



PLANNING DEPARTMENT

**City of Guadalupe
918 Obispo Street
P.O. Box 908
Guadalupe, CA 93434
Tel (805) 356-3903**

To: Mr. Mayor and City Councilmembers
From: Larry Appel, Contract City Planner
Date: December 3, 2018
Re: **Monthly Planning Report Covering November 2018**

MINISTERIAL PROJECTS

Zoning Clearances Approved	5
Zoning Clearances Denied	2
Zoning Clearances Appealed	0
Business Licenses Approved	1
Business Licenses Denied	0

DISCRETIONARY PROJECTS

The following projects are in for Planning Department review and have been worked on during October:

- Revised Pioneer Street Apartments review of CUP
- Guadalupe Cultural Center review of draft Easements for parking/access
- Zoning Ordinance (Round 1)
- Review of revised Off-Street Parking zoning ordinance (Chapter 18.60)
- Review of revised Definitions (Chapter 18.08)
- Review of Home Occupation and Cottage Food Operations (Chapter 18.74)
- Review of ADU at 925 Guadalupe Street

If any Councilmember is interested in a particular project or would like to know its status, please let me know and I would be happy to provide the information.

Zoning Clearances Approved – November 2018

2018-151-ZC	Morlec front paving, 4463 Hacienda Street
2018-152-ZC	Pelayo side/rear walkways, 301 Los Flores
2018-153-ZC	Peneyra front paving, 4448 Holly Street
2018-155-ZC	Pasadera Pocket Park, Lot 4
2018-157-ZC	Terriquez Paving, 333 Las Flores Drive

Zoning Clearances Denied

2018-154-ZC	Valadez side fencing, 188 Avocet Circle
2018-149-ZC	Armenta paving, 323 Las Flores Drive

Guadalupe City Planning Department Planning Processing Summary for November 2018 (12-03-18 update)

<u>Case No.</u>	<u>Name</u>	<u>Submittal Date</u>	<u>Comp. Date</u>	<u>Status</u>	<u>OK for Bldg. Permit Issuance</u>
2017-096-CUP \$\$	Guadalupe Cultural Ctr.	09-17-17	INC 03-12-18	Applicant's surveyor has submitted the legal documents for City review. Engineering has completed review with comments.	NO
2017-130-TPM \$\$	DJ Farms South Master TPM	10-12-17	Incomplete 03-07-18	INC letter sent on 03-07-18. Planner met with applicant and engineer to discuss resubmittal to determine Completeness. No Activity this month	NO
2018-089-PA \$	Housing Authority of SB Co	04/20/18	N/A	Full application submittal is now projected for late October. No Activity this month	NO
2016-043-LLA \$\$	Beachside Cooler Lot Line Adj.	10-31-16	INC No record	LLA materials submitted along with an updated Title Report submitted 8/30.	YES*
2018-134-CUP \$\$	Pioneer Street Apartment Revision	08/16/18	Deemed Complete 09/14/18	Staff report, CEQA, resolutions prepared for City Council meeting on December 11 th .	NO
2018-128-ZC \$	Guadalupe Ct. Apts. (PSHH)	07-16-18	N/A	Met on site with applicant and PGE to discuss permit conditions. Partial grading permit approved and issued. Applicant requested City comments on revised pedestrian access at western driveway.	NO

<u>Case No.</u>	<u>Name</u>	<u>Submittal Date</u>	<u>Comp.Date</u>	<u>Status</u>	<u>OK for Bldg. Permit Issuance</u>
2018-135-GPZ No\$	General Plan amendment and Rezone of two areas of the City	08/29/18	N/A	Staff directed to continue initiation hearing on 12/11/18 after presentation by Cal Poly on the draft General Plan	N/A
2018-133-OA No\$	Round 1 Zoning Ordinance Updates	8/15/18	N/A	First round of zoning ordinance updates heard by Council on 11-13-18 (first reading) and 12-11-18 (second reading).	N/A

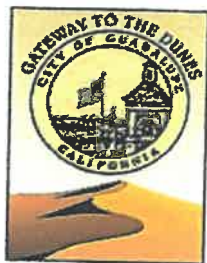
A DISCRETIONARY permit is one that requires City Council approval

No\$ = unreimbursed planning work

\$ = projects where a fixed fee has been paid

\$\$ = projects where a variable fee / deposit is made and the applicant is billed for time beyond the initial deposit

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CITY OF GUADALUPE
918 Obispo Street
Guadalupe, CA 93434
P: (805) 356-3895
F: (805) 343-0542
Finance Department

Memorandum

To: Cruz Ramos, City Administrator
From: Megan Lizalde, City Treasurer
Subject: Treasurer's Report – October 2018
Date: 12/2/2018

This memo lists the changes in the monthly Treasurer's report for October 2018 compared to the prior month. October 2018 cash increased by approximately \$157,215.

**Treasurer's Report
Investments and Cash as of October 31, 2018**

Local Agency Investment Fund ("LAIF") Account 98-42-346	4,886,833.72
Total Investments	\$ 4,886,833.72

Cash	
Checking Account 155-503815 ("Warrant Account")	239,512.07
Checking Account 155-003261 ("Payroll Account")	13,740.29
Total Cash	\$ 253,252.36 *

*Actual ending balances reconciled to Bank Statements

The following is a summary of the City's cash and investments as of October 31, 2018 compared with the prior month.

Investments and Cash	September 30, 2018	October 31, 2018
Investments	4,861,022.92	4,886,833.72
Cash	121,847.51	253,252.36
Total	\$ 4,982,870.43	\$ 5,140,086.08 **

** Total Cash and Investments agree to General Ledger.

Note 1: Monies held in the non-commingled and trust accounts are required to be kept separate from all other city funds.

Submitted: 12/2/2018 by:



Megan J. Lizalde
 City Treasurer

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

www.treasurer.ca.gov/omia-laif/laif.asp
November 02,
2018

CITY OF GUADALUPE

CITY TREASURER
918 OBISPO STREET
GUADALUPE, CA 93434

FMIA Average Monthly Yields

Account Number:
98-42-346

Tran Type Definitions

October 2018 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Authorized Caller	Amount
10/15/2018	10/12/2018	QRD	1587859	SYSTEM	25,810.80

Account Summary

Total Deposit:	25,810.80	Beginning Balance:	4,861,022.92
Total Withdrawal:	0.00	Ending Balance:	4,886,833.72

**City of Guadalupe
Fund Balances
as of October 31, 2018**

Fund#	Fund	Balance
01	General Fund	-682,957
10	Water Operating	4,439,877
12	Wastewater Operating	-707,936
15	Solid Waste	24,677
20	Gas Tax	87,788
22	Local Transportation	182,221
23	Transit	871,545
26	RDA Operating	-4,162,259
28	Guadalupe Library	-58,335
30	Water Cap Fund	-637,681
31	Payroll Clearing	0
32	Waste Water Cap Fund	6,021,432
36	Public Facilities	5,904
38	Park Development	2,820
39	Community Corrections Grant	528
40	Fire Safety Fund	73,473
42	Police Safety Fund	71,619
43	Police-Airport	-17,178
57	Alcohol & Drug (Gladiators)	4,077
58	CDBG	582,077
60	Guadalupe Assessment District	24,882
63	PAS L&L District	-1,240
65	Guadalupe Lighting District	441,964
67	EDBG	112,643
71	Measure A	1,024,043
76	Capital Facilities Fund	423,690
78	City Hall Equipment	13,744
83	ATP Cycle 3	-6,849
86	RMRA SB1	-108,017
87	Traffic Mitigation	53,774
90	RDA-Affordable Housing	422,700
91	2003 Bond Refi	661,968
94	Sewer Bond Fund	27,357
96	Def. Comp Fund	0
97	GEN L.T. Fund	0
98	GEN Fix Assests	3,597,822
99	Cash Clearing	0

NOTE:

The fund balances is the value of the fund after total liabilities are subtracted from the total assets. The balance is typical positive.

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Human Resources
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HUMAN RESOURCES MONTHLY REPORT **NOVEMBER 2018**

RECRUITMENT

- **Reserve Police Officer**

Three candidates previously interviewed now scheduled to be seen by Chief Cash.
(Candidates had notified of the delay with the change to Chief Cash.)

- **Paid-Call Firefighters**

One candidate interviewed before now scheduled to be seen by Chief Cash.

Another candidate was interviewed on Friday, 11/16/18 and recommended to go further in the process. Candidate sent email stating she did not want to continue with her candidacy.

OTHER:

- **Training:**

No training attended this month.

- **Workers' Compensation**

One claim previously re-opened remains open. One new claim filed this month.
One case closed. Two claims remain in final stage.

- **Labor Negotiations**

Negotiations with Service Employees International Union and Police Officers Association remain ongoing.

- **FACILITIES**

The Wrestling Brigade continues using the gym for practice on Mondays and Wednesdays, from 6pm to 8pm. Wrestling contact with City to coordinate scheduling has changed.

Free Concerts through UCSB Arts & Lectures Series & Dunes Center: No concerts were scheduled in November and none are schedule December. Next concert scheduled is Saturday, January 12th.

McKenzie Basketball: Tryouts: week of 12/3. Practice begins wk of 12/10 (Monday thru Thursday). Schedule of home games yet to be determined.

Summary of Rentals for City Facilities & Parks

FACILITY	THIS MONTH	THIS MONTH LAST YEAR	THIS YEAR- TO-DATE (FY 18/19)	LAST YEAR- TO-DATE (FY 17/18)
Auditorium/Gym	11	4	69	87
O'Connell Park	1	0	10	8
LeRoy Park	1	1	4	12
Senior Center	2	1	9	12
City Parking Lot	0	0	5	5
Council Chambers	4	0	31	0

City of Guadalupe
November 2018
Civil Engineering Projects

The following is a list of projects in various stages of construction, design, or planning.

- **Obispo and 11th Street Drainage Improvements** – Work has been completed on this project. The project had numerous challenges that were discovered during construction which resulted in cost overruns. A staff report will be presented to the City Council in December to request additional funding and discuss the issues during construction. During the rain events of the week of November 26, 2018, the City Engineer visit the project site and observed that everything was working as designed and no flooding issues were seen at the intersection of Obispo and 11th Street.
- **2018 Pavement Rehabilitation Project** – Construction is nearly complete. The actual overlay work was delayed as Granite Construction worked out asphalt supply issues. The streets were overlaid before the heavy rain events. Pavement Engineering Inc. provided the engineering testing and inspection for the asphalt work. Final lab results will be completed soon. The only work outstanding on the project is striping.

The following segments are included in the work:

- Pelican Lane from Sandpiper Lane to Surfbird Lane
 - Sandpiper Lane from Pacific Dunes Way to Pelican Lane.
- **2019 Pavement Rehabilitation Project** – Design work is starting on the 2019 Pavement Rehabilitation Project. The project includes Obispo Street from Main Street to 10th Street. Nearly all the existing curb ramps are non-compliant with current ADA standards. The ramps will be replaced in conjunction with this project. The actual extents of the project will be determined by the available funding. It is anticipated that this project will be construction in Summer 2019.
 - **2019 Pavement Maintenance Project** – Design work has started on the 2019 Pavement Maintenance Project. The project includes street segments identified in the Pavement Management Plan. It is anticipated that this project will be construction in Summer 2019. The preliminary street list is as follows. The actual list may change due to funding.
 - All Streets with the Treasure Park Area
 - Amber Street, Second Street, Birch Street, Cedar Street, Third Street, Elm Street, Fir Street, Holly Street, Fourth Street, and Flower Avenue
 - Tognazzini Avenue – Main Street to North End
 - Calle Cesar Chavez
 - Santa Ines Street
 - Santa Barbara Street
 - San Miguel Court

- **WWTP Influent Pump Replacement Project.** During the November City Council meeting a contract was approved with Cushman Construction for the replacement of the influent pumps at the wastewater treatment plant. Contract documents are being processed. Once the contract documents are executed, there is a 10-week procurement process for the pumps. Construction will begin after the pumps have been received.
- **Implementation of NPDES Permit and MS4 Requirements** – The City is in the final year of implementation of the MS4 Requirements. Staff is working on implementing the Regional Water Quality Control Board's requirements. A Prop 1 grant is available for Disadvantaged Communities to provide free design and planning work for an identified stormwater improvement project. The Regional Water Quality Control Board has identified a couple of locations for a potential project, and engineering staff is coordinating with the project manager to secure planning and design services. For this grant, the project construction cost must be a minimum \$250,000. The City must provide a 5% match for the construction portion, but the design and planning fees are paid for by the grant. This 5% grant can come from Measure A funds that have been set aside for drainage projects.
- **ATP Cycle 3.** Caltrans completed their review of the plans. Despite previous assurances, Caltrans has rejected the use of rapid flashing beacons at the proposed crosswalk locations. They have determined that these devices cannot be installed unless there has been some type of collision data available. Additionally, Caltrans is requiring the installation of bulbouts at the 9th Street and Hwy 1 intersection. The Caltrans standard for handicap ramps at the corners recently changed, and the new ramps cannot be constructed with the current configuration. The plans are being revised to meet these new requirements. They will then be resubmitted to Caltrans for review. The project includes sidewalks on the east side of Guadalupe Street from Olivera Street to the Amtrak Station, street crossings, and handicap ramp replacements at various locations. It is anticipated that construction will occur in Spring 2019.
- **ATP Cycle 4.** The application was submitted to the CTC by the July 31st deadline. The application included pedestrian improvements throughout the City and on school routes. If successful, the City will receive 1.1 million dollars. It is anticipated that the CTC will announce the successful applicants in May 2019.
- **IRWM DAC Grant (Lift Stations and Sewer Main Replacement)** –The first phase of the grant funding is for the design phase of work on the Pioneer and Hwy 1 Lift Stations, Sewer Main, and various "High priority" Water and Wastewater capital improvement projects. MKN has been awarded a contract to complete this work. All the design work is being funded by the IRWM Grant.
- **Hwy 1/ Hwy 166 Intersection.** No meetings with SBCAG have been held for over 6 months. This project was originally slated for construction in 2018. However, due to additional requirements by the Union Pacific Railroad and Caltrans the project is on hold pending further investigation.

Development

The following developments which require engineering review/oversight are in various phases.

- **Pasadera**
 - Construction is occurring on Lot 4. Streets have been paved and the well and well house are nearly completed for the first phase. The owner is waiting for a PG&E connection after which the well will be tested and brought online.
- **Beachside Cooler**
 - The Developer has submitted paperwork for a Lot Line Adjustment. This has been forwarded to the County for a technical review.
 - The Developer submit plans for the construction of curb, gutter and sidewalk from the existing end of pavement on Peralta to the north of their entry during the week of November 26, 2018. The plans are currently under review. When approved Beachside will start construction on the improvements
- **Apio Wastewater Reclamation System and Voluntary Merger**
 - Both applications are in various phases of review.
- **Guadalupe Court (People Self-Help Housing)**
 - The required voluntary merger for the two existing lots was completed and recorded.
 - The applicant is required to provide easements for drainage and City water line. The offer of dedication will be brought to the City Council at a future date for acceptance.
 - Plans for 11th Street Frontage improvements, onsite improvements, and sidewalk along La Guardia have been submitted and the reviews are nearly complete. A grading permit has been issued for the project.

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**REPORT TO THE CITY COUNCIL
December 11, 2018**



Prepared by:
Larry Appel, Contract City Planner

Approved by:
Cruz Ramos, City Administrator

SUBJECT: SECOND READING OF ORDINANCE NO. 2018-476 TO CONSIDER AMENDMENTS TO TITLE 12, OF THE GUADALUPE MUNICIPAL CODE (ZONING ORDINANCE) AS FOLLOWS: REPEALING AND REPLACING CHAPTER 18.04 (GENERAL PROVISIONS); AMENDING CHAPTERS 18.12 (ADMINISTRATION); 18.20 (R-1); 18.21 (R-1 SP); 18.24 (R-1-M); 18.37 (GENERAL STANDARDS FOR COMMERCIAL AND LIGHT INDUSTRIAL); 18.44 (GENERAL INDUSTRIAL); AND ADDING CHAPTER 18.49 (PUBLIC FACILITIES AND INSTITUTIONAL);

EXECUTIVE SUMMARY:

Each section of the amended and new portions of the zoning ordinance were presented to the City Council on November 12th. This was a second First Reading of the draft ordinance due to some minor amendments that were made after the initial First Reading that addressed concerns from the public. Staff explained why the various sections required amending. After comments from the public and deliberation among the Council, a motion was made to approve the First Reading and continue this item to December 11th for Second Reading.

RECOMMENDATION:

It is recommended that the City Council:

- 1) Adopt Ordinance No. 2018-476 repealing and replacing Chapter 18.04, amending Chapters 18.12, 18.20, 18.21, 18.24, 18.37, 18.44, and adding Chapter 18.49.

FISCAL IMPACT:

None.

BACKGROUND:

Ordinance 2018-476 was reintroduced for first reading at the November 13, 2018 City Council meeting. Following City procedures, the second reading is being considered on December 11, 2018 which will allow these provisions to go into effect on January 10, 2019.

ENVIRONMENTAL REVIEW:

This ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines, and has been found to be exempt pursuant to Section 15306 of the CEQA Guidelines (information collection) because it does not have the potential to create a physical environmental effect.

