

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

OCTOBER 16, 2007

INVOCATION:

Craig Hamlin of Coast Valley Worship Center 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, Fire Chief Ortiz, Director of Public Works/City Engineer Whitehead, Police Chief Macagni, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Community Development Lindsey, Director of Administrative Services Snodgrass, Community Programs Manager Coelho-Hudson, Building Division Manager Marshall, and Chief Deputy City Clerk Perez.

2007 HELEN PUTNAM AWARD

Dave Mullinax with the League of California Cities presented Mayor Lavagnino and the City Council with a 2007 Helen Putnam Award of Excellence in the category of Health and Wellness Programs in recognition of the innovative, collaborative partnership with local service clubs, private and corporate sponsors, and the City to create the Rotary Centennial Park and Robin Ventura Field. This is the fourth time that the City has been honored with the Helen Putnam Award. Awards were received in 2005 for the Non-hazardous Hydrocarbon Impacted Soils Program, in 2003 for Families for the First Decade Project, and in 2000 for the City's Fiscalization of Land Use Model.

PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH

Councilmember Patino read a proclamation declaring the month of October 2007 as Domestic Violence Awareness Month in the City of Santa Maria and urging all residents to be part of the solution to end domestic violence in the community. The proclamation was accepted by Rebecca Robertson from Domestic Violence Solutions.

VOLUNTEER OF THE MONTH

Councilmember Zacarías presented a gift to the Girl Scouts of California Central Coast as the October 2007 Recreation and Parks Volunteers of the Month for their dedication of time and talents assisting with various children's activities at the 24th Annual Autumn Arts Grapes & Grains Festival.

PUBLIC COMMENT

Joan Leon, Santa Maria Community Coalition, spoke in favor of the Memorandum of Understanding (MOU) for the Administration of Santa Barbara Countywide Integrated Regional Water Management Plan (IRWMP)/Proposition 50, Round 2 Step 2 Grant Application and commended the water purveyors for working together on the MOU and the list of projects.

CONSENT CALENDAR

Councilmember Patino requested Item 3E be pulled for comment.

Item 3E – School Crosswalk at Bay Avenue and Dena Way

Councilmember Patino stated she wanted the public to know that the Santa Maria Police Department, Engineering Division and the Santa Maria Bonita School District worked together to look at intersections throughout the City and recommended this intersection for a crosswalk and crossing guard. She commended them for working together to ensure the safety of the children going to school.

Mayor Lavagnino commented that he heard the Governor had signed a bill lowering the speed limit in school zones from 25 miles per hour to 15 miles per hour and asked when that would go into effect.

City Manager Ness responded that according to Recreation and Parks Director Posada, cities and counties had the option to put the 15 miles per hour into effect if they chose.

Mayor Lavagnino requested the City research that and bring back a report.

Consent Calendar Items A through F 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 were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES

The Minutes of the Regular City Council Meeting of October 2, 2007, were approved as submitted.

C. WARRANTS

Warrant Nos. 137368 to 137643 in the amount of \$3,433,935.79 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. 136850 and 137026 were canceled.

D. 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.

E. SCHOOL CROSSWALK

Resolution No. 2007-136 was adopted approving the establishment of a School Crosswalk at the intersection of Bay Avenue and Dena Way for Tunnell Elementary School.

Resolution No. 2007-136 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING ESTABLISHMENT OF A CROSSWALK PURSUANT TO SECTION 21106 OF THE CALIFORNIA VEHICLE CODE.

F. MEMORANDUM OF UNDERSTANDING

Resolution No. 2007-137 was adopted approving a Memorandum of Understanding (MOU) for the administration of Santa Barbara Countywide Integrated Regional Water Management Plan (IRWMP)/Proposition 50, Round 2 Step 2 Grant Application and authorizing the Director of Utilities to sign and execute the MOU on behalf of the City.

