

**MINUTES**

**Regular Meeting of the Lompoc City Council  
Tuesday, March 19, 2013  
City Hall, 100 Civic Center Plaza, Council Chambers**

**CLOSED SESSION****OPEN SESSION – 6:00 P.M. – Council Chambers**

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

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

**ORAL COMMUNICATIONS:** None

**CLOSED SESSION – Employee’s Break Room****BUSINESS ITEM:**

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – CONTRACT REVIEW: City Attorney.
2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Case Nos. 12 COL 0033 and 08 COL 0082

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

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

Staff Present: City Administrator Laurel Barcelona, City Attorney Joseph Pannone, City Clerk Stacey Alvarez, Economic Development Director/Assistant City Administrator Teresa Gallavan, Management Services Director Brad Wilkie, Financial Services Manager Melinda Wall, Parks & Urban Forestry Manager Cindy McCall, Solid Waste Superintendent Claudia Stine, Utilities Director Larry Bean, and Planning Manager Lucille Breese.

Others Present: Bob Braitman, Habib Issac, Greg Tobler, Kim Rounds, Ray Leslie, Bob Holloway, Arlene Norcutt, Nicholas Gonzales, Dennis Lang, Brian Cole, Carol Benham, Steve Stormen, Cecilia Martner, and Ken Calvert.

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

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

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

**PRESENTATIONS:**

Mayor Linn announced construction of the new Chrysler Dealership began today.

Mayor Linn presented a Proclamation to Urban Forestry Manager Cindy McCall, in honor of **Arbor Day, 2013**. Ms. McCall thanked the Council for the Proclamation and invited the public to the Annual Arbor Day Celebration at Beattie Park on Saturday, March 23, 2013, beginning at 11:00 A.M.

Bob Braitman, Executive Officer from Santa Barbara Local Agency Formation Commission gave a 20 Year Report and Presentation of LAFCO activities. Council Member Holmdahl asked if LAFCO was also responsible for Special Districts. Mr. Braitman answered yes. Council Member Costa asked Mr. Braitman if the City of Lompoc had a representative on LAFCO currently. Mr. Braitman explained LAFCO has a commission made up of seven individuals from the entire County area and not each City or District has a representative from that City or District on the Commission at the same time and stated the last Commissioner from the City of Lompoc was Mayor Dick DeWees.

**STAFF REQUESTS AND ANNOUNCEMENTS:**

City Administrator Laurel Barcelona advised Council Fire Chief Kurt Latipow was currently out of the area at the International Association of Fire Chiefs Wildland Urban Interface Conference in Reno, NV., and will be available via teleconference for any questions Council may have regarding Agenda Item No. 5 – Public Hearing, regarding 2030 General Plan Land Use Element Expansion Area C – Miguelito Canyon.

Mayor Linn announced the Agenda lineup will be switched – Council will hear Agenda Item Nos. 1 through 6 and then hear Agenda Item No. 10.

**ORAL COMMUNICATIONS (Maximum of 5 Minutes):**

Public Comment:

1. Cecilia Martner spoke about Agenda Item No. 8 and urged Council to allow other entities to submit proposals for the use of the Old Lompoc Theater property and suggested a Request for Proposal be prepared and published before the City takes action.

**CONSENT CALENDAR:**

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

1. Approved the Minutes of the Lompoc City Council Regular Meeting of February 19, 2013.
2. Approved the expenditures for:
  - Payroll of 02/27/2013 - \$1,031,185.76
  - Voucher Register of 02/22/2013 - \$354,419.20
  - Voucher Register of 03/01/2013 - \$322,681.88
  - Electronic Payments February 2013 - \$3,510,267.57
  - Manual Checks February 2013 - \$58,484.56
3. **Final Acceptance of Project No. FY-12-LF-1 - Landfill Scale and Solid Waste Yard Paving Project.**

Accepted Project No. FY-12-LF-1 as complete and instructed the City Clerk to file the required Notice of Completion regarding this project.
4. **Land Lease Agreement at the Lompoc Airport.**

Approved and authorized the Mayor to sign a land lease agreement with James Macgregor for the purpose of aircraft storage at the Lompoc Airport.

