



## MINUTES

Regular Meeting of the Lompoc City Council  
Tuesday, May 21, 2019  
City Hall, 100 Civic Center Plaza, Council Chamber

### OPEN SESSION – 5:00 P.M. – Council Chamber

Council Members Present: Victor Vega, James Mosby, Dirk Starbuck, and Mayor Jenelle Osborne.

Staff Present: City Manager Jim Throop, City Clerk Stacey Haddon, and City Attorney Jeff Malawy.

ORAL COMMUNICATIONS: None

### CLOSED SESSION – City Council Conference Room

#### BUSINESS ITEM:

1. **CONFERENCE WITH LABOR NEGOTIATORS:** City Designated Representatives: Colin Tanner and Jim Throop. Employee Organization: International Brotherhood of Electrical Workers, Local 1245 (IBEW).
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** Government Code Section 54956.8. Property: approximately 82 acres including and adjacent to Ken Adam Park. City Negotiators: City Manager Jim Throop and City Attorney Jeff Malawy. Negotiating Party: Pale Blue Dot Ventures, Inc. Under Negotiation: Price and terms of payment.
3. **CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION:** Initiation of litigation pursuant to Government Code section 54956.9(d)(4): One case.

### OPEN SESSION - 6:30 P.M. – Council Chamber

Council Members Present: Victor Vega, James Mosby, Dirk Starbuck, Gilda Cordova, and Mayor Jenelle Osborne.

Staff Present: City Manager Jim Throop, City Clerk Stacey Haddon, City Attorney Jeff Malawy, Planning Manager Brian Halvorson, and Utility Director Brad Wilkie.

Others Present: Deb Andrews, Atul Patel, Sue Coupland, John Linn, Mark Ashamalla, Erik Mendoza, and Michelle Franco.

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

City Attorney Jeff Malawy reported Council took no reportable action on Closed Session Items 1 and 2, and directed Staff to initiate litigation on Closed Session Item 3, the action, defendants, and all other particulars of the case will be made public when the action has taken place.

Pastor Darren Hunt gave the invocation and Mayor Jenelle Osborne led the **Pledge of Allegiance**.

#### PRESENTATIONS ELSEWHERE:

Mayor Osborne presented a proclamation on May 18, 2019 at the Veteran's Memorial Building, Lompoc in honor of **Relay for Life**.

#### PRESENTATIONS:

Mayor Osborne presented a proclamation in honor of **Public Works Week**.

**CITY MANAGER REPORT:** (Information only)

City Manager Jim Throop announced the City will be holding a Budget Workshop in the Council Chamber on Tuesday, May 28, 2019 beginning at 6:30pm; and reminded the audience City Hall will be closed on Monday, May 27, 2019 in observance of Memorial Day.

Council Member Starbuck asked Staff to comment on the Coastal Commission Meeting held in Oxnard, CA on May 9, 2019. City Manager Jim Throop stated the Coastal Commission was to hear a request from the Air Force regarding and approval of a five-year beach management plan for Minuteman, Wall, and Surf Beach to promote the survival of the snowy plover. Mr. Throop explained Mayor Osborne travelled to Oxnard to attend the meeting and provide a letter of comment to the Commission regarding this matter. Mayor Osborne stated the item was postponed to a future Commission Meeting.

**PUBLIC COMMENT ON CONSENT CALENDAR ITEMS** (Maximum of 3 Minutes): None

**CONSENT CALENDAR:**

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

- 1. **Renewal of Agreement with County of Santa Barbara for Animal Control Services for Fiscal Year 2019-2020.**

Authorized the City Manager to execute a one-year Eighth Amendment to the Agreement for Animal Control Services for Fiscal Year 2019-2020 with County of Santa Barbara in the total amount of \$326,814.

- 2. **Adoption of Resolution No. 6248(19) for Adoption of the Santa Barbara County Integrated Regional Water Management Plan.**

Adopted Resolution No. 6248(19), which adopts the Santa Barbara County Integrated Regional Water Management (IRWM) Plan.

