

## MINUTES

**Regular Meeting of the Lompoc  
City Council and Lompoc Redevelopment Agency  
Tuesday, May 3, 2011  
City Hall, 100 Civic Center Plaza, Council Chambers**

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

Council Members Present: Ashley Costa, Cecilia Martner, Dirk Starbuck, Mayor Pro Tempore Bob Lingl, and Mayor John Linn.

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

ORAL COMMUNICATIONS: None

CLOSED SESSION – Utility Conference Room

### **BUSINESS ITEMS:**

**1. CONFERENCE WITH LABOR NEGOTIATORS**

City designated representatives: Laurel Barcelona, Beth Flamm-Overby, Brad Wilkie, Colin Tanner, and Joseph Pannone. Employee organization: Teamsters Local 381, Lompoc Police Officers Association, International Association of Firefighters (Lompoc Local 1906)

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property including and adjacent to Ken Adam Park.  
City negotiator: City Administrator/City Attorney.  
Negotiating parties: California Space Authority

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

Council/Agency Members Present: Ashley Costa, Cecilia Martner, Dirk Starbuck, Mayor Pro Tempore/Vice Chair Bob Lingl, and Mayor/Chair John Linn.

Staff Present: City Administrator/Executive Director Laurel Barcelona, City Attorney/General Counsel Joe Pannone, City Clerk/Secretary Stacey Alvarez, Water Plant Operator Shaun Ryan, Public Works Director Larry Bean, Planning Division Manager Lucille Breese, Utilities Director Ron Stassi, Community Development Director Arleen Pelster, and Principal Planner Keith Neubert.

Others Present: Bob Murray, Tarey Hertzell, Jason Reynolds, Ken Ostini, Karen Frankenberger, Brian Miller, Anita Dwyer, Doug Phillips, Joe White, Herry Keim, Paula Harris, Carl Marshall, Lynn Swenson, John Spooner, Marty Cabral, Jeanne Stoplman Dugger, James Dyer, Don Ramirez, Sandra Bean, Jerri Sue Walker, Brian Cole, Fausto Navarro, Charles Arnold, Judith Grymes-Lyra, Kelly Hall, DeWayne Holmdahl, Butch Browder, Marc Chytילו, Jeff Wagner, Amelia Neufeld, Matthew Morrill, Ellen Berkowitz, Ken Smith, Joy Browder, Traci Wood, Paula Harris, and Patricia Gill.

### **REPORT ON ACTION TAKEN IN CLOSED SESSION:**

Mayor Linn stated no reportable action was taken and then gave the invocation and led the **Pledge of Allegiance.**

### **PRESENTATIONS PRESENTED ELSEWHERE:**

On April 21, 2011, Mayor Linn presented the following proclamations at the Lompoc Elks Lodge to:

**Kevin Shay, Honoring Him as the Lompoc Elks Firefighter of the Year for 2011 and for Elks Lodge Award for Valor.**

**Jason Flint, Honoring Him as the Lompoc Elks Police Officer of the Year for 2011.**

### **PRESENTATIONS:**

Mayor Linn presented proclamations to:

Water Plant Operator Shaun Ryan, for **Water Awareness Month**, May 2011.

Bob Murray and Tarey Hertzell, Elks Lodge No. 2274, for **Youth Week** May 1 – 7, 2011.

Public Works Director Larry Bean, for **National Public Works Week**, May 15 – 21, 2011

**CITY ADMINISTRATOR/EXECUTIVE DIRECTOR'S STATUS REPORT:** (Information only)

**STAFF REQUESTS AND ANNOUNCEMENTS:** None

**COUNCIL/REDEVELOPMENT AGENCY REQUESTS AND ANNOUNCEMENTS:**

Council Member Costa thanked City staff for help in placing recycle bins at InShape City at 501 W. Central Avenue, Lompoc.

Mayor Linn thanked everyone involved in the Mormon Helping Hands program, that in coordination with City of Lompoc Parks and Urban Forestry, helped removed tumbleweeds from Laurel Avenue.

