

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

JANUARY 2, 2007

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.

CALL TO ORDER:

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

ROLL CALL:

MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Police Commander Mawhinney, Community Development Director Lindsey, Fire Battalion Chief Orr, Director of Utilities Sweet, Director of Administrative Services Snodgrass, Director of Public Works/City Engineer Whitehead, Director of Recreation and Parks Posada, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS

Mayor Lavagnino announced that the members of the City Council now had translation equipment available so they would get immediate translation for anyone speaking in Spanish at the podium.

Mayor Lavagnino announced that due to a miscommunication, the representatives from Marian Medical Center were not present at the last meeting to accept the Best Business Award for the Lights, Sights, and Holidays Nights Decoration Contest. Mayor Lavagnino presented the award to representatives from Marian Medical Center and congratulated them.

Councilmember Zacarías stated she wanted to make an announcement on behalf of B.R.A.G.G. which is an organization dedicated to helping youth go to college. They are sponsoring the annual Martin Luther King celebration on Sunday, January 14th at 3:00 p.m. at the Allan Hancock College P.C.P.A. Theater. The keynote speaker will be Dr. Terrance Roberts who is one of the Little Rock Nine students. Fifty years ago they courageously integrated the Arkansas public school system.

PUBLIC COMMENT

Lonnie Edwards spoke regarding the amendments to the ordinance regulating commercial vehicles in residential zones. He said he did not think it was fair that he had to park his truck in the street rather than on his property. He expressed concerns that the Code Enforcement Officers used their own personnel opinions in determining whether a vehicle was commercial or not. He said the ordinance was taking away their property rights.

James Edwards also spoke regarding the amendments to the ordinance regulating commercial vehicles in residential zones. He complained about the Code Enforcement Division. He said in November when he appeared, the Councilmembers promised him they would look into the situation and asked if they had done that. He asked the Council to reconsider his request for changes to the ordinance.

Richard Valencia talked about comments in the opinion section of the Santa Maria Times regarding Councilmember Zacarías' inaugural speech given in Spanish and then English. He talked about all the information and resources available in English and Spanish. He commented that Councilmember Zacarías' actions were not only appropriate but good judgment to reach out to the Latino community which exceeds 50 percent of the City's population. In these changing times and diverse communities, community tools were needed to help the community understand issues and each other.

CONSENT CALENDAR

Councilmember Patino and Mayor Lavagnino requested Item 3D be pulled for comment. Councilmember Zacarías requested Item 3H and 3J be pulled for comment.

Item 3D – Military Leave of Absence Policy Amendment

Councilmember Patino read a portion of the staff report and said she wanted the public to know that the City Council was addressing these young men and women who are called up to active duty. The Council respects their position.

Mayor Lavagnino stated the Council has amended this policy four different times because this conflict in Iraq has gone on. The continuation package under State law is 30 days, but the City has extended it to 180 days so these employees who are serving in the military don't have to worry about their jobs or their salary being maintained.

Item 3H – Second reading of Ordinance relating to Commercial Vehicles in Residential Zones

Councilmember Zacarías asked the City Attorney what the process was for public input on Consent Agenda items. She asked if an item was pulled by a Councilmember, would the public be able to participate in the conversation.

City Attorney Trujillo explained that the law requires that a person have the opportunity to comment either before or during an item. The way the Consent Calendar was set up, public comment would take place prior to the action on the item. Legally, the City has complied with the Brown Act in giving the public the opportunity to comment on the item.

If an item was pulled by a Councilmember for further discussion, it would be at the discretion of the Mayor whether he allowed further public input.

Councilmember Zacarías asked the Mayor if he would allow additional public comment on this item. Hearing an affirmative answer, Councilmember Zacarías asked the members of the public if they had any further comments on the item. No one came forward to speak.

Item 3J – Intent to Annex Parcels into the Landscape Maintenance Districts

Councilmember Zacarías asked if it was only new development that participated in the Landscape Maintenance Districts or if existing homes were also part of these districts.

Director of Recreation and Parks Posada explained that the Council action that was taken several years ago was specifically designed for new developments. Every parcel was part of a new project. It is an annual fee that would be charged into perpetuity. The purpose of the Districts was to ensure that the landscaping would be maintained in perpetuity.

Councilmember Zacarías stated there were different dollar amounts for the different Landscape Maintenance Districts. She asked if that was related to the fact that there was less landscaping to maintain.

Director Posada replied it could be because there was less landscaping, the level of maintenance the developer put into the project in the beginning might be higher, there may be special areas that had security lighting, or possibly special requirements that increased the cost.

Consent Calendar Items A through J were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, 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 December 19, 2006, were approved as submitted.

C. WAGE AND BENEFIT PACKAGES

Resolution Nos. 2007-01 and 2007-02 were adopted approving wage and benefit packages for the non-represented full-time management and confidential employees and for Public Safety Managers.

Resolution No. 2007-01 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A WAGE AND BENEFIT PACKAGE FOR THE NON-REPRESENTED FULL-TIME MANAGEMENT AND CONFIDENTIAL EMPLOYEES.

Resolution No. 2007-02 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A WAGE AND BENEFIT PACKAGE FOR THE PUBLIC SAFETY MANAGERS.

D. MILITARY LEAVE OF ABSENCE POLICY

Resolution No. 2007-03 was adopted amending City Administrative Memo (CAM) 98-05 "Military Leave of Absence Policy," providing for a supplemental salary and health benefit continuation package for up to 180 days for those employees called to active military duty.

