



## Minutes

**Regular Meeting of the Lompoc City Council  
Tuesday, August 4, 2020 – 6:30 P.M.  
City Hall, 100 Civic Center Plaza, Council Chamber**

THE COUNTY OF SANTA BARBARA HAS DETERMINED THAT IN-PERSON PUBLIC ATTENDANCE AT A CITY COUNCIL MEETING IS A PROHIBITED GATHERING IN VIOLATION OF COUNTY HEALTH OFFICER ORDER 2020-12.5, EFFECTIVE JULY 14, 2020. THEREFORE:

**THE CITY COUNCIL CHAMBER WILL BE CLOSED TO THE PUBLIC**

*Pursuant to the Governor's Executive Order N-29-20 dated March 17, 2020, the City Council is authorized to close the City Council chamber to the public and to make meetings accessible telephonically or electronically to all members of the public seeking to observe and to address the City Council. All Brown Act provisions that require the physical presence of the public for City Council meetings are waived.*

The City Council meeting will be broadcast live on Comcast Channel 23 and the radio at KPEG 100.9 FM, and livestreamed on the internet at [www.cityoflompop.com](http://www.cityoflompop.com) (Click the "City Council" button, and then "View City Council Meeting Live Webcast").

If you wish to make a comment during oral communications or on a specific agenda item, you may call (805) 875-8201 before the close of public comment on the agenda item. You will be provided 3 minutes to give your public comment.

Alternatively, you may submit comments via email to [s\\_haddon@ci.lompoc.ca.us](mailto:s_haddon@ci.lompoc.ca.us) not later than 4:00pm on Tuesday, August 4, 2020.

### **CLOSED SESSION**

#### **OPEN SESSION – 5:30 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, and City Attorney Jeff Malawy.

**ORAL COMMUNICATIONS:** None

#### **CLOSED SESSION – City Council Conference Room**

#### **BUSINESS ITEM:**

1. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION** Government Code Section 54956.9(d)(1) Name of case: City of Lompoc v. Mission Hills Community Services District; Santa Barbara County Superior Court Case No. 20CV02225
2. **CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): 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, Community Development Director Christie Alarcon, Public Works Director Michael Luther, Recreation Manager Mario Guerrero Jr., Police Chief Joseph Mariani, Battalion Chief Dena Paschke, and Solid Waste Superintendent Keith Quinlan.

**Others Present:**

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

City Attorney Jeff Malawy announced no reportable action was taken during the Closed Session.

Mayor Jenelle Osborne led the **Pledge of Allegiance**.

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

- **List of City expenditures**
  - July 13-17, 2020 - \$2,085,852.69
  - July 20-24, 2020 - \$548,785.51
  - Payroll July 24, 2020 - \$1,470,101.13

City Manager Jim Throop announced the Aquatic Center has re-opened with restrictions and the Council Chamber remains closed to the public due to the County Health Order 2020-12.5.

Council Member Mosby asked if Mr. Throop could talk about the extended power outage inside the City on August 2, 2020 through August 3, 2020. Mr. Throop explained the Electric Division was short-handed and was unable to fill a crew until the morning of Monday, August 3, 2020; and stated the City has been working to fill several vacancies throughout the City, including the Electric Division.

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

**CONSENT CALENDAR:**

Community Development Director Christie Alarcon stated Staff will revised the Grand Jury Response Letter by deleting its response to Recommendation 2 on page 2 of 7.

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

1. **Temporary Easement Agreement with Pacific Gas and Electric Company.**

Reviewed the Temporary Easement Agreement; and authorized the City Manager and the City Engineer to execute and administer the Agreement
2. **Adoption of Resolution No 6354(20) Authorizing the Solid Waste Superintendent to Submit Applications for CalRecycle Grant Programs.**

Adopted Resolution No. 6354(20), authorizing the annual submittal of applications to the Department of Resource Recycling and Recovery (CalRecycle) for any, and all grant programs.
3. **Unclaimed Property: Stale-Dated Checks; Adoption of Resolution No. 6355(20)**

