jurors from Santa Maria and a few jurors from Lompoc or the Santa Ynez Valley, resulting in grand juries which are not “from the five supervisorial districts;” and

WHEREAS, grand jurors are not selected from each supervisorial district but at large; and

WHEREAS, the Grand Jury meets weekly in Santa Barbara, which is a three-hour roundtrip commute from Santa Maria and a two-hour roundtrip from Lompoc and the Santa Ynez Valley.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council requests the Judges of the Superior Court to replace the at-large selection of grand jurors with a selection of an equal number of grand jurors from each Supervisorial District.

SECTION 2. The City Council requests the Judges of the Superior Court to move the Grand Jury Office and weekly meeting place to Lompoc, Buellton, or Solvang.

SECTION 3. The City Council requests the Mayor to forward this resolution to the Mayors of Santa Maria, Buellton, Solvang, and Guadalupe; the Santa Barbara County Board of Supervisors; the Superior Court’s Executive Officer; and the Jury Commissioner.

SECTION 4. Effective Date. This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on May 20, 2014, by the following vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

John H. Linn, Mayor
City of Lompoc

ATTEST:

Stacey Alvarez, City Clerk
City of Lompoc