

**CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING**

SEPTEMBER 5, 2006

CALL TO ORDER:

Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

INVOCATION:

Rev. Steve Felton of the Santa Maria Church of the Nazarene gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Councilmember Orach led the pledge of allegiance.

ROLL CALL:

MEMBERS PRESENT

Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino

STAFF MEMBERS PRESENT

City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Police Chief Macagni, Director of Community Development Lindsey, Fire Chief Ortiz, Director of Utilities Sweet, Director of Administrative Services Snodgrass, Planner III Shipsey, Police Corporal Esparza, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS

Councilmember Patino announced that at the Relay for Life held on July 22nd and 23rd, a young cancer survivor read a poem which was very inspiring. She is a hero and a very strong girl. She introduced Kelsey Gores who read her poem entitled "Stay Strong and Smile" about her battle with cancer.

GEM AWARD

City Manager Ness presented Building Division Manager Bob Marshall with the first GEM (Going the Extra Mile) Award for his ability to maintain high standards of inspections and plan review during periods of acute critical staff shortages in the Community Development Department and contributing to the betterment of the community by helping to bring business to the City.

Bob Marshall thanked City Manager Ness, Community Development Director Lindsey and the City Council for the honor. He said of all the cities he has worked for, the City of Santa Maria stresses customer service more than any other city.

Mayor Lavagnino commended Mr. Marshall and said it was really fitting that Mr. Marshall receive the first award. The job he has done in the last few years is unbelievable.

SANTA MARIA VALLEY HISTORY WEEK

Councilmember Patino read a proclamation declaring the week of September 17 – 24, 2006, as Santa Maria Valley History Week in the City of Santa Maria and encouraging all residents of Santa Maria to join in appreciating and acknowledging Santa Maria's rich history. The proclamation was accepted by Shirley Contreras, Santa Maria Valley Historical Society, who gave a brief summary of the activities scheduled for the week.

SUICIDE PREVENTION MONTH

Councilmember Mariscal read a proclamation declaring September as Suicide Prevention Month in the City of Santa Maria and encouraging the residents of Santa Maria to recognize that suicides are a public health problem and suicide prevention is a community responsibility. The proclamation was accepted by Joni Kelly and Jina Carvalho from Glendon Associates.

PUBLIC COMMENT

Rev. William Smith thanked the City Council, Mayor Lavagnino, City Manager Ness, and the Police Department for assisting in resolving the traffic problem at Pioneer Valley High School.

Salvador Gascon spoke about environmental pollution caused by fluoridating the City water supply with industrial waste and transporting contaminated soil from the Guadalupe Dunes to the Santa Maria landfill.

Richard Meyer spoke on Item 3I on the Consent Agenda, the final subdivision map and agreement for West "A" Street Business Center, and thanked the City Council and City staff for working with him on his project.

Ernest Armenta spoke against previous decisions of the City Council to oppose the telecommunications bill recently passed by the Governor, to support Measure D reauthorization, and to increase the Landscape and Lighting District assessments. He also spoke regarding the traffic problem at Pioneer Valley High School.

CONSENT CALENDAR

Mayor Lavagnino announced that the Council had been provided with a Resolution of Denial for Item 3G and Exhibits to the agreement with PG & E, Item 3K, that had not been included in the packet. He suggested Item 3G be pulled for a separate vote.

Consent Calendar Items A through K except G were approved on motion by Councilmember Orach, seconded by Councilmember Mariscal and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES

The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES

The Minutes of the Regular City Council Meeting of August 15, 2006, were approved as submitted.

C. CONFLICT OF INTEREST CODE BIENNIAL NOTICE

Council received and filed the 2006 Conflict of Interest Code Biennial Notice indicating that no major revisions were necessary to the City's Conflict of Interest Code at this time.

D. WARRANTS

Warrant Nos. 129200 to 129619 in the amount of \$3,018,207.89 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant No. 128631 was canceled.

E. PAYROLL

Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. GROWTH MITIGATION ANNUAL COMPLIANCE REPORT

Council received and filed the 2006 Growth Mitigation Annual Compliance Report.

G. ENTERTAINMENT LICENSE

An Entertainment License for Mariscos La Isla at 101 N. Depot Street pursuant to Section 4-7.203(b) of the Santa Maria Municipal Code was pulled for separate action.

