

**Receipt of Documents after Distribution of Council Agenda:**

Pursuant to SB 343, a document was received on December 1, 2009, after the distribution of the City Council Agenda packet. The document received is associated with **Item No. 9** below and can be reviewed by selecting the associated Agenda Item link to the Agenda Report.

The current City Council Agenda and associated Reports are posted on the City's website on the Friday before the upcoming meeting. Council meetings are held on the First and Third Tuesdays of each month. **Archived City Council Agendas and Reports** are now available for viewing dating from 2006 to the present.

To obtain information regarding an item on the current City Council Agenda, please contact the City Clerk's Office at [cityclerk@ci.santa-maria.ca.us](mailto:cityclerk@ci.santa-maria.ca.us). If you would like to receive notification that a new City Council Agenda has been posted, please **Subscribe**.

**AGENDA OF THE CITY COUNCIL  
CITY OF SANTA MARIA, CALIFORNIA**

**CITY HALL COUNCIL CHAMBERS  
110 E. COOK STREET**



**Mayor Larry Lavagnino  
Mayor Pro Tem Hilda Zacarías  
Councilmember Mike Cordero  
Councilmember Bob Orach  
Councilmember Alice Patino**



**City Manager Tim Ness  
City Attorney Gil Trujillo  
City Clerk Patti Rodriguez  
Chief Deputy City Clerk Patricia Perez  
Ex-Officio Clerk of the City Council**

**REGULAR MEETING  
DECEMBER 1, 2009, AT 6:30 P.M.**

This agenda is prepared and posted pursuant to Government Code Section 54954.2. By listing a topic on this agenda, the City Council has expressed its intent to discuss and act on each item. In addition to any action identified in the summary description of each item, the action that may be taken by the City Council shall include: a referral to staff with specific requests for information; continuance; specific direction to staff concerning the policy or mission of the item; discontinuance of consideration; authorization to enter into negotiations and execute agreements pertaining to the item; adoption or approval; and disapproval. Items not on the agenda may not be discussed or acted upon except under emergency circumstances. (Government Code Section 54954.2).

Copies of the staff reports or other documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, 110 East Cook Street, Room 3, available for public inspection during City Hall business hours, and in the Library the Friday before the meeting. Any writing or documents provided to a majority of the City Council after distribution of the Agenda will also be available for public inspection in the Office of the City Clerk and the Library. If requested, the agenda and supporting documents shall be made available in alternative formats to persons with a disability. The City Clerk's Office will answer any questions regarding the agenda.

The City of Santa Maria welcomes orderly participation at its meetings from all members of the public. Orderly participation means speaking only on items of City business or on subjects within the City's control. Though the City Council wants to hear your concerns and values your input, it is inappropriate to defame, yell, or use profane language. All cellular telephones and pagers are to be turned off or set to vibrate, and signs are not to be displayed in a manner which violates the rights of others or prevents others from watching or fully

participating in the Council meeting. Pursuant to Government Code Section 36813, the Mayor is authorized to prohibit such conduct, up to and including ordering anyone that disrupts the meeting to be removed from the City Council Chambers.

Participation includes assistance under the Americans with Disabilities Act to provide an equally effective opportunity for individuals with a disability to participate in and benefit from City activities. For the hearing impaired, the City has assisted listening equipment available. For TDD (Telecommunications Devices for the Deaf) service, please call (800) 735-2929. In order for the City to make reasonable accommodation arrangements for the use of this assisted listening equipment, notification is required by at least 4:00 p.m. the Friday before the meeting by calling 925-0951, extension 307. This equipment can also be used for translation by Spanish-only speaking persons. To allow the City to coordinate and request a Spanish translator from the volunteer corps, call 925-0951, extension 307 by 1:00 p.m. on Monday before the meeting. Para permitir a la Ciudad el poder coordinar y solicitar a un traductor para español del cuerpo de voluntarios, llame al 925-0951, extensión 307 a la 1:00 de la tarde el lunes antes de la junta.

**INVOCATION:****PLEDGE OF ALLEGIANCE TO THE FLAG:****CALL TO ORDER: Mayor Lavagnino****ROLL CALL: Councilmembers Cordero, Orach, Patino, Zacarías and Mayor Lavagnino****1. PROCLAMATIONS/PRESENTATIONS:**

There are none scheduled for this meeting.

**2. PUBLIC COMMENT PERIOD (NOT TO EXCEED A TOTAL OF 15 MINUTES):**

The Council values your input. Individual speakers are limited to three minutes or as directed by the Mayor. To address the Council you are asked to fill out a Request to Speak Form and provide it to City Staff PRIOR TO this part of the agenda. This assists the Clerk in accurately preparing the minutes of the meeting. Once the public comment period commences, no other speakers will be allowed to submit a Request to Speak Form. This time is reserved to accept comments from the public on Consent Agenda items, Closed Session items, or matters not otherwise scheduled on this agenda. Direction to staff may be given; however, State law does not allow action to be taken by the Council on matters not on the printed agenda at this meeting. The law requires that notice be given to the public at large to allow for full disclosure and discussion and decisions on important public issues. To have City Council discussions and decisions on unnoticed items would prevent the type of public input necessary to make governmental decisions.