- 3. **Adoption of Resolution No. 6156(19) Declaring the Council’s Intention to Levy Assessments for Fiscal Year 2019-20, Preliminarily Approving an Engineer’s Report, and Providing Notice of a Public Hearing for the Park Maintenance and City Pool Assessment District No. 2002-01.**

Adopted Resolution No. 6156(19), declaring the City Council’s intention to again levy the annual park and pool assessments for Fiscal Year (FY) 2019-20; preliminarily approving the Engineer’s Report, and providing notice of a public hearing on June 4, 2019, for the proposed continuation of the assessments for the Park Maintenance and City Pool Assessment District No. 2002-01, in order to receive public input on:

- i. The proposed continuation of the assessments;
- ii. The proposed assessment budget for FY 2019-20; and
- iii. The services and improvements of the assessments fund, and any other issues related to the assessments

**ORAL COMMUNICATIONS** (3 Minutes Maximum):

- 1. Deb Andrews suggested the City has rejected housing & business developments and encouraged Council to remove over-reaching State mandates and requirements from its own policies.
- 2. Atul Patel requested Council provide a change in the Utility Billing policy regarding the 7 year averaging of water and wastewater utility bills, stating he believes he is being overcharged for wastewater even though a new separate landscape water meter has been installed at a local hotel he owns.
- 3. Sue Coupland expressed her concerns regarding Closed Session Item No. 2, stating she believes the City is negotiating matters that should be discussed in an open meeting.

**ORAL COMMUNICATIONS:** (cont'd)

4. John Linn gave Council copies of what he states is a current copy of the Memorandum of Understanding between the Santa Maria Police Officers Association and the City of Santa Maria regarding salaries for police department employees and explained he believes the Lompoc Police Officers Association has exaggerated the SMPOA is scheduled to receive in the City of Santa Maria 2018-2021 Budget; and provided copies of previous reports given to Staff regarding the seismic retrofit of Fire Station No. 1 and the proposal from Santa Barbara County for dispatch services to the City of Lompoc.
5. Mark Ashamalla invited the public to participate in cleaning up the green houses at the Bridge House on May 25 & 26, 2019, and stated the green houses will allow the residents at the Bridge House to begin growing its own produce and help become healthier and self-sufficient.
6. Erik Mendoza, representative from La Roca Bakery, requested Council direct Staff to allow the La Roca Bakery file an appeal of the Utility Director's decision to require a grease trap at this business.
7. Michelle Franco, a representative of Buildout Pros LLC General Contractors, has requested Council direct Staff to bring forward an appeal of the Building Official's decision to require the installation of two electric vehicle stations at the property located at 1009 No. H Street as part of a tenant improvement.

Mayor Osborne asked Staff to comment on the appropriate steps for an appeal of any regulation or requirement decision from a Staff member. City Attorney Jeff Malawy stated it would be necessary for him to research the options and provide a more complete answer at a later date.

**APPOINTMENTS:**

4. **Council Appointments to City Boards, Commissions, and Committees.**

**ACTION:** Motion/Second: Mosby/Starbuck. By a 5-0 vote, Council appointed Steve Bridge to the Planning Commission to an unexpired term ending December 2020.

**ACTION:** Motion/Second: Cordova/Starbuck. By a 5-0 vote, Council appointed Bianca Gonzales to the Youth Commission to a Youth term ending January 2020.

**ACTION:** Motion/Second: Mayor Osborne/Starbuck. By a 5-0 vote, Council appointed Tyler Rainwater to the Youth Commission to a Youth term ending January 2020.

**PUBLIC HEARING:**

5. **Consideration of Planning Commission Recommendations for Approval of the Comprehensive Update to Title 17 of the Lompoc Municipal Code.**

Planning Manager Brian Halvorson requested Council approve an extension of the Public Hearing to June 4, 2019.

Council Member Mosby suggested the Public Hearing be postponed to the June 18, 2019 Regular City Council Meeting.

**Public Comment:**

1. John Linn asked when the City provided a notice to the public and how many meetings have been held since that first public hearing notice.

**ACTION:** Motion/Second: Mosby/Cordova. By a 5-0 vote, Council continued the Public Hearing to June 18, 2019.

**NEW BUSINESS:**

Council Member Mosby recused himself due to ownership of real property within 500 feet of the subject property, and exited the Council Chamber.

