



Minutes

Regular Meeting of the Lompoc City Council
Tuesday, May 21, 2024
City Hall, 100 Civic Center Plaza, Council Chamber

The City Council meeting will be broadcast live on Comcast Channel 23 and on the radio at KPEG 100.9 FM

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If you choose not to attend in-person but 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 for your comment.

Alternatively, you may submit comments via email to s_haddon@ci.lompoc.ca.us not later than 4:00pm on Tuesday, May 21, 2024.

Pursuant to State Law, any member of the public may address the City Council concerning any Item on the Agenda. Please be aware that Items on the Consent Calendar are considered to be routine and are normally enacted by one vote of the City Council. If you wish to speak on a Consent Calendar Item, please do so during "Public Comment on Consent Calendar Items".

Regular City Council meetings will be videotaped and available for review on the City's website by the end of the day on the Thursday following the City Council Meeting. **The Agenda and related Staff reports are available on the City's web site: www.cityoflom poc.com the Friday before Council meetings between 9:00 a.m. and 5:00 p.m.**

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available the Friday before Council meetings at the City Clerk's Office at City Hall, 100 Civic Center Plaza, Monday through Friday between 9 a.m. and 5 p.m. and at the Information Desk at the Lompoc Library, 501 E. North Avenue, Lompoc, California, Monday - Thursday between 10 a.m. and 7 p.m. and Friday and Saturday between 1 p.m. and 5 p.m. The City may charge customary photocopying charges for copies of such documents.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, including review of the Agenda and related documents, please contact the City Clerk at (805) 875-8241 as soon as possible prior to the meeting. This will allow time for the City to make reasonable arrangements to ensure accessibility to the meeting.

De conformidad con la ley estatal, cualquier miembro del público puede dirigirse al Concejo Municipal con respecto a cualquier tema de la agenda. Tenga en cuenta que los elementos del Calendario de consentimiento se consideran de rutina y normalmente se decreta con un voto del Municipio. Si desea hablar sobre un artículo particular del calendario de consentimiento, hágalo durante "Comentarios públicos sobre artículos del calendario de consentimiento".

Las reuniones regulares del Concejo Municipal se grabarán en video y estarán disponibles para su revisión en el sitio web de la Ciudad al final del día del jueves siguiente a la reunión del Concejo Municipal. **La agenda y los informes relacionados del personal están disponibles en el sitio web de la ciudad: www.cityoflom poc.com el viernes antes de las reuniones del consejo entre las 9:00 a.m. y las 5:00 p.m.**

Cualquier documento producido por la ciudad y distribuido a la mayoría del concejo municipal con respecto a cualquier tema en esta agenda estará disponible el viernes antes de las reuniones del concejo en la oficina del Secretario de la Ciudad en el Ayuntamiento, 100 Civic Center Plaza, de lunes a viernes entre las 9 a.m. y 5 p.m. y en el mostrador de información de la biblioteca de Lompoc, 501 E. North Avenue, Lompoc, California, de lunes a jueves de 10 a.m. a 7 p.m. y viernes y sábado entre la 1 p.m. y 5 p.m. La Ciudad puede cobrar los costos habituales de fotocopiado por copias de documentos anteriormente mencionados.

De conformidad con la ley de Estadounidenses con Discapacidades, si necesita asistencia especial para participar en esta reunión, incluyendo la revisión de la agenda y los documentos relacionados, comuníquese con el Secretario de la Ciudad al (805) 875-8241 al menos 48 horas antes de la reunión. Esto le dará tiempo a la Ciudad para hacer arreglos razonables para asegurar la accesibilidad a la reunión. Para solicitar un traductor de español, llame al (805) 875-8241 antes de las 4 p.m. el viernes antes de la reunión del consejo, para dar tiempo a la ciudad para coordinar un traductor.

CLOSED SESSION

OPEN SESSION – 4:45P.M. – Council Chamber

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

Staff Present: City Manager Dean Albro, City Clerk Stacey Haddon, and City Attorney Jeff Malawy.

ORAL COMMUNICATIONS: None

CLOSED SESSION – City Council Conference Room

BUSINESS ITEM:

1. **LIABILITY CLAIMS:** Claimant: Unspecified pursuant to Government Code section 54961(b); Agency claimed against: City of Lompoc.
2. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:** Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One Case.
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** Property: Approximately 82 acres including and adjacent to Ken Adam Park (APN: 095-070-008); City negotiators: City Manager Dean Albro, City Attorney Jeff Malawy; Negotiating parties: Pale Blue Dot Ventures, Inc. and City of Lompoc; Under negotiation: Price and terms of payment.

