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

**APRIL 20, 2010**

**INVOCATION:**
Rev. Gary Hanson of Grace Lutheran Church gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Patino 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 Cordero, Patino, Zacarías, and Mayor Lavagnino.

Councilmember Orach arrived at 7:05 p.m.

**STAFF MEMBERS PRESENT**
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Community Development Appel, Fire Chief Jones, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Visé, Director of Recreation and Parks Posada, Police Chief Macagni, Utilities Engineer Kahn, Community Programs Manager Coelho-Hudson, Grants Specialist Alarcon, and Chief Deputy City Clerk Perez.

**INTRODUCTION AND SWEARING OF NEW FIRE CHIEF**
City Manager Ness introduced Jeff Jones, newly appointed Fire Chief for the City of Santa Maria. Chief Jones has been serving as Acting Fire Chief since September 2009. Chief Jones has 32 years in the fire service and 7 years with the City of Santa Maria. He began his career with the City of San Luis Obispo Fire Department in 1978. He served with the City of Morro Bay Fire Department starting in 1979, and as its Fire Chief from March 1991 to January 2004. His fire service experience includes 14 years on incident management teams, responding to some of the largest wildfires in California's history and a month in the New Orleans area working in the aftermath of Hurricane Katrina. Chief Jones earned his Associate of Science degree in Fire Technology from Allan Hancock College and a Bachelor's Degree in Occupational Studies from California State University, Long Beach.

Chief Deputy City Clerk Perez administered the Oath of Office for Chief Jones.

Chief Jones's wife, June, pinned on his Chief's badge.

Former Santa Maria Fire Chief Ortiz congratulated Jeff Jones on his appointment. Before Jeff Jones came to work for the City of Santa Maria in 1997, he was the Fire Chief in the City of Morro Bay. He has the kind of professionalism you value, and he is a good cooperator. From the day Jeff Jones started working for the City of Santa Maria, he has had a positive impact on the Fire Department.

Fire Chief Jones stated it has been his honor for the last seven years to be a member of the City's team. He said he had huge shoes to fill following Chief Ortiz. He said his success was dependent on so many people who surround him. He was fortunate to work with the staff and members of the Fire Department. They were outstanding individuals who came to work every day and gave their all. It was an honor to lead such a good group of people. The future would be one of economic uncertainty and challenge. He believed that his staff was committed to seeing the City through this difficult time and to a successful outcome. He looked forward to working with the Department Head team and the City Manager and Assistant City Manager. He said he had been blessed to serve the public for 32 years in a profession he loved.

Chief Jones introduced his guests, former Morro Bay Mayor Bill Yates and his wife, Lindsey; Morro Bay Fire Department Secretary Carol Tousignant; Morro Bay's Fire Chief Mike Pond and Captain Steve Knuckles; and former Arroyo Grande Fire Chief Terry Fibich and his wife, Linda. He also introduced his brother, Gordon. And, finally, he introduced his wife, June. He thanked them all for their support.

**VOLUNTEER OF THE MONTH**
Councilmember Patino presented a gift to Alice Jun, Recreation and Parks Volunteer of the Month for March 2010, for her leadership and commitment as head coach for the Northern Santa Barbara County Special Olympics bocce ball and bowling programs.

**VOLUNTEER OF THE MONTH**
Councilmember Patino presented a gift to Chrissy Besserman, Desiree Briones and Lindsey Cora, Recreation and Parks Volunteers of the Month for April 2010, for their commitment of time and energy in supporting and implementing the Recreation and Parks Department's Youth Basketball iHoops Challenge and Dribble, Dish, and Swish Skills Competitions.

**PROCLAMATION - KCOY'S SPRING FOOD DRIVE**
Mayor Lavagnino read a proclamation declaring April 16 – May 7, 2010, as KCOY'S Spring Food Drive" in the City of Santa Maria, and encouraging all residents of the Santa Maria Valley to participate by collecting cans of food for donation to Good Samaritan Shelter. The proclamation was accepted by Katie Marzullo and Laurie Pipan.

**PROCLAMATION - FINANCIAL LITERACY MONTH**
Councilmember Zacarías read a proclamation declaring the month of April 2010, as "Financial Literacy Month" in the City of Santa Maria and encouraging all residents to

become financially literate to provide a more secure financial future. The proclamation was to be accepted by Trent Benedetti; however, he was not present.

**PROCLAMATION - CRIME VICTIMS' RIGHTS WEEK**
Councilmember Cordero read a proclamation declaring April 18 - 24, 2010, as "Crime Victims' Rights Week" in the City of Santa Maria. The proclamation was accepted by Ann Bramsen, Acting District Attorney.

**PROCLAMATION - CALIFORNIA PEACE OFFICERS WEEK**
Councilmember Cordero read a proclamation declaring the week of May 2 - 8, 2010, as "California Peace Officers Week" and Wednesday, May 5, 2010, as "Peace Officers' Memorial Day" in the City of Santa Maria and encouraging all residents to remember those individuals who gave their lives for our safety and express our appreciation to those who continue to dedicate themselves to making Santa Maria a safer place in which to live. The proclamation was accepted by Police Chief Macagni.