ATTACHMENT:

1. Ordinance No. 2018-476

ORDINANCE NO. 2018-476

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, REPEALING, AMENDING AND/OR ADDING TO TITLE 12, OF THE GUADALUPE MUNICIPAL CODE (ZONING ORDINANCE) AS FOLLOWS: REPEAL AND REPLACE CHAPTER 18.04 (GENERAL PROVISIONS); AMEND CHAPTERS 18.12 (ADMINISTRATION); 18.20 (R-1); 18.21 (R-1 SP); 18.24 (R-1-M); 18.37 (GENERAL STANDARDS FOR COMMERCIAL AND LIGHT INDUSTRIAL); 18.44 (GENERAL INDUSTRIAL); AND ADD CHAPTER 18.49 (PUBLIC FACILITIES AND INSTITUTIONAL)

The City Council of the City of Guadalupe, State of California, does ordain as follows:

WHEREAS, the State Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the General Plan and implementation of the Plan through the administration of the zoning ordinance among other documents (Government Code Sec. 65103 (b)); and

WHEREAS, the City Council recognizes that the City's zoning ordinance was adopted in February 1980, over 38 years ago, and that except for several amendments and additions over the past few years, many sections of the ordinance are outdated, internally inconsistent, and do not reflect mandatory State regulations that have been enacted over the years; and

WHEREAS, staff is systematically reviewing and amending the zoning ordinance to ensure that the final version reflects the desire of City Council to provide the most accurate document to describe and regulate development within the City; and

WHEREAS, public notice pursuant to Government Code section 65090 was given on August 31, 2018; and

WHEREAS, a public hearing on Ordinance No. 2018-476 was held at the City Council's meeting on September 11, 2018, at which time the ordinance was introduced on a first reading and continued to the City Council's October 9, 2018 meeting for second reading and adoption; and

WHEREAS, written objections to several portions of Ordinance No 2018-476 were received by the City, and verbal objections to these and other portions of the proposed ordinance were made at the City Council's meeting on October 9, 2018, and at the request of City staff, the City Council continued the second reading of Ordinance No. 2018-476 to the City Council's meeting on November 13, 2018; and

WHEREAS, in light of these objections, staff has decided to recommend that the City Council delay consideration of several portions of the proposed ordinance until a future time so that the remaining portions of Ordinance No. 2018-476 can be adopted by the City Council; and

WHEREAS, because Ordinance No. 2018-476 has been changed since it was introduced on a first reading by the City Council on September 11, 2018, the ordinance cannot be adopted on second reading at this time and instead must be introduced on a first reading.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUADALUPE

SECTION 1. Chapter 18.04 of the Guadalupe Municipal Code regarding General Provisions is hereby repealed and replaced to read as follows:

Chapter 18.04 GENERAL PROVISIONS

18.04.010 Provisions adopted – Statutory authority.

A substantially revised ordinance of the City, establishing regulations for the use of land and entitled "Zoning Ordinance," is adopted by the City Council. The regulations within this Zoning Ordinance are enacted based on the authority vested in the City of Guadalupe by the State of California, including: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the California Coastal Act (Public Resources Code Section 30000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)

18.04.020 - Purpose of Zoning Ordinance.

The City of Guadalupe Municipal Zoning Ordinance, hereafter referred to as the "Zoning Ordinance," constitutes a portion of Chapter 18 of the City of Guadalupe Municipal Code. This Zoning Ordinance carries out the policies of the City of Guadalupe General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. The purpose of this Zoning Ordinance is to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Zoning Ordinance are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the character and stability (social and economic) of agricultural, residential, commercial and industrial uses, as well as the character and identity of communities within the City;
- B. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- C. Encourage the most appropriate uses of land in order to prevent overcrowding of land and avoid undue concentration of population, and maintain and protect the value of property; and
- D. Ensure compatibility between different types of development and land uses.

18.04.030 - Responsibility for Administration

A. **Responsible bodies and individuals.** This Zoning Ordinance shall be administered by:

1. The Guadalupe City Council, hereafter referred to as the "Council;"
2. The Planning Director of the Planning Department, hereafter referred to as the "Planning Director;" and
3. The Planning Department, hereafter referred to as the "Department or designee."

B. **Responsibility and authority of Planning Director.** Whenever this Chapter refers to the Department, it is expressly understood that the Department staff are acting under the direction and control

of the Planning Director and that they report directly and act as the designee to the Planning Director, or in the absence of a Planning Director, the City Administrator rather than the City Council.

18.04.040 - Applicability of the Zoning Ordinance.

This Zoning Ordinance applies to all land uses, subdivisions, and development within the City of Guadalupe as follows.

A. New land uses or structures, changes to land uses or structures. It shall be unlawful, and a violation of this Zoning Ordinance for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 18.12.010 (Zoning Clearance requirements) and Chapter 18.68 (Nonconforming Uses and Structures). No Building Permit, Grading Permit, or Zoning Clearance shall be issued by the Department unless the proposed construction complies with all applicable provisions of this Zoning Ordinance and is consistent with applicable provisions of the General Plan.

B. Subdivisions. Any subdivision of land proposed within the City after the effective date of this Zoning Ordinance shall be consistent with the minimum lot area and width requirements of Chapter 18.52 (Design and Development Requirements) unless a reduction is allowed in compliance with Section 18.72.060 (Variances), the City's subdivision regulations (Guadalupe Municipal Code, Chapter 17) and all other applicable requirements of this Zoning Ordinance.

C. Continuation of an existing land use. An existing land use is lawful and not in violation of this Zoning Ordinance only when operated and maintained in compliance with all applicable provisions of this Zoning Ordinance, including Chapter 18.68 (Nonconforming Uses and Structures). However, the requirements of this Zoning Ordinance are not retroactive in their effect on a land use that was lawfully established before the effective date of this Zoning Ordinance or any applicable Amendment, except as otherwise provided by Chapter 18.68 (Nonconforming Uses and Structures).

D. Effect of Zoning Ordinance changes on projects in progress. A project that is under construction on the effective date of this Zoning Ordinance or any Amendment, need not be changed to satisfy any new or different requirements of this Zoning Ordinance, provided that the construction, i.e., the placing of construction materials in permanent position and fastened in a permanent manner, was lawfully begun prior to the effective date of this Zoning Ordinance or any Amendment.

E. Conflicting requirements.

1. Zoning Ordinance and Guadalupe Municipal Code provisions. If conflicts occur between requirements of this Zoning Ordinance or between this Zoning Ordinance and the Guadalupe Municipal Code, or other regulations of the City, the most restrictive shall control unless specifically indicated otherwise. Within the Coastal Zone, conflicts shall be resolved in manner which on balance is the most protective of significant coastal resources.

2. Development Agreements or Specific Plans. If conflicts occur between the requirements of this Zoning Ordinance and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.

3. Private agreements. This Zoning Ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any

agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

F. State, City, Local Agency, and School District sites and facilities. Within the City, the provisions of this Zoning Ordinance do not apply to the following governmental properties and activities.

- a. Development by the Federal Government on long-term leased or Federally owned land.
- b. Development by the State or an agency of the State acting in its sovereign (governmental) capacity.
- c. Development by the City or any district of which the Council is the governing body.

G. Other requirements may apply. Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency and/or the regulations of any State, or Federal agency.

18.04.050 –Validity.

If any division, section, sentence, clause or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Zoning Ordinance. The Council hereby declares that it would have passed this Zoning Ordinance and each section, sub-section, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 2. Chapter 18.12 of the Guadalupe Municipal Code regarding Administration is hereby amended to read as follows:

Chapter 18.12 ADMINISTRATION

18.12.010 Zoning clearance requirements.

A. Zoning clearance shall be required prior to the issuing of building permits, and shall be issued by the persons designated by the City Administrator as “Planning Director or designee,” after it has been determined that any proposed construction is in conformity with the regulations set forth in this title and applicable sections of the General Plan.

B. Zoning clearance shall consist of a stamp of approval and a signature of the Planning Director or designee, along with appropriate notes placed upon all copies of the applicant’s plot plan, which are required for application for a building permit. No building permit shall be issued until the plot plan has been approved and stamped by the Director or designee.

C. The Planning Director or designee shall not accept and approve plot plans which do not contain all information needed to clearly indicate the proposed construction, its use and its exact placement on the property, and a legal description sufficient to locate the property on the City’s zoning map and County’s Assessor’s Parcel Map.

D. A fee set by resolution shall accompany the application.

18.12.020 Denial of General Plan or zoning amendment, or discretionary permit—Effect.

In case an application for an amendment to this title, an amendment to the General Plan, design review permit, conditional use permit, tentative parcel map, tentative tract map (including vesting maps), or variance is denied, said application shall not be eligible for reconsideration for one year subsequent to such denial unless a new application affecting or including all or a part of the same property is substantially different from the application denied, in the opinion of the Planning Director or designee. Appeal of the Planning Director or designee shall comply with the process set forth in Section 18.80.010.

18.12.030 Conflicts—Request for Planning Commission review.

In any case, when interpreting and applying the provisions of this title, if the Planning Director or designee, or the applicant finds that there is an irreconcilable difference of opinion as to the intent or definition of any part of this title, either party may make a written request that the matter be reviewed and interpreted by the City Council. Once the written request is received, the matter shall be placed upon the agenda of the next regularly scheduled City Council meeting that falls more than 20 days after the written request was received.

18.12.040 Notice of hearings.

A. Whenever the provisions of this title state that a public hearing shall be held on the applications for use permits, variances, appeals, amendments to this title, amendments to the General Plan, design review, tentative parcel map, or tentative tract map (including vesting maps), or changing the boundaries of any district, notices of public hearings shall be given by the body conducting such hearings in a manner conforming with the requirements of Sections 65090 through 65091 and Sections 65853 through 65857, inclusive, of Article 2 of the Government Code. In addition, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.

B. Upon completion of publication or other notice as provided for in this section, the City Clerk shall cause an affidavit of such publication to be filed in the permanent records of the particular proceedings to which such notices pertain.

SECTION 3. Chapter 18.20 of the Guadalupe Municipal Code regarding R-1 Single-Family is hereby amended to read as follows:

Chapter 18.20 R-1 SINGLE-FAMILY (LOW-DENSITY) RESIDENTIAL DISTRICT

18.20.020 Permitted uses.

Permitted uses in the R-1 district include:

A. One single-family dwelling; the dwelling shall be of a permanent character, placed upon a permanent foundation, and shall not be a mobile home or other temporary or vehicular type of dwelling;

B. Accessory buildings or uses, such as garages, patios, swimming pools or storage sheds, which are normally incidental to a single-family residence if constructed simultaneously with or subsequent to the main building on the same lot;

C. The storage of recreational (trailer) vehicles within the rear yard provided that said vehicle is located a minimum of 5 feet from all property lines and structures;

D. The storage of recreational (trailer) vehicles within the side yard (or street side yard of corner lots) provided that all of the design standards contained in Municipal Code Section 18.60.035 can be met;

E. Group dwellings with 6 or fewer residents, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that there shall not be more than one residing occupant for each 500 square feet of land within the lot or parcel on which the dwellings are located.

F. Small family daycares.

G. Large family daycares, provided that no large family daycare is closer than 300 feet from another.

H. Home Occupations, consistent with the provisions of Section 18.55 (Home Occupations).

I. Keeping household pets.

18.20.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-1 district include:

- A. A church, public or private elementary school, park, playground, public utility building or public building, along with required parking;
- B. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;

SECTION 4. Chapter 18.21 of the Guadalupe Municipal Code regarding R-1 (SP) Single-Family (Specific Plan) is hereby amended to read as follows:

CHAPTER 18.21 R-1 (SP) RESIDENTIAL SINGLE-FAMILY-LOW DENSITY (SPECIFIC PLAN)

18.21.010 Specific plan.

A final specific plan for the Point Sal Dunes residential development dated January 8, 1990 has been approved by the City Council. A final specific plan for the DJ Farms project dated September 27, 1993 has been approved by the City Council and amended on June 12, 2018 along with a Memorandum of Agreement, dated June 6, 2018, which regulates driveway parking on certain parcels of Lot 4 (FM 29,062). Future development in this zoning district must be consistent with the approved and adopted specific plan, unless the specific plan is amended as required by State law.

SECTION 5. Chapter 18.24 of the Guadalupe Municipal Code regarding R-1-M Single-Family (Medium-Density) is hereby amended to read as follows:

Chapter 18.24 R-1-M SINGLE-FAMILY (MEDIUM-DENSITY) RESIDENTIAL DISTRICT

18.24.050 Minimum lot area and dimensions.

Lots or parcels in the R-1-M district shall have a minimum area of 4,300 square feet. No lot shall contain less than 40 feet of lot frontage, except where a detached garage is served from an alley, where the minimum width shall be 35 feet. Minimum lot depth shall be 80 feet. On cul-de-sac lots, the required lot width must be provided within the front yard setback.

SECTION 6. Chapter 18.37 of the Guadalupe Municipal Code regarding General Standards for Commercial and Light Industrial Development is hereby amended to read as follows:

18.37 GENERAL STANDARDS FOR COMMERCIAL AND LIGHT INDUSTRIAL DEVELOPMENT

18.37.010 - General Standards

D. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from any abutting lot, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s). If desired, the owner may incorporate appropriate landscape screening to be substituted or

used in conjunction with a roof screening system, provided the screening is approved by the Planning Director or designee.

SECTION 7. Chapter 18.44 of the Guadalupe Municipal Code regarding General Industrial Standards is hereby amended to read as follows:

18.44 G-I GENERAL INDUSTRIAL

18.44.040 General standards.

The following standards shall apply to development in the General Industrial District, except as otherwise provided for in this code.

A. Outdoor uses (e.g., Box and container making or assembling, agricultural industries, lumber yards or lumber assembly, contractor storage yards, shipping and transportation, equipment rental, etc.) should generally be screened from public view in an appropriate manner.

B. There shall be no visible storage of motor vehicles, trailers, boats, or their composite parts; loose rubbish, garbage or junk, or their receptacles. No storage shall occur on any vacant parcel, unless first permitted by Planning.

C. Every parcel shall have a trash receptacle on the premises. The trash receptacle shall be screened on 3 sides by a solid enclosure 6 feet in height, and on the 4th side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.

D. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from any abutting lot, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s). If desired, the owner may incorporate appropriate landscape screening to be substituted or used in conjunction with a roof screening system, provided the screening is approved by the Planning Director or designee.

SECTION 8. Adding Chapter 18.49 to the Guadalupe Municipal Code regarding PF Public Facilities and Institutional hereby reads:

CHAPTER 18.49 PF - PUBLIC FACILITIES AND INSTITUTIONAL ZONE DISTRICT

18.49.010 Purpose of district.

The PF district is designed and intended to provide for those uses and activities which serve the public and are generally conducted by government agencies or charitable and philanthropic nonprofit organizations.

18.49.020 Permitted uses.

- A. Governmental buildings and facilities designed for public use and accommodation;
- B. Public libraries, museums, schools, and colleges;
- C. Charitable and philanthropic institutions;
- D. Cemeteries, crematories or mausoleums;
- E. Water and wastewater treatment plants, substations and other public service facilities of a similar nature;
- F. Uses, buildings and structures incidental, accessory and subordinate to permitted uses;
- G. Churches;
- H. Student housing;
- I. Any uses which the City Council find to be similar to and within the intent and purpose of the PF district, that are no more obnoxious or detrimental to the public welfare, and are found by the

City Council to be compatible with adjoining land uses, and which are of a comparable nature and of the same class as the uses enumerated above.

18.49.030 Accessory uses.

Premises in the PF (public facilities) district may be used for accessory uses, provided such uses are established on the same lot or parcel of land, are incidental to and do not substantially alter the character of any permitted principal use.

18.49.040 Development standards.

Development, uses and structures in the PF district are subject to the development standards set out in Sections 18.49.050 through 18.49.100.

18.49.050 Lot coverage.

No development shall cover in excess of fifty percent (50%) of the total area of the property (exclusive of public streets).

18.49.060 Height.

No building or structure shall exceed a height of three (3) stories or thirty-five (35) feet as measured from finished grade on the site, unless so authorized by the City Council, upon the approval of a Design Review Permit and making the finding that unique circumstances apply to the particular property or development proposed which justify an exception and which, if allowed, will nevertheless be compatible with adjoining properties.

18.49.070 Setbacks.

- A. Front yard: No building or structure shall be located closer than fifteen (15) feet to the right-of-way line of any public street.
- B. Required side yard is ten (10) feet.
- C. Required rear yard is ten (10) feet.