The general Oral Communications periods are reserved for persons desiring to address the Lompoc City Council on any subject within the jurisdiction of the City Council. Closed Session and Consent Calendar Oral Communications periods are limited to the subjects of the closed session/consent calendar agenda items.

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

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

Staff Present: City Manager Dean Albro, City Clerk Stacey Haddon, City Attorney Jeff Malawy, Community Development Director Christie Alarcon, Public Works Director Michael Luther, Building & Safety Services Manager Matt Wyatt, and Management Services Director Christie Donnelly.

Others Present: Steve Franck, Michelle Parkinson, Susan Gallacher, Michael Donahue, Steve Bridge, Fred Bittle, Ken Ostini, and James Ball.

REPORT ON ACTION TAKEN DURING CLOSED SESSION:

City Attorney Jeff Malawy reported Council discussed Closed Session Items No. 1 & 2 with no reportable action taken and Closed Session Item No. 3 was not discussed.

Chaplain Ron Cockrell gave the invocation and Mayor Jenelle Osborne led the pledge of allegiance.

PRESENTATIONS:

Mayor Osborne presented proclamations in honor of:

- **Building & Safety Month** and
- **Public Works Week.**

Matt Wyatt, Building & Safety Services Manager thanked Council for the proclamation honoring Building & Safety Month.

Public Works Director Michael Luther accepted the Public Works Week proclamation and invited the public to review the Public Works display the City has installed in the lobby at City Hall.

CITY MANAGER REPORT: (Information only)

- **List of City expenditures**
 - April 15 – 19, 2024 - \$3,148,845.95
 - April 22 – 26, 2024 - \$3,899,357.14
 - Payroll April 26, 2024 - \$1,903,877.93

City Manager Dean Albro provided a short Power Point Presentation highlighting some of the work City Departments and Divisions are currently working on, including the installation of new playground equipment at Pioneer Park, the Lompoc Airport taxiway rehabilitation project, and the replacement of light poles at City Hall; announced the Junior Police Academy will be held on June 16, 27, & 28, 2024 and registration for this program is now open; and thanked the Police Department for hosting another successful Lompoc Police Department Food Truck Fest outside City Hall on May 17, 2024.

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

Mayor Osborne announced Consent Calendar Item No. 9 is a Successor Agency item and the Council serves as the Successor Agency.

Council Member Ball asked Staff to comment on the reason River Park campsites are being renovated. City Manager Dean Albro stated the campsites will be available for rent to the public when the renovations are completed.

CONSENT CALENDAR:

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

1. Approved the Minutes of the Lompoc City Council Regular Meeting of February 20, 2024 and March 5, 2024.
2. **Adoption of Resolution No. 6652(24) Authorizing the City Manager or Designee to Execute the Transmission Owner Rate Case Program Agreement with Northern California Power Agency.**

Adopted Resolution No. 6652(24), authorizing the City Manager or designee to execute the Transmission Owner Rate Case Program Agreement with Northern California Power Agency.

3. **Adoption of Resolution No. 6653(24) Adding Locations to Electrical Facilities Cost Sharing Agreement with the California Department of Transportation.**

Adopted Resolution No. 6653(24), approving revised Exhibit A dated March 26, 2024 to Electrical Facilities Cost Sharing Agreement (EFCSA) with the California Department of Transportation (Caltrans) dated October 17, 2001, which supersedes and replaces the original Exhibit A dated October 17, 2001; authorizing the City Manager, Public Works Director, and Assistant Public Works Director to execute and manage all agreements and documents necessary to facilitate and implement the above revision.

4. **Award of a Contract Purchase Order in an Amount not to exceed \$370,000 to Quinn Company for Purchase of a Caterpillar Model 323 Excavator for Lompoc's Solid Waste Landfill.**

Awarded a contract purchase order for an amount not to exceed \$370,000 for the purchase of a Caterpillar Model 323 Excavator from Quinn Company to be used at Lompoc's Solid Waste Landfill.