Resolution No. 2007-137 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SANTA BARBARA COUNTY WATER AGENCY AND LOCAL GOVERNMENT AGENCIES, WATER COMPANIES, AND SPECIAL DISTRICTS WITHIN SANTA BARBARA COUNTY FOR THE ADMINISTRATION OF THE SANTA BARBARA COUNTYWIDE INTEGRATED REGIONAL WATER MANAGEMENT PLAN AND TO COMPLETE THE PROPOSITION 50, ROUND 2, STEP 2 GRANT APPLICATION.

GENERAL PLAN AMENDMENT/ZONE CHANGE

Community Development Director Lindsey gave the staff report. The request is for a General Plan Amendment and Zone Change for the Renfrow Auto Development Project located at the northwest corner of Shepard Drive and Battles Road. The Council's action includes approving a Mitigated Negative Declaration, an amendment to the

General Plan (Land Use) from CPO (Commercial Professional Office) and CPO/Senior overlay to CC (Community Commercial), and a Zone Change from PD/CPO (Planned Development/Commercial Professional Office) and PD/CPO (Senior overlay) to PD/C-2 (Planned Development/General Commercial). The project site is 7.98 acres in three separate parcels. The amendments are necessary to expand the auto dealership operations on the southern portion of the property. No development plans have been included for the remainder of the property. The project site was a part of the First Christian Church Annexation, which was completed in 1987. At its meeting on September 5, 2007, the Planning Commission adopted Resolutions Nos. 2476 and 2477 on a 5-0 vote recommending the City Council approve the Mitigated Negative Declaration of Environmental Impact and approve the General Plan Amendment and Zone Change.

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

Councilmember Trujillo asked what the time frame for developing the property was expected to be.

Community Development Director Lindsey replied that the auto dealership was very anxious to get started and would probably be developing their portion of the property within one or two years. The remainder of the property was less certain; however, there had been some interest in that portion of the property as well.

Councilmember Patino asked about the letter from the California Department of Conservation Division of Oil and Gas regarding the well on the site being plugged and abandoned in 1989 and meeting current standards. She asked if that was the standards in place in 1989 or today's standards.

Community Development Director Lindsey explained that the standards have continued to rise over the years which was the reason a Phase 1 Environmental Assessment was being required to determine if there was any contamination on the site. A Phase 2 Assessment would include any remediation if necessary.

Resolution No. 2007-138 was adopted approving the filing of a Mitigated Negative Declaration of Environmental Impact, E-2007-039, on motion by Councilmember Trujillo, 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

Resolution No. 2007-138 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING MITIGATED NEGATIVE DECLARATION E-2007-039 FOR RENFROW AUTO DEVELOPMENT GENERAL

PLAN (LAND USE) AMENDMENT AND ZONE CHANGE GPZ-2007-001, LOCATED AT THE NORTHWEST CORNER OF BATTLES ROAD AND SHEPARD DRIVE, ASSESSOR'S PARCEL NUMBERS 128-174-004, -005, AND -006.

Resolution No. 2007-139 was adopted amending the General Plan (Land Use) from CPO (Commercial Professional Office) and CPO/Senior Overlay to CC (Community Commercial) on motion by Councilmember Trujillo, 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

Resolution No. 2007-139 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN (LAND USE) AMENDMENT FOR RENFROW AUTO PROJECT, FOR 7.98 ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF EAST BATTLES ROAD AND SHEPARD DRIVE, ASSESSOR'S PARCEL NOS. 123-174-004, -005, AND -006, (GPZ-2007-001).

Ordinance No. 2007-20 rezoning the site from PD/CPO (Planned Development/Commercial Professional Office) and PD/CPO (Senior Overlay) to PD/C-2 (Planned Development/General Commercial) was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, 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

Ordinance No. 2007-20 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING PROPERTY FOR THE RENFROW AUTO PROJECT, GPZ-2007-001, FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF EAST BATTLES ROAD AND SHEPARD DRIVE, ASSESSOR'S PARCEL NOS. 123-174-004, -005, AND -006, (GPZ-2007-001).

BUSINESS RETENTION AND ATTRACTION LOAN

Councilmember Orach announced that he would have to recuse himself from this item because he was employed by Community West Bank, which was part of the loan package that had been put together for this particular loan.