18.49.080 Project review.

A. No permit shall be issued for the grading of land nor for the construction, erection or moving of any buildings or structure, nor the use of any land in the PF district until a Design Review permit has been approved by the City Council. Three (3) copies of a Design Review application shall be submitted to the Planning Department and shall include the following:

1. A plot plan of the proposed development drawn to scale showing the boundaries of the property, topography, and a proposed grading plan; the width, location and names of surrounding streets; the location, dimensions and uses on adjacent property of all existing buildings and structures within fifty (50) feet of the boundary line of the subject property; the location, dimension, ground floor area, and uses of all existing and proposed buildings and structures on the subject property; landscaping, parking areas, including the size and number of parking spaces and the internal circulation pattern; signs, including location, size and height; pedestrian, vehicular and service ingress and egress; location, height and material of walls and fences; and a designation of the specific uses of the property;
2. Schematic drawings and renderings to scale showing architectural design of buildings and structures proposed to be constructed;
3. Statistical information including the following:
 - a. Acreage or square footage in the property,
 - b. Height, ground floor area and total floor area of each building,
 - c. Number of buildings on the site,
 - d. Building coverage expressed as a percentage of the total lot area,

- e. Parking ratio, expressed as the number of parking spaces to the square footage of building area,
 - f. Area of land devoted to landscaping and/or open space usable for recreation purposes and its percentage of the total land area,
 - g. The sequence of construction of various portions of development,
 - h. A statement as to the source of water and method of waste water disposal.
- B. Upon receipt of a Design Review permit, together with the required supplemental data, the Planning Department shall transmit copies of the Design Review application to various City department for review. The Director or designee shall determine if the application is Complete or Incomplete for processing. If Incomplete, a letter will be transmitted within 30 days of application submittal and identify missing items and all items requiring revisions. If Complete, a letter will be transmitted indicating that the application is Complete and once the California Environmental Quality Act (CEQA) process is completed, a staff report will be prepared with recommendations to City Council. All departmental conditions shall be included with the staff report to City Council. The City Council shall consider the application and the recommendations of the staff and shall approve, conditionally approve, or disapprove the Design Review permit at a noticed public hearing per Section 18.12.040.

18.49.090 Parking.

For provisions on parking, see Chapter 18.60 of this title.

18.49.100 Signs.

For provisions on signs, see Chapter 18.51 of this title.

SECTION 9. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and has been found to be exempt pursuant to §15306 of the CEQA Guidelines (Information Collection) because it does not have the potential to create a physical environmental effect.

SECTION 10. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 11. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the 13th day of November 2018, by the following roll call vote:

MOTION: ARISTON JULIAN / GINA RUBALCABA

AYES: 5 Councilmembers: Ramirez, Ponce, Lizalde, Rubalcaba, Julian
NOES: 0
ABSENT: 0
ABSTAIN: 0

PASSED AND ADOPTED at a regular meeting of the City Council on the 11th day of December 2018, by the following roll call vote:

MOTION:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney

**REPORT TO THE GUADALUPE CITY COUNCIL
Council Agenda of December 11, 2018**


Cruz Ramos, City Administrator

SUBJECT Lease of Jail to Rancho de Guadalupe Historical Society

RECOMMENDATION By motion, approve a new 5-year lease extension with the Rancho de Guadalupe Historical Society for the historic one-room jail on 10th Street and authorize the Mayor to sign on behalf of the City.

DISCUSSION

The Rancho de Guadalupe Historical Society has leased the historic one-room jail on 10th Street from the City of Guadalupe since 1993. In fact, when the Historical Society first began leasing the jail the Historical Society completed significant repairs and renovations of it.

Currently, the Jail is open once a month for tours (fourth Sunday of the month).

The original lease was for five years – 1993 through 1998. There have been several five-year extensions since – 1998 through 2003, 2003 through 2008, 2008 through 2013 and 2013 through 2018.

The current lease is expired and the Historical Society would like to renew the lease for five more years – from 12/15/2018 through 12/14/2023. See attached “Lease Extension Agreement #4.”

The proposed lease rate is \$1/year, which has been the rate throughout. The Historical Society covers all maintenance of the building and also pays the minimal electricity for it. There are no other utility charges.

Staff recommends renewal of the lease.

FISCAL IMPACT

None.

LEASE EXTENSION AGREEMENT #4

THIS LEASE EXTENSION AGREEMENT (hereinafter to as the "Agreement") is made and entered as of December 11, 2018 by and between the CITY OF GUADALUPE, a Municipal corporation (hereinafter referred as "Lessor") and RANCHO DE GUADALUPE HISTORICAL SOCIETY, a California non-profit corporation (hereinafter referred to as "Lessee"), with reference to the following facts.

- A. Lessor and Lessee are the same parties as those named as Lessor and Lessee in that certain Facilities Lease (hereinafter referred to the "Original Lease") executed as of December 15, 1993, with reference to certain real property commonly referred to as the Old Guadalupe Jail located in the Central Park in the City of Guadalupe, California. The Original Lease was extended pursuant to a Lease Modification Agreement, and extended for an additional term by Lease Extension Agreement #3.
- B. The parties wish to extend the term of Original Lease, as extended, on the terms and conditions specified herein.

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein, the parties hereto agree as follow:

1. TRUTH OF RECITALS. All of the matters specified in Recitals A and B above are true and correct as of the date of this Agreement.
2. EXTENSION OF TERM, Section 2.01 is hereby modified to read as follows:

The term of this Lease shall be for a period of five years commencing December 15, 2018, through and including 11:59 p.m. on December 14, 2023.
3. ADDITIONAL OPTION, Section 2.02 is hereby modified to read as follows:

Provided that Lessee is not in default of any provision of this Lease, Lessee shall have the option to extend this Lease for a period of sixty (60) months on the same terms and conditions as specified herein. Lessee shall provide written notice to Lessor of its intention to exercise this option not later than June 15, 2023.
4. RENT, Section 3.01 is hereby modified to read as follows:

As and for rent for the Leased Premises, Lessee agrees to pay Basic Rent for the Leased Premises in the amount of \$1.00 per year, payable in one lump sum in advance, concurrently with the execution of this Lease Extension Agreement #4.
5. NO OTHER MODIFICATIONS. Except as modified herein, the Original Lease shall remain in full force and effect according to its terms. Capitalized terms in this Agreement shall have the same meaning as in the Original Lease.

IN WITNESS WHEREOF the parties have executed this instrument at Guadalupe, California as of date and year above first written.

LESSOR:

CITY OF GUADALUPE

Ariston Julian, Mayor

LESSEE:

RANCHO DE GUADALUPE
HISTORICAL SOCIETY, a California Non
Profit Corporation

Richard Pelton, President



AGENDA REPORT

99.

SUBJECT/TITLE:

PROJECT UPDATE – 11TH STREET AND PERALTA DRAINAGE PROJECT

RECOMMENDATION: ADOPT A RESOLUTION TO:

1. **AUTHORIZE FINAL CONTRACT CHANGE ORDER AND PAY FINAL PROGRESS PAYMENT LESS 5% RETENTION TO CLOSE-OUT THE PROJECT;**
2. **APPROVE FILING OF THE NOTICE OF COMPLETION FOR THE 11TH STREET AND PERALTA DRAINAGE PROJECT, AND AUTHORIZE THE CITY CLERK TO IMMEDIATELY FILE THE NOTICE OF COMPLETION WITH THE COUNTY RECORDER;**
3. **APPROVE THE 5 PERCENT RETENTION PAYMENT TO AAAA ENGINEERING CONTRACTING, INC. THIRTY-FIVE (35) DAYS AFTER THE RECORDATION OF THE NOTICE OF COMPLETION, IF NO LIENS ARE FILED BY SUBCONTRACTORS,**

EXECUTIVE SUMMARY:

On May 8, 2018, the City Council awarded the 11th Street and Peralta Street Storm Drain Extension Project to AAAA Engineering Contracting, Inc. The purpose of the project was to improve the drainage at the 11th Street and Obispo Street intersection, which has historically flooded, install ADA accessible ramps, and upgrade the size of the existing water main.

At the September 11, 2018 City Council meeting, a staff report was presented which informed the Council of several issues that had been discovered during construction. At that time, it was estimated that the additional work would increase the cost of the project by approximately 25 percent. However, as construction proceeded the extent of the underground issues continued to increase.

In consultation with and as directed by the Public Works Director, several items of work were completed as extra work at force account in accordance with the contract documents. This work was necessary to accommodate the changed nature of the project. Although requested several times, the contractor did not submit the final extra daily work reports until November 6, 2018, after all the work had been completed. Once submitted, the reports were compared with the inspector's records, and then checked for mathematical or other errors. Only then were we aware of the overall amount of work necessary. Several of the extra work reports appear to include work that should have been covered by the original bid items. However, the requested final change order includes the entire amount included on the reports until the total contract amount is negotiated.

The following is a list of extra work related items:

Agenda Item: _____

- The water valve arrangement and water line alignment at the intersection of 11th and Peralta was non-standard and needed to be upgraded to accept the new water line.
- Multiple sewer laterals were originally installed very shallow and interfered with the installation of the new waterline and storm drain line. They all needed to be adjusted or replaced to accommodate the new lines.
- While excavating the waterline and storm drain trench, it was discovered that open-graded rock was used as backfill during a previous storm drain project. Open-graded rock is larger rock with no fine (smaller) material. It is usually just dumped into a trench without compaction. This was probably done at the time as a cost saving measure, however, its use creates several problems.
 - Open-graded material cannot be excavated without collapsing all the surrounding fill material. Each time we encountered this material, the trench would collapse under the existing street. Ultimately, we had to place sand-slurry to fill the voids and stabilize the material, and then re-excavate to prevent further road collapse.
 - Open-graded material allows surrounding materials to migrate into it, which can cause unseen voids in the trench walls. Wherever the open-graded material was encountered it had to be removed and the trench width widened to clear the voids.
- The cause of the flooding at the 11th Street and Obispo Street intersection was discovered. Sometime in the past 15 years, a storm drain system was installed down Peralta Street from 11th Street to the north end. This is the same system that used the open-graded rock. During initial investigations, City Public Works Staff was under the impression that the storm drain ended at the north with a 12-inch concrete pipe that emptied into a ditch. The project was designed based upon these assumptions. During construction we found a 24-inch HDPE pipe laid from a drainage inlet at 12th Street and Peralta and then running north. The pipe did not daylight into the field at the north as we assumed but was capped with holes drilled in the end. In fact, at the grades the pipe was set it would never daylight in the field. Since this storm system's installation, it had been draining nowhere. During heavy storm events, water filled the pipe and backed up all the way into the Obispo Street intersection. Over the years, sedimentation and debris filled the pipe to more than half full further reducing the capacity. The removal of the existing pipe was complicated due to the sediment that filled it. Extra heavy equipment and time was needed to remove the pipe.
- The existing drainage inlet at Obispo and 11th Street was filled with approximately 2 feet of concrete in the bottom. To connect the new storm drain line the concrete had to be removed.
- At the end of Peralta Street, there is an existing drainage inlet which connects to drainage from the adjoining farm fields. During construction, the contractor arrived on site a couple days in a row to find his excavations filled with water from the farm field irrigation. Extra time and equipment were necessary to pump the water from the trench. The pipe was then temporarily plugged until work was completed. The drain line from this inlet had to be replaced to tie it into the new system. It was slated to be replaced by the Beachside Cooling improvement project on Peralta, but its existing alignment required replacement with the City project.
- Extra excavated materials from pipe removal had to be hauled away. The closest location for the material was a farm field south of West Main.

Agenda Item: _____

- **Equipment Delays** – The project was delayed due to the amount of additional work. The Contractor is requesting that the City pay for the equipment rentals during this extra time.

Due to the above listed reasons, the construction costs have exceeded the approved 25% contingency.

Original Construction Contract	\$308,740.23
<u>Approved Change Orders</u>	<u>\$77,185.06</u>
Total Previously Approved Contract	\$385,925.29
Final Work under Bid Items	\$297,228.24
<u>Total of all Potential Extra Work Items</u>	<u>\$178,069.91</u>
Potential Total Amount	\$475,298.15
Potential Final Change Order Amount	\$89,372.86

The final change order amount may be less as negotiations are ongoing with the Contractor. However, it is recommended that the City Council authorize payment up to \$475,298.15.

The new storm drain system was inspected during the recent rain events, and it functions properly. The 11th Street and Obispo Street intersection did not experience flooding as in years past.

FISCAL IMPACT: The costs for this project are split between the water fund and Measure A funds based upon the nature of the work. The bulk of the extra work will be from Measure A funds. As of September 30, 2018, there was a \$1,003,915 Measure A fund balance which would cover these additional expenses.

ALTERNATIVE OPTIONS:

1. Do not approve final change order amount and provide alternate direction to staff.
-

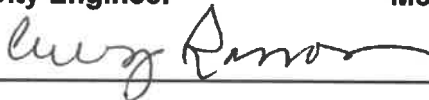
ATTACHMENTS:

1. Resolution No. 2018-70
 2. Extra Work Spreadsheet
 3. Notice of Completion
-

Prepared by: Jeff van den Eikhof, City Engineer

Meeting Date: 11 December 2018

City Administrator Approval: _____



Agenda Item: _____

RESOLUTION NO. 2018-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE TO APPROVE THE FINAL CONTRACT CHANGE ORDER AND FINAL PROGRESS PAYMENT LESS 5% RETENTION, TO AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE COUNTY RECORDER, AND TO APPROVE THE 5 PERCENT RETENTION PAYMENT TO AAAA ENGINEERING CONTRACTING, INC. IF NO LIENS ARE FILED BY SUBCONTRACTORS FOR THE 11TH STREET AND PERALTA STREET STORM DRAIN EXTENSION PROJECT

WHEREAS, on May 8, 2018, the City Council approved a construction contract with AAAA Engineering Contracting, Inc. for the 11th Street and Peralta Street Storm Drain Extension Project for \$308,740.23; and,

WHEREAS, the City of Guadalupe also authorized the City Administrator to approve change orders to the contract during construction up to 25% of the bid price; and,

WHEREAS, the existing underground field conditions varied greatly from the existing records or local knowledge; and,

WHEREAS, the City of Guadalupe desires to repair the work that does not meet current standards; and;

WHEREAS, the cost necessary to complete the additional work will exceed the 25% contingency;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Guadalupe as follows:

SECTION 1. Authorize a final contract change order up to \$89,372.86 over the previously approved change order amount and pay final progress payment less 5% retention to close-out the project;

SECTION 2. Approve filing of the notice of completion for the 11th Street and Peralta Drainage Project, and Authorize the City Clerk to immediately file the notice of completion with the County Recorder;

SECTION 3. Authorize the 5 percent retention payment To AAAA Engineering Contracting, Inc. Thirty-five (35) days after the recordation of the notice of completion, if no liens are filed by subcontractors.

PASSED, APPROVED AND ADOPTED at a regular meeting on the 11th day of December 2018 by the following vote:

Motion:
AYES:

NOES:
ABSENT:
ABSTAIN:

I, Joice Earleen Raguz, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being C.C. Resolution No. 2018-70, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held December 11, 2018, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip Sinco, City Attorney

**11th Street and Peralta Street Drainage Project
Extra Work Summary**

Date	Description of Work	Funding Source	
		Extra Work Amount	Water Fund Measure A
6/15/2018	Repair broken sewer lateral from new watermain alignment	\$350.25	\$350.25
6/19/2018	Locate the tie-in for 8" waterline east of Peralta	\$789.51	\$789.51
6/21/2018	Extra work for tie-in at Peralta and 11th Street	\$368.80	\$368.80
6/22/2018	Sewer lateral conflict with in 8" watermain	\$720.86	\$720.86
6/25/2018	Remove existing AC pipe and thrust block at Peralta	\$1,903.04	\$1,903.04
6/26/2018	Repair Sewer Lateral and Adjust Water Service	\$1,054.32	\$1,054.32
6/27/2018	Raise watermain to avoid conflict with sewer main	\$319.29	\$319.29
6/29/2018	Pothole and locate storm drain line on Peralta	\$2,264.06	\$2,264.06
7/2/2018	Pothole and locate storm drain line on 11th Street	\$1,697.61	\$1,697.61
7/3/2018	Dump Truck Delay	\$168.10	\$168.10
7/6/2018	Steel Plates necessary due to poor backfill	\$762.46	\$762.46
7/9/2018	Remove and replace open rock at manhole/locate end of storm drain	\$5,543.67	\$5,543.67
7/10/2018	Storm drain tie-in on Peralta	\$4,253.83	\$4,253.83
7/11/2018	Locate tie-in for 24" storm drain on Peralta	\$993.68	\$993.68
7/12/2018	Trench Plates Rental	\$49.57	\$49.57
7/13/2018	Trench Plates Rental	\$49.57	\$49.57
7/14/2018	Trench Plates Rental	\$49.57	\$49.57
7/15/2018	Trench Plates Rental	\$49.57	\$49.57
7/16/2018	Pothole utilities for realignment of 24" storm drain	\$1,551.55	\$1,551.55
7/17/2018	Water tie-in at Peralta	\$1,415.05	\$1,415.05
7/18/2018	Manhole work at Peralta and 11th	\$4,686.06	\$4,686.06
7/19/2018	Locate (E) 8" waterline and State Water Line for storm drain lateral	\$1,729.02	\$1,729.02
7/20/2018	Waterline testing	\$1,209.72	\$1,209.72
7/21/2018	Trench Plates Rental	\$103.59	\$103.59
7/23/2018	Dump Truck Delay	\$168.10	\$168.10
7/24/2018	Dump Truck Delay	\$168.10	\$168.10
7/25/2018	Dump Truck Delay	\$168.10	\$168.10
7/26/2018	Dump Truck Delay	\$168.10	\$168.10
7/27/2018	Dump Truck Delay	\$168.10	\$168.10
8/1/2018	Manhole work at Peralta and 11th	\$2,099.36	\$2,099.36
8/2/2018	Manhole work at Peralta and 11th	\$835.55	\$835.55
8/3/2018	Repair sewer laterals	\$438.33	\$438.33
8/6/2018	Repair sewer laterals	\$382.54	\$382.54
8/7/2018	Repair sewer laterals	\$2,215.49	\$2,215.49
8/8/2018	Repair sewer laterals	\$3,828.65	\$3,828.65
8/9/2018	Modify existing inlet for 18" storm drain at Obispo and 11th	\$3,211.54	\$3,211.54
8/10/2018	Place concrete collar around pipe at inlet	\$1,322.80	\$1,322.80
8/11/2018	Equipment rental for delayed equipment	\$8,800.26	\$8,800.26
8/13/2018	Trench Plates Rental	\$36.05	\$36.05
8/14/2018	Trench Plates Rental	\$36.05	\$36.05
8/15/2018	Install 18" Tee at Peralta and 11th Manhole	\$1,145.32	\$1,145.32