5. **Adoption of Resolution No. 6654(24) Declaring the City Council's Intention to Levy Assessments for Fiscal Year 2024-25, Preliminarily Approve an Engineer's Report, and Provide Notice of a Public Hearing for the Park Maintenance and City Pool Assessment District No. 2002-01.**

CONSENT CALENDAR: (cont'd)

Item No. 5 – actions

Adopted Resolution No. 6654(24), Declaring the City Council's intention to again levy the annual park and pool assessments for Fiscal Year (FY) 2024-25; preliminarily approve the Engineer's Report; and provide notice of a public hearing on June 18, 2024, 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 2024-25; and
- iii. The services and improvements of the assessments fund, and any other issues related to the assessments

6. **Award of RFP 3067 – River Park RV Campsites and Installation of Prefabricated Restroom/Shower Building to RCH Construction in the Total Amount of \$979,557; Direct the City Manager to Execute Agreements; Authorize the Community Development Director to Execute Change Orders; Award of a Contract Purchase Order in the amount of \$353,241 to Public Restroom Company for Purchase of a Prefabricated Restroom/Shower Building for the River Park RV Campsite Project.**

Awarded the construction contract for renovation of thirteen River Park RV Campsites and installation of Restroom/Shower to RCH Construction, to include the alternative bid for installation of a prefabricated restroom/shower building in the total amount of \$979,557; determined the bid proposal of the lowest bidder, Aventus NV, Inc., to be non-responsive to the requirements in the RFP/Bid Specifications; and directed the City Manager to execute the Construction Contract; authorized the Community Development Director to approve change orders in an aggregate amount that will not cause total project appropriations of \$979,557 to be exceeded; adopted the plans and specifications for the project as required by Section 22039 of the Public Contract Code (copies of Plans and Special Provisions are on file in the Parks & Recreation Office); awarded a contract purchase order for the purchase of a prefabricated restroom building for River Park from Public restroom Company through a Sourcewell cooperative purchasing agreement not to exceed \$353,241; and authorized the Purchasing and Materials Manager or their designee to issue a Contract Purchase Order encumbering funds in account number 424CIP - 794020, not to exceed \$353,241.

7. **Authorize the City Manager to sign a Lease Agreement with Willems Aircraft Maintenance for Use of the Maintenance Hangar at Lompoc Airport.**

Authorized the City Manager to sign a Lease Agreement, with Willems Aircraft Maintenance for use of the Maintenance Hangar at the Lompoc Airport.

8. **Award of Project No. FY-24-S-1, 2024 Curb Ramp Upgrade Project; Adoption of Resolution No. 6655(24) Approving Supplemental Appropriations.**

Adopted the Special Provisions for Project No. FY-24-S-1, 2024 Curb Ramp Upgrade 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); award the Construction Contract in the amount of \$1,076,902 to JJ Fisher Construction, Inc.; authorize the City Manager to execute the necessary agreements for that Contract; authorize the City Engineer, or designee, to approve additional construction costs and construction contract change orders in an amount not to exceed \$110,000; approved a budget for other services and expenses primarily including Materials Testing in the amount of \$30,000; and adopted Resolution No. 6655(24) approving supplemental appropriations for the Project.

CONSENT CALENDAR: (cont'd)

ACTION: Motion/Second: Ball/Vega. By a 5-0 vote, the Successor Agency:

- 9. **Adoption of Resolution No. SA12(24) Approving a Preliminary Official Statement Related to the 2024 Tax Allocation Refunding Bonds.**

Adopted Resolution No. SA12(24) of the Successor Agency to the Dissolved Lompoc Redevelopment Agency Approving a Preliminary Official Statement and Providing for Other Matters Properly Relating Thereto.

STAFF PRESENTATIONS/ANNOUNCEMENTS/REQUESTS: None

ORAL COMMUNICATIONS (3 Minutes Maximum):

- 1. James Ball thanked the Council for providing refunds to the non-profit organizations which participated in selling Safe & Sane fireworks inside the City and requested a waiver of fees for a temporary use permit to his church to allow for a trailer to be parked at the fireworks booth location this year.
- 2. Ken Ostini thanked City Staff for the thank you letters they wrote and provided to Steven Yuhas, a veteran of the World War II and in honor of the 80th Anniversary of D-Day.

UNFINISHED BUSINESS:

- 10. **Review and Discussion of Administrative Procedures Manual Chapter 45: Sub-recipient Financial, Programmatic, and Monitoring Reporting Requirements Policy.**

Jeff Malawy, City Attorney presented the Staff report and recommendations.