**PUBLIC COMMENT**
Bob Ziener spoke about the Councilmembers' oral reports at the end of the meeting. He suggested that the oral reports be put at the beginning of the agenda so the public was made aware of all the Council's interest and participation in the community.

Mark Rademaker quoted the Bible and spoke about the killing of babies through abortion.

Harry Johnson stated at a meeting on January 21st at the Veteran's Hall, Officer Haley told the audience to get involved in their neighborhoods. He had been trying to contact the Beat 1 Coordinator since the 15th of February regarding problems in his neighborhood, but claimed no one had called him back.

Phil Hamer thanked the City for planting larger trees and plant life in the medians of Santa Maria. He said it was a simple thing that really beautified the City. He encouraged the City to continue using large trees and large plants. He expressed concern about the yellow temporary delineators on McCoy Lane and requested that something more permanent and aesthetic be installed.

Ernest Armenta thanked Maryann for writing the letter to the Editor supporting his comments. He said when it came to budget cuts, other departments should not be cut any more than Public Safety. He suggested employee groups get out of politics.

Chuck Williams stated that the State of California was $20 billion in debt. He said about $13 billion was due to illegal immigration. The City Council took an oath to uphold the laws and constitution and asked them to get out of politics.

**CONSENT CALENDAR**
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 Cordero, Orach, Patino, 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 April 6, 2010, were approved as submitted.

**C. WARRANTS**
Warrant Nos. 158003 to 158282 totaling $1,534,721.34 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. 152354, 157849, and 157886 were cancelled.

**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. ENTERTAINMENT LICENSE**
Resolution No. 2010-33 was adopted denying an Entertainment License for Mikado Restaurant located at 209 Town Center West to allow karaoke and live jazz music. The recommendation for denial is due to failure to respond on the part of the applicant.

Resolution No. 2010-33 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DENYING AN ENTERTAINMENT LICENSE FOR MIKADO RESTAURANT.

**F. ORDINANCE NO. 2010-03**
City Council conducted the second reading by title only of Ordinance No. 2010-03 making various technical amendments to the Santa Maria Municipal Code and adopted the ordinance.

Ordinance No. 2010-03 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO FILING CHARGES, PERSONNEL, PAYMENT UNDER PROTEST, TRANSIENT OCCUPANCY, PROPERTY NUISANCE, PARADES, STORM WATER, AND PLACARDING.

**G. TWO-WAY STOP**

Resolution No. 2010-34 was adopted approving the establishment of a two-way stop at the intersections of Mill Street and School Street and Mill Street and Elizabeth Street.

Resolution No. 2010-34 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING TWO-WAY STOPS AT THE INTERSECTIONS OF MILL STREET/SCHOOL STREET AND MILL STREET/ELIZABETH STREET PURSUANT TO SECTION 7-5.20 OF THE SANTA MARIA MUNICIPAL CODE.

**H. NO STOPPING ZONE**

Resolution No. 2010-35 was adopted approving the establishment of a no stopping zone on West McCoy Lane in front of Gavial Great White Dental.

Resolution No. 2010-35 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON WEST MCCOY LANE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

**I. INTENT TO ANNEX AND ASSESS PROPERTY**

Resolution No. 2010-36 was adopted expressing the Council's intent to annex MJA Cooling Addition/Expansion into the Southwest Landscape and Lighting District and Adam Business Park into the Northeast Landscape and Lighting District.

Resolution No. 2010-36 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, INITIATING PROCEEDINGS AND DECLARING THE INTENT TO ANNEX TERRITORY TO ASSESSMENT DISTRICTS PURSUANT TO THE "LANDSCAPE AND LIGHTING ACT OF 1972" (MJA COOLING ADDITION/EXPANSION AND ADAM BUSINESS PARK).

**J. PROPOSITION 84 MOU**

Resolution No. 2010-37 was adopted approving a Memorandum of Understanding (MOU) with the Santa Barbara County Water Agency and a group of local governmental agencies, special districts, and non-governmental organizations known as Cooperating Partners, to continue participation in the State-wide Proposition 84 process and revise the Integrated Regional Water Management Plan in Santa Barbara County, and authorizing the Director of Utilities to sign and execute the MOU on behalf of the City and expend funds to financially contribute to this effort.

Resolution No. 2010-37 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE SANTA BARBARA COUNTY WATER AGENCY AND A GROUP OF LOCAL GOVERNMENT AGENCIES, SPECIAL DISTRICTS, AND NON-GOVERNMENTAL ORGANIZATIONS TO CONTINUE PARTICIPATING IN THE PROPOSITION 84 PROCESS.

**APPOINTMENT TO THE ALL-AMERICA CITY COMMITTEE**

Chief Deputy City Clerk Perez gave the staff report. The City Council is asked to make one appointment to the All-America City Committee in the Low/Moderate Income category to fill the unexpired term of former Committee Member Sylvia Graham who recently resigned. The unexpired term will end in January 2011. The nomination for appointment will be made by Councilmember Cordero with appointment by the Mayor and confirmation by the City Council. One application was received for this vacancy from Esther Acosta.

Councilmember Cordero stated he interviewed Esther Acosta and was honored to nominate her to fill the vacancy.