**11th Street and Peralta Street Drainage Project
Extra Work Summary**

Date	Description of Work	Extra Work Amount	Funding Source	
			Water Fund	Measure A
8/21/2018	Remove existing storm drain line. Pump irrigation water out of line	\$3,860.33		\$3,860.33
8/22/2018	Plate removal and pump irrigation water	\$1,387.78		\$1,387.78
8/23/2018	Remove existing and install new 24" HDPE	\$6,055.09		\$6,055.09
8/24/2018	Remove existing and install new 24" HDPE	\$5,867.68		\$5,867.68
8/29/2018	Remove existing and install new 24" HDPE	\$5,256.22		\$5,256.22
9/5/2018	Remove existing and install new 24" HDPE	\$4,986.65		\$4,986.65
9/6/2018	Remove existing and install new 24" HDPE	\$6,097.98		\$6,097.98
9/7/2018	Excavate and install 18" HDPE from existing inlet to new manhole	\$5,931.83		\$5,931.83
9/10/2018	Remove existing and install new 24" HDPE	\$6,120.78		\$6,120.78
9/11/2018	Remove existing and install new 24" HDPE	\$6,317.75		\$6,317.75
9/12/2018	Remove existing and install new 24" HDPE	\$4,433.87		\$4,433.87
9/13/2018	Remove existing and install new 24" HDPE	\$6,513.94		\$6,513.94
9/14/2018	Remove existing and install new 24" HDPE	\$6,778.14		\$6,778.14
9/17/2018	Remove existing and install new 24" HDPE	\$5,648.31		\$5,648.31
9/18/2018	Remove defective lighted crosswalk and manhole	\$5,234.72		\$5,234.72
9/19/2018	Backfill trench for new 24" storm drain	\$2,236.56		\$2,236.56
9/21/2018	Backfill trench for new 24" storm drain	\$5,078.21		\$5,078.21
9/24/2018	Remove sediment out of old 24" storm drain line and haul to dump	\$1,550.91		\$1,550.91
9/25/2018	Placed concrete for new sloped bottom of existing drainage inlet	\$672.97		\$672.97
9/28/2018	Hual old contaminated HDPE pipe to Allos Environmental	\$4,625.80		\$4,625.80
10/4/2018	Pump out 24" storm drain line	\$609.32		\$609.32
10/8/2018	Haul extra trench materials off site	\$7,073.63		\$7,073.63
10/9/2018	Haul extra trench materials off site	\$7,275.14		\$7,275.14
10/10/2018	Haul extra trench materials off site	\$6,749.57		\$6,749.57
10/11/2018	Install jute netting	\$1,910.81		\$1,910.81
10/26/2018	Dozer rental to level haul off	\$1,957.23		\$1,957.23
10/26/2018	Hydroseeding	\$563.50		\$563.50
Total		\$178,069.91	\$8,130.84	\$169,939.07

RECORDING REQUEST BY
City of Guadalupe

AND WHEN RECORDED MAIL TO:
Cruz Ramos, City Administrator
918 Obispo Street
Guadalupe, CA 93434

APN # N/A

**NOTICE OF COMPLETION
NO TRANSFER OF PROPERTY**

NOTICE IS HEREBY GIVEN PURSUANT TO CIVIL CODE SECTION 3039:

1. The undersigned is corporate officer for the City of Guadalupe, owner of property hereinafter described.
2. The FULL NAME of the owner is: CITY OF GUADALUPE
3. The FULL ADDRESS is: 918 OBISPO STREET, GUADALUPE, CA 93434
4. The NATURE OF THE INTEREST: IN FEE
5. All work of improvement on the property hereinafter described was completed on JANUARY 25, 2018.
6. THE WORK DONE was the 11TH STREET AND PERALTA DRAINAGE PROJECT.
7. THE NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvements in the City of Guadalupe: AAAA ENGINEERING CONTRACTING INC., PO BOX 3240, ATASCADERO, CA 93423
8. The property of which said work of improvement was completed is in the City of Guadalupe, County of Santa Barbara, State of California.

Dated: _____

(Signature of owner name in Paragraph 2)
Cruz Ramos

VERIFICATION

I, Joice Earleen Raquz, City Clerk, declare of the forgoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 11th day of December 2018 at the City of Guadalupe, California.

_____, City Clerk of the City of Guadalupe
Joice Earleen Raquz

Agenda Item: _____

Item: 9h.

**REPORT TO CITY COUNCIL
Council Agenda of 12/11/2018**

 *for. Cruz.*

Cruz Ramos, City Administrator

SUBJECT Award of a Contract for a Consultant to Perform the Request for Proposal (RFP) process seeking a Transit Operator to manage the City's transit services.

During the 10/23/2018 City Council meeting, and in advance of the end of the current Guadalupe transit contract on June 30, 2019, the Council approved a staff request to seek an qualified transit consultant to conduct the RFP process to select a transit operator to perform the City's transit management, operations and maintenance contract which will commence on July 1, 2019.

Referring to the attached "Letter of Interest-Evaluation Tool", City and transit staff conducted a search for a transit consultant and obtained Letters of Interest from three qualified consultant firms, Joey Goldman, Moore & Associates, and Nelson Nygaard. The Evaluation Tool details the scoring of the Letters of Interest submitted by each consultant.

Based on the Evaluation Tool score of the Letters of Interest, staff recommends entering into a contract with Moore & Associates to perform the RFP process to select a transit contractor for the 2019 – 2022 term, in an amount not to exceed \$18,575. Staff has confirmed the availability of these funds in the Fund 23 Transit funds. As such, there will be no adverse effect to the City's General Fund.

Recommendation

By motion, authorize entering into a contract with Moore & Associates to perform the RFP process to select a transit contractor for the 2019 – 2022 term, in an amount not to exceed \$18,575, and authorize the Mayor to sign the contract on behalf of the City.


ATTACHMENT: Letter if Interest-Evaluation Tool


ITEM 9i.

City Administrator Informational Item

This item still in process. Will be provided on Monday, December 10th.

REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of December 11, 2018


Presented by: RCDCC


Approved by:
Cruz Ramos, City Administrator

SUBJECT: 11/11/18 LeRoy Park Community Meeting & Next Steps

RECOMMENDATION: It is recommended that the Council approve the park plans as-is, or make changes to finalize the site plan. Additionally, it is recommended that the proposed stakeholder group and its mission statement be approved by the Council.

BACKGROUND:

In November of 2017 the City submitted an application to the Department of Housing and Community Department (HCD) for Community Development Block Grant (CDBG) program funds. The City asked the Rural Community Development Corporation of California (RCDCC) to complete the application process, which included required public participation (two public hearings). In addition to the required hearing, an additional public meeting was held, along with a stakeholder meeting and a community survey. At the City Council meeting on October 23, 2018 the Council expressed a desire for more community outreach and feedback before approving the conceptual design of the park.

The City of Guadalupe and RCDCC conducted a community meeting on Sunday, November 11, 2018 from 1pm until 3pm. The meeting allowed for community members to view the preliminary plans for LeRoy Park and community center, and to express their opinions on whether or not particular features should be included in the future park. They were also asked if the features were located ideally, and to comment on the planned location of each feature. There was also an opportunity for community members to add comments beyond those related to the features in the tentative design. Finally, community members were given an opportunity to voice comments to all attendees. The attendance was approximately 50-60 people, with 42 people signing in officially.

DISCUSSION:

At the community meeting on December 11, 2018, the majority of participants indicated support for most of the proposed features of the park.

Features with unanimous support included: Amphitheater, Windbreak Trees, Bioswale, and Exercise, Running Path, & Recreation Field.

Features with strong majority support included: Library, Play Structure, Covered Picnic Area, BBQ Stations, and Skate Park.

Showers received mixed support primarily due to concerns related to proximity to children at the park, security, surveillance, and maintenance.

The majority of the participants supported the proposed location of each feature with the exception of Showers. Some participants expressed a preference for the showers to be moved closer to 11th St. for visibility.

Additional comments called for the addition of a pool, improved lighting, security camera installation, and a bike repair stand (among other sentiments), which are listed in the attachment.

A list of community leaders is attached, including individuals who are recommended to form Amigos del LeRoy Park. The specifics of the group's role are outlined in the LeRoy Park community group proposal.

FISCAL IMPACT:

The City's grant amount of \$4.4M for this project will cover the construction and administration expenses for the full CDBG activity.

ATTACHMENTS

1. Data report and proposal for a park stakeholders group
2. Proposed list of stakeholders to be included in "Amigos del LeRoy Park"

Name	Title/Role	Phone	Email
Alejandra Mahoney	PSHH	(805) 878-1456	alejandram@pshhc.org
Alma Hernandez	District Rep. Supervisor Hartmann	(805) 884- 8006	Ahernandez@countyofsb.org
Ariston Julian	City Mayor; Community Health Centers of the Central Coast, inc.	(805) 478-5796	ariston.julian3@verizon.net
Cruz Ramos	City Administrator for Guadalupe	(805) 356-3892	cramos@ci.guadalupe.ca.us
Crystal Guzman	Guadalupe Boys & Girls Club	(805) 356-8007	cguzman@bgcsmv.org
Dawn Jackson	Santa Maria Library Youth Services	(805) 925-0994 x 2319	djackson@cityofsantamaria.org
Dr. Emilio Handall	Superintendent, GUSD	(805) 343-2114 x 1230	ehandall@gusdbobcats.com
Frank Almaguer	Former Mayor (?)		
Jack Boyce	RCDDC/CivicSpark Fellow	(760) 518-6582	jboyce@civicspark.lgc.org
John Lizalde	Former Mayor; community member		
John Watanabe	Touch of Style		
Jose J. Nichols	Lions Club / president of Organization that owns the land next to Park	(805) 720-8507	tionjosen@gmail.com
Karen Evangelista	ED Guadalupe Cultural Arts & Education Center	(805) 478-8502	karen@guadalupeculturalcenter.com
Ken Dahmer	SB Bike	(916) 803-8661	ken@sbbike.org
Mary Housel	Santa Maria Area Library Director	(805) 925-0994 x 2322	mhousel@cityofsantamaria.org
Michael Cash	Guadalupe Police Chief	(805) 343-2112	mcash@ci.guadalupe.ca.us
Patrick Schmitz	Fire Captain, City of Guadalupe	(805) 356-3905	pschmitz@ci.guadalupe.ca.us
Representative	Guadalupe Wrestling Club		
Representative	Guadalupe Youth Basketball		
Representative	Community Action Commission of SLO/Child Care Center		
Representative	Kiwin's Club		
Representative	Santa Barbara Foundation		
Roberto Rodriguez	Director of Operations (Boys & Girls Club)	(805) 260-0212	rrodriguez@bgcsmv.org
Samuel Duarte	ED Guadalupe Little House By The Park	(805) 343-1194	sduarte@litttlehousebythepark.org
Tom Brandeberry	RCDDC	(916) 281-7638	tombrandeberry@rcdcc.org
Tommy Solis Jr.	Skate Park Advocate	(805) 878-5383	TommyJay717@gmail.com



Sunday, November 11, 2018

LeRoy Park & Community Center

Community Meeting Report



The City of Guadalupe and RCDCC conducted a community meeting on Sunday, November 11, 2018 from 1pm until 3pm. The meeting allowed for community members to view the preliminary plans for LeRoy Park and community center, and to express their opinions on whether or not particular features should be included in the future park. They were also asked if the features were located ideally, and to comment on the planned location of each feature. There was also an opportunity for community members to add comments beyond those related to the features in the tentative design. Finally, community members were given an opportunity to voice comments to all attendees. The attendance was approximately 50-60 people, with 42 people signing in officially. Accordingly, a group named Amigos del LeRoy Park has been proposed to guide oversight of park proceedings.

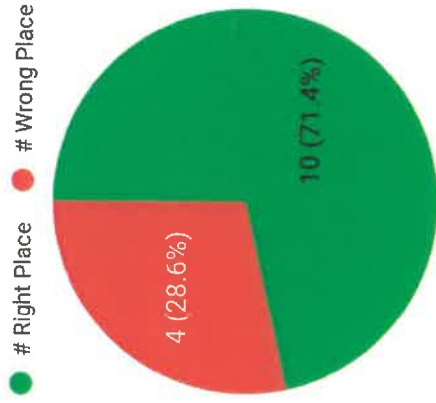
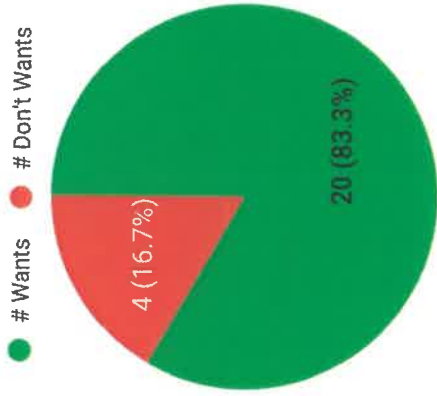
Thank you to Roberto Rodriguez of the Boys & Girls Club, Cruz Ramos, the City Administrator, and The Guadalupe Explorers for their help; it was greatly appreciated. Lastly, thank you to the community members who made this a very informative and successful day.

The following report tabulates the results from the meeting and documents the comments that were received.

Table of Contents:

1. Library
2. Play Structure
3. Amphitheater
4. Windbreak Trees
5. Exercise Stations, Running Path, & Recreation Field
6. Showers
7. Bioswale
8. Covered Picnic Area
9. BBQ Stations
10. Skate Park
11. Additional Comments
12. Proposal for Amigos del LeRoy Park

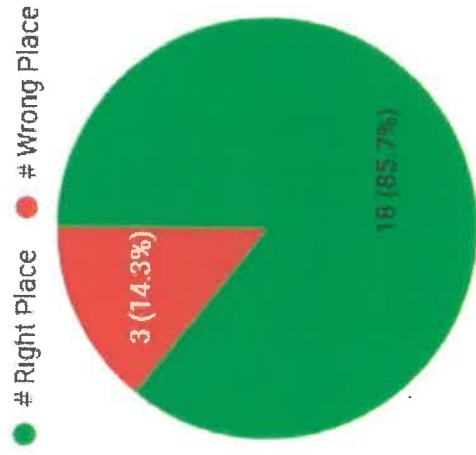
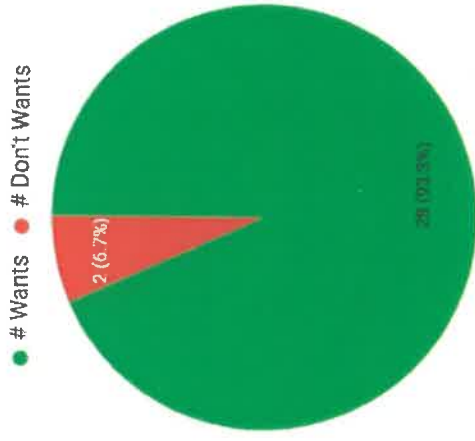
Library



Comments

- should be central to town and residents
- having library close to B&G and a place where families gather will be beneficial
- should be accessible to all residents, not just youth
- permanent or temporary move?
- library in park would solve current rent issue
- study space, private rooms, and computers wanted
- meeting / community meeting for community groups is desired
- should be closer to other B&G facilities; closer to Mary Buren and senior center
- favor de hacer y explicar el motivo del cambio; podría estar una biblioteca infantil
- seguir la que ya está?