Adopted Resolution No. 6355(20), transferring property (stale-dated checks) to the General Fund.
4. **Award of Project No. FY-20-S-2, 2020 Cape Seal Project; Adoption of Resolution No. 6356(20) Approving Supplemental Appropriations.**

Adopted the Special Provisions for Project No. FY-20-S-2, 2020 Cape Seal Project (Project), as required by Section 22039 of the Public Contract Code (copies of Special Provisions are on file in the City Engineer's Office); and awarded the Construction Contract in the amount of \$1,913,749.50 to American Asphalt South, Inc.; authorized the City Manager to execute the necessary agreements for that Contract; authorized the City Engineer, or designee, to approve additional construction costs and construction contract change orders in an amount not to exceed \$205,000; and awarded the Consulting Contract for Construction Engineering Support, Materials Testing, and Supplemental Inspection (Consulting Contract) in the amount of \$80,200 to Asphalt Pavement & Recycling Technologies, Inc.; authorized the City Manager to execute the necessary agreements for the Consulting Contract; authorized the City Engineer to approve and sign Consulting Contract Change Orders in an amount not to exceed \$10,000.00; and adopted Resolution No. 6356(20) approving supplemental appropriations for the Project.

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

5. **Approval of Response to the 2019-20 Santa Barbara County Grand Jury Report – “Homelessness in Santa Barbara County”.**

Council reviewed the Santa Barbara County Grand Jury report entitled “Homelessness in Santa Barbara County” and approved the proposed response letter presented on behalf of the City, pursuant to California Penal Code Sections 933(c) and 933.05(a), (b) and (c).

**STAFF PRESENTATIONS/ANNOUNCEMENTS/REQUESTS:** None

**ORAL COMMUNICATIONS (3 Minutes Maximum):** None

**COUNCIL REQUESTS:**

6. **Lompoc Police Incentive Homebuyer Assistance.** (Requested by Council Member Mosby)

Community Development Director Christie Alarcon presented a Power Point Presentation.

Council discussed the information presented and encouraged Staff to look for grants which could be used to fund this type of program.

Public Comment: None

**ACTION:** Motion/Second: Mosby/Cordova. By a 5-0 vote, Council received Staff’s report, and directed Staff to bring this item back for discussion during the City’s 2021-2023 Biennial Budget process or earlier if any grants or funding mechanisms can be identified before the 2021-2023 Biennial Budget process begins.

7. **Discussion of Amendments to the Handbook for Commission, Committee, and Board Members Relating To Future Agenda Item Requests and Cancellation of Meetings.** (Requested by Council Member Vega)

Jeff Malawy City Attorney presented the Staff report and recommendations.

Council discussed the information presented at length.

Public Comment: (via phone)

1. Leah Braitman, Lompoc Utility Commission Member, spoke in favor of updating the Handbook for Commission, Committee, and Board Members to provide clear direction to all Members on how to request future agenda items and to avoid the cancellation of scheduled meetings if at all possible.

**ACTION:** Motion/Second: Mayor Osborne/Mosby. By a 5-0 vote, Council consider potential amendments to the Handbook for Commission, Committee, and Board Members related to future agenda item requests and cancellation of meetings, and directed Staff to return at a future meeting with proposed amendments the Handbook which allow a member of a City Body to request a future agenda item between meetings with the request being delivered by a Member not later than 5 working days prior to the date of the meeting, require a majority approval to place any item on a future agenda and no item can be placed on an agenda if it requires expenditure of a significant amount of public funds to prepare, unless first approved by the City Council.

**COUNCIL REQUESTS:** (cont'd)

8. **Discussion of City Operated Downtown Swap Meet in the Parking Lot on I Street and Ocean Avenue.** (Requested by Mayor Osborne)

Recreation Manager Mario Guerrero Jr. presented the Staff report and recommendations.

Council discussed this matter at length

Public Comment: (via phone)

1. Leah Braitman, Darrell Tullis, and Lupe Montayo spoke in favor of a downtown swap meet or open market inside the City of Lompoc.
2. (Name not provided), expressed concern about the possible negative impact to a business he and his family own in the downtown area if a swap meet or open market are opened in the parking lot on I Street and Ocean Avenue.
3. Terry Hammons stated the City would need to remain vigilant to ensure the neighboring businesses are not negatively impacted with this type of operation and the site remains clean and well run.