**BREAK:**

At 7:35 P.M. Mayor Linn announced a break. At 7:40 P.M., the meeting reconvened with all Council Members present.

**PUBLIC HEARING:**

5. **The City Council will Consider Public Input, Discuss Options, and Provide Direction Regarding 2030 General Plan Land Use Element Expansion Area C – Miguelito Canyon.**

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

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

Council Member Lingl asked Staff if the Planning Commission was presented the same options Council was now debating and if the Commission was given the opportunity to make any changes to the options presented. Planning Manager Lucille Breese stated the Commission reviewed all the information as presented to the Council and chose Alternative No. 1 – Move the Urban Limit Line to the City Limit. Ms. Breese explained the Commission did not indicate there was any interest in making changes to the options as they were presented in the EIR.

Council Member Holmdahl asked Staff to confirm the total number of parcels in the Miguelito Canyon area, which have houses and if this Public Hearing is a discussion regarding the City's desire of where to place the Urban Limit Line. Ms. Breese stated Staff does not have the answer of the total number of parcels with houses, but can present that information to Council at a later date and confirmed the Public Hearing regarding the Miguelito Canyon area is in regards to the Urban Limit Line and nothing more.

Mayor Linn asked Staff if the Commission voted on this item two separate times with two different final votes. Ms. Breese answered yes, explaining the different final votes seemed to be due to the Commission having a change in membership and receiving public testimony.

Council Member Costa asked about previous public testimony received regarding this matter and if Parcel 35, the Signorelli property, was part of the General Plan Update Land Use Element Expansion Area. Ms. Breese stated Parcel 35 is not part of this discussion because it was not considered at the beginning of the General Plan Update process.

Mayor Linn asked Fire Chief Kurt Latipow to comment on the responsibility and liability the City may hold if there was a fire in the Miguelito Canyon area. Fire Chief Latipow, via telephone, explained the City could be financially responsible for all or part of any costs if a fire in the Miguelito Canyon area was caused by a fire that began inside the City Limits and travelled to the area. He further stated some of the fire risk of that area could be reduced with mitigation measures, but because the area is outside of the City Limits, the City has no control over mitigation.

Council Member Holmdahl asked Chief Latipow if the City currently had any control or authority in the Miguelito Canyon area and if the City is designated first responders to the area. Chief Latipow stated the Miguelito Canyon area is within the unincorporated area of the County of Santa Barbara and the City has no regulatory authority and are designated the first responding agencies.

Council Member Costa asked Staff if any other City Departments raised concerns about this area eventually being placed inside the City Limits and what is the land use designation of the area. Ms. Breese replied there were no comments or statements received by any other City Departments regarding this area, stated if this area was to be annexed to the City, that process would allow for any and all City concerns to be addressed and the Miguelito Canyon area would be designated low-density residential and rural-density residential.

Mayor Linn asked Staff if any of the property located in the Miguelito Canyon area were supplied with City services and disclosed he had discussions with several Miguelito Canyon area property owners regarding this item. Ms. Breese affirmed there are some parcels in the Miguelito Canyon area that do receive City services.

**Public Comment:**

1. Kim Rounds expressed his concern about losing the rural atmosphere in Miguelito Canyon if this area becomes part of the City.
2. Ray Leslie stated he believes this area should become part of the City.
3. Bob Holloway suggested Council draw the Urban Limit Line following parcel lines.
4. Arlene Norcutt spoke in favor of the Miguelito Canyon area becoming part of the City.
5. Nicholas Gonzales expressed concern about City services being provided to the Miguelito Canyon area.
6. Dennis Lang spoke in opposition of the Miguelito Canyon area being included inside the City Limits.

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

Council discussed the proposed land use designation of Miguelito Canyon, the Environmental Impact Report completed on this area, public comment received at previous Public Hearings regarding this matter, the annexation process, and fees and deadlines associated with the annexation process, and requested Staff provide more historical information regarding public testimony in future meetings.

**ACTION:** Motion/Second: Holmdahl/Costa. By a 5-0 vote, Council considered the material presented in the January 29, 2013, Staff report, held the Public Hearing, and approved the EIR Project to include Expansion Area C: Miguelito Area inside the Urban Limit Line, add it to the General Plan Update and make any necessary amendments to the Land Use Element Map.

