



City Council Agenda Item

City Council Meeting Date: April 5, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Dean Albro, City Manager
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SUBJECT: Introduction of Ordinance No. 1693(22) Adding a New Chapter to Title 12 of the Lompoc Municipal Code Allowing the City to Place Limits on Public Access and Use of City Owned and Controlled Properties; Adoption of Resolution No. 6487(22) Closing Three City-Owned Parcels East of the Lompoc Airport to Public Access and Use (APNs 093-051-012, 093-051-013, and 093-051-014) and Approving Supplemental Budget Appropriations for the Closure

Recommendation:

Staff recommends the City Council:

- 1) Introduce, for first reading by title only with further reading waived, Ordinance No. 1693(22) adding Chapter 12.40 to the Lompoc Municipal Code to provide for limitations on public access and use of City-owned properties (Attachment 1); and
- 2) Adopt Resolution No. 6487(22), closing three City-owned parcels east of the Lompoc Airport to public access and use (APNs 093-051-012, 093-051-013, and 093-051-014) and approving \$175,000 in supplemental budget appropriations for the closure (Attachment 2).

Background:

The City owns several properties within City limits. Some of those properties are developed, some are undeveloped, some are leased to private parties, and some are open to the public for recreation and other public uses. For various reasons, it can be beneficial for the City to either close City-owned properties to public access and use, limit the hours that they are open, or otherwise limit the ways they can be used by the general public, in order to promote public health, safety, and welfare.

Discussion:

Ordinance

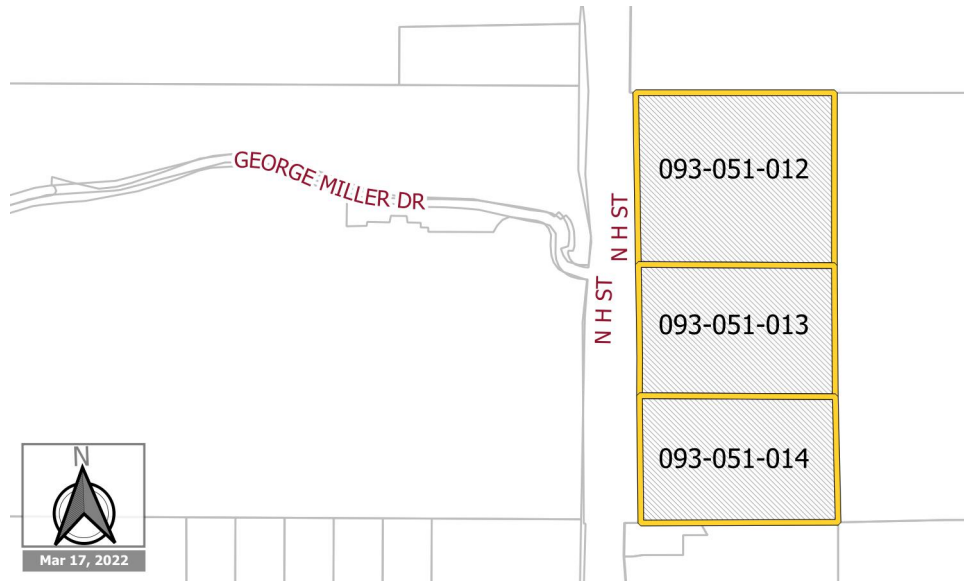
Government Code Section 37359 provides: “the legislative body having control of any property owned or controlled by the city may at any time withdraw the property from the personal access and use of members of the public, or limit the access or use in area or time or in any other reasonable manner deemed necessary. Any person thereafter using the property without permission or in a manner other than that prescribed is a trespasser. This section does not limit or restrict any person from access or use who has a private right in the property.”

Adopting the proposed ordinance would provide the City with additional enforcement mechanisms under the Lompoc Municipal Code for persons who enter restricted City-owned properties – namely, administrative fines, nuisance abatement, and court injunctions – along with civil and criminal trespass enforcement. Adopting the ordinance will also provide a clear and transparent mechanism for establishing limitations on the use of City property.

Staff recommends introducing the draft ordinance, which is attached to this staff report.

Resolution

The City owns three rectangular parcels just across from the City airport on the east side of Highway 1 (APNs 093-051-012, 093-051-013, and 093-051-014), which are depicted below (Property).



The majority of the Property is undeveloped although a small portion is developed and leased by Michelle and Michael Hernandez to operate the River’s Edge Pet Lodge

business. Another portion of the Property is currently leased by Rancho Laguna Farms, which uses portions of the Property for agriculture.

City staff recommends the City Council close the Property to all public use other than use by the current or any future tenants and their invited customers or guests. Ordinance No. 1693(22) would provide that any limitation on public access and use shall not apply to any person who has a private right to enter upon and use the property, including but not limited to, a right granted by a lease agreement with the City or a valid permit issued by the City, or who has otherwise been authorized by the City to enter upon or use the property.

Staff recommends the Property to be closed to the public since the encampments on the property are causing public health and safety issues. Currently, there are an estimated approximately forty individuals occupying the area. Staff would need to give notice to the occupants. They will be given the opportunity for temporary housing and directed to local services. Their property will be stored at a secure location for 90 days, where it can be claimed by its owner. Staff are also recommending fencing the property to ~~prevent~~provide any future health and safety issues.

Fiscal Impact:

Staff recommends using General Fund for fencing the perimeter. The cost to install a fence would be approximately \$150,000. The Property would also need ongoing maintenance to ensure enforcement of the no trespassing rule and maintenance of the perimeter fence. Staff recommends \$25,000 for professional services for any cleanup and/or needed repairs. Funds are not currently budgeted for the fencing or professional services.

Supplemental appropriations are identified in Resolution No. 6487(22) to fund the estimated \$175,000 required for the fencing and professional services for this project. These costs would be funded 100% by the general fund.

Conclusion:

Adopting Ordinance No. 1693(22) would create a clear mechanism for limiting the use of City property by the public, when necessary, and would give the City the full range of enforcement options when those use limitations are violated. Adopting Resolution No. 6387(22) would place those limitations directly on the Property, which is currently in need of such limitations.

Respectfully submitted,

Dean Albro, City Manager



Jeff Malawy, City Attorney

Attachments: 1) Ordinance No. 1693(22)
2) Resolution No. 6487(22)