- 6. **Hearing of (Former) Property Owner’s Appeal of Ruling on Request for Reconsideration of Utility Director’s Enforcement of Lompoc Municipal Code Section 13.16.040, Connection to Public Sewer Required, 209 West Pine Street – Sewer Lateral Service Protest.**

Utility Director Brad Wilkie provided the Staff report and recommendations.

Former property owner Morris Sobhani presented his protest.

Council discussed this matter at length.

**Public Comment:**

- 1. Deb Andrews suggested the Council allow for a waiver of this requirement and possibly suggest the owner(s) provide an insurance policy that would cover any future possible damage to City property.
- 2. John Linn stated he knows there are other locations inside the City where this type of requirement was not enforced.

Mayor Osborne made a motion to deny the appeal. The motion was seconded by Council Member Cordova.

Council Member Vega made a substitute motion to allow uphold the appeal. The motion was seconded by Council Member Starbuck and with a 2-2 vote (Mayor Osborne and Council Member Cordova voted No) the motion was lost.

The first motion was also lost by a 2-2 vote (Council Members Vega and Starbuck voted No).

City Attorney Jeff Malawy explained both motions ended in a tie and therefore cannot overturn the Director’s decision and the appeal is denied.

Council Member Cordova motioned to continue this matter to the June 4, 2019, Regular City Council Meeting. The motion was seconded by Council Member Starbuck and with a final 3-1-0 vote (Mayor Osborne voted No and Council Member Mosby was absent), the motion passed.

The appellant Morris Sobhani agreed to have this matter continued to the June 4, 2019 Regular City Council Meeting.

Council Member Mosby returned to the dais.

**WRITTEN COMMUNICATIONS:** None

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

**COUNCIL COMMENTS AND MEETING REPORTS:**

Council Member Mosby announced the upcoming City of Lompoc Recreation Division Meetings regarding the public’s input on how to rehabilitate Pioneer Park on May 22, 2019 and JM Park on May 23, 2019; stated the Santa Barbara Air Pollution Control District published an advisory regarding air quality and commercial cannabis; presented copies of parts of previous Staff presentations and or reports regarding the 2017/19 Budget and the 2019/2021 Budget; and made the following Council requests:

Direct Staff to return at a later date with a Staff report on the appeal process available to La Roca Bakery as well as to Buildout Pros. These requests were seconded by Council Member Vega and carried by Council Member Cordova.

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

Council Member Mosby's requests:

Direct Staff to return at a later date with a Staff report on the avenues available to the owner(s) of the Holiday Inn Express regarding possible waivers or changes to the current approved utility billing policies. The request was seconded by Council Member Vega and carried by Council Member Starbuck.

Direct Staff to provide report monthly highlighting recent filled and recent vacant employee positions. The request was seconded by Council Member Cordova and carried by Council Member Vega.

Direct Staff to provide a Staff report at a future meeting illustrating the impact fees specific for new construction of auxiliary dwelling units inside the City Limits. The request was seconded by Council Member Vega and carried by Council Member Starbuck.

Asked for Staff to provide a copy of the report presented to the Utility Commission on May 13, 2019 and entitled **Review of CalPERS Unfunded Actuarial Liability – Miscellaneous Plan as of most recent valuation date of June 30, 2017**, to the entire Council.

Council Member Vega reminded the public Monday, May 27, 2019 is Memorial Day and a Memorial Day Event will be held at the Lompoc Cemetery at 11am that day; and asked City Attorney Jeff Malawy to confirm if Council can direct or request Staff bring back items on specific dates or time-frames. Mr. Malawy answered yes.

Council Member Cordova reported she attended the Lompoc Planning Commission Meeting on May 8, 2019 and a Training Command (AETC) Civic Leaders Meeting on Vandenberg Air Force Base.

Mayor Osborne reported she attended several meetings and events including the League of California Cities Channel Islands Dinner, and the community walk with the Lompoc United Boys & Girls Club; she also asked Council to be mindful of the their requests to Staff and be considerate of timelines because of short staffing in all City Departments and Divisions.

**ADJOURNMENT:** At 8:38 P.M. Mayor Osborne adjourned the Lompoc City Council to a Regular Meeting on June 4, 2019 at 6:30 P.M., in City of Lompoc Council Chamber.

Respectfully, submitted to Council for review on May 31, 2019 by: \_\_\_\_\_  
Stacey Haddon, City Clerk