Council continued to discuss this matter.

**ACTION:** Motion/Second: Vega/Cordova. By a 4-1 (Mayor Osborne voted No) vote, Council reviewed the Staff report and directed Staff to table this matter and return at a future meeting, after the COVID-19 Pandemic restrictions regarding gatherings are lifted, to allow Council further discussion and possible action on this matter.

**UNFINISHED BUSINESS:**

9. **Update Concerning Fireworks and Fireworks Enforcement.**

Chief of Police Joseph Mariani and Fire Battalion Chief Dena Paschke presented information regarding the increase in the use of illegal fireworks in the Lompoc Valley area.

Council discussed this matter at great length including fines, possible increase in citation fine amounts, future review of the current city ordinance regarding fireworks inside the City of Lompoc, and the possible review of other agencies enforcement strategies for illegal fireworks.

Public Comment: (via phone)

1. Louis Linney, representative if TNT Fireworks spoke about the surge of use of illegal fireworks throughout the entire nation during 2020 and stated he believes the State requires only a 25% not 65% of fines be sent to the State.
2. (Name not Given), spoke in favor of allowing all fireworks in the City.

**ACTION:** Motion/Second: Mayor Osborne/Cordova. By a 5-0 vote, Council received Staff's presentation on fireworks and directed Staff to return at a later date with a report to allow Council to discuss and take possible action on increasing the enforcement period regarding the use of fireworks inside the City to 4 weeks, along with an increase in the fines, and the addition of allowing a citation to be issued with the signature of two witnesses of the offense.

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

City Attorney Jeff Malawy announced there are no legal conflicts of interest regarding Agenda Item No. 10 for any City Council Members.

10. **Scavenging Enforcement in Solid Waste Containers – Approval of an Educational Pilot Program Utilizing the Solid Waste Division’s Solid Waste Code Enforcement Officer**

Solid Waste Superintendent Keith Quinlan presented the Staff report and recommendations.

Council discussed this matter at length, including adding these program enforcement duties to current employees’ workloads, hiring a part-time employee who is dedicated to this program, and setting up a work program for chronic repeat offenders.

Public Comment: (via phone)

1. (Name not Given), expressed concern about the current scavenging that is happening throughout the City and stated citations and fines could help deter this activity.
2. Shawndel Malcolm spoke about the difficulty of enforcement, tracking, and fine collections for this proposed program.

**ACTION:** Motion/Second: Mosby/Cordova. By a 5-0 vote, Council approved a scavenging educational pilot program utilizing the Solid Waste Division’s Solid Waste Code Enforcement Officer; and to return with an update on the program for Council to discuss on March 16, 2021.

**WRITTEN COMMUNICATIONS:** None

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

**COUNCIL COMMENTS AND MEETING REPORTS:**

Council Member Mosby thanked Staff for working to bring forward Council Requests.

Mayor Osborne reported she attended the Northern California Power Agency (NCPA), the Transmission Agency of Northern California (TANC), the City of Lompoc Parks & Recreation Commission Meetings, and the Santa Barbara County Forum Meetings; and announced Legal Aid Foundation of Santa Barbara County is open for services, even while employees are working remotely the public can contact the office at (805) 736-6582; Santa Barbara County Association of Governments (SBCAG) Measure A Citizen’s Board has 2 openings for the North County and encouraged citizens to apply by the August 19, 2020 deadline; reminded all the City of Lompoc has not given a State of the City Address due to the COVID-19 Pandemic; and stated officials from Vandenberg Air Force Base will be presenting their State of the Base address this week remotely.

**ADJOURNMENT:** At 10:26 P.M. Mayor Osborne adjourned the Lompoc City Council to a Regular Meeting on August 18, 2020 at 6:30 P.M., in City of Lompoc Council Chamber.

Approved by Council action on October 21, 2020:

/Stacey Haddon/  
Stacey Haddon, City Clerk