

MINUTES

Regular Meeting of the Lompoc  
City Council and Lompoc Redevelopment Agency  
Tuesday November 18, 2008  
City Hall, 100 Civic Center Plaza, Council Chambers

**CLOSED SESSION – 6:15 P.M. – Utility Conference Room**

Councilmembers Present: DeWayne Holmdahl, Ann Ruhge, Will Schuyler, Mike Siminski, and Mayor Dick DeWees.

Staff Present: City Administrator Gary Keefe, Assistant City Administrator Laurel Barcelona, and City Attorney Matt Granger.

**ORAL COMMUNICATIONS:** None

**BUSINESS ITEM:**

1. Pursuant to Government Code Section 54956.9, Council met with the City Attorney to consider the liability claim of Timothy Jaramillo v. City of Lompoc (Claim Nos. 1650A(08) and 1650B(08)).

**OPEN SESSION - 7:00 P.M.**

Councilmembers Present: DeWayne Holmdahl, Ann Ruhge, Will Schuyler, Mike Siminski, and Mayor Dick DeWees.

Staff Present: City Administrator/Executive Director Gary Keefe, City Clerk/Secretary Donna Terrones, City Attorney Matt Granger, Principal Planner Keith Neubert, Planning Manager Lucille Breese, Police Chief Timothy Dabney, Fire Chief Linual White, and Community Development Director Arleen Pelster.

Other's Participants: Ralph Harman, John Lawrence, Gilbert Navarro, Matthew Hughes, Darren Hunt, Joyce Howerton, Frank Thompson, Detlev Peikert, Dave Cross, Gerry O'Neill, Barbara Barthel, Matthew Armstrong, Carol Sterling, Darrell Burgess, David Poorbaugh, Bob Manning, Chuck Huddleston, Brad Anderson, Don Buck, John Hardy, Ella Gale, Bess Christensen, Shirley Garcia, John Linn, Robin Aherst, Dough Carroll, Nicholas Gonzales, and LeRoy Scolari.

Darren Hunt gave the invocation and Mayor Dick DeWees led the Pledge of Allegiance.

**PRESENTATIONS:**

Mayor DeWees presented a proclamation to Elizabeth Swanay-O'Neil, Senior President, Stephen Eastin Society, Children of the American Revolution for "National American Indian Heritage Month," November, 2008.

Stan Hart of the Turducken Group presented a \$8,000 donation to Nina Taylor of the Friends of the Library and a \$8,000 donation to Karen Orsua of the Library Foundation. Molly Gerald on behalf of the Library Board of Trustees, presented certificates of appreciation to each member of the Turducken Group.

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

**STAFF REQUESTS AND ANNOUNCEMENTS:**

City Administrator/Executive Director Gary Keefe commented on the efforts of Tap TV, Lompoc Locker Room and the City's WiFi Service for successfully web streaming, for the first-time, a local high school game on the City's website and stated that this paves the way for web streaming other city events and Council meetings in the future. He announced that the proposal for County services is still being discussed.

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

Council/Agency Member Holmdahl commented on the presentation he attended on the Allan Hancock College Police and Fire Safety Complex and that the presentation will be presented at a future Council meeting.

Council/Agency Member Ruhge announced that the Chamber of Commerce is sponsoring a "Lompoc In a Box" program where several businesses add their products to the box and it is sold to the public as a unique gift. She announced the "Holiday Home Tour," and tea, sponsored by the Hospital Foundation, scheduled for December 14, 2008 and the "Chocoholic Festival" on February 14, 2009, sponsored by the Lompoc Women in Chambers.

Mayor/Chair DeWees announced the Lompoc Valley Children's parade on Friday December 5, 2008 at 6:00 P.M.

**ORAL COMMUNICATIONS:**

1. Ralph Harman commented on Consent Calendar Items No. 4 and No. 10 and Addendum Item No. 1.
2. John Lawrence commented on the term for Mayor.
3. Gilbert Navarro commented on the resolution supporting legislation for safety equipment for prison personnel.

Councilmember Siminski informed Mr. Navarro that the resolution had been approved and that copies of the resolution will be forwarded to Federal authorities, our Congressmen, and the Federal Bureau of Prisons.