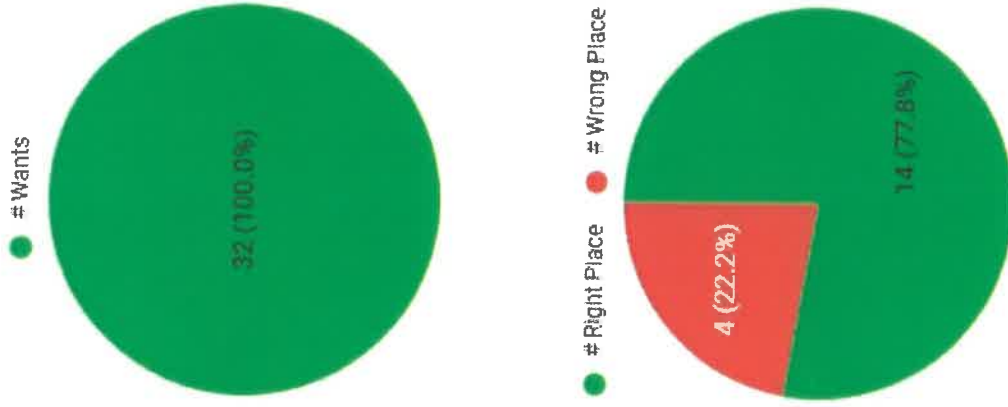
Play Structure



Comments

- swings
- for big and little kids
- expand playground area

Amphitheater



Comments

- switch locations with skate park
- switch BBQ stations with amphitheater
- would the amphitheater be modeled from the Greeks and Romans?
- will it be equipped for live art?
- electric outlets / power source
- covering for shade or lighting
- should be protected from wind
- si, se necesita centros más recreativos

Windbreak Trees

● # Wants



● # Right Place



Comments

- need a block walk to help block the trees
- have fencing and lighting near trees for safety
- lower all trees/brushes in park for police visibility
- necesidad de "flora" flores
- favor de agregar pasto y flores

Exercise Stations, Running Path, & Recreation Field

● # Wants



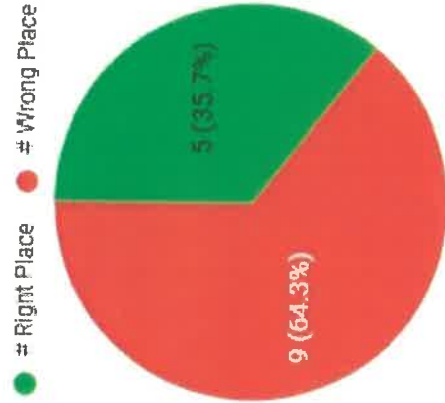
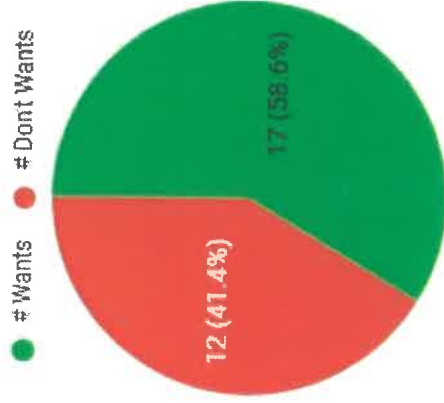
● # Right Place



Comments

- water fountain
- running path should cover whole park perimeter
- needs to be monitored
- proper lightning for early morning / evening use
- could they be used for sporting events?
- would they interfere with events a the amphitheater, B&G club, etc.?
- distance markers to track exercise

Showers



Comments

- should be further away from 11st St. towards north side of the park
- switch locations with skate park
- move restrooms and showers towards main road
- baños públicos ubicados en el centro del pueblo de Guadalupe
- who will maintain them?
- shouldn't be in park b/c of demand on police
- should be away from kids
- not enough policing
- change location with amphitheater
- will this be available 24 hours or is it controlled?
- anuncian estos y/o los pongan más céntricos por donde pasan los ciclistas

Bioswale

● # Wants



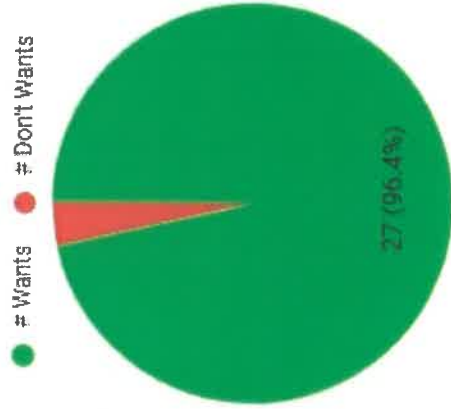
● # Right Place



Comments

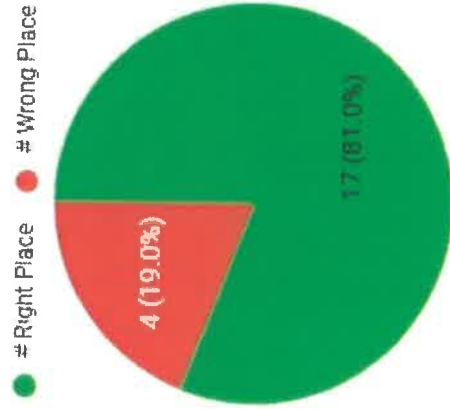
- there should be some kind of protector in case the river bed floods
- extension of levee
- instalación de barras (levee) en el Santa Maria River para prevenir inundación del pueblo de Guadalupe, también para proteger al sewage treatment plant

Covered Picnic Area

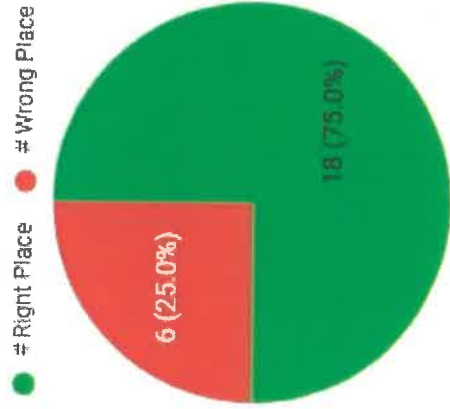
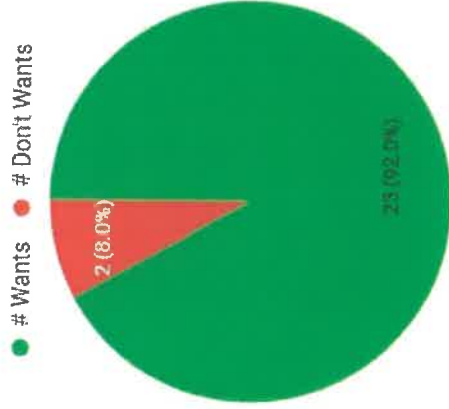


Comments

- move west a little
- something to block the wind
- could potential cover be solar panels?



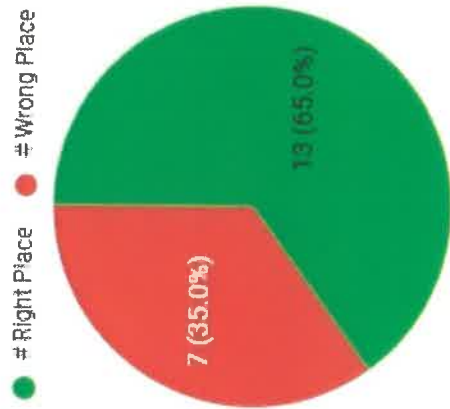
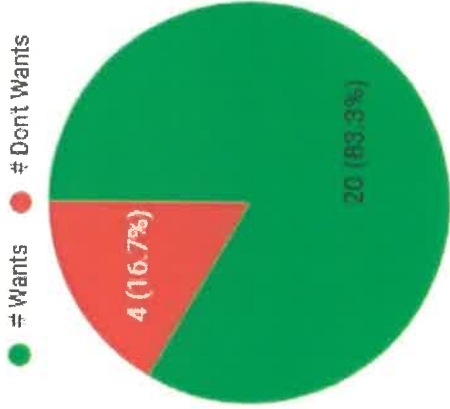
BBQ Stations



Comments

- separate the stations, smaller pits around the park
- if library goes in close by, BBQs should be further away from the library
- switch locations of amphitheater; trees will block wind and theater will be closer to the library
- will public be required to pay for use of BBQ pits?
- Jack O'Connell has BBQ station already; let's use the funds on street / park / water stations
- should be big enough for ~200

Skate Park



Comments

- add bicycle track through the trees
- closer to the front so kids can "perform" and can be watched more easily for safety
- great idea but not at this location; should be at Central Park
- aparte de un parque para jóvenes
- need more info on size of skate park
- place in front east corner for police visibility
- there is no area to add a skate park

Additional Comments

- + need lights (outside)
- + outside basketball courts
- + more parking spaces
- + bike repair shop
- + extend road access around park
- + rock and water design
- + swimming pool
- + security cameras
- + improved sprinkler system
- + RV overnight parking
- + increase lighting
- + bike fix-it
- + more lighting
- + dog park
- + what type of security will be available?
- + what provisions are being made towards maintenance?
- + is the gym going to be larger with more seating for people?
- + pool
- + make gym bigger
- + will the road be extended to the amphitheater?
- + pole for pinatas
- + bicycle riding area
- + a place for the the Guadalupe wrestling club to call home
- + todo renovado y hacerlo llamativo y familiar para comunidad y turismo
- + instalación de "flora" flores
- + iniciar el parque con el idea de orgánico y respeto
- + instalaciones de fuentes de agua para la protección del parque
- + se necesita luces; está muy oscuro

Proposal for LeRoy Park Community Group

NAME: Amigos del LeRoy Park

MISSION STATEMENT: Amigos del LeRoy Park promotes community wellbeing and resilience by incorporating local arts and culture into park facilities, establishing economic sustainability of the park, and preserving the quality of the park for generations to come.

GOALS:

The following are starting goals for the group to begin with. The group can add to these as needed:

- Facilitate the inclusion of murals and public art into the park
- Name the community center, with community input and Council final say
- Identify and strategize methods of sponsorship for the park
- Propose sustainable means for operating and maintaining the park

GROUP MEMBERSHIP: A proposed list of members is attached to the Staff Report to City Council. **Note:** none of the community members on this list have been contacted; therefore, it is unclear whether or not they would “volunteer” for this group.

INVOLVEMENT:

- RCDCC will assist in the creation and start-up of the group with the intention that the group will become autonomous before the culmination of RCDCC’s involvement.
- The group will report regularly to the City Council and will seek City Council approval on all “significant” decisions.

12a.

**REPORT TO THE CITY COUNCIL
Council Agenda of December 11, 2018**



for Cruz.

Prepared by:
Cruz Ramos, City Administrator

SUBJECT: Authorizing the Signing of Warrants

RECOMMENDATION: That the City Council review and consider adoption of Resolution No. 2018-69 "A Resolution of the City Council of the City of Guadalupe, California Designating the Mayor, the Mayor Pro Tem, the City Treasurer, and the City Administrator to Sign Warrants."

BACKGROUND:

Guadalupe Municipal code 2.53.010 states "All payments to be made by warrant shall be signed by any two (2) of the following: City Treasurer, Mayor, City Administrator. In addition, the City Council, by adoption of a resolution by a majority of the City Council, may designate other City employees or elected officials to sign warrants."

RECOMMENDATION:

Staff recommends that Council designate the Mayor Pro Tem to be the fourth designated signer for the warrants in addition to the Mayor, the City Treasurer, and the City Administrator.

FISCAL IMPACT:

None

Attachment:
Resolution 2018-69

RESOLUTION NO. 2018-69

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GUADALUPE, CALIFORNIA DESIGNATING THE MAYOR, THE MAYOR PRO TEM, THE CITY TREASURER, AND
THE CITY ADMINISTRATOR TO SIGN WARRANTS**

WHEREAS, the City of Guadalupe utilizes the warrant system to pay salaries, procure services and supplies;
and

WHEREAS, in order to safeguard the City's warrant system, the City desires to have at least two (2) signers for
each warrant; and

WHEREAS, per Guadalupe Municipal Code 2.53.010 the City has established three (3) signers; the City
Treasurer, Mayor and City Administrator; and

WHEREAS, Guadalupe Municipal code 2.53.010 also provides that the City Council, by adoption of a resolution
by a majority of the City Council, may designate other City employees or elected officials to sign warrants; and

WHEREAS, the City desires to add a fourth signatory to allow for efficient warrant disbursements in the event
two of the signers are not available.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the following City officials to sign
warrants:

1. Mayor
2. Mayor Pro Tem
3. City Treasurer
4. City Administrator

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Guadalupe this 11th day of December
2018.

Ariston Julian, Mayor

ATTEST:

I, **Joice Earleen Raguz**, City Clerk of the City of Guadalupe, California, **DO HEREBY CERTIFY** that the foregoing
Resolution, being **Resolution No. 2018-69** has been duly signed by the Mayor and attested by the City Clerk,
all at a regular meeting of the City Council, held the 11th day of December and the same was approve and
adopted by the following vote:

MOTION:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joice Earleen Raguz, City Clerk



AGENDA REPORT

SUBJECT/TITLE:

IRWM WASTEWATER DESIGN GRANT

RECOMMENDATION: ADOPT RESOLUTION TO:

1. **AUTHORIZE ENTERING INTO AN AGREEMENT WITH MICHAEL K. NUNLEY AND ASSOCIATES (MKN) FOR DESIGN OF IRWM WATER PROJECTS, AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY.**

EXECUTIVE SUMMARY:

The California Department of Water Resources (DWR) has awarded the City of Guadalupe as a Disadvantaged Community a grant over \$400,000 for the development of plans and specifications for approved projects. The City previous awarded the design of the Pioneer Lift Station, Highway 1 Lift Station, and the Sewer Trunk Main project to MKN. There are funds remaining in the grant.

Staff has identified additional projects which can be designed with the remaining grant funds, and MKN has provided proposals for that work. The projects are as follows:

- Waterline connecting 9th and 10th Streets ("8th Street Waterline Extension")
 - Proposed Fee - \$16,895
- Water and Sewer Atlas Update and Limited Water System Hydraulic Modeling
 - Proposed Fee - \$4,710
- Tognazzini Waste Line Replacement
 - Proposed Fee - \$11,856

It is recommended to enter an agreement with Michael K. Nunley and Associates (MKN) for a fee of \$33,461. It is also recommended to authorize the City Administrator to approve contract change orders up to 15% over the agreement amount, if deemed necessary.

FISCAL IMPACT: The costs associated with the above projects will be reimbursed by the IRWM grant.

ATTACHMENTS:

1. Resolution No. 2018-71
2. Three Proposals

Prepared by: Jeff van den Eikhof, City Engineer

Meeting Date: 11 December 2018

City Administrator Approval: _____

for Cruz.

Agenda Item: _____

RESOLUTION NO. 2018-71

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE
AUTHORIZING ENTERING INTO AN AGREEMENT WITH MICHAEL K. NUNLEY AND ASSOCIATES FOR IRWM
RELATED DESIGN PROJECTS AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE
CITY**

WHEREAS, the California Department of Water Resources issued a Request for Proposals for the Disadvantaged Community Involvement Program which has been authorized by the Water Quality, Supply, and Infrastructure Improvement Act (Proposition 1); and,

WHEREAS, the City of Guadalupe has received a grant for approximately \$440,000 in funding from the Integrated Regional Water Management (IRWM) Grant Program; and,

WHEREAS, the City received three proposals from Michael K. Nunley & Associate (MKN) to provide engineer design services for projects eligible for the IRWM Grant Program; and,

WHEREAS, all costs associated with this contract will be covered by the grant program; and,

WHEREAS, the City Administrator and the City Engineer recommend approval of the proposal.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Guadalupe as follows:

SECTION 1. A standard consultant agreement with MKN is approved and the Mayor is authorized to sign the agreement on behalf of the City; and,

SECTION 2. The City Administrator is authorized to approve any necessary, unanticipated, minor amendments to the agreement consistent with the intent of the agreement including additional costs up to 15% of the agreement amount.

PASSED, APPROVED AND ADOPTED at a regular meeting on the 11th day of December 2018 by the following vote:

Motion:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Joice Earleen Raguz, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being C.C. Resolution No. 2018-71, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held December 11, 2018, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip Sinco, City Attorney



MKN & Associates, Inc.
PO Box 1604
Arroyo Grande, CA 93421
805-904-6530

October 9, 2018

Richard Jamar
City of Guadalupe
(Submitted Electronically)

SUBJECT: Proposal for Water and Sewer Atlas Update and Limited Water System Hydraulic Modeling

Dear Richard,

Michael K. Nunley & Associates, Inc. (MKN) is pleased to provide the attached Scope of Services for updating the City of Guadalupe's (City) existing water and sewer atlas and perform limited water system hydraulic modeling.

PROJECT UNDERSTANDING

As part of the City's Water Master Plan Update (final May 2014) and Wastewater Collection System Treatment Plant Master Plan (final October 2014), MKN developed a comprehensive geographic information system (GIS) database and hydraulic models for the water distribution system and sewer collection system. Since that time changes to both systems have occurred and the City would like to have those changes (including water and sewer infrastructure constructed as part of the Pasadera development) included in the GIS.

The City has also requested that MKN complete limited hydraulic analysis of the water distribution system based on system updates identified by City staff and water infrastructure constructed as part of the Pasadera development.

SCOPE OF WORK

Task 1: Project Meeting, Data Collection and Review

MKN will attend one (1) onsite meeting during the project. The project meeting will include the following:

- Kickoff meeting to collection system update information provided by the City
- Progress meetings via phone as needed

MKN will review available information provided by the City to update the water system atlas include water main locations, hydrants and valve. It is assumed that water and sewer information for the Pasadera development will be provided by Bethel Engineering in AutoCAD format.

Task 2: Water System Atlas Update

Based on information provided by the City and Bethel Engineering, MKN will update the existing water distribution GIS including water main locations (including material and size), tank locations, valve locations and hydrant locations. MKN will produced a revised 11x17 water atlas and wall map (24x36).

Task 3: Sewer System Atlas Update

Based on information provided by the City and Bethel Engineering, MKN will update the existing sewer system GIS including gravity pipe locations (including material and size), newly constructed lift stations and force mains, and manhole locations. MKN will produced a revised 11x17 sewer atlas and wall map (24x36).

Task 4: Limited Water System Hydraulic Modeling

MKN will use the revised GIS to update the existing water system hydraulic model used to complete the water master plan and supplemental update. MKN has allocated up to six (6) hours of hydraulic modeling to confirm system pressures and flows during fire flow conditions for the Pasadera development. MKN will prepare a technical memorandum summarizing the results of the analysis.

ASSUMPTIONS:

Not included:

- Populating GIS database with additional metadata
- Hydraulic modeling of sewer system
- Field surveying
- Onsite GIS software installation and training

SCHEDULE AND FEE

The GIS and atlas update will be completed four weeks after receipt of available information from the City and Bethel Engineering. The hydraulic modeling will be completed two weeks after the GIS update.