H. HOME SUB-RECIPIENT AGREEMENT

Resolution No. 2006-145 was adopted authorizing the City Manager to enter into a three-year agreement with the County of Santa Barbara designating the City of Santa Maria as a sub-recipient of HOME funds.

Resolution No. 2006-145 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR CONTRACT WITH AN AUTOMATIC RENEWAL CLAUSE WITH THE COUNTY OF SANTA BARBARA DESIGNATING THE CITY OF SANTA MARIA AS A SUB-RECIPIENT OF HOME FUNDS FOR FEDERAL FISCAL YEARS 2007, 2008, AND 2009.

I. SUBDIVISION MAP and AGREEMENT

Resolution No. 2006-146 was adopted approving the Subdivision Map and Agreement for West "A" Street Business Center, Tract 5879.

Resolution No. 2006-146 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR WEST "A" STREET BUSINESS CENTER, TRACT 5879.

J. INTENT TO ANNEX

Resolution No. 2006-147 was adopted expressing intent to annex eight (8) parcels into the Southwest, South Miller Street/South College Drive, Northeast, and Northwest Landscape and Lighting Assessment Districts.

Resolution No. 2006-147 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, INITIATING PROCEEDINGS AND DECLARING THE INTENTION TO ANNEX TERRITORY TO ASSESSMENT DISTRICTS PURSUANT TO THE "LANDSCAPING AND LIGHTING ACT OF 1972" (SANTA MARIA COMMONS, VILLAGE AT WESTGATE RANCH, FOXENWOOD TOWNHOMES, KNUTSON INDUSTRIAL OFFICE; MCCLELLAND OFFICE/ RESIDENTIAL CONDOMINIUM; KAMAL PETROLEUM, SLS MEDICAL BUILDING, AND SCOTT ALLEN MIXED USE.)

K. PG & E AGREEMENT

Resolution No. 2006-152 was adopted approving an agreement with Pacific Gas and Electric Company (PG & E) concerning relocation of electrical utilities along East Main Street from Suey Road to just east of Panther Drive.

Resolution No. 2006-152 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT WITH PACIFIC GAS AND ELECTRIC COMPANY REGARDING EAST MAIN STREET UTILITY RELOCATIONS.

G. ENTERTAINMENT LICENSE

Resolution No. 2006-153 was adopted denying an Entertainment License for Mariscos La Isla at 101 N. Depot Street pursuant to Section 4-7.203(b) of the Santa Maria Municipal Code on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-153 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DENYING AN ENTERTAINMENT LICENSE FOR MARISCOS LA ISLA AT 101 N. DEPOT STREET.

CALE SUBDIVISION

Director of Community Development Lindsey indicated the request is for a Tentative Tract Map for Cale-West Street Subdivision located at 302-308 West Street. The subject property is approximately 0.76 of an acre in size. The proposed Tentative Tract Map would allow the construction of a total of eight detached single-family dwelling units and one common lot. The project would result in the creation of eight lots ranging from 1,774.1 to 1,997.9 square feet.

Director of Community Development Lindsey indicated that the applicant was again requesting a continuance of this item to the October 17th City Council meeting as the property line dispute had not been completely resolved.

Mayor Lavagnino commented he would rather remove the item from the agenda and readvertise the public hearing once the problems had been resolved.

Mayor Lavagnino opened the public hearing.

Ernest Armenta agreed that the item should be removed from the agenda.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

On motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

the Cale Subdivision tentative tract map was removed from the agenda and staff was directed to readvertise the public hearing when the item was ready to come back to the Council.

ANNEXATION #106

Planner III Shipsey gave the staff report. This is a request for a General Plan Amendment, Rezoning, Sphere of Influence Boundary Amendment, and Annexation for the 2006 Wastewater Treatment Plant Expansion, Foote Property, and Diani Homesite Projects located on the east side of Black Road from the 700 block to the SMVRR (1500 block) and on the north and south side of West Stowell Road from 1689 West Stowell Road to Black Road, for a total of 270 acres. Mr. Shipsey stated staff was requesting a continuance to the next meeting in order to check the notification and distribution of the EIR and review the document again to ensure that everything is correct.

Mayor Lavagnino opened the public hearing. There were no requests to speak.

On motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

the item was continued to the next regular City Council meeting to be held on September 19, 2006.

APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

Chief Deputy City Clerk Perez gave the staff report. The City Council is requested to consider making one appointment to the Block Grants Advisory Committee, one appointment to the Recreation and Parks Commission, and readvertise the remaining vacancy representing the ethnic diversity segment of the community on the All-America City Committee. When the City advertised for the Block Grants Advisory Committee in July, incumbent John McCoy was out of the area and was unable to submit his application by the filing deadline. The City readvertised the vacancy, and Mr. McCoy applied. This will be Councilmember Orach's nomination. Due to the recent resignation of Rod Rodenberger, a vacancy was created on the Recreation and Parks Commission. Applications were received from Bruno Brunello and Bob Ziener. This will be Mayor Lavagnino's nomination. Finally, a vacancy still remains on the All-America City Committee. Staff has advertised this vacancy, which is to represent the ethnic diversity segment of the community, several times with no applications being submitted that fall into that category. Staff is requesting authorization to advertise again to solicit applications from the ethnic diversity segment of the community.

Block Grant Advisory Committee

Councilmember Orach nominated John McCoy for reappointment to the Block Grants Advisory Committee.

On motion by Councilmember Orach, seconded by Mayor Lavagnino, and carried unanimously, John McCoy was reappointed to the Block Grants Advisory Committee.

Recreation and Parks Commission

Mayor Lavagnino nominated Bruno Brunello to fill the unexpired term of Rod Rodenberger on the Recreation and Parks Commission.

On motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried unanimously, Bruno Brunello was appointed to the Recreation and Parks Commission.

All-America City Committee

On motion by Mayor Lavagnino, seconded by Councilmember Orach, and carried unanimously, staff was directed to readvertise the ethnic diversity vacancy on the All-America City Committee.

REPORT BY CITY MANAGER

City Manager Ness reported on items for the next regular City Council meeting on September 19, 2006, including Annexation No. 106 which was just continued, a resolution commending Rod Rodenberger for his service on the Recreation and Parks Commission, a public hearing for a Development Agreement for La Ventana I, an amendment to the Conflict of Interest Code, amendments to the Zoning Ordinance, and various Traffic Committee recommendations.

ORAL REPORTS OF COUNCILMEMBERS

Councilmember Patino reported on a Council on Alcoholism and Drugs conference she attended in Henderson, Nevada, representing Fighting Back Santa Maria Valley.

Councilmember Mariscal announced that this was his oldest son's 22nd birthday. He talked about the telecommunications bill that was recently approved by the Legislature. The City Council did take a position opposing the legislation because it was basically a revenue generator for the State of California. This bill will take hundreds of thousands of dollars away from the taxpayers and put it in the pocket of Sacramento politicians, which is the reason the Council opposed the bill.

Councilmember Mariscal also talked about the ground breaking ceremony at River Oaks Park on September 6th for the widening of Highway 101 from Santa Maria Way to the Santa Maria River Bridge. This is a result of the work by SBCAG. Measure D funds allowed the County to move other state funds around to have the money to widen Highway 101. Three years ago the cost of that project was \$14 million. Now the cost is \$30.4 million. That is a direct benefit of Measure D. If the County had not had Measure D funds to use for other road projects, SBCAG would not have had the State funds to do the Highway 101 widening. He invited residents to attend a luncheon forum sponsored by the Chamber of Commerce and other groups on September 21st at the Elks Lodge to hear more about Measure D.

Councilmember Mariscal announced he would be attending the League of California Cities Conference this week in San Diego, the organization which awarded the prestigious Helen Putnam Award to the City of Santa Maria for its Non-Hazardous Impacted Soils Program, last year at the conference.

Councilmember Orach stated he had received comments from people about the Santa Maria River Bridge not being widened as part of the Highway 101 widening project. He announced that the Santa Barbara County Association of Governments (SBCAG), San Luis Obispo Council of Governments (SLOCOG), and several other Council of

Governments were working on that process, there would be several public hearings held on the widening of the bridge.

Councilmember Orach announced that he and his wife had celebrated their 40th wedding anniversary on Sunday.

CLOSED SESSION

Council recessed to Closed Session at 7:35 p.m. for Conference with Labor Negotiator pursuant to Section 54957.6. of the Government Code; Agency representative: Assistant City Manager; Employee organization: Service Employees International Union (SEIU).

After the Closed Session, the following was announced:

Conference with Labor Negotiator: Direction to staff.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 7:53 p.m. by order of Mayor Lavagnino.