On motion by Mayor Lavagnino, seconded by Councilmember Zacarías, and carried unanimously, Esther Acosta was appointed to fill the unexpired term on the All-America City Committee through January 2011.

**PUBLIC HEARING TO RECEIVE COMMENTS AND CONSIDER THE BLOCK GRANTS ADVISORY COMMITTEE'S RECOMMENDATIONS FOR ALLOCATION OF FISCAL YEAR 2010-11 FEDERAL FUNDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS.**

Community Programs Manager Coelho-Hudson gave the staff report. The City Council is requested to conduct the public hearing to receive public comments and consider the Block Grants Advisory Committee's recommendation for the allocation of fiscal year 2010-11 CDBG and HOME Investment Partnerships Program estimated funds. Enacted into law in 1974, the Federal Community Development Block Grant (CDBG) program is the primary Federal program that provides state and local governments with grant funds for local programs and projects to address a variety of complex physical, economic and social needs in the community. The main objective of the program is to develop viable urban communities by providing decent housing, a suitable living environment, and expanded economic opportunities. The funds may be used at the discretion of the City as long as the activities comply with Federal regulations and meet one of the three national objectives of primary benefit to low and moderate income persons. As an entitlement community, the City of Santa Maria receives a block of funding annually based on a HUD formula that includes such factors as population growth, level of poverty, age of housing, and extent of overcrowding. For Fiscal Year 2010-11, the City will receive $1,376,234 in CDBG funding which is an increase of $104,179 or 8 percent more than in 2009-2010. Of the CDBG grant amount, 20 percent or $275,246 will be available for general administration, an increase of $20,835, and 15 percent or $206,435 for public services, an increase of $15,627 over this year's amount. In addition, as of February 28, 2010, there is $5,147 in program income available for public services, bringing the public service amount allowed to $211,582. The total amount available for capital projects will be $894,553. It is estimated that $30,000 in program income will be generated during the 2010-11 fiscal year under the City's Residential Rehabilitation Revolving Loan Fund Program and deposited back into the program account for future loans. The City has participated in the HOME Program as

part of a consortium with the County since the program's inception in 1995. For fiscal year 2010-11, the City's portion of the County's HOME Program formula allocation will be $405,069.

This year's allocation process was more complex as it entails development of a five-year Consolidated Plan for Fiscal Years 2010-14, as well as an Annual Action Plan for Fiscal Year 2010-11. HUD requires the submittal of these documents for the City to receive CDBG and HOME funding. The Block Grants Advisory Committee oversees the process that involves both an assessment of the needs in the community, development of funding priorities, review of funding applications, site visits and recommendation of allocations.

In November 2009, staff distributed a written community needs survey and compiled the results. Also, the Committee conducted three community needs workshops on December 7th, 8th and 14th. On February 22, 2010, after reviewing the results of the community needs survey and the input received at the workshops, the Committee adopted its priorities. These priorities will be incorporated into the City's Five-Year Consolidated Plan.

The application period for submitting applications for next year's funding ended on February 5, 2010. Staff received 34 applications for public services totaling $692,176; 11 applications for capital development projects totaling $2,007,979; and 5 applications for affordable housing projects totaling $1,191,030. The Block Grants Advisory Committee held special meetings on March 22 and 23, 2010, to receive subcommittee reports and to formulate its recommendations to the City Council based on available funding. Special emphasis was placed on those programs and projects that prevent homelessness, address basic human necessities and critical emergency needs, assist frail elderly and disabled persons with special needs, provide permanent affordable housing, prevent crime and expand educational and youth development opportunities.

Mayor Lavagnino opened the public hearing.

Roy Allen, Alzheimer's Association, stated he was one of the fortunate ones who benefited from the City's generosity. This year had been especially difficult for him as several close friends have been afflicted with Alzheimer's. He thanked the Council and said the money was such a benefit to help families.

Louise Kolbert, American Red Cross, thanked the Committee for supporting their request for a generator. The increase in disasters throughout the world in the last six months has stretched their resources. They needed the generator for the Santa Maria office to ensure there was no breakdown in services in the event of an emergency in Santa Barbara County. They felt very fortunate that the City was supporting their efforts.

David Coelho, Catholic Charities, thanked the Block Grants Advisory Committee and the Special Projects staff for their months of hard work. Catholic Charities was only able to serve the needs of the poor because of the generosity of the City and the community.

Janet Allenspach, CAPSLO Liberty Tattoo Removal Program, asked the Council to reconsider the recommendation of the Committee for funding their program. She explained that they remove anti-social and gang-related tattoos that keep people from getting jobs, a decent place to live, and being accepted back into society. Thirty-five percent of their clients come from Santa Maria, Lompoc and Guadalupe. Their current funders had requested that their funds only go to San Luis Obispo County residents which may force them to deny services to Santa Maria clients.

Richard Sanchez, CAPSLO Liberty Tattoo Removal, stated he was a Santa Maria resident. The program helped him remove his tattoos and obtain a job working at the Marian Medical Center construction site and be a more positive role model to his children. He has done 16 hours of community service for each treatment at Good Samaritan Shelter, the Boys and Girls Club, and speaking to youth at Juvenile Hall.