**3. CONSENT CALENDAR:**

**The following routine items are presented for City Council approval without discussion as a single agenda item in order to expedite the meeting. The Consent Calendar is approved by roll call vote with one motion. These items are discussed only on request of Councilmembers. Members of the public may speak on Consent Calendar items during the Public Comment Period.**

**SHOULD A COUNCILMEMBER WISH TO DISCUSS OR DISAPPROVE ANY ITEM, it must be dropped from the blanket motion of approval and considered as a separate item.**

ROLL CALL: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino

**CITY MANAGER/CITY CLERK:**

- A. Recommendation of City Staff to waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Agenda will be adopted by the same vote cast at the first meeting, unless City Council indicates otherwise.
- B. Recommendation of City Staff that the City Council approve the [Minutes of the Regular City Council Meeting of November 17, 2009](#).

- a. Minutes to be approved.

**ADMINISTRATIVE SERVICES DEPARTMENT:**

C. Payment of WARRANTS.

- a. To be 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.

D. Payment of PAYROLL.

- a. To be 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.

**CITY ATTORNEY DEPARTMENT:**

- E. Recommendation of City Staff that the City Council conduct the second reading by title only and adopt [Ordinance No. 2009-24 adding Chapter 9-17 to the Santa Maria Municipal Code](#) to allow for the use of a non-lethal type of electric security fence in commercial and industrial zones of the City.

- a. Ordinance No. 2009-24 to be adopted.

**FIRE DEPARTMENT:**

- F. Recommendation of City Staff that the City Council adopt a resolution [approving the acceptance of funds awarded to the City through the Station Construction Grant program](#) under the American Recovery Reinvestment Act of 2009 in the amount of \$4,368,907 for the construction of the northwest and northeast Fire Stations.

- a. Resolution No. 2009-172 to be adopted accepting the Station Construction Grant funding.

**PUBLIC WORKS DEPARTMENT:**

- G. Recommendation of City Staff that the City Council adopt a resolution [awarding the bid and approving a contract for the SMAT Intermodal Transit Center, Bid No. 2010/03](#), to Vernon Edwards Constructors, Inc., in the amount of \$3,553,000.00.

- a. Resolution No. 2009-173 to be adopted awarding the bid and approving a contract with Vernon Edwards Constructors, Inc.

4. **APPOINTMENT TO PLANNING COMMISSION.** The City Council is requested to make one appointment to the Planning Commission to fill the unexpired term of former Commissioner Etta Waterfield. The nomination will be made by Councilmember Patino. The term will expire January 31, 2011. One application was received from Richard Quandt.

- a. Staff report to be made. (Chief Deputy City Clerk)
- b. Nomination to be made by Councilmember Patino.

- c. Appointment to be approved by the Mayor and confirmed by the City Council.

ROLL CALL: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino

**PUBLIC HEARINGS:**

5. **2009 DRAFT HOUSING ELEMENT OF THE GENERAL PLAN, FILE NO. GP-2009-001 AND E-2009-034.** Council will review a recommendation from the Planning Commission to authorize the filing of a Negative Declaration for E-2009-034, approve the 2009 Draft Housing Element for the purpose of submission to the State Department of Housing and Community Development (HCD) for review and authorize the Director of Community Development to forward the Draft Housing Element to HCD pursuant to Government Code Section 65585.

On November 4, 2009, the Planning Commission adopted Resolution No. 2553 recommending the City Council approve a Negative Declaration on a 4-0 vote, and Resolution No. 2554 recommending the City Council approve the 2009 Draft Housing Element for submission to HCD on a 3-1 vote (Commissioner Andrade dissenting).

- a. Staff report to be made. (Director of Community Development)
- b. Written communications.
- c. Those in favor to be heard.
- d. Those in opposition to be heard.
- e. After all persons have been heard, hearing to be closed.
- f. [Resolution No. 2009-174 to be adopted approving a Negative Declaration of Environmental Impact, E-2009-034, for the 2009 Draft Housing Element.](#)
- g. [Resolution No. 2009-175](#) to be adopted approving the [2009 Draft Housing Element](#) for submission to and authorizing the Director of Community Development to forward to HCD.

ROLL CALL: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino

6. **PROGRAM INCOME REUSE PLAN FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AUTHORIZED BY THE HOUSING AND ECONOMIC RECOVERY ACT (HERA) OF 2008.** The City Council is requested to conduct a public hearing to receive public comments, adopt a resolution approving a Program Income Reuse Plan for the Neighborhood Stabilization Program, and authorize the City Manager and any designee(s) to submit the approved plan to the State Department of Housing and Community Development.

- a. Staff report to be made. (Community Programs Manager)
- b. Written communications.
- c. Those in favor to be heard.
- d. Those in opposition to be heard.
- e. After all persons have been heard, hearing to be closed.
- f. Resolution No. 2009-176 to be adopted approving the Program Income Reuse Plan.