Councilmember Zacarias announced that she would also have to recuse herself from this item as she was working as a consultant with the Small Business Development

Center; and while she did not participate in the development of this loan proposal, she had in the last two weeks been engaged to provide business technical assistance to the applicant.

Mayor Lavagnino stated he understood that some issues had come to light regarding this item, and staff was recommending this item be continued to a later date.

City Manager Ness explained that there were some last-minute details that were brought to staff's attention today that needed to be worked out with the borrower. Once that had been done, staff would bring the item back to the Council.

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

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

the item was continued to a later date.

AMENDMENTS TO BUILDING REGULATIONS

Building Division Manager Marshall gave the staff report. The current Title 9 of the Santa Maria Municipal Code amends and references portions of the 1997 California Building Codes. The State legislature adopted the 2007 California Building codes which will become effective on January 1, 2008. The references in the City codes must be updated to incorporate this change. Amendments are proposed to Chapters 9-1 Building Codes Adopted; 9-2 Electrical Code; 9-4 Plumbing Code; and 9-5 Sign Code. Section 9-1.204 refers to Section 105 of Appendix Chapter 1 of the Building Code. This section, along with most of the Administrative Codes have been moved to the Appendix Chapter 1 of the Building Code. This was necessary because the new 2007 California Administrative Code no longer is pertinent to building departments of cities, and staff does not recommend adopting it. Section 9-1.210.1 is being amended to return some fire safety regulations back into the State Code. The State has required 5/8 inch sheetrock to be on the garage side of the wall separating the garage from the house. This requirement had been part of the State Codes since 1964; however, it was left out of the 2007 Code. Section 9-1.212.2 relating to Seismic requirements also adds existing requirements back into the adopted codes for 5/8 inch anchor bolts and 2 inch square washers for sill plates and extra reinforcing steel in foundations. Section 9-1.224 is being amended to add back requirements related to reroofing which are no longer in the California Building Code. The State did not adopt a separate sign code as it did in the past. The new 2007 California Building Code includes Appendix H instead. Section 9-1.224.1 adopts Appendix H of the California Building Code related to signs and adds amendments to eliminate types of signs which the City prohibits and maintains the City's requirements for removal of unlawful signs. The State also eliminated Appendix Table 29A which set the minimum number of bathroom fixtures.

Instead, the new Building Code refers to the new Plumbing Code for these requirements. In staff's opinion, the Plumbing Code requirements would be excessive. Therefore, this section adopts the old Table 29A requirements. Sections 9-1.231 through 9-1.223.3 provide for special inspections for technical apparatus installations in buildings such as smoke detectors in ductwork, fire wrap for ducts which require a fire rating, and unlisted gas fired appliances. Section 9-1.508.1 through 9-1.512 add back into the Municipal Code some technical requirements including equipment work platforms, catwalks to equipment, safety items, ventilation requirements for aircraft hangers and parking garages, and electric car charging areas. Section 9-2.14 requires Electrical Observation for large complicated electrical systems.

Resolution No. 2007-141 approving the filing of a Negative Declaration of Environmental Impact was adopted on motion by Councilmember Orach, seconded by Councilmember Zacarias, and carried on the following vote:

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

Resolution No. 2007-141 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, FINDING NO DETRIMENTAL ENVIRONMENTAL IMPACT AND DIRECTING THE FILING OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT REGARDING AMENDMENTS TO TITLE 9 TO THE SANTA MARIA MUNICIPAL CODE, E-2007-062.

Ordinance No. 2007-21 amending Title 9 of the Santa Maria Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Zacarias, and carried on the following vote:

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

Ordinance No. 2007-21 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTERS 9-1, 9-2, 9-4, AND 9-5 OF TITLE 9 OF THE SANTA MARIA MUNICIPAL CODE.

AMENDMENT TO MESSAGE ORDINANCE

City Attorney Trujillo gave the staff report. On June 5, 2007, the City Council adopted Ordinance No. 2007-10 which approved new regulations relating to massage practitioners and massage establishments within the City. The new ordinance required permits for massage practitioners and, at least, 500 hours of massage instruction certified by the National Certification Board for Therapeutic Massage and Bodywork.