**BREAK:** At 9:15 P.M. Mayor Linn announced a break. At 9:22 P.M., the meeting reconvened with all Council Members present.

**COUNCIL REQUESTS AND ANNOUNCEMENTS:**

- 6. **Discussion on possible revisions to the General Plan Update Tentative Schedule of Public Meetings (*Requested by Council Member Costa*).**

Council Member Costa moved a revision to the General Plan Update Tentative Schedule to allow the Review of the Zoning Consistency Proposal be heard at a Special Meeting on April 9, 2013, and to remove the Special Meeting of April 30, 2013 from that same schedule. The motion was seconded by Council Member Starbuck and approved by a unanimous vote.

Mayor Linn moved Agenda Item No. 10 ahead of Item No. 7.

**NEW BUSINESS:**

- 10. **City of Lompoc 2012 General Plan Annual Report – Progress Status of Implementing General Plan Policies.**

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

Mayor Linn asked Staff if the Planning Commission had made any suggestions or changes to this Report. Planning Manager Lucille Breese replied no changes had been made or suggested by the Planning Commission.

Public Comment: None

**ACTION:** Motion/Second: Starbuck/Holmdahl. By a 5-0 vote, Council accepted the 2012 General Plan Annual Report and directed the Economic and Community Development Department to file said report with the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

**UNFINISHED BUSINESS:**

Mayor Linn moved Agenda Item No. 8 and Item No. 9 ahead of Item No. 7

Council Member Starbuck recused himself due to conflict of interest issues, as he owns property within a 500 foot radius of this property, and exited the Council Chambers.

- 8. **Discussion Regarding Reconveyance of Successor Agency Deed of Trust Recorded Against the Lompoc Theater and Adjoining Property**

City Attorney/General Counsel Joseph W. Pannone provided the Staff report and recommendations.

Mayor Linn thanked Staff for working diligently on this item to bring it back to Council for discussion quickly.

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

Item No. 8

Council Member Lingl asked City Attorney Joseph Pannone to confirm there would be no conflict of interest for himself or City Administrator Laurel Barcelona, because both are members of the Oversight Board to the Successor Agency of the Dissolved Lompoc Redevelopment Agency. Mr. Pannone confirmed there is no conflict of interest issues.

Council Member Costa thanked Staff for this report, expressed concern about entering into an agreement with an entity that is so new and asked to comment on the possibility of the City publishing a Request for Proposals (RFP) for this property. City Attorney Joseph Pannone stated he would be unsure of how to produce an RFP for property not owned by the City.

Council Member Lingl asked what the approximate total of property taxes are owed on this property. Mr. Pannone stated the property taxes now due for this property are approximately \$33,000 which will become an obligation to any owner of the property and further stated if the property taxes remain delinquent through 2015, the County could confiscate the property and sell at a public auction.

Council Member Costa asked City Attorney Joseph Pannone if the City would be required to reimburse the U.S. Department of Urban Housing and Community Development Block Grant Loan of \$225,000 awarded to the Lompoc Housing and Community Development Corporation (LHCDC) for blight removal. Mr. Pannone stated he is unsure if that would be required from the City.

Mayor Linn invited the Lompoc Theater Project Corporation (LTPC) to the podium to speak about this item.

Brian Cole, Steve Stormen, and Carol Benham spoke in support of the proposal but requested more time for the LTPC Board to review it, stating they are unwilling to assume any loans or financial liabilities incurred by the previous owners, requested the City find another resolution to the past due property taxes, and assured Council the intent of the LTPC is to be able to provide a means to rehabilitate the Old Lompoc Theater.

Mayor Linn asked the LTPC representatives if they had an alternative suggestion for the unpaid property taxes. Mr. Stormen stated he would like to see LHCDC pay the property taxes due.

Council Member Lingl expressed concern that LTPC is stating its unwillingness to pay for the unpaid property taxes, but would be willing to pay the debt to the Calverts. Mr. Cole stated the LTPC Board has only had six days to review this proposal and it is his understanding the Calverts lien would remain attached to the property if the first and second liens are reconveyed.