4. Matthew Hughes commented on the "In God We Trust" issue.
5. Darren Hunt thanked Council for their service and their support for the "In God We Trust" national motto.
6. Joyce Howerton announced that a Gang Forum is scheduled for Thursday, December 4, 2008 from 7 – 9 P.M. at the Lompoc High School Library. She commented on her request regarding a financial report from Lompoc Housing and Community Development Corporation.

City Administrator Gary Keefe reiterated Mr. Harman's comments and explained that the monies for the demolition of the old municipal pool will be coming from a revenue bond paid for by Redevelopment Agency (RDA) Tax Increment and the amount will not be decided until bids are submitted. Monies for the land purchase for River Park campgrounds are from an internal loan to be repaid from campground revenue.

**CONSENT CALENDAR:**

*ACTION:* Motion/Second: Siminski/Holmdahl. By a unanimous vote, the City Council/Agency (with the exception of items 4 and 10):

- CITY/RDA* 1. Approved Minutes of the Lompoc City Council and Lompoc Redevelopment Agency Regular Meeting of November 4, 2008.

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

- CITY 2. Approved expenditures for:
- Payroll of 10/29/08 - \$1,160,772.93  
Voucher Register of 11/7/08 - \$858,384.10  
Voucher Register of 10/31/08 - \$963,360.33\*  
Manual Checks of 10/28/08 - \$6,500.00  
(\*Councilmember Schuyler did not participate in the vote for Ck#278619, Cut 'N' Clean Landscape Maintenance, \$370.00).
- CITY 3. Authorized the Lompoc Police Department to accept a grant award from the Governor's Office of Emergency Services (OES) in the amount of \$146,000.00 to fund the Lompoc Police Department's DOMESTIC VIOLENCE/CRIMES AGAINST WOMEN REDUCTION PROGRAM, authorized the appropriation of \$48,667.00 as the matching fund requirement and residual salary and benefits costs from unappropriated General Fund Reserves, and authorized the City Administrator to sign any appropriate documents to complete the Grant Award Forms Package, including any extensions or amendment thereof, as required by the Office of Emergency Services.
- CITY 4. **Approve Environmental Review and Project Approval of Municipal Pool Demolition ER 08-0027.** (*pulled by Council/Agency Member Schuyler for discussion and action at the end*).
- CITY 5. Reviewed Information Regarding Lompoc's National Pollutant Discharge Elimination System Phase II Municipal Storm Water Permit.
- CITY 6. Adopted Resolution No. 5504(08) authorizing the Public Works Director to execute all necessary applications, application amendments, and related documents and authorized the City Administrator to execute all contracts, agreements, amendments, payment requests, and related documents, for the purposes of securing state grant funds from the Bicycle Transportation Account program, administered by CalTrans.
- CITY 7. Approved the City of Lompoc Park and Pool Maintenance Assessment District Statement of Revenues, Expenditures, and Changes in Fund Balances for the Period of July 1, 2002 through June 30, 2008.
- CITY 8. Adopted the attached Municipal Certificate received from CitiCapital Municipal Lease Finance, authorizing the Mayor, the City Administrator, and the Acting Management Services Director to withdraw funds from the CitiCapital escrow accounts.
- CITY 9. Authorized the Lompoc Police Department to accept grant award number SC09233 from the University of California Berkeley Traffic Safety Center funded by the California Office of Traffic Safety in the amount of \$111,729.42 to provide supplemental overtime funding toward driving under the influence enforcement and drivers license compliance checkpoints within the City of Lompoc between October 1, 2008 and September 30, 2009 and authorized the Chief of Police or his designee to sign any appropriate documents to complete the Grant Award Forms Package, including any extensions or amendments thereof, as required by the University of California Berkeley Traffic Safety Center and the California Office of Traffic Safety.
- CITY 10. **Approve the Parking Citation Management and Processing System.** (*pulled by Council/Agency Member Schuyler for discussion and action at the end*)
- CITY 11. Adopted Resolution No. 5505(08) accepting conveyance of real property to be used as the site of the future Lompoc Valley Community Center located at 1110 and 1120 West Ocean Avenue, directed the City

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

Item No. 11

Administrator/Executive Director to execute all documentation necessary on behalf of the Lompoc Redevelopment Agency and the City of Lompoc to complete the purchase of property located at 1110 West Ocean Avenue and 1120 West Ocean Avenue for use as the future Lompoc Valley Community Center, and adopted Resolution No. 5506(08) accepting conveyance of real property and authorizing the purchase of property located at One River Park Road.