The new ordinance was not intended to unduly burden legitimate massage practitioners, however, soon after the ordinance was adopted, many of these practitioners complained about the number of hours of certified massage instruction required under the new regulations. Many of the complaints from legitimate massage practitioners concerned the expense and logistical difficulty of getting at least 500 hours of certified instruction. Many said they would be forced out of business. The high standard set by requiring at least 500 hours of certified massage instruction has proven to be unduly burdensome for the vast majority of legitimate massage practitioners in the local area. At present, only three of the City's 73 legitimate massage practitioners have at least 500 hours of certified instruction. Most have at least 200 hours, which appears to be the industry standard in the local area. After further consideration, staff has determined that requiring 200 hours of massage instruction from any approved massage school would satisfy the enforcement aims of the new ordinance without unduly burdening legitimate practitioners of massage. Additionally, the instruction requirement for temporary massage permits will be reduced from 250 hours to 100 hours.

Councilmember Zacarías stated when she attended the League of California Cities Conference, there was a presentation by an association for massage therapists. They commended the City for having the 500-hour requirement because therapists could not become members of the association until they obtained the 500 hours of instruction. She asked if any consideration had been given to incrementally increase the number of hours of instruction to give the practitioners an opportunity to reach 500 hours. The Association was trying to elevate the profession overall which would help eliminate the issues of prostitution.

City Attorney Trujillo indicated staff had not considered an incremental change to the ordinance. Some jurisdictions do require 500 hours of instruction such as the City of San Francisco. What staff determined was that for the local massage therapists, 200 hours would be sufficient and reasonable. What staff was told was that most of the 73 massage practitioners with City permits would not be able to meet the 500 hour requirement and would go out of business. Staff was trying to balance the interests of public safety with the interests of the legitimate businesses.

Councilmember Zacarías stated she thought it was important to look at where the City hoped the massage profession would be in the future. She lent a lot of credence to what the association was trying to do to elevate the massage profession. She said there was a huge difference between 200 hours of training and 500 hours of training.

City Attorney Trujillo stated the major concern in adopting the original ordinance was the prostitutes operating from these illicit businesses. He said it was staff's belief that 200 hours would take care of that issue.

Councilmember Patino stated that may take care of the prostitution problem. She asked if only three out of 73 legitimate practitioners had the 500 hours of instruction, what constituted a legitimate practitioner.

City Attorney Trujillo explained that it would be ones that do not operate prostitution rings.

Councilmember Patino stated it appeared that the City was lowering the standards to accommodate someone's vice.

Councilmember Trujillo asked Police Chief Macagni if he was in agreement with the proposed changes.

Police Chief Macagni stated it was a complex issue. The City patterned the original ordinance from the City of San Francisco's ordinance hoping it would increase the standards considerably. He said he understood why the City Attorney was recommending lowering the requirement for hours of instruction for the legitimate businesses currently in operation, but he had some concerns. The Police Department would continue to monitor all the massage businesses in the City and could live with the lower number of hours.

City Manager Ness reminded the Council that before the current ordinance was adopted earlier this year, there was no minimum requirement for training to obtain a City permit. If the Police Department was regularly monitoring these establishments, perhaps staff could look at this as an incremental approach with 200 hours now. If there continued to be problems with illegitimate massage parlors, it could be revisited at that time.

Councilmember Patino asked what a temporary massage permit was.

City Attorney Trujillo explained that a temporary massage permit would be issued to someone who was in training. Under the current ordinance, someone who was undergoing their education was allowed to give massages provided they were licensed by the City and had a temporary City permit. Under the proposed ordinance, a temporary massage permit would be issued to someone who had obtained 100 hours of instruction.

Councilmember Patino stated she found it interesting that there were no massage practitioners in the audience if they felt they would be forced out of business and lose their livelihood with the 500-hour requirement.

Mayor Lavagnino asked who trained the massage therapists and provided the necessary hours of education.

City Attorney Trujillo replied there were massage schools and read the definition of an "approved massage school" from the current ordinance.

Councilmember Patino said she would like the Police Department to continue to monitor massage practitioners and bring back a report in one year.