Council Member Costa asked Staff to comment on the possibility of a payment schedule for the unpaid property taxes and stated this discussion should not focus on the property tax, and stated the City should spend no more money on the marquee but should move forward with discussions on how to move forward with finding a viable way to allow this property to be removed from the ownership of LHCDC and to eventually be rehabilitated.

Public Comment:

1. Ken Calvert stated he would like to see the Lompoc Housing and Community Development held responsible for paying the property taxes.

Mayor Linn asked Mr. Calvert if he was in support of the Lompoc Theater Project Corporation. Mr. Calvert answered yes.

Council further discussed the necessity for approval from the Oversight Board to the Successor Agency of the Dissolved Lompoc Redevelopment Agency (Oversight Board) for a reconveyance of the City's loan on this property, the possibility of the County allowing a payment schedule to the owner of a property for unpaid property taxes, the request from the Lompoc Theater Project Corporation to continue to talk about this item before an agreement is drafted and signed, and the lack of authority the City has to require LHCDC to pay any debts on this property.

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

Item No. 8

**ACTION:** Motion/Second: Lingl/Costa. By a 4-0-1 vote (Council Member Starbuck was absent), City Council and Successor Agency Board reviewed this report and the Successor Agency directed staff to take steps necessary for the Successor Agency to reconvey its deed of trust recorded against the Lompoc Theater property, subject to: the Lompoc Housing and Community Development Corporation (LHCDC) conveying the Lompoc Theater property to the Lompoc Theater Project Corporation (LTPC); and staff's receipt of LTPC's Articles of Incorporation and By-laws, a list of LTPC Board Officers and Members, as well as proof of a formal action by LTPC's Board accepting such conveyance; and the Successor Agency directed staff to pursue obtaining approval from the Oversight Board and State Department of Finance for the Successor Agency's reconveyance of the deed of trust; and the City Council authorized the City Administrator to send a letter to LTPC approving the transfer of ownership of the Lompoc Theater property from LHCDC to LTPC; and the Successor Agency authorized staff to seek written approval from the Calverts for the transfer of ownership of the Lompoc Theater property from LHCDC to LTPC; and the City Council directed staff to rely on Caltrans' determinations regarding the public right-of-way under the Lompoc Theater marquee; and the City Council directed staff to rely on LTPC to perform the shoring up work for the marquee through working with LHCDC or on its own after it becomes owner of the Theater; and directed staff to contact the County to seek information on possible considerations for any owner of this property to set up a payment schedule plan for the unpaid property taxes on this property.

Council Member Starbuck returned to the Council Chambers.

At 10:55 P. M. Council Member Lingl motioned to extend the Meeting past the 11:00 P.M. deadline. The motion was seconded by Council Member Costa and approved by a unanimous vote.

**BREAK:**

At 10:56 P.M. Mayor Linn announced a break. At 11:08 P.M., the meeting reconvened with all Council Members present.

**NEW BUSINESS:**

9. **Resolution No. 5830(13) for the Mitigated Negative Declaration, and Resolution No. 5831(13) for the Loan Application to CalRecycle for the Lompoc Landfill Gas Collection and Control System.**

Solid Waste Superintendent Claudia A. Stine presented the Staff report and recommendations.

Council Member Lingl asked Staff to clarify what will happen to the collected gas and if it would be possible to use that gas to power any City facilities in any way. Solid Waste Superintendent Claudia Stine replied the collected gas will be discharged in a fully enclosed flare tower and stated she is unsure of the amount of gas that will be collected and if that gas could be used as a power source.

Council Member Starbuck asked Staff if there is a penalty to the City if this system is not constructed as required by the State. Ms. Stine replied the City could be fined up to \$10,000 per day and the Landfill facility could be closed.

**ACTION:** Motion/Second: Starbuck/Holmdahl. By a 5-0 vote, adopted Resolution No. 5830(13), approving the attached Mitigated Negative Declaration for the Lompoc Landfill Gas Collection and Control System; and adopted Resolution No. 5831(13), approving the application for a loan from the State of California's Solid Waste Disposal Site Cleanup Trust Fund for the Lompoc Landfill Gas Collection and Control System; and approved the Lompoc Landfill Gas Collection and Control System Project; and authorized the Solid Waste Division to proceed with the design phase.