**ORAL COMMUNICATIONS:**

1. Jason Reynolds, a Lompoc Valley Chamber of Commerce (LVCC) representative spoke about the Chamber's ongoing and upcoming events and announced Ken Ostini was selected to be the new LVCC Chief Executive Officer.
2. Ken Ostini stated he is excited to be the new LVCC Chief Executive Officer and is looking forward to working with Council and the City of Lompoc.
3. Karen Frankenberger, Anita Dwyer, Paula Harris, Carl Marshall, John Spooner, Marty Cabral, Ken Smith, Jerrie Sue Walker, Fausto Navarro, Kelly Hall, and DeWayne Holmdahl spoke in favor of the proposed Walmart Expansion Project.
4. Brian Miller, Doug Phillips, Joe White, Harry Keim, Lynn Swenson, Jeanne Stoplman-Dugger, Don Ramirez, Sandra Bean, Charles Arnold, Judith Grymes-Lyra, and Butch Browder spoke against the proposed Walmart Expansion Project.
5. James Dyer voiced his concern about Government directing where a citizen is allowed to shop.
6. Brian Cole suggested all people research how individual shopping choices effect their community and the rest of the world.

Mayor Linn stated the information provided to Council regarding the proposed Walmart Expansion Project has been provided to the public.

**BREAK:**

At 8:30 P.M. Mayor/Chair Linn announced a break. At 8:40 P.M., the meeting reconvened with all Council/Agency Members present.

**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/Agency 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.

Council Member Costa spoke about Consent Calendar Item No. 3 stating she appreciates Staff answering her questions.

**CONSENT CALENDAR:** (cont'd)

**ACTION:** Motion/Second: *Costa/Starbuck*. By a 5-0 vote the City Council:

CITY/RDA 1. **Approved the Minutes** of the Lompoc City Council and Lompoc Redevelopment Agency Regular Meeting of April 19, 2011.

CITY 2. **Approved the expenditures for:**

Payroll of 4/15/2011 - \$1,215,109.42  
Voucher Register of 4/14/2011 - \$392,281.58  
Voucher Register of 4/22/2011 - \$718,882.72  
Manual Check of 4/15/2011 - \$128,374.58

CITY 3. **Intention to Levy Assessments for Fiscal Year 2011-12, preliminarily Approve an Engineer's Report, and Provide Notice of a Public Hearing for The Park Maintenance and City Pool Assessment No. 2002-01.**

Adopted Resolution No. 5715(11), preliminarily approving the Engineer's Report; and provide notice of a public hearing for the proposed continuation of the assessments for the Park Maintenance and City Pool Assessment District No. 2002-01 in order to receive any public input on the proposed continuation of the assessments, the proposed assessment budget for fiscal year 2011-12 and the services and improvements of the assessments fund, and any other issues related to the assessments.

**APPOINTMENTS:**

CITY 4. **Appointment of Council Nominee to the Utilities Commission.**

**ACTION:** Motion/Second: *Costa/Lingl*. By a 5-0 vote the City Council appointed Andrew Dudley to the Utilities Commission for one term ending 12/14.

**PUBLIC HEARING:**

CITY 5. **Appeal of Planning Commission Approval of the Development Plan for the WalMart Expansion Project (Planning Division File No. DR 08-09).**

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

Council Member Martner disclosed she received two pieces of correspondence from Robert Cuthbert and spoke to Rosemary Homes and Franny (last name not given), regarding this appeal.

Council Members Costa and Starbuck stated they received two pieces of correspondence from Robert Cuthbert regarding this appeal.

Mayor Linn disclosed he received two pieces of correspondence from Robert Cuthbert and a letter from Walmart regarding this appeal.

Council Member Lingl announced he received two pieces of correspondence from Robert Cuthbert and an email letter from Justin and Ann Ruhge regarding this appeal.

Mayor Linn asked the appellant's representative to present the appeal. Marc Chytilo from the Law Office of Marc Chytilo presented the appellant's request and argument for the appeal.

Jeff Wagner of EDA Design Professionals, Matthew Morrill of Perkowitz + Ruth Architect, Amelia Neufeld of Walmart Public Affairs, and Ellen Berkowitz of Manatt, Phelps, Phillips Attorney presented the argument against the appeal.

Council Member Lingl asked Mr. Morrill if the expansion of the front would be in part used for cart storage. Mr. Morrill answered yes.

