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**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
FEBRUARY 2, 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. Introduction of Rene M. Visé, the City's new Director of Administrative Services.****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 January 19, 2010.

- 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.

PUBLIC WORKS DEPARTMENT:

- E. Recommendation of City Staff that the City Council adopt a resolution authorizing the Director of Public Works/City Engineer to execute a [grant of easement to Pacific Gas & Electric Company \(PG&E\)](#) across the new Transit Center property located at the southeast corner of Miller Street and Boone Street, Assessor's Parcel Number 125-150-005.

- a. [Resolution No. 2010-12](#) to be adopted authorizing the execution of a grant of easement to PG&E.

RECREATION AND PARKS DEPARTMENT:

- F. Recommendation of City Staff that the City Council adopt three resolutions [annexing and assessing seven \(7\) parcels into the City's Landscape and Lighting Districts](#).

- a. [Resolution No. 2010-13](#) to be adopted annexing and assessing Taco Bell and Crop Production Service Building into the Northwest Landscape and Lighting District.
- b. [Resolution No. 2010-14](#) to be adopted annexing and assessing Anita's Spirit Gas Station, Windset Farms, and Betteravia Business Park into the Southwest Landscape and Lighting District.
- c. [Resolution No. 2010-15](#) to be adopted annexing and assessing Circle K and Donovan Restaurant and Auto Repair into the Northeast Landscape and Lighting District.

UTILITIES DEPARTMENT:

- G. Recommendation of City Staff that the City Council adopt a resolution approving a [Supplemental Water Agreement](#) to supersede the existing agreements with Orcutt Community Developers and ratify authority to implement the Santa Maria Groundwater Litigation Stipulation.

- a. [Resolution No. 2010-16](#) to be adopted superseding prior agreements to provide up to 900 Acre Feet (AF) of supplemental water annually to satisfy the Orcutt Community Plan (OCP); increase the per AF cost of supplemental water; provide for water sales for new urban uses; hold and release, deposits for the agreements on behalf of Golden State

Water Company; and ratify authority to implement the terms outlined in the Litigation Stipulation.

PUBLIC HEARINGS:

4. **GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR RICE DEPOT MERCADO LOCATED WEST OF SOUTH DEPOT STREET, NORTH OF MORRISON AVENUE AND EAST OF THE SANTA MARIA VALLEY RAILROAD, GPZ-2008-003, PD-2009-003, E-2008-011.** The City Council will consider a recommendation from the Planning Commission regarding a mitigated negative declaration of environmental impact, amendments to the General Plan (Land Use Policy Map) to change a 4.40 acre portion of a 6.04 acre site from HCM (Heavy Commercial Manufacturing) to CC (Community Commercial) and a Zone Change for the 6.04 acre site from CM (Commercial Manufacturing) to 4.40 acres of PD/C-2 (Planned Development/General Commercial) and 1.64 acres of PD/CM (Planned Development/Commercial Manufacturing) for Rice Depot Mercado. The project would include 48,425 square feet of general commercial (including retail, restaurant and office), 10 residential apartment units and two commercial manufacturing buildings totaling 17,426 square feet, Assessor's Parcel Numbers 123-150-003, -004 and -014. Impacts have been analyzed in a Mitigated Negative Declaration (E-2008-011) prepared for GPZ-2008-003.

At its regular meeting on December 16, 2009, the Planning Commission adopted Resolution Nos. 2559 and 2560 on a 4-0-1 vote (Commissioner Quandt abstained) recommending the City Council approve the Mitigated Negative Declaration, adopt the mitigation monitoring program, and approve the General Plan Amendment and Zone Change.

- 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. 2010-17](#) to be adopted approving the Mitigated Negative Declaration, E-2008-003, for the Rice Depot Mercado Project.
- g. [Resolution No. 2010-18](#) to be adopted approving a General Plan (Land Use) Amendment for a 4.40 acre portion of the Rice Depot Mercado Project from HCM (Heavy Commercial Manufacturing) to CC (Community Commercial).
- h. [Ordinance No. 2010-01](#) to be introduced by title only for first reading and continued to the next meeting for second reading and adoption rezoning property for the Rice Depot Mercado Project from CM (Commercial Manufacturing) to 4.40 acres of PD/C-2 (Planned Development/General Commercial) and 1.64 acres of PD/CM (Planned Development/Commercial Manufacturing).

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

5. **TENTATIVE TRACT MAP FOR LA VIGNA II, LOCATED NORTH OF MARSALA AVENUE AND SONYA LANE, SOUTH OF BATTLES ROAD, EAST OF WESTGATE ROAD AND WEST OF BLOSSER ROAD, TRACT 5964.** The City Council will consider a recommendation from

the Planning Commission regarding a tentative tract map that would create 118 residential lots and 1 common lot on a 13.4 acre parcel. The residential lots range in size from 2,932 square feet to 5,895 square feet. The zoning of the site is PD/R-2 (Planned Development/Medium Density Residential), various Assessor's Parcel Numbers. This project was reviewed in a Supplemental Environmental Impact Report (E-2003-022) prepared for the General Plan Amendment and Zone Change, GPZ-2003-002. No further environmental review is required.

At its regular meeting on January 6, 2010, the Planning Commission adopted Resolution No. 2561 recommending that the City Council approve the tentative map on a 4-0-1 vote (Commissioner Andrade was absent).

- 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. 2010-19](#) to be adopted approving the Tentative Map for La Vigna II, Tract 5964.

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

REGULAR BUSINESS:

6. **FINANCIAL REPORT FOR SECOND QUARTER ENDING DECEMBER 31, 2009.** The City Council will consider the quarterly financial report for the second quarter of Fiscal Year 2009-10.
 - a. Staff report to be made. (Accounting and Budget Manager)
 - b. Council discussion.
 - c. Receive and file the report.

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 – ANTICIPATED LITIGATION pursuant to Subdivision (c) of Government Code Section 54956.9 (1 Matter).

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, FEBRUARY 16, 2010. THE DEADLINE FOR SUBMITTING ITEMS FOR THE FEBRUARY 16TH MEETING IS FEBRUARY 4, 2010.

CITY CALENDAR

<u>BOARD/ COMMISSION</u>	<u>NEXT MEETING</u>	<u>MEETING PLACE</u>	<u>MEETING TIME</u>
Planning Commission	Feb 3, 2010	City Council Chambers	6:30 p.m.
Block Grants Advisory Committee	Feb 8, 2010	City Hall Conference Room	5:30 p.m.
All-America City Committee	Feb 9, 2010	City Hall Conference Room	5:30 p.m.
Landmark Committee	Feb 9, 2010	Library Study Room C	4:00 p.m.
Recreation and Parks Commission	Feb 9, 2010	City Council Chambers	6:30 p.m.
Library Board	Feb 9, 2010	Library Conference Room	7:00 p.m.
Code Compliance Board	Feb 11, 2010	City Council Chambers	4:00 p.m.
City Furlough Day	Feb 19, 2010	City Offices Closed	