Dan Lopez, Community Partners in Caring, thanked the Council for being so responsible. They really appreciated the City's support and the funds provided by the City. Community Partners in Caring help the elderly who lived alone with transportation and help at home.

Sylvia Barnard, Good Samaritan Shelter, thanked the Mayor, City Council, the Block Grants Advisory Committee, and Special Projects staff. Casa de Familia has been a vision of theirs for many years. It was the last piece of their shelter campus and this was the last piece of funding needed for the project. She presented the City Council with a Certificate of Appreciation.

Carla Canby, North County Rape Crisis Center, thanked the Council for its consideration. From June 2008 to July 2009, there were 238 sexual assaults in Santa Barbara County, 100 of which were children under the age of 9. Their focus continues to be education in schools. She thanked the Santa Barbara County Sheriffs Department and the Santa Maria Police Department for their help and service.

Jim Talbott, SMOOTH, thanked the Council and the Committee for supporting the Senior Dial-A-Ride program. He stated they were barely scratching the service of helping seniors who needed their services. They were hoping to move the Senior Dial-A-Ride into a new level of service of about 1,000 seniors a month.

Barry Stotts, City ADA Improvements, stated he had been working with the City for over 32 years to get City facilities accessible for persons with disabilities. He appreciated the City's support again this year.

Jeanette Duncan and Alejandra Mahoney, People's Self-Help Housing, thanked the Council for its support. They were serving over 120 families with a highly academic

after-school program and hoped to be able to expand it to families outside of Los Adobes de Maria. The best gang prevention was to get kids to go to college. They also thanked the Council for supporting the Los Adobes de Maria III project which would be located near the new supermarket on North Broadway.

Isaac Berumen, Latino Business Community Council, stated his organization started in 2007. They helped small businesses comply with regulations and educated them on how to succeed. They did that through volunteers.

Ernest Armenta stated he was happy to hear that people other than tenants of Los Adobes de Maria were going to receive services. He asked how much of the grant funds were used for administration costs of the organizations, and if they were required to submit performance indicators showing how the money was spent. His concern was that there was not a duplication of services.

Celeste Coelho-Hudson explained that the public service allocations were for operating costs for the agencies to provide services. The organizations were required to provide documentation of all of their expenses when they submit their invoices for reimbursements. They were also required to submit quarterly reports and an annual report on their performance, their accomplishments, and also the beneficiaries they served. The applications that were received by the City through the process were public information and were available in the Special Projects office.

Robert Dickerson, Chairperson of the Block Grants Advisory Committee, stated it had been a pleasure to work with Special Projects staff and thanked them for their hard work and support. They made a difficult project far easier.

Mayor Lavagnino thanked the Block Grants Advisory Committee and Special Projects staff for the tremendous and difficult work that they do.

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

Councilmember Zacarías thanked the Tattoo Removal Program representatives for speaking and explained that the reason their program was not funded was that it did not fit one of the priorities set by the Committee. The City was committed to these types of activities. She felt it was economic development because it was creating economic opportunities for the individuals and their families. She hoped funding could be found to help the program from the other non-profit agencies.

Councilmember Patino thanked the Block Grants Advisory Committee. These organizations do not duplicate efforts. The taxpayers do not want to see their money go for duplication of services.

Councilmember Cordero stated the leadership provided by the Community Programs Manager and the Committee was outstanding. He said he really appreciated the work that they do.

Councilmember Orach stated the Committee and staff really investigate the applications for funding to protect the dollars that the City provides.

Resolution No. 2010-38 was adopted approving the following public service allocations under the CDBG Program for Fiscal Year 2010-11:

| | |
|---|---|
| Alliance for Pharmaceutical Access | $ 6,510 |
| Alzheimer's Association | 8,372 |
| Camp Fire USA Central Coast Council | 3,300 |
| Catholic Charities | 18,604 |
| Central Coast Literacy Council | 4,000 |
| Community Action Commission/Senior Nutrition | 9,302 |
| Community Partners in Caring | 8,837 |
| Council on Alcoholism and Drug Abuse – Teen Court | 7,442 |
| Court Appointed Special Advocates (CASA) | 9,302 |
| Domestic Violence Solutions/Emergency Shelter | 5,000 |
| Foodbank of Santa Barbara County/ Warehouse Program | 5,000 |
| Future Leaders of America | 5,000 |
| Good Samaritan Shelter, Inc. / Emergency Shelter | 14,883 |
| Independent Living Resource Center / Deaf Outreach | 5,000 |
| Legal Aid Foundation of Santa Barbara County | 14,883 |
| North County Rape Crisis & Child Protection Center | 15,463 |
| PCPA Theaterfest | 3,000 |
| Pacific Pride Foundation / Necessities of Life Food Pantry | 10,943 |
| People's Self-Help Housing Corporation / YEEP | 9,302 |
| Santa Maria Organization of Transportation Helpers / Senior | 5,580 |
| Santa Maria Valley FISH Meals On Wheels | 11,162 |
| Santa Maria Valley Youth and Family Center | 9,302 |
| The Salvation Army | 13,953 |
| Transitions Mental Health Association | 7,442 |

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

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

Resolution No. 2010-38 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE PUBLIC SERVICE ACTIVITIES AND ALLOCATIONS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2010-11 AND AUTHORIZING THE CITY MANAGER AND ANY DESIGNEE(S) TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF SANTA MARIA FOR APPLICATION OF THE FUNDS.