Council Member Costa asked Mr. Morrill to clarify if the proposed expansion project would make the Lompoc Walmart a Super Center. Mr. Morrill and Amelia Neufeld of Walmart Public Affairs stated no.

Council deliberated at length matters regarding the proposed expansion, along with changes to landscaping, pedestrian walkways, and to returning to being open 24 hours, the appellant's argument of adverse effects to abutting properties, and the facts that have been entered into the record.

Public Comment:

1. Ken Smith, Jerrie Sue Walker, Karen Frankenberger, James Dyer, Fausto Navarro, Paula Harris, and Marty Cabral spoke against the appeal.
2. Jeanne Stoplman-Dugger, Joy Browder, Doug Phillips, Harry Keim, Traci Wood, and Patricia Gill spoke in favor of granting the appeal.

Marc Chytilo requested Council not allow this store to remain open 24 hours/day.

Mayor Linn asked Staff if the original project was approved with 655 parking spaces and to operate on a 24 hour schedule. Staff answered yes and clarified the 655 parking spaces are 50 parking spaces more than required.

**BREAK:**

At 10:50 P.M. Mayor/Chair Linn announced a break. At 10:53 P.M., the meeting reconvened with all Council/Agency Members present.

Council Member Costa motioned to extend the meeting past 11:00 P.M., and was seconded by Council Member Starbuck and then carried by a unanimous vote.

Council discussed the proposed changes to the façade, the decision process, evidence of record and thanked the public for participating in the process.

**ACTION:** Motion/Second: Lingl/Starbuck. By a 5-0 vote the City Council directed Staff to prepare a City Council Resolution denying the appeal and upholding the Planning Commission determination of February 9, 2011, to approve the Walmart Expansion Project Development Plan (DR 08-09)

**NEW BUSINESS:**

- CITY            6.        **Termination of existing Western GeoPower Third Phase Agreement and Execution of New Western GeoPower Third Phase Agreement.**

Utilities Director Ronald V. Stassi presented the Staff report and recommendations.

Mayor Linn asked Mr. Stassi to comment on the quoted megawatt per hour (MWH). Mr. Stassi stated he believes this rate is a good price.

Public Comment: None

**ACTION:** Motion/Second: Costa/Starbuck. By a 5-0 vote the City Council adopted Resolution No. 5713(11), authorizing the Mayor to Terminate the existing Third Phase Agreement (TPA) that currently exists between the Northern California Power Agency (NCPA) and Western GeoPower, Inc. (WGI), and authorizing the Mayor to execute the New Third Phase Agreement for Western GeoPower, Inc.

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

- CITY            7.        **Northern California Power Agency Natural Gas Program Agreement.**

Utilities Director Ronald V. Stassi presented the Staff report and recommendations.

Public Comment: None

Council Member Costa asked for clarification of the estimated annual participation costs. Mr. Stassi stated the amounts estimated are based on the City's participation in the Lodi Energy Center and would be ongoing.

ACTION: Motion/Second: Costa/Martner. By a 5-0 vote the City Council adopted Resolution No. 5714(11), authorizing the Mayor to execute the Northern California Power Agency (NCPA) Natural Gas Program Agreement allowing the Utility Director or his/her designee to procure gas through NCPA.

WRITTEN COMMUNICATIONS: None

ORAL COMMUNICATIONS: None

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

Mayor Linn announced he attended 24 meetings and events.

Council Member Costa reported she attended and participated in the DMV/Donate Life Walk/Run event on Saturday, April 30, 2011, in Los Angeles, CA., as a City of Lompoc representative.

Council Member Lingl announced he will be out of town during the upcoming Continued Special Meeting/Budget Workshop on Monday, May 9, 2011 and requested Council's confirmation to attend the meeting via teleconference. With a general consensus, Council approved the teleconference.

**ADJOURNMENT:**

At 11:42 P.M. Mayor/Chair Linn adjourned the Lompoc City Council/Redevelopment Agency to a Regular Meeting at 7:00 P.M. on Tuesday May 17, 2011.

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John H. Linn Mayor/Chair  
City of Lompoc

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Stacey Alvarez, City Clerk  
May 10, 2011