Resolution No. 2007-03 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING THE CITY'S MILITARY LEAVE OF ABSENCE POLICY.

E. WARRANTS

Warrant Nos. 131634 to 131939 in the amount of \$2,320,230.49 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 Nos. 122063, 122255, 122736, 123281, and 125505 were canceled.

F. 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.

G. ORDINANCE NO. 2006-18

Second reading of Ordinance No. 2006-18 was conducted by title only and the ordinance was adopted permitting the City of Santa Maria to pay a reward of up to \$500 for information leading to the arrest of a person or persons who commit acts of graffiti within the City limits.

Ordinance No. 2006-18 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 6-8 TO THE SANTA MARIA MUNICIPAL CODE, RELATING TO ESTABLISHING A REWARD PROGRAM

FOR INFORMATION LEADING TO ARRESTS OF PERSONS COMMITTING ACTS OF GRAFFITI WITHIN THE CITY LIMITS.

H. ORDINANCE NO. 2006-20

Second reading of Ordinance No. 2006-20 was conducted by title only and the ordinance was adopted amending Subsection (h) of Section 5-6.202 of the Santa Maria Municipal Code to clarify definitions pertaining to commercial vehicles parked on residentially zoned parcels within the City pursuant to changes in the California Vehicle Code.

Ordinance No. 2006-20 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SUBSECTION (h) OF SECTION 5-6.202 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO COMMERCIAL VEHICLES IN RESIDENTIAL ZONES.

I. ORDINANCE NO. 2006-19

Second reading of Ordinance No. 2006-19 was conducted by title only and the ordinance was adopted approving a Development Agreement for Santa Maria Commons regarding the widening of Broadway and the second northbound left-turn lane on Broadway and McCoy Lane.

Ordinance No. 2006-19 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR SANTA MARIA COMMONS, LOCATED AT THE SOUTHWEST CORNER OF BROADWAY AND MCCOY ROAD.

J. INTENT TO ANNEX

Resolution No. 2007-04 was adopted stating the Council's intent to annex Office Building for C&P Investment Co. into the Northeast Landscape Maintenance District; Hunter Mixed Use and Barky Dental Office into the Northwest Landscape Maintenance District; David Sola Project, Commercial Manufacturing Project, and Okonite Planned Expansion into the Southwest Landscape Maintenance District.

Resolution No. 2007-04 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 "LANDSCAPE AND LIGHTING ACT OF 1972" (OFFICE BUILDING FOR C&P INVESTMENT COMPANY, HUNTER MIXED USE, BARKY DENTAL OFFICE, DAVID SOLA PROJECT, COMMERCIAL MANUFACTURING PROJECT AND OKONITE PLANNED EXPANSION.)

APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS AND COMMITTEES WHICH REQUIRE CITY COUNCIL REPRESENTATION.

Mayor Lavagnino made the following nominations:

Santa Barbara County Association of Governments	Mayor Lavagnino
Santa Barbara County Air Pollution Control District	Mayor Lavagnino
Central Coast Water Authority	Councilmember Trujillo
Multi-jurisdictional Solid Waste Task Group	Councilmember Zacarías/Patino
Investment Oversight Committee	Councilmember Orach
County Housing Advisory Committee	Councilmember Patino

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

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

all nominations were approved.

CITY MANAGER'S REPORT

City Manager Ness reported on items for the January 16, 2007, City Council meeting including a public hearing for a Zoning Text Amendment related to Senior Housing, the Update to the Multi-Functional Hazardous Plan, and appointments to City Boards, Committees and Commissions.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Trujillo commented he was glad he lived in Santa Maria because his family in Colorado and New Mexico were getting a lot of snow.

Councilmember Patino wished all the citizens, employees of the City, and the City Council a Happy New Year. She welcomed Councilmember Zacarías to the City Council.

Councilmember Zacarías reported on her ride along with the Police Department on Saturday evening. She encouraged residents who might be interested in how the Police Department works to consider doing a ride along.

Councilmember Zacarías also announced that the City was soliciting applications to the All-America City Committee for a youth representative. Interviews would be held later in January. She encouraged any young person who was interested in government to apply.

Councilmember Zacarias also wished everyone a Happy New Year.

Councilmember Orach announced that there were other vacancies on the All-America City Committee. Applications were available in the City Clerk's office. He wished everyone a Happy New Year and wished for a very successful year. He also encouraged people to go on a ride along with the Police Department.

Councilmember Trujillo announced that there was also a Citizens Police Academy which was available to residents. It provided an overview of how the Police Department worked and included briefings on all phases of the Department.

Mayor Lavagnino wished everyone a Happy New Year and welcomed Councilmember Zacarías. He said he knew it was going to be a good year for the City of Santa Maria and that the Council and staff would work hard to do what was best for the City over the next year.

CLOSED SESSION

Council recessed to Closed Session at 7:00 p.m. for Conference with Labor Negotiator pursuant to Section 54957.6 of the Government Code; Agency representative: Assistant City Manager; Employee organization: Santa Maria Police Officers Association (SMPOA).

After the Closed Session, the following was announced:

Conference with Labor Negotiator: SMPOA - Direction to staff was given.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 7:50 p.m. by order of Mayor Lavagnino.