Resolution No. 2010-39 was adopted approving the following Capital Development allocations under the CDBG Program for fiscal year 2010-11:

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|---|---|
| Good Samaritan Shelter, Inc.-Casa de Familia | $317,319 |
| Peoples' Self-Help Housing Corp.-Los Adobes de Maria III | 200,000 |
| American Red Cross Generator | 51,000 |
| Boys & Girls Club of SMV | 24,930 |
| Community Health Centers of the Central Coast | 50,000 |
| SMILE/OPTIONS - Renovation of Group Homes | 13,000 |
| City of Santa Maria ADA Improvements | 167,717 |
| City of Santa Maria Newlove Community Center | 70,587 |
| Residential Rehabilitation Loan Program (Program Income) | 30,000 |
| General Administration | 275,246 |

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

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

Resolution No. 2010-39 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE CAPITAL DEVELOPMENT ACTIVITIES AND ALLOCATIONS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2010-11 AND AUTHORIZING THE CITY MANAGER AND ANY DESIGNEE(S) TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF SANTA MARIA FOR APPLICATION OF THE FUNDS.

Resolution No. 2010-40 was adopted approving the following allocation for the HOME Investment Partnerships Program for fiscal year 2010-11:

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|---|---|
| Good Samaritan Shelter, Inc. – Casa de Familia | $305,069 |
| Miller-Inger LLC – Homebuyer Assistance | 100,000 |

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

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

Resolution No. 2010-40 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ACTIVITIES AND

ALLOCATIONS UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM FOR FISCAL YEAR 2009-10 AND AUTHORIZING THE CITY MANAGER AND ANY DESIGNEE(S) TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF SANTA MARIA FOR APPLICATION OF THE FUNDS.

**2010 ANNUAL WEED ABATEMENT PROGRAM**

Director of Public Works/City Engineer Whitehead gave the staff report. The City Council is asked to hear protests against the abatement of public nuisances such as noxious and dangerous weeds, rubbish, refuse, and dirt, and authorize the Streets and Facilities Manager to perform abatement of the nuisances. On March 16, 2010, the City Council adopted Resolution No. 2010-28 declaring public nuisances. Staff mailed 122 abatement letters to owners of 157 properties. The purpose of the abatement letter was to make certain that property owners were aware that property they owned required appropriate maintenance. The letter provided an opportunity for property owners to indicate their intention to accomplish abatement on their own. Owners of undeveloped lots who were not successfully notified through the abatement mailing had their properties posted. Property owners who do not perform their own abatement will have their property abated by the City's contractor and will have the abatement costs, plus an administrative fee, added to their property tax bill.

Mayor Lavagnino opened the public hearing.

Ernest Armenta stated he knew this program had been going on for quite a long time. He asked why the City used a private contractor instead of City employees who were having their hours cut. He said he wanted to keep the City employees working.

City Manager Ness explained that the Weed Abatement Program was only once a year and was not spread out over time so it was difficult to assign that work to City staff. Also, the City furlough program was spread across the board – affecting all non-public safety employees. If some employees were required to work on those furlough days and get paid for it, the other City employees would want to do that too.

Councilmember Patino also suggested that the City used private contractors to do weed abatement work because City employees were not allowed to go onto private property for liability purposes.

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

Resolution No. 2010-41 overruling objections was adopted on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

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

Resolution No. 2010-41 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, OVERRULING OBJECTIONS TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE, AND DIRT PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

**SANTA MARIA INTEGRATED WASTE MANAGEMENT FACILITY AT LOS FLORES: CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT AND APPROVAL OF THE PROPOSED PROJECT.**

Utilities Engineer Kahn introduced the team who worked on the Environmental Impact Report, including Rincon Consultants, and gave the staff report. The City Council is requested to certify the Final Environmental Impact Report, make CEQA findings, adopt a Statement of Overriding considerations, and approve a Mitigation Monitoring Program for the Santa Maria Integrated Waste Management Facility at Los Flores Ranch; and adopt a resolution approving the proposed Integrated Waste Management Facility for the purpose of forwarding the project to the State of California for approval as described in the Final Environmental Impact Report.

The existing Santa Maria Regional Landfill (Landfill) occupies 290 acres and is located on the east side of the City adjacent to the Santa Maria River. Waste disposal activities have occurred at the Landfill since the 1950s. It had been calculated that the Landfill would reach capacity in 2012. Due to improved operational techniques, increased diversion of recyclable and reusable materials, and reduced flow into the Landfill, the life of the Landfill has been extended. Currently, the existing Landfill cell has capacity until 2015. The California Integrated Waste Management Act requires that jurisdictions provide at least 15 years of landfill capacity as part of their long-term strategic planning efforts.