**PUBLIC HEARING:**

CITY 11. **LOM 585 - Vesting Tentative Subdivision Map Condominium Conversion.**

**Review of a Planning Commission Recommendation, Based Upon a Request by Angela Carroll, Representing the Property Owner, for a One (1) Lot Vesting Tentative Subdivision Map for Condominium Purposes, Converting Nine (9) Existing Rental Apartments into Nine (9) For-Sale Condominiums. The Property is Located at 213 East College Avenue in the *High Density Residential (HDR)* Zoning District (Assessor Parcel Number: 87-132-05). A Negative Declaration has Been Prepared Pursuant to the California Environmental Quality Act (CEQA).**

Principal Planner, Keith Neubert presented the staff report and recommendations.

Public Comment:

1. Angela Carroll representing the property owner spoke in support of staff's recommendations.

**ACTION:** Motion/Second: Holmdahl/Ruhge. By a unanimous vote, the City Council Certified the Negative Declaration and adopted Resolution No. 5502(08) approving LOM 585 as the Vesting Tentative Subdivision Map for condominium purposes, converting nine (9) existing rental apartments into nine (9) for-sale condominiums (Planning Division File No. LOM 585).

CITY 12. **An Appeal, Submitted by Michael Letzt of BJ Gunner Investments, LLC, the Applicant, of the Planning Commission Determination of August 13, 2008. The Planning Commission Recommended City Council Denial of the General Plan Amendment - GP 08-02, Zone Change - ZC 08-04, and Density Bonus and Denied a Conditional Use Permit - CUP 08-05 and Vesting Tentative Parcel Map - LOM 586-P. The Request was for Construction of the Ocean Plaza Development at 1420 East Ocean Avenue (Assessor Parcel Numbers: 85-150-17, 18).**

Councilmember Schuyler announced a letter sent to Council from Area Agency on Aging and that he serves on the Advisory Council and the Executive Committee, but that he recluses himself from discussion and consideration of the letter. He stated he received phone calls from Harrel Fletcher and Alice Milligan.

Councilmembers Ruhge, Holmdahl, and Siminski stated they received phone calls from Alice Milligan and Harrel Fletcher and the letter from Area Agency on Aging.

Mayor DeWees stated he received a call from Alice Milligan and a phone message from Harrel Fletcher and the letter from Area Agency on Aging.

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

Item No. 12

Principal Planner, Keith Neubert presented the staff report and recommendations.

Dave Cross representing BJ Gunner Investments presented a PowerPoint presentation and spoke in support of the proposed project. He introduced Frank Thompson, Housing Consultant for the project, who spoke in support of the proposed project. Mr. Thompson introduced Detlev Peikert, architect for the proposed project, who also spoke in support of the proposed project.

**Public Comment:**

1. John Lawrence, Gerry O'Neill, Barbara Barthel, Matthew Armstrong, Carol Sterling, Ralph Harman, Darrell Burgess, Bob Manning, John Hardy, John Linn, and Nicolas Gonzales spoke in opposition to the proposed project.
2. David Poorbaugh, Chuck Huddleston, Brad Anderson, Bess Christensen, Robin Aherst, Doug Carroll and LeRoy Scolari spoke in support of the proposed project.
3. Ella Gale spoke on the potential traffic impact, size of the units, affordable prices, and wheelchair access.
4. Don Buck and Shirley Garcia spoke in support of the project but in opposition to the location.

**RECESS:**

**At 9:05 P.M., the Mayor/Chair announced a Break. At 9:20 P.M., the meeting was reconvened with all Council/Agency Members present.**

Dave Cross gave a brief summary and spoke in support of the proposed project and requested Council approval of Option 1.

Lengthy discussion followed by Council regarding funding sources, restrictions on the project, emergency accessibility, Fire Department requirements, potential traffic impact and violations, parking, environmental impacts, housing qualifications, and zoning issues.