Council discussed the information provided.

Public Comment: None

ACTION: Motion/Second: Cordova/Starbuck. By a 5-0 vote, the Council reviewed and discussed Chapter 45 – Issue 1 of the City’s Administrative Procedures Manual: Sub-Recipient Financial, Programmatic, and Monitoring Reporting Requirement Policy and directed Staff to return at a future meeting with recommendations on how to update this Policy.

NEW BUSINESS:

City Attorney Jeff Malawy announced Council Member Cordova has recused herself from this item. Ms. Cordova exited the Council Chamber.

- 11. **Approval of Response to the 2024 Santa Barbara County Grand Jury Report – Lompoc Tourism Improvement District Management Agreement 2019-2028.**

Christie Donnelly, Management Services Director presented the Staff report and recommendations.

Council discussed this matter.

Public Comment:

- 1. (Name not provided), treasurer of Visit Lompoc, LLC, stated an independent audit will be conducted and invited the public to attend the open meetings held by Visit Lompoc.
- 2. (Name not provided), thanked Staff for the information provided.

NEW BUSINESS:

Item No. 11- action

ACTION: Motion/Second: Mayor Osborne/Starbuck. By a 4-0-1 (Council Member Cordova was absent) vote, the Council reviewed the Santa Barbara County Grand Jury (Grand Jury) report entitled ***Lompoc Tourism Improvement District Management Agreement 2019-2028*** and approved the proposed response letter presented on behalf of the City, pursuant to California Penal Code Sections 933 and 933.05.

BREAK: At 8:23P.M. Mayor Osborne announced a break. At 8:35 P.M., the meeting reconvened with all Council Members present.

NEW BUSINESS: (cont'd)

- 12. **Approval of a Long-Term Ground Lease and Operating Agreement with Conditional Option for Disposition and Project Development, with Pale Blue Dot Ventures, Inc., Relating to a Proposed Development of a Space Center Project on Approximately 82 Acres of City-Owned Land Including and Adjacent to Ken Adam Park (APN 095-070-008); Approval of a Deposit and Reimbursement Agreement with Pale Blue Dot Ventures, Inc.**

Jeff Malawy, City Attorney presented the Staff report and recommendations, which included a revision to the Reimbursement Agreement regarding the total deposit amount balance stating the balance shall be replenished to \$30,000 if the balance falls below \$10,000 and that replenishment shall happen within ten (10) business days, the time frame to be changed to thirty (30) calendar days; the Lease Disposition and Development Agreement (DDA) should include the provision that a violation of the reimbursement agreement is a violation of the DDA and section 13.3 of the DDA shall also include the purchase and construction of Ride & Show equipment and materials.

Council thanked Staff for the presentation and briefly discussed the matter.

Public Comment:

- 1. Steve Franck, (2 persons whose names were not given), Michelle Parkinson, Susan Gallacher, Steve Bridge, and Fred Bittle, spoke in favor of Council approving the proposed reimbursement agreement and lease and disposition and development agreement.
- 2. Robert Kuzowski (via phone), expressed concern regarding possible negative impacts to citizens a large project such as the proposed space center museum and theme park, especially those citizens who live close to Ken Adam Park.
- 3. (Name not provided), expressed concern about the proposed lease and the seemingly low price for a lease and or purchase of this property.
- 4. Michael Donahue stated he does not believe the idea of the proposed space center museum and theme park is fully formed.

Council continued discussions on this matter.

ACTION: Motion/Second: Ball/Vega. By a 3-2 vote (Council Member Cordova and Mayor Osborne voted No), Council approved the Long-Term Ground Lease and Operating Agreement with Conditional Option for Disposition and Project Development and the Deposit and Reimbursement Agreement with Pale Blue Dot Ventures, Inc., which included a revision to the Reimbursement Agreement regarding the total deposit amount balance stating the balance shall be replenished to \$30,000 if the balance falls below \$10,000 and that replenishment shall happen within ten (10) business days, the time frame to be changed to thirty (30) calendar days; the Lease Disposition and Development Agreement (DDA) to include the provision that a violation of the reimbursement agreement is a violation of the DDA and section 13.3 of the DDA shall also include the purchase and construction of Ride & Show equipment and materials; and authorized the City Attorney to make minor non-substantive changes as needed prior to execution.