In 2001, Santa Barbara County, the City of Santa Maria, and other cities within the County formed a Multi-Jurisdictional Solid Waste Task Group (MJSWTG) to begin planning for the solid waste issues facing Santa Barbara County. The MJSWTG appointed the City of Santa Maria as the lead agency in the pursuit of a new landfill in the North County. Based upon numerous criteria and studies, the City selected Los Flores Ranch as the preferred site for the Integrated Waste Management Facility (IWMF). This 1,774 acre property is located south of Santa Maria and east of Hwy 101. The site is currently used for passive recreation that will remain with the implementation of the new IWMF. The proposed project would have a 286 acre refuse footprint and approximately 90 years of solid waste capacity. The total project area including the landfill, soil stockpile and associated infrastructure is approximately 617 acres. Materials accepted for disposal would include non-hazardous municipal solid waste and non-hazardous hydrocarbon impacted soil (NHIS).

Richard Daulton, Rincon Consultants, stated the Final Environmental Impact Report is the culmination of activities dating back to 2003 with the initiation of the siting study. An Environmental Impact Report (EIR) was produced and circulated for review for the IWMF in accordance with the California Environmental Quality Act (CEQA). A Notice of Preparation (NOP) was distributed for review by affected agencies and the public. The

EIR addresses the issues determined to be potentially significant by the responses to the NOP and scoping discussions from the public, consulting staff, and the City. The issues addressed in this EIR include: aesthetics; air quality; biological resources; cultural resources; geology; hazards and hazardous materials; hydrology and water quality; land use and agriculture; noise; public services and utilities; transportation and circulation; and environmental justice. Two workshops were advertised and held to inform the public and solicit comments regarding the IWMF and EIR during the review period. Written comments were received from the public, agencies, companies and environmental organizations on the draft EIR. The EIR addresses these issues and identifies potentially significant environmental impacts, including site-specific and cumulative effects of the project in accordance with the provisions set forth in the CEQA Guidelines. In addition, the FEIR recommends mitigation measures, where feasible, that would reduce or eliminate adverse environmental effects. The Final EIR (FEIR) was produced and all written comments were responded to in it. Based on the written comments, any necessary changes to the FEIR were made.

There were several impacts that received a lot of comments from the public. One of those was oak tree impacts. They identified a significant, unavoidable impact from the project on oak trees because the project would remove as many as 3,200 oak trees over the 1,700 acre site. With the first phase (estimated to be 25 years) only 143 oaks would be removed. They would be replaced on a 2:1 ratio, and the success of the replanting program would be monitored for seven years. Another impact was ground water quality. There would be a composite liner at the base of the landfill to prevent seepage of contaminated water into the ground water. There would also be several environmental controls in place to ensure there would not be issues. One physical property of the site is the depth of the ground water - a depth of 500 to 700 feet.

Mayor Lavagnino asked why acorns from the site would be used to replenish the oak trees removed instead of planting larger oak trees and if cattle grazing would still be allowed.

Mr. Daulton explained because there would be on-going management of the site and habitat management, they thought it would be appropriate to use easily-planted acorns from the site. Cattle grazing would be a compatible use on part of the site. The saplings would be protected from the cattle by fencing.

Councilmember Cordero asked if anyone had any experience or success with the proposed plan to replace the oak trees.

Steve Kahn stated the City has agreed that there would be just as many oak trees planted as were removed by the time it was done, and the oak woodland would be replaced 100 percent. That would be above and beyond what most oak tree restoration programs did.

Councilmember Patino asked how long it would take to obtain a permit from the Integrated Waste Management Board.

Mr. Kahn stated he did not know as there had not been a new landfill in California for some time. To get a permit from the Integrated Waste Management Board or Cal-Recycle, there needed to be a Joint Technical Document. That document was done. The next step would be to submit for permits from CalRecycle and the Regional Water Quality Control Board.

Councilmember Zacarías stated she had experience with oak tree restoration. She said a ratio of 2:1 was very low and asked what the marginal cost would be to add a third or fourth tree to the ratio. She supported the use of acorns from the same area and asked what the negative impact would be to having too many oak trees.

Director Sweet stated their concern was to restore the number of oaks to its present number. The oak canopy excludes the growth of other vegetation and offsets the ecological balance. The City would be there for the long term of the site, so it would be in the City's best interest to preserve the oak woodland. It would not be in the best interest to put more oaks than required because it would change the ecological balance of the site. There were other species that had to be considered and protected.

Councilmember Zacarías asked what the difference was between this site and the existing landfill that would protect against contamination from NHIS materials.

Steve Kahn stated this site was very different from the existing landfill. The current landfill site was next to the Santa Maria River and had very shallow ground water with soils that percolated quickly. The new site was in a canyon and the groundwater was 700 plus feet deep underneath hard Paso Robles and Careaga formations.

Councilmember Zacarías talked about the letter from the Fish and Wildlife Service received this evening and highlighted some of the concerns. She asked if staff had the opportunity to review the letter and asked if it would have any impact on the Council's action tonight.

Steve Kahn stated the team has had a good working relationship with the Fish and Wildlife Service throughout the process. The staff recommendation did not change because of the letter.