Councilmember Ruhge supports the project but does not support the zone change and is opposed to the location.

Mayor DeWees supports the project, likes the mixed use and potential jobs, but feels that the zoning should not be changed at this time. He is opposed to the location.

Councilmember Siminski moved for Option 1. Seconded by: Councilmember Holmdahl. Vote: 2 to 3, failed (*Mayor DeWees and Councilmembers Schuyler and Ruhge voted NO*).

Councilmember Schuyler moved for Option 2.

**ACTION:** Motion/Second: Schuyler/Holmdahl. By a 3 to 2 vote, (*Mayor DeWees and Councilmember Ruhge voted NO*) the City Council directed staff to prepare Resolutions and Ordinance, partially upholding the appeal by Michael Letzt of BJ Gunner Investments, LLC; proposed General Plan Amendment (GP 08-02); proposed Zone Change (ZC 08-04); and returning the Conditional Use Permit (CUP 08-05), Vesting Tentative parcel Map (LOM 586-P), and the proposed Density Bonus to the Planning Commission for review of the project and to apply conditions of approval.

**WRITTEN COMMUNICATIONS:** None

**ORAL COMMUNICATIONS:**

1. Ralph Harman commented on Councilmember Siminski's statements.
2. Nicolas Gonzales spoke on zoning issues.
3. Ella Gale commented on the proposed Ocean Plaza project.

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

CITY            4.        **Approve Environmental Review and Project Approval of Municipal Pool Demolition ER 08-0027.**

Council/Agency Member Schuyler stated he requested the item be pulled from the Consent Calendar to allow staff to clarify why the public comment was included in staff's recommendations. Staff stated that the public comment was meant as the 30-day comment period required by the California Environmental Quality Act.

*ACTION:*        Motion/Second: Schuyler/Ruhge. By a unanimous vote, the City Council/Agency adopted the Mitigated Negative Declaration; approved the proposed Municipal Pool demolition; and directed Staff to proceed with solicitation of bids for the Municipal Pool demolition.

CITY            10.       **Approve the Parking Citation Management and Processing System.**

Council/Agency Member Schuyler stated his request for the removal of this item and asked staff to inform the public of how the new system will affect them.

Chief of Police Tim Dabney presented the staff report and recommendations. He introduced Police Captain Larry Ralston who gave a brief overview of the system.

*ACTION:*        Motion/Second: Schuyler/Holmdahl. By a unanimous vote, the City Council/Agency authorized the Police Department to enter into a contract with Data Ticker, Inc. (DTI) to manage the collection of fees for parking citations issued in the City of Lompoc and authorized the expenditure of \$1,770.00 from the Traffic Offender fund to lease two (2) electronic *Ticket Writer* units from Data Ticker, Inc. for a period of six (6) months.

Council/Agency Member Siminski commented that the environmental review process is inherently negative; it is designed to identify negative impacts and potential ways to mitigate them. He expressed need to review positive aspects of development proposals in order to make informed decisions on such projects. He noted that a provision is proposed in the draft of the comprehensive General Plan Update, which would call for annexations to include a financial analysis. He requested that staff contact the applicants for the Bailey Avenue Specific Plan and request a financial analysis, as well as a discussion of beneficial impacts resulting the project.

Community Development Director Arleen Pelster suggested that, in order to obtain an independent analysis, the project applicants be asked to deposit funds to pay for the analysis, and that the City contract with a qualified company to perform the analysis. She noted this is the process utilized for preparation of Environmental Impact Reports to maintain the City's objectivity as required by the California Environmental Quality Act.

City Administrator/Executive Director Gary Keefe noted that the proposed study could only be performed if the applicants agree to pay the cost. Council/Agency Member Siminski noted he was in favor of staff suggestion, and asked staff to return to the Council/Agency if the applicants were not agreeable to paying for the study.

**ADJOURNMENT:**

At 10:20 P.M. Mayor DeWees adjourned the Lompoc City Council/Redevelopment Agency Meeting to a Regular Meeting at 7:00 P.M. on Tuesday December 2, 2008.

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Dick DeWees, Mayor  
City of Lompoc

ATTEST:

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Donna N. Terrones, CMC  
City Clerk