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

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

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

Council discussed the size of the Water and Wastewater Plants, current levels of staffing, State mandates dictating the size and capacity of the Wastewater Treatment Plant, ideas for gaining greater efficiencies at each plant, and the ability to be able to service increased demand with future population growth.

Public Comment: None

At 11:41 P.M. Council Member Lingl motioned to extend the Meeting to 12:30 A.M. The motion was seconded by Council Member Starbuck and approved by a unanimous vote.

Willdan Financial Services representatives Habib Issac and Greg Tobler presented Council with several rate adjustment scenarios for the Water Utility Rate.

Council debated the scenarios, the estimated future population growth for the City, and the percentage of fixed-rate cost versus variable-rate cost.

At 12:27 A.M. Council Member Lingl motioned to extend the Meeting to 1:30 A. M. The motion was seconded by Council Member Holmdahl and approved by a unanimous vote.

ACTION: Motion/Second: Mayor Linn/Holmdahl. By a 4-1 vote (Council Member Lingl voted NO), Council approved the revenue adjustment for the Water Utility at a maximum of 15% for Fiscal Years 2014, 2015, 2016, 2017, and 2018, with the rate based on 35% for fixed costs and 65% for variable costs and to be returned to Council beginning in 2015 for an annual review and directed Staff to start the process on the next City Council agenda to follow Proposition 218 guidelines.

ACTION: Motion/Second: Mayor Linn/Holmdahl. By a 5-0 vote, Council approved the revenue adjustment for the Wastewater Utility at a maximum of 21% for Fiscal Year 2014 and at a maximum of 10.5% for Fiscal Years 2015, 2016, 2017, and 2018, increasing the minimum unit charge to 5 units and directed Staff to start the process on the next City Council agenda to follow Proposition 218 guidelines.

**WRITTEN COMMUNICATIONS:** None

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

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

Council Member Holmdahl announced the Lompoc American Youth Soccer Organization Region 77 U-12 Girls Soccer team won the State Championship tournament and requested Council formally recognize the team's accomplishment at a future Council Meeting.

Council Member Lingl announced the Go Dark event on March 23, 2013, at 8:30 P.M.

Council Member Dirk Starbuck commented on the Fire & Ice Ball held on Saturday, March 9, 2013, at the Lompoc Elk's Lodge, commended all involved in hosting such a wonderful fundraising event and thanked the Economic Development Committee for the wonderful presentation to the local business community regarding the Allan Hancock Public Safety Complex at the Lompoc Valley Center that is scheduled to open later this year.

Mayor Linn requested Council approve a presentation by Mayor Linn at the April 2, 2013, Regular Council Meeting, of a State of the City Address. The request was seconded by Council Member Holmdahl and carried by Council Member Starbuck.

**COUNCIL REQUESTS, COMMENTS, AND MEETING REPORTS:** (cont'd)

Mayor Linn distributed promotional packets from the Western Riverside Council of Governments HERO (Home Energy Renovation Opportunity) Program and requested approval from Council to direct Staff to agendaize for a future Council Meeting, a report on the items distributed and allow the City to join this joint powers association that could offer energy efficiency upgrade loans to homeowners in the City. The request was seconded by Council Member Starbuck and carried by Council Member Holmdahl.

Mayor Linn distributed information he received from Louis Linney, the sales representative from TNT Fireworks, Inc. and requested Council direct Staff to review the given information and return in April 2013, with a report and draft ordinance for the allowance of the sales and use of Safe and Sane fireworks inside the City Limits. Council Member Costa stated she would like to allow Staff to remain working on this item and return to Council in 2014, as Council directed Staff to do previously. Mayor Linn's request was seconded by Council Member Starbuck and carried by Council Member Holmdahl.

Council Member Lingl pointed out to Mayor Linn this request has a very short deadline and is unfair to Staff.

Mayor Linn stated he will note Council Member Lingl's comment and announced he attended several meetings at his own expense.

**ADJOURNMENT:** At 1:14 A.M. Mayor Linn adjourned the Lompoc City Council to a Special Meeting at 7:00 P.M. on Tuesday, March 26, 2013.

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