Richard Daulton stated regardless of the approval of the EIR, the requirements of the Fish and Wildlife Service would continue to apply and was a separate process. The letter did not introduce anything new. He believed their impact conclusions were very well documented and supported by the evidence at hand. There was a disagreement with the Fish and Wildlife Service regarding the Tiger Salamander. There had never been a Salamander found on the site. The site was more than 1.2 miles from the nearest breeding pond. The evidence was that the existence of Tiger Salamanders on the site was highly unlikely. Their biologists spent hundreds of hours studying the site and found no evidence of Tiger Salamanders or Ferry Shrimp on the site. The City would need to test to the Fish and Wildlife standards as the project moved forward.

Director Sweet stated one of the reasons the City was unable to test to the Fish and Wildlife standards was because it took longer than the City had been involved in the project. The Fish and Wildlife Service wanted five years of research. After that time, the City would be a lot closer to meeting their standards if there were two successive years of 70 percent average rain. To date, there had not been physical conditions that would allow meeting the Fish and Wildlife Service standards.

Councilmember Orach stated there was a whole list of agencies that the City would have to get permits from and some of them would have the same types of regulations as Fish and Wildlife. The City would have to conform to those regulations.

Lillian Smith stated she had reviewed the FEIR and outlined some of the things she did not think met the demands of CEQA. She said she understood that 90 percent of the soils on the site were highly erodible, and the Paso Robles Formation was prone to subarea internal tunnels. The Environmental Defense Center suggests that mitigation planting such as oak seeds be from native seed stock. She addressed the LAFCO letter regarding satellite annexation of non-contiguous property not exceeding 300 acres. Government Code 56742 did allow satellite annexation of 300 acres initially which would accommodate the 286 acres of the waste site but not the 317.4 acres needed for the roads and dirt piles. She quoted Government Code 56742 regarding annexation of supportive areas and said that would need interpretation as she felt it conflicted with LAFCO regulations and policies. She said air quality was considered a significant impact in the FEIR that could be mitigable; however, the discussion only alluded to odor from the waste site and not the air quality problems from the removal of 3,200 oak trees that have reached at least 20 years of age and sequester $CO_2$. It would take the new oak plantings 20 years before they would provide a public benefit. That was a major issue to her. She said the FEIR also failed to address the Open Space Act, Government Code 5104(b) and (b)(2).

Richard Daulton responded to Ms. Smith's comments. He said the erosive soils on the site was addressed. If there were any tunneling, it was very unlikely it would be to such an extent to cause a gap big enough to impede the barrier. They agreed with the comment regarding native seed stock which was a requirement for the oak replanting program. Regarding annexation, that would need to move forward with an application to LAFCO. Those issues would be worked out through that process. The site was owned by the City and would be controlled by City services regardless of whether it was annexed into the City or not. With regard to air quality and carbon sequestration, vegetative and organic material have the potential to remove carbon from the carbon cycle that could result in global warming through the greenhouse effect. The difference between landfills and other development that removed trees was that landfills also removed a substantial amount of vegetative and organic material through the landfilling process and naturally sequester and remove those materials from the carbon cycle. It was very unlikely for the project, through any amount of oak tree removal, would result in less carbon sequestration than it was adding by landfilling.

Joyce Hall stated she and her husband were docents at Los Flores Ranch Park. The City was to be congratulated for acquiring this land for multiple uses. She supported the plan to replace the more than 3,000 oak trees that would be removed during the 90 years for the Integrated Waste Management Facility. She could not find any mitigation measures in the FEIR regarding the damage to the oak tree plantings by wild pigs. The extensive soil damage by the pigs rooting for food was clearly evident on the site presently. They have watched the damage expand over the months both in the grassland and the oak groves. She was happy to hear about the adaptive management plan. It was critical that plans for the removal of the pigs be a high priority in the oak tree mitigation project.

Steve Kahn stated there were rooting pigs on the site. They did root in the soil and harmed the acorns that were sprouting. The City would use protective measures to ensure that pigs and cattle would not harm the tree plantings. If the plantings were harmed, they would be replaced.

Chuck Williams stated he remembered the noxious odors from the Casmalia Toxic Waste Dump and from the old landfill that was operated by the County on West Foster Road and Blosser Road. Based on Santa Maria winds, most of Orcutt would be affected by the odors from the proposed landfill. He asked what steps were going to be taken to compensate the people of Orcutt for decreased property values. He referenced the FEIR and asked what types of vehicles would be going to and from the site. He also asked what method was going to be used for renewable energy. He felt a significant financial compensation would be justified for the residents of Orcutt.

Ernest Armenta stated he was concerned that the City was putting the residents of Santa Maria into long-term debt. He felt this should go to a vote of the people to decide if the taxpayers wanted to go into debt for the new landfill.

Director Sweet stated the City was on time and on budget with this project. Staff constructed a performa which projected income and expenses for the project. Staff believed this project would be covered through normal solid waste rates. There had not been a solid waste rate increase for nine out of the last ten years. There would probably be some moderate increases in the future. He did not think they were putting the ratepayers at risk because if things went awry, they could pull out and find another alternative for disposal.

Councilmember Zacarías asked for a response regarding Mr. Williams' concerns about odor.

Richard Daulton explained that what was called mitigation measures in the FEIR were things that the EIR was imposing beyond what was already being proposed. The EIR discussed the numerous operational measures to control odors including daily cover, checking of loads, and proper handling of the waste. Those operational measures would be in place and were not things that were imposed by the EIR.