ROLL CALL: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino

7. **HOME BUYER ASSISTANCE PROGRAM GUIDELINES FOR THE NEIGHBORHOOD**

**STABILIZATION PROGRAM AUTHORIZED BY THE HOUSING AND ECONOMIC RECOVERY ACT OF 2008.** The City Council is requested to conduct a public hearing to receive public comments, adopt a resolution approving the Homebuyer Assistance Program Guidelines for the Neighborhood Stabilization Program, and authorize the City Manager and any designee(s) to submit the approved guidelines to the State Department of Housing and Community Development.

- a. Staff report to be made. (Community Programs Manager)
- b. Written communications.
- c. Those in favor to be heard.
- d. Those in opposition to be heard.
- e. After all persons have been heard, hearing to be closed.
- f. Resolution No. 2009-177 to be adopted approving the Homebuyer Assistance Program Guidelines.

ROLL CALL: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino

**8. ACQUISITION, REHABILITATION AND DISPOSITION PROGRAM GUIDELINES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AUTHORIZED BY THE HOUSING AND ECONOMIC RECOVERY ACT OF 2008.** The City Council is requested to conduct a public hearing to receive public comments, adopt a resolution approving the Acquisition, Rehabilitation and Disposition Program Guidelines for the Neighborhood Stabilization Program, and authorize the City Manager and any designee(s) to submit the approved guidelines to the State Department of Housing and Community Development.

- a. Staff report to be made. (Community Programs Manager)
- b. Written communications.
- c. Those in favor to be heard.
- d. Those in opposition to be heard.
- e. After all persons have been heard, hearing to be closed.
- f. Resolution No. 2009-178 to be adopted approving the Acquisition, Rehabilitation and Disposition Program Guidelines.

ROLL CALL: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino

#### **REGULAR BUSINESS:**

**9. ENVIRONMENTAL REVIEW OF THE WATERLINE INTERTIE PROJECT AND APPROVAL OF AN AGREEMENT WITH THE NIPOMO COMMUNITY SERVICES DISTRICT ON THE SALE AND DELIVERY OF SUPPLEMENTAL WATER.** The City Council, acting as the Responsible Agency, is asked to adopt a resolution approving an Environmental Impact Report and adopting mitigation measures for the Nipomo Community Services District (NCSD) Waterline Intertie Project, and adopt a resolution approving an agreement with NCSD for the sale and delivery of

supplemental water.

- a. Staff report to be made. (Director of Utilities)
- b. Council discussion.
- c. [Resolution No. 2009-179 to be adopted approving an Environmental Impact Report for the Nipomo Community Services District Waterline Intertie Project.](#)
- d. [Resolution No. 2009-180 to be adopted approving an agreement with NCSD for the sale and delivery of supplemental water.](#)

ROLL CALL: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino

**REPORT BY CITY MANAGER:**

**ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS):**

**CLOSED SESSION:** The City Council will recess to a Closed Session to discuss:

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
pursuant to Subdivision (a) of Government Code Section 54956.9 to  
discuss **DIANA WHITE v. CITY OF SANTA MARIA, ET AL.**, Santa  
Barbara County Superior Court, Cook Division, Case No. 1272354.

**ADJOURNMENT:**



**ANNOUNCEMENTS:**

**CITY COUNCIL MEETINGS ARE TELEVISED LIVE ON COMCAST CABLE TELEVISION CHANNEL 23 AND ARE REBROADCAST AT 9:00 A.M. ON THURSDAYS AND ON THE FOLLOWING TUESDAY AT 6:30 P.M. COUNCIL MEETING VIDEOS ARE ALSO AVAILABLE FOR VIEWING ON THE CITY'S WEB SITE. YOUR ATTENDANCE AT THIS PUBLIC MEETING MAY RESULT IN THE RECORDING AND BROADCAST OF YOUR IMAGE AND/OR VOICE.**

**IF YOU CHALLENGE A DETERMINATION MADE ON A MATTER ON THIS AGENDA IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED ON THIS AGENDA, OR IN WRITTEN CORRESPONDENCE TO THE CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.**

**THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON TUESDAY, DECEMBER 15, 2009. THE DEADLINE FOR SUBMITTING ITEMS FOR THE DECEMBER 15TH MEETING IS DECEMBER 3, 2009.**

**CITY CALENDAR**

<b><u>BOARD/ COMMISSION</u></b>	<b><u>NEXT MEETING</u></b>	<b><u>MEETING PLACE</u></b>	<b><u>MEETING TIME</u></b>
Planning Commission	Dec 2, 2009	City Council Chambers	Cancelled
Landmark Committee	Dec 8, 2009	Library Study Room C	4:00 p.m.
Recreation and Parks Commission	Dec 8 2009	City Council Chambers	6:30 p.m.
Library Board	Dec 8, 2009	Library Conference Room	7:00 p.m.
Code Compliance Board	Dec 10, 2009	City Council Chambers	4:00 p.m.
Block Grants Advisory Committee	Dec 14, 2009	Library – Shepard Hall	5:30 p.m.
All-America City Committee	Dec 21, 2009	City Hall Conference Room	5:30 p.m.