MKN proposes to complete this work on a time and materials basis with a budget not to exceed \$4,710 as shown on the attached spreadsheet. Hourly rates are attached and may be revised annually. Thank you for providing MKN with the opportunity to provide professional services for your project. If you have any questions regarding this proposal, please let me know.

If you authorize MKN to proceed with this work, please sign below:

Sincerely,

Authorized to Proceed by:



Jon Hanlon, PE
Principal

Attachments:
Budget Spreadsheet
2018 Fee Schedule

City of Guadalupe

(Date)

Proposal for Water and Sewer Atlas Update and Limited Water System Hydraulic Modeling

	Principal Engineer	Water Resource Planner	Assistant Engineer	Total Hours (MKN)	Subtotal Labor (MKN)	ODCs (MKN)	Total Cost
Task 1: Project Meetings, Data Collection and Review							
Kickoff meeting and data review	1	3		4	\$ 594	\$ 40	\$ 634
Progress meetings	1	1		2	\$ 318	\$ 40	\$ 358
Subtotal	2	4	0	6	\$ 912	\$ 80	\$ 992
Task 2: Water System Atlas Update							
GIS Update							
Atlas and wall map production	2	3		5	\$ 657		\$ 657
Subtotal	0	3	5	8	\$ 1,049	\$ 100	\$ 1,149
Task 3: Sewer System Atlas Update							
GIS Update							
Atlas and wall map production	1	2		3	\$ 392	\$ 100	\$ 492
Subtotal	0	2	5	7	\$ 911	\$ 100	\$ 1,011
Task 4: Limited Water System Hydraulic Modeling							
Hydraulic modeling	1	1	4	6	\$ 826		\$ 826
Technical memorandum	1	4	0	5	\$ 732		\$ 732
Subtotal	2	5	4	11	\$ 1,558	\$ -	\$ 1,558
TOTAL BUDGET				32	\$ 4,430	\$ 280	\$ 4,710

Billing Rates	\$/hr
Principal Engineer	180
Water Resource Planner	138
Assistant Engineer	127

Mileage to be reimbursed at IRS rate





MKN & Associates, Inc.
PO Box 1604
Arroyo Grande, CA 93421
805 904 6530

FEE SCHEDULE FOR PROFESSIONAL SERVICES

ENGINEERS AND TECHNICAL SUPPORT STAFF

Principal Engineer	\$180/HR
Senior Project Engineer	\$170/HR
Project Engineer	\$150/HR
Water Resources Planner	\$138/HR
Assistant Engineer	\$127/HR
GIS Specialist	\$130/HR
GIS Technician	\$110/HR
Senior Design Technician	\$97/HR
Administrative Assistant	\$57/HR

Routine office expenses such as computer usage, telephone charges, office equipment and supplies, incidental postage, copying, faxes, etc., are included in the hourly rates.

DIRECT PROJECT EXPENSES

Outside Reproduction	Cost + 10%
Subcontracted or Subconsultant Services	Cost + 10%
Travel & Subsistence (other than mileage)	Cost
Auto Mileage	Current IRS Rate - \$.54/mi.



MKN & Associates, Inc.
PO Box 1604
Arroyo Grande, CA 93421
805-904-6530

October 9, 2018

Richard Jamar
City of Guadalupe
(Submitted Electronically)

SUBJECT: Proposal for Design Services: Waterline Connecting 9th and 10th Streets (“8th Street Waterline Extension”)

Dear Richard,

Michael K. Nunley & Associates, Inc. (MKN) is pleased to provide the attached Scope of Services for design of approximately 500 feet of 8-inch potable water pipeline along the extension of Pioneer Street between 9th and 10th Streets.

PROJECT UNDERSTANDING

This project is identified as EWCIP-10 (“8th Street Waterline Extension”) in the 2015 City of Guadalupe Water Master Plan Supplemental Report (MKN). Construction of this 8-inch pipeline was recommended to address the existing dead-end main on 10th Street, and to resolve the system’s failure to meet the 2,500 gpm commercial fire flow requirement under existing conditions.

SCOPE OF WORK

Task 1: Project Meetings

MKN will attend a total of three (3) progress and coordination meetings during the project. Project meetings include:

- Preliminary Site Visit - Field Measurements
- Interim Site Visit
- Draft Construction Documents Review Meeting

Task 2: Collect and Review Background Information

MKN will review the existing available information provided by the City to establish the preferred alignment and grade for the new water line. It is assumed that any current or pending development plans in the vicinity will be provided to MKN for review and coordination with the new waterline.

Task 3: Preliminary Engineering

Survey

This work will include a field survey of approximately 1.5 acres of land sufficient to produce a one-foot contour map with planimetric features including footprint of adjacent structures, surface evidence of utilities, trees (over 6” dia.) with approximate canopies, fencing, edge of pavement, and

other items which are visible and present at the time of the survey. The map will be drawn at 1"=20' scale on a 24" by 36" sheet. The vertical datum will be based on the NAVD88 vertical datum.

The Scope or Work will include record research into deeds and maps affecting the Pioneer Street right-of-way, a retracement survey to recover monuments in the field, and office calculations to determine the boundaries of the right-of-way based on those found monuments. No new monuments will be set. Horizontal Coordinates will be based on NAD83 coordinates consistent with other public works projects in the area.

According to the County Assessor's map for this area, Pioneer Street has been abandoned. Normally, when a public street is abandoned, only the public's right to use the area for a public road is abandoned and there is normally a reservation for any existing underground utilities that may exist within the former road right-of-way. MKN's surveyor (MBS Land Surveys) has built in a small budget to assist with initial title research of the right of way (\$500). This is a budgetary allowance, but the full extent of this task will not be known until initial title research is performed to evaluate if that the City still has the right to place the waterline within the abandoned street. If additional research or assistance is required, additional budget will be requested in writing in advance of any additional work being performed.

Geotechnical Investigation

MKN reviewed the geotechnical investigation prepared for the Pioneer Lift Station replacement (Earth Systems, 2016). After consultation with the Geotechnical Engineer, it is believed that the recommendations in the 2016 report are applicable to the Pioneer Waterline Extension. Accordingly, this proposal does not include additional subsurface investigation or geotechnical recommendations, and the 2016 recommendations will be utilized for this project. If additional investigation is desired by the City, MKN can provide these services for additional fee.

Task 3: Construction Documents

It is anticipated that up to three sheets, plus cover will be required. The following technical specification are anticipated:

- 011100 – Coordination of Work
- 012000 – Measurement and Payment
- 013300 – Submittals
- 020120 – Protecting Existing Utilities
- 099000 – Painting and Coating
- 099752 – Cold-Applied Wax Tape
- 099754 - Polyethylene Sheet Encasement
- 099761 – Fusion-Bonded Epoxy Linings and Coatings
- 312316 – Trenching, Backfilling and Compacting
- 331300 – Disinfection of Piping
- 321216 – Asphalt Concrete Paving
- 400500 – General Piping Requirements
- 400515 – Pressure Testing

Richard Jamar, City of Guadalupe

- 400520 – Valves
- 400722 – Flexible Pipe Couplings
- 402092 – PVC Distribution Pipe

MKN will submit draft plans and specifications for City review and comment. City comments will be incorporated into the final submittal. Construction drawings will be prepared as 22-inch x 34-inch sheets and all drawings will be prepared using AutoCAD 2016. All deliverables will be provided in electronic (PDF) format. Construction Cost Opinions will be provided with both submittals.

ASSUMPTIONS:

Not included:

- Bid or Construction Phase Services
- Geotechnical Engineering
- Record Drawings
- Preparation of “Front-end” contract documents

FEE AND SCHEDULE

Draft Plans and Specifications will be submitted eight weeks after receipt of record information from the City. Final Plans and Specifications will be submitted two weeks after receipt of City comments on the Draft submittal.

MKN proposes to complete this work on a time and materials basis with a budget not to exceed \$16,895 as shown on the attached spreadsheet. Hourly rates are attached and may be revised annually. Thank you for providing MKN with the opportunity to provide professional services for your project. If you have any questions regarding this proposal, please let me know.

If you authorize MKN to proceed with this work, please sign below:

Sincerely,

Authorized to Proceed by:



Jon Hanlon, PE
Principal

City of Guadalupe

Attachments:
Budget Spreadsheet
2018 Fee Schedule

(Date)

Waterline Connecting 9th and 10th Streets ("8th Street Waterline Extension")

	Principal Engineer	Project Engineer	Assistant Engineer	Drafter	Total Hours (MKN)	Subtotal Labor (MKN)	ODCs (MKN)	MBS (Survey)	Total Cost
Task 1 - Project Management, Meetings, and QA/QC									
Site Visit and Meetings (3 total)	6		6		12	\$ 1,842	\$ 200		\$ 2,042
Project Management and QC	3				3	\$ 540			\$ 540
Subtotal	9	0	6	0	15	\$ 2,382	\$ 200	\$ -	\$ 2,582
Task 2 - Preliminary Engineering									
Collect and Review Existing Information	2		2		4	\$ 614			\$ 614
Survey	2		2		4	\$ 614	\$ 25	\$ 4,300	\$ 4,939
Geotechnical (none)					0	\$ -			\$ -
Subtotal	4	0	4	0	8	\$ 1,228	\$ 25	\$ 4,300	\$ 5,553
Task 3 - Construction Documents									
Draft Plans and Specs	4	1	16	20	41	\$ 4,842			\$ 4,842
Draft Cost Opinion		2	2		4	\$ 554			\$ 554
Final Plans and Specs	2	2	12	8	24	\$ 2,960			\$ 2,960
Final Cost Opinion		1	2		3	\$ 404			\$ 404
Subtotal	6	6	32	28	72	\$ 8,760	\$ -	\$ -	\$ 8,760
TOTAL BUDGET									
	19	6	42	28	95	\$ 12,370	\$ 225	\$ 4,300	\$ 16,895

Billing Rates	\$/hr
Principal Engineer	180
Senior Project Engineer	170
Project Engineer	150
Water Resource Planner	138
Assistant Engineer	127
Drafter	97
Administrative Assistant	57

Mileage to be reimbursed at IRS rate





MKN & Associates, Inc.
PO Box 1604
Arroyo Grande, CA 93421
805 904 6530

FEE SCHEDULE FOR PROFESSIONAL SERVICES

ENGINEERS AND TECHNICAL SUPPORT STAFF

Principal Engineer	\$180/HR
Senior Project Engineer	\$170/HR
Project Engineer	\$150/HR
Water Resources Planner	\$138/HR
Assistant Engineer	\$127/HR
GIS Specialist	\$130/HR
GIS Technician	\$110/HR
Senior Design Technician	\$97/HR
Administrative Assistant	\$57/HR

Routine office expenses such as computer usage, telephone charges, office equipment and supplies, incidental postage, copying, faxes, etc., are included in the hourly rates.

DIRECT PROJECT EXPENSES

Outside Reproduction	Cost + 10%
Subcontracted or Subconsultant Services	Cost + 10%
Travel & Subsistence (other than mileage)	Cost
Auto Mileage	Current IRS Rate - \$.54/mi.



MKN & Associates, Inc.
PO Box 1604
Arroyo Grande, CA 93421
805-904-6530

October 9, 2018

Richard Jamar
City of Guadalupe
(Submitted Electronically)

SUBJECT: Proposal for Design Services: Tognazzini Waste Line Replacement

Dear Richard,

Michael K. Nunley & Associates, Inc. (MKN) is pleased to provide the attached Scope of Services for design of a pipeline connecting the Tognazzini Well pump-to-waste to the existing 6-inch gravity sewer line within Tognazzini Road. Our Scope of Work will include preparation of construction documents, and limited construction support services.

PROJECT UNDERSTANDING

The Tognazzini well was out of service for a number of years. Upgrades to the Tognazzini Well were completed in 2018. The upgrades included a new well building, telemetry, electrical and controls, piping, valves, and a new pump and motor. The original pump-to-waste piping which discharges flush water to the gutter in Tognazzini Road was retained. As the well is now being utilized on an ongoing basis, the City is seeking improvements to the waste system by connecting to the 6-inch sewer collection system within Tognazzini. It is understood that the preferred approach is to construct a catch basin adjacent to the well building, and connect a new gravity pipe through the park to the pipe on the east side of the street. A flap valve will be selected to prevent sewer gasses from escaping into the basin. It is assumed that the pipeline will connect directly to the sewer line without the need for a new manhole.

SCOPE OF WORK

Task 1: Project Meetings

MKN will attend a total of three (3) progress and coordination meetings during the project. Project meetings include:

- Preliminary Site Visit - Field Measurements
- Interim Site Visit
- Draft Construction Documents Review Meeting

Task 2: Collect and Review Background Information

MKN will review the existing available information provided by the City to establish the preferred alignment and grade for the new drain line. MKN will review the 2014 Sewer Master Plan to assess the capacity of the receiving sewer.

Task 3: Construction Documents

Existing record drawings will be utilized as the basemap for the construction documents. It is anticipated that up to two sheets, plus cover will be required. The following technical specifications are anticipated:

- 011100 – Coordination of Work
- 012000 – Measurement and Payment
- 013300 – Submittals
- 015526 – Traffic Control
- 020120 – Protecting Existing Utilities
- 312316 – Trenching, Backfilling and Compacting
- 321216 – Asphalt Concrete Paving
- 333112 – PVC Gravity Sewer Pipe

MKN will submit Draft plans and specifications for City review and comment. City comments will be incorporated into the final submittal. Construction drawings will be prepared as 22-inch x 34-inch sheets and all drawings will be prepared using AutoCAD 2016. All deliverable will be provided in electronic (PDF) format. Construction Cost Opinions will be provided with both submittals.

ASSUMPTIONS:

Not included:

- Survey
- Bid or Construction Phase Services
- Geotechnical Engineering
- Record Drawings
- Preparation of "Front-end" contract documents

FEE AND SCHEDULE

Draft Plans and Specifications will be submitted eight weeks after receipt of record information from the City. Final Plans and Specifications will be submitted two weeks after receipt of City comments on the Draft submittal.

MKN proposes to complete this work on a time and materials basis with a budget not to exceed \$11,856 as shown on the attached spreadsheet. Hourly rates are attached and may be revised annually. Thank you for providing MKN with the opportunity to provide professional services for your project. If you have any questions regarding this proposal, please let me know.

Richard Jamar, City of Guadalupe

If you authorize MKN to proceed with this work, please sign below:

Sincerely,

Authorized to Proceed by:



Jon Hanlon, PE
Principal

City of Guadalupe

(Date)

Attachments:
Budget Spreadsheet
2018 Fee Schedule

Guadalupe Tognazzini Waste Line Replacement

	Principal Engineer	Project Engineer	Assistant Engineer	Drafter	Total Hours (MKN)	Subtotal Labor (MKN)	ODCs (MKN)	Total Cost
Task 1 - Project Management, Meetings, and QA/QC								
Site Visit and Meetings (3 total)	6				6 \$	1,080 \$	200 \$	1,280 \$
Project Management and QC	4				4 \$	720 \$		720 \$
Subtotal	10	0	0	0	10 \$	1,800 \$	200 \$	2,000 \$
Task 2 - Information Review								
Collect and Review Existing Information	2	8			10 \$	1,376 \$		1,376 \$
Subtotal	2	0	8	0	10 \$	1,376 \$	-	1,376 \$
Task 3 - Construction Documents								
Draft Plans and Specs	6	2	12	16	36 \$	4,456 \$		4,456 \$
Draft Cost Opinion		2	4		6 \$	808 \$		808 \$
Final Plans and Specs	4	2	8	8	22 \$	2,812 \$		2,812 \$
Final Cost Opinion		1	2		3 \$	404 \$		404 \$
Subtotal	10	7	26	24	67 \$	8,480 \$	-	8,480 \$
TOTAL BUDGET					87 \$	11,656 \$	200 \$	11,856 \$

Billing Rates	\$/hr
Principal Engineer	180
Senior Project Engineer	170
Project Engineer	150
Water Resource Planner	138
Assistant Engineer	127
Drafter	97
Administrative Assistant	57

Mileage to be reimbursed at IRS rate





MKN & Associates, Inc.
PO Box 1604
Arroyo Grande, CA 93421
805 904 6530

FEE SCHEDULE FOR PROFESSIONAL SERVICES

ENGINEERS AND TECHNICAL SUPPORT STAFF

Principal Engineer	\$180/HR
Senior Project Engineer	\$170/HR
Project Engineer	\$150/HR
Water Resources Planner	\$138/HR
Assistant Engineer	\$127/HR
GIS Specialist	\$130/HR
GIS Technician	\$110/HR
Senior Design Technician	\$97/HR
Administrative Assistant	\$57/HR

Routine office expenses such as computer usage, telephone charges, office equipment and supplies, incidental postage, copying, faxes, etc., are included in the hourly rates.

DIRECT PROJECT EXPENSES

Outside Reproduction	Cost + 10%
Subcontracted or Subconsultant Services	Cost + 10%
Travel & Subsistence (other than mileage)	Cost
Auto Mileage	Current IRS Rate - \$.54/mi.

14a.