Ordinance No. 2007-22 amending Section 4-18.103(c) of Chapter 18 of Title 4 of the Santa Maria Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption with a report back in one year on motion by Councilmember Patino, seconded by Councilmember Trujillo.

Councilmember Zacarías asked if Councilmember Patino would consider amending her motion to make the ordinance incremental starting with 250 hours of instruction and increasing the requirement by 50 hours per year to a maximum of 500 hours.

Councilmember Orach stated he felt that would be problematic administratively because the City would have to verify that someone obtained the additional 50 hours per year.

Director of Administrative Services Snodgrass stated she did not think that it would be problem to monitor; however, she would be concerned about her staff determining whether the evidence presented would be sufficient education. Someone with expertise, such as the Police Department, would need to determine if the training would really qualify them for the additional 50 hours per year.

Councilmember Patino indicated she wanted to leave the motion that was on the table and look at it again in one year.

The motion passed on the following vote:

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

Ordinance No. 2007-22 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SECTION 4-18.103(C) OF THE SANTA MARIA MUNICIPAL CODE REGARDING NUMBER OF HOURS OF CERTIFIED INSTRUCTION.

CITY MANAGER'S REPORT

City Manager Ness reported on items for the November 6, 2007, City Council meeting including a public hearing for the 2007 COPS Grant, the First Quarter Financial Report, several items coming from the Traffic Committee, and an agreement with the County for the County-wide Free Library System.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach reported he had attended the Autumn Arts Grapes and Grains Festival on October 6th, and the Santa Maria Breakfast Rotary Club Annual Chocolate Sunday at the Marian Residence on October 14th.

Councilmember Zacarías reported on her attendance at the following events: the Autumn Arts Grapes and Grains Festival on October 6th, the Santa Maria Valley

Industrial Council and Chamber of Commerce luncheon on October 10th, El Camino Junior High School's Career Day on October 11th, and the Peace Week Kick-off Breakfast on October 15th. She also announced that she was working with the United Way to launch a volunteer tax assistance program to help encourage families to file their income taxes early and file for their earned income tax credit.

Mayor Lavagnino announced he had attended the Autumn Arts Grapes and Grains Festival, the El Camino Junior High School's Career Day, the Peace Week Breakfast, and a tour of Mr. Montgomery's building where Thorson Motor Sports and the Harley Davidson and Suzuki dealerships were located on October 16th. He also announced that he would be flying to Washington, D.C. on October 17th with Director of Utilities Sweet to try to keep the Santa Maria Levee in the forefront of the legislators minds so the money did not slip out of the Federal budget.

Councilmember Patino reported on her attendance at a tour of Allan Hancock College on October 4th, the Santa Maria Valley Industrial Council and Chamber of Commerce luncheon and the State Route 166 Safety Task Force meeting on October 10th, the Peace Week Kickoff Breakfast, and would be attending Respect for Month Earth Day on October 17th at Taylor Elementary School as part of Peace Week.

Councilmember Trujillo announced he had attended the Channel Counties Division of the League of California Cities dinner in Ventura on October 12th.

CLOSED SESSION

Council recessed to Closed Session at 7:35 p.m. for Conference with Legal Counsel - regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District (SMVWCD) v. City of Santa Maria and Allen E. Peterson v. City of Santa Maria; and 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), Local 620, and Santa Maria Police Officers Association (SMPOA).

After the Closed Session, the following was announced:

Conference with Legal Counsel regarding SMVWCD v City - Cancelled

Conference with Legal Counsel regarding Allen E. Peterson v. City – Direction to staff was provided.

Conference with Labor Negotiator: SEIU – Direction to staff was provided.

Conference with Labor Negotiator: SMPOA – Director to staff was provided.

ADJOURNMENT

There being no further business to come before the City Council at this time, Mayor Lavagnino declared the meeting adjourned at 8:09 p.m. to a Special Meeting on Thursday, October 18, 2007, at 6:00 p.m. at the Santa Maria Valley Discovery Museum, 705 S. McClelland Street, regarding a presentation on the Downtown/Jones Street Corridor Vision.