NEW BUSINESS: (cont'd)

Item No. 13 was removed from the Agenda, the City Attorney noted this item is unnecessary as the Council approved a Long-Term Ground Lease and Operating Agreement with Conditional Option for Disposition and Project Development, with Pale Blue Dot Ventures, Inc., Relating to a Proposed Development of a Space Center Project on Approximately 82 Acres of City-Owned Land Including and Adjacent to Ken Adam Park (APN 095-070-008); Approval of a Deposit and Reimbursement Agreement with Pale Blue Dot Ventures, Inc.

13. **Approval of a Tenth Amendment to the Memorandum of Understanding with Pale Blue Dot, Inc. to Extend the Exclusive Negotiating Period, for a Proposed Development of a Space Center Project on Approximately 82 Acres Including and Adjacent to Ken Adam Park.**

PUBLIC HEARING:

14. **Protest Hearing on Whether to Submit the Question of Discontinuing the Public Park Use of Approximately 82 Acres Including Ken Adam Park (APN 095-070-008) to City Voters, in Order to Allow for Other Educational and Recreational Uses, or Open Space Uses, or Both; Adoption of Ordinance No. 1708(24) to Place that Measure before City Voters at the November 5, 2024, General Municipal Election, and Adopting a CEQA Negative Declaration; Adoption of Resolution No. 6656(24) Requesting Consolidation of the Measure with the Statewide General Election; Adoption of Resolution No. 6657(24) Directing Preparation of the Impartial Analysis and Setting Ballot Arguments for the Measure.**

Jeff Malawy, City Attorney presented the Staff report and recommendations and reported two protests were received.

Public Comment:

1. (Name not provided) spoke in favor of placing this matter on a ballot and allow the citizens to decide this matter.

Council discussed this item at length.

ACTION: Motion/Second: Starbuck/Ball. By a 4-1 vote (Mayor Osborne voted No), Council conducted a protest hearing on whether to submit to City voters the question of discontinuing the public park use of approximately 82 acres including Ken Adam Park ("Site"), in order to allow for other educational and recreational uses, or open space uses, or both and overruled all protests; adopted Ordinance No. 1708(24), which: orders the submission to the qualified electorate of the City of Lompoc a measure, entitled the Ken Adam Park Measure ("Measure"), which would discontinue the public park use of the Site in order to allow for other educational and recreational uses, or open space uses, or both, and adopts a Negative Declaration for the Ken Adam Park Measure, pursuant to the California Environmental Quality Act.

ACTION: Motion/Second: Vega/Ball. By a 4-1 vote (Mayor Osborne voted No), Council adopted Resolution No. 6656(24), which requests that the County of Santa Barbara consolidate the Measure with the Statewide General Election to be held on Tuesday, November 5, 2024, and directs the County Elections Department to conduct the election on the City's behalf, and authorizes City payment for such consolidated elections services;

ACTION: Motion/Second: Mayor Osborne/Ball. By a 5-0 vote, Council adopted Resolution No. 6657(24), directing the City Attorney to draft the impartial analysis and setting ballot arguments; and determined to allow rebuttal arguments and designated Council Member Ball to author an argument in favor of the measure and Mayor Osborne to author an argument against the measure.

ACTION: Motion/Second: Ball/Starbuck. By a 5-0 vote, Council directed the City Attorney to read aloud the title of the Ken Adam Park Measure and waived further reading of the Measure.

WRITTEN COMMUNICATIONS: None

ORAL COMMUNICATIONS (2 Minutes Maximum): None

COUNCIL COMMENTS, AND MEETING REPORTS:

Council Member Ball commented on the Police Department's Food Truck Fest and thanked all who were involved in the successful community event.

Council Member Vega thanked Management Services Director for the thorough presentation this evening and thanked the public for participating in this evening's meeting.

Council Member Cordova encouraged all citizens to make their voices heard by voting.

Mayor Osborne provided a list of several meetings and events she participated in, including the Santa Barbara County Area Governments Northern County Subregional Meeting, the EconAlliance Energy Forum, the rededication of the Fallen Warriors Memorial at Beattie Park, the State of the Base event and the Leadership Lompoc Valley graduation ceremony.

ADJOURNMENT: At 10:18 P.M. Mayor Osborne adjourned the Lompoc City Council to a Regular Meeting on June 4, 2024 at 6:30 P.M., in City of Lompoc Council Chamber.

Approved by Council action on August 6, 2024:

/Stacey Haddon/
Stacey Haddon, City Clerk