Steve Kahn stated with the permit from CalRecycle, they were required to have an odor management plan.

Councilmember Cordero stated he lived close to the existing landfill and did not ever remember smelling any odor.

Mayor Lavagnino stated that the City had to look into the future for a new landfill before 2015 or whenever the current landfill reached capacity. There was no choice.

Councilmember Patino stated the City had to look forward. There were many advances for handling waste being used in other countries; and with technology, the City may not need the landfill in the future.

Councilmember Orach commented that this had been studied by experts for several years. There were not any options once the current landfill reached capacity. Several sites were studied, and this was the site that had the best results for the community.

Resolution No. 2010-42 was adopted certifying the Final Environmental Impact Report, making CEQA findings, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring Program for the Integrated Waste Management Facility Project on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

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

Resolution No. 2010-42 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CERTIFYING THE CITY OF SANTA MARIA INTEGRATED WASTE MANAGEMENT FACILITY PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2006091069), MAKING CEQA FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM FOR THE CITY OF SANTA MARIA INTEGRATED WASTE MANAGEMENT FACILITY PROJECT FINAL ENVIRONMENTAL IMPACT REPORT.

Resolution No. 2010-43 was adopted approving the proposed Santa Maria Integrated Waste Management Facility for the purpose of forwarding the project to the State of California for approval on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE PROPOSED SANTA MARIA INTEGRATED WASTE MANAGEMENT FACILITY FOR THE PURPOSE OF FORWARDING THE PROJECT TO THE STATE OF CALIFORNIA FOR APPROVAL.

**CITY MANAGER'S REPORT**
City Manager Ness reported on anticipated items for the May 4, 2010, City Council meeting including six proclamations and the 3rd Quarter Financial Report.

**ORAL REPORTS BY COUNCILMEMBERS**
Councilmember Orach talked about an article regarding a church's crusade against graffiti.

Councilmember Zacarías reported that the VITA program ended and thanked all the volunteers who helped with the tax preparation program. She attended the VTC groundbreaking ceremony and the Community Action Commission's Board meeting. She requested an informational item be placed on the next Council agenda for the Community Watch 2010 which was a project that came from one of the participants in Future Search.

Mayor Lavagnino reported he and City Manager Ness met with the California Secretary of Veterans Affairs, he attended the SBCAG meeting, participated in the softball game for the KCOY Spring Food Drive, and attended the VTC groundbreaking ceremony.

Councilmember Patino reported she attended the All Hands Veterans Meeting at Allan Hancock College, the Grower Shipper luncheon, toured the fire fighting aircraft at the Santa Maria Public Airport, attended the Transportation Committee meeting, the Drug Court graduation at the Veteran's Hall, the Strawberry Festival Dinner, a fire prevention meeting in Tepusquet, the Fighting Back Santa Maria Valley youth rally at City Hall, went to the "Go Fly a Kite" event at Rotary Centennial Park, was a judge for a speech contest sponsored by the Orcutt Lions Club, and attended the VTC groundbreaking ceremony.

Councilmember Cordero reported he attended a lunch at the Food Bank, went to see the multi-purpose airplane at the Santa Maria Public Airport and spoke at the dinner, attended the Future Search project meeting, the Bring Our Community Home meeting, the Drug Court graduation, the Strawberry Festival Dinner, STAR program at El Camino Jr. High School, dinner at the Marriott in Buellton for the Teacher of the Year, was a judge for the Orcutt Lions speech contest, attended the VTC groundbreaking, and a Santa Maria Police Officers Association meeting regarding the Community Watch 2010.

Councilmember Cordero requested that it be explained to the public why the Council could not engage in dialog with the public during Public Comment. Also, there were a lot of complaints about political signs. The City had gotten itself into a situation where people running for office in June could not have their signs up for the same amount of

time as those running for election in November. He hoped the City could do something to help those people in a timely manner.

City Attorney Trujillo stated under the Brown Act, the Council could not have a detailed discussion regarding political signs tonight. The Council could give direction to staff to place a discussion on a future agenda. There was not the ability to create an exemption for political signs as that would be unconstitutional. Staff could bring back an amendment to the ordinance to change the time temporary signs could stay up. That would apply to all temporary signs, not just political signs. Staff could also bring it back as an interim urgency ordinance which would require a 4/5s vote of the City Council to pass. Even, if it was placed on the next agenda, by the time it passed, it would be after the June Primary Election. Should the Council wish to move forward, someone could make a motion to direct him to bring back an amendment to the ordinance as quickly as possible.

Councilmember Patino stated she felt each candidate had a responsibility to know what the rules were. She did not think political signs were an emergency.

Councilmember Orach stated the big picture was the rest of the sign ordinance. If the Council started changing one thing, it could lead to other problems.

**CLOSED SESSION**

Mayor Lavagnino announced that there was no need for the Closed Session regarding Conference with Legal Counsel – Existing Litigation pursuant to Subdivision (a) of Government Code Section 54956.9 to discuss Gregory Carroll v. City of Santa Maria, et. al. Case No. CV 0907336.

**ADJOURNMENT**

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 10:05 p.m. by Mayor Lavagnino.