**REPORT TO THE CITY COUNCIL
December 11, 2018**

151
Prepared By:
Philip F. Sinco
City Attorney

[Signature] for Cruz.
Approved By:
Cruz W. Ramos
City Administrator

SUBJECT: REQUEST FROM GB LAND 4, LLC (CA) AND GUADALUPE BEACH LLC (CA), FOR THE CITY OF GUADALUPE TO ACCEPT (OR DECLINE) THE TRANSFER AND ASSIGNMENT OF TWITCHELL YIELD FOR LOTS 4 AND 5 OF THE PASADERA DEVELOPMENT

EXECUTIVE SUMMARY:

In accordance with a Stipulation Settlement (“Stipulation”) in the case of *Santa Maria Groundwater Litigation Lead Case No. CV 770214, Superior Court of the State of California, County of Santa Clara, June 30, 2005*, related to water rights associated with the Santa Maria Groundwater Basin (“Basin”), the City of Guadalupe (“City”) is entitled to 1,300 acre-feet (“AF”) of Twitchell Yield. On an annual basis, the City pays an assessment for its current share of Twitchell Yield (approximately \$20.31/AF), for a total annual assessment of approximately \$26,406. “Twitchell Yield” is the amount of water that is released from the Twitchell Dam that percolates back into the groundwater basin. Each stipulating party was allocated a share of the Twitchell Yield.

The Stipulation also provides that shares of Twitchell Yield may be transferred to other stipulating parties. GB Land 4, LLC (CA) and Guadalupe Beach LLC (CA) (collectively, “GBL”), are the current owners and developers of the Pasadera Project, and which has shares of Twitchell Yield, some of which it is willing to transfer to the City. GBL is not offering to transfer its entire share of Twitchell Yield at this time but intends to do so as it terminates existing agricultural leases and constructs homes. Presently, GBL is offering to transfer 1.94 AF of Twitchell Yield to the City.

RECOMMENDATION:

It is recommended that the City Council:

- 1) Receive a presentation from staff;
- 2) Consider any public input; and
- 3) Adopt Resolution No. 2018-73 authorizing the Mayor to accept the transfer and assignment of the Twitchell Yield for APNs 113-450-004 and 113-450-005 from GB Land 4, LLC (CA) and Guadalupe Beach LLC (CA) on behalf of the City of Guadalupe

Agenda Item: _____

BACKGROUND:

In 1997, the Santa Maria Valley Water Conservation District (“SMVWCD”) filed a lawsuit to adjudicate water rights in the Basin (*Santa Maria Valley Water Conservation District vs. City of Santa Maria, et al., Case No. 770214, Superior Court of the State of California, County of Santa Clara, June 30, 2005*). The City was a party to this lawsuit, as were the City of Santa Maria, Southern California Water Company (now Golden State Water Company), and overlying landowners, all of whom were entitled to groundwater rights in the Basin.

In May 2004, the majority of the parties to the lawsuit, including the SMVWCD, negotiated a settlement agreement (i.e., the Stipulation) that set forth terms and conditions for a solution concerning the overall management of Basin water resources, including rights to use groundwater, State Water Project (SWP) water and associated return flows, and groundwater yield resulting from operation of Twitchell and Lopez reservoirs. The Stipulation was signed by a majority of overlying landowners in the Basin.

Twitchell Reservoir is operated as a flood control and water conservation reservoir. Releases of water stored in the reservoir are controlled to maximize recharge of the groundwater basin through percolation in the Santa Maria Riverbed. The water returned to the Basin is referred to as Twitchell Yield. The Stipulation sets the annual amount of Twitchell Yield at 32,000 AF.

In accordance with the Stipulation, a court-appointed attaché was also formed, with representatives from all stipulating parties (water purveyors and overlying landowners) serving on the Twitchell Management Authority (“TMA”). The TMA is required to fund basin studies and yield enhancement projects for Twitchell Reservoir and Dam. The Stipulation further requires the water purveyors to fund eighty percent (80%) of the annual budget based on percentage of Twitchell Yield in acre-feet ("AF"), with the remaining twenty percent (20%) share of Twitchell Yield allocated to overlying landowners.

The City’s annual share is approximately four percent (4%) of the Twitchell Yield, or about 1,300 AF. The annual cost to the City for its share of Twitchell Yield is approximately \$26,406, or \$20.31/AF.

DISCUSSION:

Overlying landowners located within the Basin are also entitled to a share of Twitchell Yield in accordance with the Stipulation. This right to use additional groundwater is useful for agricultural operations; however, it has no practical benefit for a landowner whose land is developed and not used for agricultural purposes.

Such is the case with GBL, the current owners and developers of the Pasadera Project, which is being constructed on a portion of APN 113-080-024 (retired). The parcel has since been split into ten (10) lots, with two lots already developed for residential housing (APNs 113-450-004 and 113-450-005), one lot sold to the Guadalupe Union School District, and the remaining lots still in use for agricultural purposes. Because a large percentage of the undeveloped land is currently farmed under a lease that requires GBL to make groundwater available for the tenant’s use, GBL intends to continue to pay the Twitchell Yield assessments for each lot until farming ceases and work on mapped subdivision lots begins.

Agenda Item: _____

Final subdivision maps for Lots 4 and 5 (APNs 113-450-004 and 113-450-005, respectively) of the Pasadera Project have been approved and GBL is currently selling and constructing homes on them. One of the conditions of approval for the Pasadera Project is that all of the homes that are constructed (as well as all of the commercial projects that are constructed) must connect to City of Guadalupe's water system; as a result, the property owner has no way to use the Twitchell Yield once connected to the City's water system.

Because Twitchell Yield for Lots 4 and 5 of the Pasadera Project no longer has any practical benefit to GBL, it is willing to assign its share of Twitchell Yield for Lots 4 and 5 to the City. If accepted by the City Council, this additional Twitchell Yield will increase the City's available groundwater supplies. The Twitchell Yield for Lot 4 (31.25 acres) is 0.95 AF and 0.99 AF for Lot 5 (29.94 acres). The annual assessment for the Twitchell Yield for Lot 4 is \$19.29 and \$20.11 for Lot 5. If the City Council decides to accept the assignment of the Twitchell Yield for Lots 4 and 5, the additional cost for the City would be \$39.40 annually.

If the City Council decides to accept the transfer of Twitchell Yield, GBL will execute a Voluntary Permanent Transfer of Twitchell Yield form identifying the City of Guadalupe as the recipient, and the City Clerk will prepare and certify a Certificate of Acceptance. Thereafter, the City's annual assessment for its share of Twitchell Yield will increase by approximately \$40 per year from \$26,406 to \$26,446.

The City Council should expect to receive more of these offers of Twitchell Yield from GBL and its affiliated corporations as it develops more and more portions of the Pasadera Project. GBL intends to offer to assign the City its shares of Twitchell Yield from other, currently undeveloped, portions of the Pasadera Project as these areas are developed. If the City Council accepts all of these anticipated offers of Twitchell Yield from the Pasadera Project, the total increase to the City's annual payment for Twitchell Yield will be \$1,010.63 per year.

If the City Council decides to accept the Twitchell Yield for Lots 4 and 5, it is not obligated to accept any future offers of Twitchell Yield from GBL. In addition, if the City Council declines the Twitchell Yield for Lots 4 and 5, it will still be able to accept future offers of Twitchell Yield.

If the City Council decides not to accept GBL's offer of Twitchell Yield for Lots 4 and 5, the TMA can explore other options as the Twitchell Yield can be transferred to any other stipulating party.

FISCAL IMPACT:

Insignificant. The current amount the City pays each year to the TMA is \$26,406. If the Twitchell Yield transfer from Lots 4 and 5 is accepted, the annual payment to the TMA will only increase approximately \$40 per year for an additional 194 AF per year of Twitchell Yield rights.

Agenda Item: _____

ATTACHMENTS:

1. Resolution No. 2018-73 Authorizing the Mayor to Accept Twitchell Yield from GB Land 4, LLC (CA) and Guadalupe Beach LLC (CA) for Lots 4 and 5 of the Pasadera Development.

Prepared by: Philip F. Sinco, City Attorney

Meeting Date: _____ 2018

City Administrator Approval: _____

Agenda Item: _____

RESOLUTION NO. 2018-73

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE,
CALIFORNIA ACCEPTING OFFER OF TWITCHELL YIELD FROM GB LAND
4, LLC (CA) AND GUADALUPE BEACH LLC CA) FOR LOTS 4 AND 5 OF THE
PASADERA DEVELOPMENT**

WHEREAS, in 1997, the Santa Maria Valley Water Conservation District (“SMVWCD”) filed a lawsuit to adjudicate water rights in the Santa Maria Valley Groundwater Basin (“Basin”) (*Santa Maria Valley Water Conservation District vs. City of Santa Maria, et al., Case No. 770214, Superior Court of the State of California, County of Santa Clara, June 30, 2005*); and

WHEREAS, the City of Guadalupe was a party to this lawsuit, as were the City of Santa Maria, Southern California Water Company (now Golden State Water Company), and overlying landowners, all of whom were entitled to groundwater rights in the Basin; and

WHEREAS, in May 2004, the majority of the parties to the lawsuit negotiated a settlement agreement that set forth terms and conditions for a solution concerning the overall management of Basin water resources, including rights to use groundwater in the Basin; and

WHEREAS, the Twitchell Reservoir is operated as a flood control and water conservation reservoir that releases of water stored in the reservoir to maximize recharge of the groundwater basin through percolation in the Santa Maria Riverbed, which is referred to as Twitchell Yield; and

WHEREAS, the Stipulation sets the annual amount of Twitchell Yield at 32,000 AF of which eighty percent (80%) was allocated to the Water Purveyors (e.g., the City of Santa Maria, the City of Guadalupe, and Golden State Water Company), and the remaining twenty percent (20%) was allocated to the overlying land owners; and

WHEREAS, the City of Guadalupe’s annual share is approximately four percent (4%) of the Twitchell Yield, or about 1,300 AF, and the annual cost to the City for its share of Twitchell Yield is approximately \$26,406, or \$20.31/AF; and

WHEREAS, the overlying landowners located within the Basin are also entitled to a share of Twitchell Yield in accordance with the Stipulation, including GB Land Company, LLC (CA) and Guadalupe Beach, LLC (CA) (collectively referred to as “GBL”), the current owners and developers of the Pasadera Project, which is being constructed on a portion of APN 113-080-024 (retired); and

WHEREAS, retired parcel APN 113-080-024 has been split into ten (10) lots, with two lots (Lots 4 and 5) already developed for residential housing (APNs 113-450-004 and 113-450-005), one lot sold to the Guadalupe Union School District, and the remaining lots still in use for agricultural purposes; and

WHEREAS, one of the conditions of approval for the Pasadera Project is that all of the homes that are constructed (as well as all of the commercial projects that are constructed) must connect to City of Guadalupe's water system, and as a result, the property owner has no way to use the Twitchell Yield once connected to the City's water system; and

WHEREAS, because Twitchell Yield for Lots 4 and 5 of the Pasadera Project no longer has any practical benefit to GBL, it is willing to assign its share of Twitchell Yield for Lots 4 and 5 to the City; and

WHEREAS, the Twitchell Yield for Lot 4 (31.25 acres) is 0.95 AF/year and 0.99 AF/year for Lot 5 (29.94 acres), and the annual assessment for Lot 4 is \$19.29 and \$20.11 for Lot 5, for a combined annual assessment of \$39.40.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Guadalupe as follows:

Section 1. The City Council accepts the offer from GBL to transfer 0.95 AF/year of Twitchell Yield for Lot 4 (APN 113-450-004) and 0.95 AF/year of Twitchell Yield for Lot 5 (APN 113-450-005), and authorizes payment to the Twitchell Management Authority for the annual assessment for Lot 4 in the amount of \$19.29 and for Lot 5 in the amount of \$20.11 (for a combined annual assessment of \$39.40).

Section 2. The City Council hereby authorizes the City Clerk to prepare and certify a Certificate of Acceptance of the Voluntary Permanent Transfer of Twitchell Yield form executed by GBL identifying the City of Guadalupe as the recipient.

PASSED AND ADOPTED at a regular meeting on the 11th day of December 2018 by the following vote:

Motion:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, **Joice Earleen Raguz, City Clerk of the City of Guadalupe** DO HEREBY CERTIFY that the foregoing Resolution, being C.C. Resolution No. 2017-73, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held October 10, 2017, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney

REPORT TO THE CITY COUNCIL
December 11, 2018



Prepared by:
Larry Appel, Contract City Planner

 for Cruz.

Approved by:
Cruz Ramos, City Administrator

SUBJECT: PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION TO USE THE PIONEER STREET APARTMENTS, A 34-UNIT MULTI-FAMILY HOUSING PROJECT, LOCATED AT 856, 864, AND 872 PIONEER STREET FOR "EMPLOYEE HOUSING," 2018-134-CUP; APN 115-092-001, AND -025.

EXECUTIVE SUMMARY:

In 2015, the City Council approved a conditional use permit for the Pioneer Street Apartments, a 34-unit multi-family apartment project in the General-Commercial zone at 856, 864, and 872 Pioneer Street. A conditional use permit was required because dwelling units were located on the first floor. The current application for a conditional use permit is for essentially the same 34-unit housing project as originally approved in 2015, except the applicant seeks to use the project for "employee housing."

Staff determined that the only way that the City Council could provide the Applicant with the requested 'employee housing' under the provisions of the City's Municipal Code would be for it to grant the applicant a conditional use permit to operate the project as a "group dwelling" pursuant to Guadalupe Municipal Code (GMC) Section 18.030.036. Although the City Council may choose to grant the conditional use permit the applicant seeks, staff does not recommend that the Council do so. Staff believes that the use of the property as "employee housing" does not further key policies of the General Plan for the General-Commercial/Central Business District land use designation and the General-Commercial zoning district. In addition, the Applicant has indicated an intent to change the approved floor plan for the apartments which would reduce the size of the living/dining area by adding a temporary wall to create an additional "sleeping area" so more employees could be housed in each unit. Staff also does not support this reduction of the available common area in order to house more individuals in the units because it is not in the best interests for the health and welfare of the persons residing in these units.

RECOMMENDATION:

It is recommended that the City Council:

- 1) Receive a presentation from staff (Larry Appel, Contract City Planner); and
- 2) Conduct a public hearing, including: a) an opportunity for the applicant to present the proposed project, and b) receive any comments from the public; and
- 3) Adopt Resolution No. 2018-72 denying the Conditional Use Permit for the Pioneer Street Apartment Project for Employee Housing (2018-134-CUP); or
- 4) If the Council wishes to approve the Conditional Use Permit, the Council should continue the hearing to January 8, 2019, to allow staff time to prepare findings in support of approval along with conditions for the Council's consideration.

BACKGROUND:

An application for a conditional use permit ("CUP") for the Pioneer Apartments project was submitted on March 11, 2015. This project (the "original project") consisted of a total of 34 apartments in two separate three-story buildings (17 units in each). The units were proposed for multi-family housing and would be approximately 932 square feet with two bedrooms, bathroom, kitchen and living room/dining room. A CUP was required for the original project because, pursuant to Guadalupe Municipal Code ("GMC") section 18.030.036.A, dwelling units on the first floor of a structure in the General-Commercial zone require a conditional use permit.

The project was brought to the City Council where it was approved on October 27, 2015. In February 2016, the applicant submitted a building permit application to the Building Department and began the plan check process, but building permits were never issued. The CUP issued for the original project was at risk of expiring, but the City Council granted two one-year time extensions. The currently approved CUP will now expire on October 27, 2019.

Although the applicant can proceed with the currently approved project (subject to resubmission of new building plans that comply with the 2016 Building Code updates), and can use it to house employees or families or whoever else is legally entitled to reside in the apartments, the applicant is requesting an affirmative approval from the City Council for the project to be used specifically for "employee housing," as the term is defined by and regulated under state law. In essence, the applicant is seeking a legally enforceable entitlement to use the project for "employee housing."

DISCUSSION:

Employee housing is not defined in, or regulated by, the Guadalupe Municipal Code, but it is defined in and extensively regulated by the Employee Housing Act (California Health & Safety Code §§ 1700, *et seq.*). These regulations basically provide that

employee housing is to be treated in the same way as any other residential use in the applicable zoning district when it occurs in single or multi-family dwellings.

Health & Safety Code § 17021.5 provides: "...For the purpose of all local ordinances, employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone."

By "employee housing," the Applicant is referring specifically to the housing of temporary foreign workers permitted to enter and work in the United States under the H-2A Visa Program, although that is not the only type of "employee housing" recognized by state law. The federal H-2A program is designed to allow agricultural employers and their agents (e.g., labor supply contractors) to hire foreign nationals on a temporary basis to perform work when the employer can demonstrate there are an insufficient number of domestic workers available to perform the required work. Typically, the temporary workers are able to stay in the United States for between three (3) and ten (10) months (although longer or shorter stays are possible). The employer who wants to hire these foreign workers must apply to the federal Department of Labor for permission to do so, and if their request is approved, must provide housing at no cost to the workers and provide meals (at a nominal cost) or provide facilities for the workers to do their own cooking. The employer must also provide transportation to and from the work site and once a week for grocery shopping, laundry, etc. The foreign workers must pass a background check by the Department of Homeland Security, and if they pass, are issued a visa to enter into the United States. The particular visa is called an "H-2A" visa. The H-2A program has been utilized more and more by local agricultural businesses, and there is great need for housing for these workers.

