

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



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

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



**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
JANUARY 5, 2010, 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:****A. Proclamation declaring January 8, 2010, as****"GEORGE CURTIS TUNNELL DAY"**

in the City of Santa Maria and wishing him a happy 100th birthday.

B. Resolution No. 2010-01 to be adopted recognizing and commending**AL TORRES, JR.**

upon his retirement as Police Officer after 33 years of dedicated service and commitment to the City of Santa Maria and the Santa Maria community and wishing him the best in his future endeavors.

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

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 December 15, 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 Acting 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 Acting Director of Administrative Services.
- E. Recommendation of City Staff that the City Council adopt a resolution approving an [Entertainment License for Applebee's Neighborhood Grill & Bar located at 1415 S. Bradley Road](#) to allow entertainment in the form of theme nights Sunday through Thursday from 6:00 p.m. to 11:30 p.m. and Friday and Saturday from 6:00 p.m. to 12:30 a.m., Wii games, board games and trivia nights on Sunday through Thursday from 6:00 p.m. to 11:30 p.m. and Friday and Saturday from 6:00 p.m. to 12:30 a.m., and live music and Karaoke on Sunday through Thursday from 9:00 p.m. to 11:30 p.m. and Friday and Saturday from 9:00 p.m. to 12:30 a.m.
 - a. Resolution No. 2010-02 to be adopted approving the Entertainment License for Applebee's Neighborhood Grill & Bar.

PUBLIC WORKS DEPARTMENT:

- F. Recommendation of City Staff that the City Council adopt a resolution [awarding the bid and approving a contract for the Federal Stimulus Overlay Project #2, Bid No. 2010/07](#) to CalPortland Construction in the amount of \$959,639.30.
 - a. Resolution No. 2010-03 to be adopted awarding the bid and approving a contract with CalPortland Construction.

REGULAR BUSINESS:

4. **ENVIRONMENTAL REVIEW OF AN ENVIRONMENTAL IMPACT REPORT AND ADDENDUM AND APPROVAL OF TWO AGREEMENTS PERTAINING TO THE WATERLINE INTERTIE PROJECT BY THE NIPOMO COMMUNITY SERVICES DISTRICT FOR THE SALE AND DELIVERY OF SUPPLEMENTAL WATER.** The City Council, acting as the Responsible Agency, will consider an Environmental Impact Report (EIR) and Addendum for the Nipomo Community Services District (NCSD) Waterline Intertie Project, and adopt a resolution approving two agreements with NCSD for the sale and delivery of supplemental water and the aesthetic review of project pump house. This item was continued from the December 1st and 15th City Council meetings to prepare an addendum to the EIR to address comments in two letters from the San Luis Obispo Coastkeeper. [[Attachment A-C](#)] [[Attachment D – Addendum](#)]
- a. Staff report to be made. (Director of Utilities)
 - b. Council discussion.
 - c. [Resolution No. 2010-04](#) to be adopted considering an Environmental Impact Report and Addendum for the Nipomo Community Services District Waterline Intertie Project and make findings and a Statement of Overriding Considerations under the California Environmental Quality Act. [[Exhibit A, Sections 1-4](#)] [[Exhibit A, Sections 5, etc.](#)] [[Exhibit B](#)]
 - d. [Resolution No. 2010-05](#) to be adopted approving a Wholesale Water Supply Agreement with NCSD for the sale and delivery of supplemental water and Waterline Intertie Consistency Review Agreement. [[Exhibit A](#)] [[Exhibit B](#)]

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 **SANTA MARIA POLICE OFFICERS ASSOCIATION v. CITY OF SANTA MARIA, Case No. 1318327.**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Subdivision (a) of Government Code Section 54956.9 to discuss **DANIEL OLIVARES v. CITY OF SANTA MARIA, Case No. 1318686**

CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the Government Code.

Agency Representative: Assistant City Manager

Employee Organizations: Santa Maria Police Officers Association

(SMPOA); Service Employees International Union (SEIU), Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees

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, JANUARY 19, 2010. THE DEADLINE FOR SUBMITTING ITEMS FOR THE JANUARY 19TH MEETING IS JANUARY 7, 2010.

CITY CALENDAR

<u>BOARD/ COMMISSION</u>	<u>NEXT MEETING</u>	<u>MEETING PLACE</u>	<u>MEETING TIME</u>
Planning Commission	Jan 06, 2010	City Council Chambers	6:30 p.m.
Block Grants Advisory Committee	Jan 11, 2010	City Hall Conference Room	5:30 p.m.
All-America City Committee	Jan 12, 2010	City Hall Conference Room	5:30 p.m.
Landmark Committee	Jan 12, 2010	Library Study Room C	4:00 p.m.
Recreation and Parks Commission	Jan 12, 2010	City Council Chambers	6:30 p.m.
Library Board	Jan 12, 2010	Library Conference Room	7:00 p.m.
Code Compliance Board	Jan 14, 2010	City Council Chambers	4:00 p.m.