Even though the Employee Housing Act was written many years before the federal H-2A Visa Program was extensively utilized in California and was primarily intended to regulate the housing of domestic farm workers and their families, the California Department of Housing and Community Development has made it clear that it applies to the housing of H-2A workers. There are also federal regulations concerning the housing of H-2A workers. Both state and federal regulations apply to "employee housing," and whichever one is stricter will apply if there is any overlap. For example, under California law, any room used for "sleeping purposes" must be at least 70 square feet, and two persons may sleep in such a room. For every additional person, there must be an additional 50 square feet, thus, three persons may sleep in a room that has 120 square feet. However, under federal regulations for the housing of H-2A workers, a minimum of 50 square feet is required for each worker in a sleeping room, so no more than two H-2A workers could sleep in a room with 120 square feet.

As mentioned previously, the City's Municipal Code does not have any definition for employee housing, nor is it regulated by the City in any way. For this reason, the

applicant is able to use the original project (subject to resubmission of new building plans that comply with the 2016 Building Codes) for housing of employees (subject to applicable state and federal regulations concerning housing of employees). Nevertheless, the applicant is seeking a CUP from the City to expressly permit the use of the project for employee housing.

Since the City does not have any specific provisions for “employee housing,” in order to process the application and provide a way for the City Council to grant the request if it so chooses, it was necessary for staff to find a use defined or listed in the City’s Municipal Code (specifically Title 12, concerning zoning) that is the most similar to “employee housing.” In the opinion of the City’s contract Planner, the most similar use listed in the City’s Municipal Code is found in GMC section 18.36.030.B., which provides that a conditional use permit is required for: “[h]ospitals, convalescent homes, boardinghouses, and family care homes or other group dwellings.” City staff is not claiming that “employee housing” is, in fact, a hospital, a convalescent home, a boardinghouse, or a family care home, but it is a type of “group dwelling” similar to these uses, or at least, is the most similar use listed in the GMC. The same is true for the applicant’s proposed project: staff is not claiming that using it for employee housing makes it a hospital, boardinghouse, etc., but staff believes that the applicant’s proposed use of the project for employee housing would be a similar type of “group dwelling.” Staff rejected “muti-family” use as a similar use for the proposed employee housing use.

Staff reached this conclusion by reviewing several definitions in the GMC. For example, GMC section 18.08.140 defines “family” as meaning “...one or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, or farm labor quarters....”

GMC section 18.08.302 defines a “single housekeeping unit” as: “...the functional equivalent of a traditional family where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method, and the makeup of the household occupying the unit is stable and semi-permanent and determined by the residents of the unit rather than the landlord, property manager, or third party.”

Employee housing meets some of these criteria, but certainly not all or even most of them, especially the criteria that the unit is “stable and semi-permanent and determined by the residents of the unit” or that the “makeup of the household occupying the unit is ... determined by the residents of the unit rather than the landlord, property manager, or third party.” Moreover, the definition of “family,” which is as the functional equivalent of a “single housekeeping unit,” expressly excludes “farm labor quarters” from the definition. For these reasons, staff determined that Section 18.030.036.B. was the most similar use (because of the “other group dwelling” category) for purposes of processing the applicant’s request for a conditional use permit for an “employee housing” use.

The Employee Housing Act prohibits a local jurisdiction from requiring a conditional use permit for employee housing of six or fewer persons in a dwelling unit, and the City's Municipal Code does not violate this prohibition. Here, the Applicant is the one requesting a conditional use permit to use the subject project for employee housing. The City is not requiring the Applicant to obtain a CUP to use the project for employee housing. For this reason, the City's Municipal Code does not run afoul of the Employee Housing Act's requirement that employee housing be treated the same as single or multi-family uses when it occurs in those types of structures.

By processing the applicant's request for a CUP to affirmatively approve use of the Pioneer Apartments for employee housing as a "group dwelling" pursuant to Section 1836.030.B., staff has provided a way for the City Council to grant the applicant's request should it choose to do so.

However, staff recommends that the City Council not approve the requested CUP. While the City Council is certainly able to approve the CUP as requested by the applicant and staff could provide findings to support this decision, staff believes that the applicant's proposed use of the project for "employee housing" is not the best use of the property for purposes of forwarding the goals and policies of the City's General Plan and the purposes of the General Commercial zoning district. Below are two key General Plan policies that are relevant to the Council's consideration of this application.

CBD Policy 8 – The City will encourage residential activity above compatible office and retail uses in the Central Business District.

According to the Santa Barbara Economic Summit report (Rupert 4-30-15), there is a shortage of market-rate rental housing units in the region. Initially the 34-unit project was approved as a market-rate apartment complex. Based on the owner's application for the revised project, if constructed, this project would no longer be available to provide market-rate apartment units for those residents of Guadalupe wishing to move up into better housing. Further, the design concept of the plan is inconsistent with the goal of Policy 8 which encourages retail and office use on the ground floor with mixed use residential on upper floors. The project is therefore inconsistent with Policy 8.

CBD Policy 10 – The City will work to strengthen its partnership with the private sector to protect and expand the economic viability of the downtown.

The original 34-unit market-rate apartment building was found consistent with this policy as it would bring over 100 residents to an underdeveloped area of the CBD. Those living in the apartments would increase the customer base for existing downtown restaurants and shops and would generate demand for existing and new services within walking distance of the apartment complex. While the presence of temporary workers in the City even for a limited amount of time would have a positive economic impact on the downtown, the fact the units would be vacant for several months each year does not further this policy as much as permanent residents living in these units would, and therefore, the proposed "employee housing" use does not support Policy 10 as much as a multi-family use would, and is therefore, inconsistent with Policy 10.

In addition, the proposed project does not advance the stated purpose of the General Commercial zone, or at least, does not advance the purpose as much as multi-family use does. GMC section 18.32.010 states: "The purpose of the G-C district is to provide an area for the orderly expansion and development of the business district as a retail shopping area to serve present and future needs of the residential community, in conformance with the General Plan." The primary purpose of the General-Commercial district is to expand and develop the district as a retail shopping area that will serve the residential community. Implicit in the use of the word "residential" is the sense of permanent or semi-permanent households that will participate fully in the community. This purpose is best served by families (as defined by the GMC) that are single housekeeping units rather than temporary lodging for transient workers.

An additional ground for denying the application for a CUP, as requested by the applicant, is the fact that the applicant intends to revise the approved floor plans to essentially add a third bedroom which would permit an increase in the number of employees allowed to be housed under federal regulations than would currently be allowed for the original two-bedroom apartment, but which reduces the amount of common living area as a result. The current space between the third bedroom wall and the kitchen is only 108 square feet, and once a walk space is taken out, then there only remains 60 square feet for the living room and the dining room. The 2016 California Building Code (Section 1208.3) concerning "room area" provides: "Every dwelling unit shall have no fewer than one room that shall have not less than 120 square feet (13.9m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5m²)." Accordingly, the third bedroom/"sleeping area" may not be consistent with the requirements of the California Building Code. Whether it is permitted by the California Building Code or not, staff does not support the applicant's intention to place more employees in these units than would currently be allowed under federal regulations by taking away some of the already modestly sized common living area. In staff's view, this is the functional equivalent of turning a dwelling into a dormitory, which is not the best use for a property in the G-C zone and would not be in the best interest for the health and welfare of the workers that would be housed there

FISCAL IMPACT:

There are no fiscal impacts that would arise from the approval or denial of the requested conditional use permit that are separate and distinct from the previously approved conditional use permit that will expire on October 27, 2019.

ENVIRONMENTAL REVIEW:

14 Cal. Code Regs. Section 15270(a) states that "CEQA does not apply to projects which a public agency rejects or disapproves." Staff is recommending denial of the proposed CUP, and therefore, Section 15270(a) applies.

PUBLIC NOTICE:

Staff published the required legal ad in a newspaper of general circulation on or before December 1, 2018.

CONCLUSION:

Staff recommends denial of the 2018-134-CUP and recommends that the Council adopt Resolution No. 2018-72 denying the Revised Pioneer Street Apartment project conditional use permit (2018-134-CUP).

If a majority of the Council disagrees with staff, the Council should continue the hearing to January 8, 2019, to allow staff time to prepare findings in support of approval along with conditions for the Council's consideration.

ATTACHMENT:

1. Resolution No. 2018-72
2. Reduced site plan

RESOLUTION NO. 2018-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, DENYING CONDITIONAL USE PERMIT NO. 2018-134-CUP FOR THE REVISED PIONEER STREET APARTMENTS DEVELOPMENT PROJECT

WHEREAS, Steve Simoulis (“Applicant”) submitted an application on August 16, 2018 for a conditional use permit to use the previously approved 34-unit Pioneer Street Apartment development located at 856, 864 and 872 Pioneer Street (APNs 115-092-001, and -025) (“Original Project”), in the City of Guadalupe for “employee housing” as that term is defined in and regulated by the Employee Housing Act (Health & Safety Code section 17000 *et seq.*); and

WHEREAS, the Applicant also submitted a revised floor plan for the units of the Original Project in which the living/dining room area will be reduced by the installation of a temporary wall intended to create a third bedroom/“sleeping area” so additional temporary workers/employees could permissibly be housed in the units under federal regulations governing housing of temporary workers under the H-2A visa program; and

WHEREAS, the City Council, has reviewed the entire record and considered all written materials, and testimony.

NOW THEREFORE, BE IT RESOLVED by the City Council of Guadalupe as follows:

Section 1. The Applicant’s request for a conditional use permit to use the previously approved 34-unit Pioneer Street Apartment development located at 856, 864 and 872 Pioneer Street (APNs 115-092-001, and -025) for employee housing as defined in and regulated by the Employee Housing Act (Health and Safety Code section 17000 *et seq.*) is denied based on the findings set forth in Section 2 of this Resolution.

Section 2. The City Council hereby makes the following findings in this matter:

- a. The proposed project is inconsistent with the City’s General Plan policy for the Central Business District (CBD Policy 8) which provides that the City will encourage residential activity above compatible office and retail uses in the Central Business District. According to the Santa Barbara Economic Summit report (Rupert 4-30-15), there is a shortage of market-rate rental housing units in the region. Initially the 34-unit project was approved as a market-rate apartment complex. Based on the owner’s application for the revised project, if constructed, this project would no longer be available to provide market-rate apartment units for those residents of Guadalupe wishing to move up into better housing. Further, the design concept of the plan is inconsistent with the goal of Policy 8 which encourages retail and office use on the ground floor with mixed use residential on upper floors. Although the approved project does not have commercial uses on the first floor which is inconsistent with CBD Policy 8, the approved project was intended to provide market rate rental housing for the City’s permanent residents and, possibly, to

attract new permanent residents to the downtown area. The proposed revised project is inconsistent with Policy 8 and will not provide housing for the City's current permanent residents and will not be available to attract new permanent residents to the City. Some, if not all of the units in the proposed project, as revised, would be vacant for several months each year due to the fact that the temporary workers are not required (nor legally permitted) to live and work in the United States year-round. The fact that the temporary workers are essentially transients is inconsistent with CBD Policy 8.

- b. The proposed project is inconsistent with the City's General Plan policy for the Central Business District (CBD Policy 10) which provides that the City will work to strengthen its partnership with the private sector to protect and expand the economic vitality of the downtown. The City Council found that the original 34-unit market-rate apartment building was consistent with this policy as it would bring over 100 residents to an underdeveloped area of the CBD. Those living in the apartments would increase the customer base for existing downtown restaurants and shops and would generate demand for existing and new services within walking distance of the apartment complex. Given the applicant's desire now to utilize the 34 units for employee housing, it is unclear how the project would serve to expand the economic viability of the downtown. The employees the project would provide housing for are temporary workers and will usually be unable to stay for more than nine or ten months at most (barring exceptional circumstances), leaving the units vacant for several months each year. While the presence of temporary workers in the City could have a positive economic impact on the downtown, the fact the units would be vacant for a number of months each year does not further this policy as would permanent residents living in these units would, and therefore, the revised project, as proposed, does not support Policy 10 as a multi-family use would.
- c. In addition, the proposed project does not advance the stated purpose of the General Commercial zone, or at least, does not advance the purpose as much as multi-family use does. Guadalupe Municipal Code (GMC) section 18.32.010 states: "*The purpose of the G-C district is to provide an area for the orderly expansion and development of the business district as a retail shopping area to serve present and future needs of the residential community, in conformance with the General Plan.*" The primary purpose of the General-Commercial district is to expand and develop the district as a retail shopping area that will serve the residential community. Implicit in the use of the word "residential" is the sense of permanent or semi-permanent households that will participate fully in the community. This purpose is best served by families (as defined by the GMC Section 18.08.140) that are single housekeeping units (as defined by GMC Section 18.08.302) rather than temporary lodging for transient workers.
- d. The proposed revisions to the approved floor plans to add a third bedroom (without a closet) for use as an additional sleeping area which will be created by reducing the square footage of the living/dining (common) area is not consistent with principles of good planning and design. The only reason for

this proposed revision to the floor plan is to increase the number of temporary workers who can reside in the units that would otherwise be allowed to reside in them pursuant to federal regulations governing the housing of temporary workers under the H-2A program. Under the proposed revisions to the floor plans, the current space between the third bedroom wall and the kitchen would be only 108 square feet, and once a walk space is taken out, only 60 square feet would remain for the living room and dining area. The 2016 California Building Code (Section 1208.3) states that every dwelling unit shall have no fewer than one room that shall have not less than 120 square feet of net floor area and other habitable rooms shall have a net floor area of not less than 70 square feet. The additional third bedroom/"sleeping area" is likely inconsistent with the California Building Code, and additionally, with the addition of the third bedroom/sleeping room, no room in the unit would be able to provide an adequate common space for all residents. The applicant wishes to place more employees in these units than he is currently able to under state and federal regulations and take away common living area in order to do this, which would be harmful to the health and welfare of the residents of these units.

Section 3 The City Council Secretary shall certify as to the adoption of this Resolution.

PASSED, AND ADOPTED this 11th day of December, 2018 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF GUADALUPE

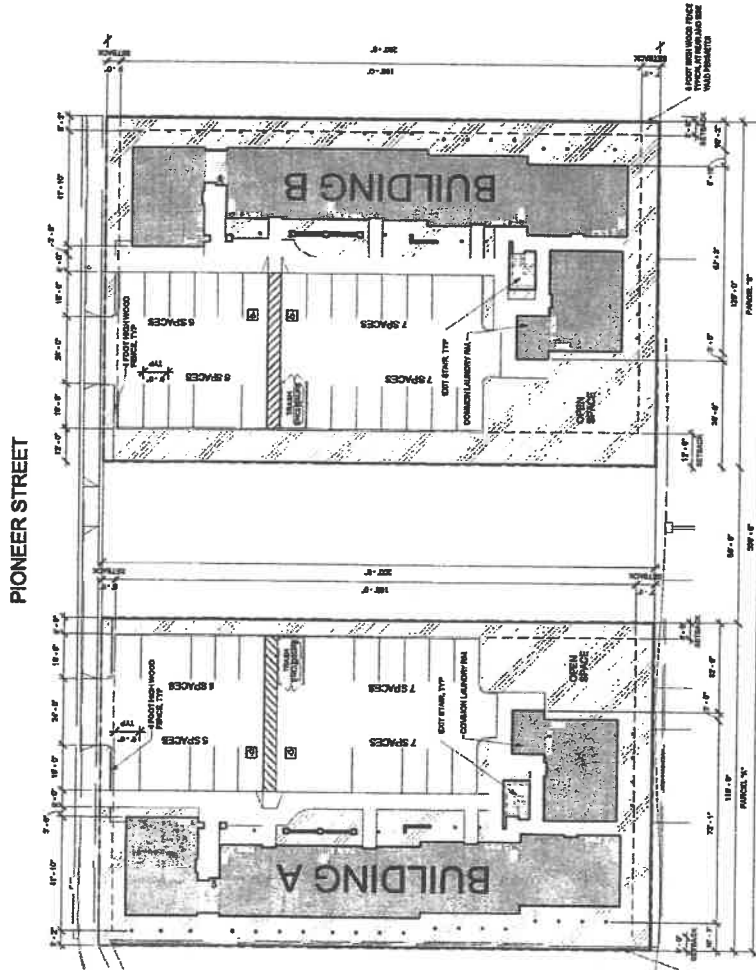
Ariston Julian, Mayor

ATTEST:

Joice Earleen Raguz, City Clerk

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney



LEGEND

- PROPOSED BUILDING
- UNIMPAVED DRIVEWAY TO EXISTING LOT
- UNIMPAVED DRIVEWAY TO EXISTING LOT
- UNIMPAVED DRIVEWAY AREA



1 ARCHITECTURAL SITE PLAN



design group
 1000 N. UNIVERSITY AVENUE, SUITE 100
 COLLEGE HILL, OHIO 45319
 TEL: 614.291.1111 FAX: 614.291.1112
 WWW.DESIGNGROUP.COM

PROPOSED SITE PLAN
1014133 - PIONEER STREET APARTMENTS
 REVISED 10/09/15 07/23/15

17a.

**REPORT TO THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF
THE CITY OF GUADALUPE**

December 11, 2018

151
Prepared By:
Vanessa S. Legbandt
Special Counsel to the
Successor Agency

[Signature] *for Cruz.*
Approved By:
Cruz W. Ramos
Executive Director

**SUBJECT: RESOLUTION OF THE SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF GUADALUPE
APPROVING THE RECOGNIZED OBLIGATION PAYMENT
SCHEDULE FOR THE JULY 1, 2019 THROUGH JUNE 30, 2020 PERIOD**

EXECUTIVE SUMMARY:

The Successor Agency to the Redevelopment Agency of the City of Guadalupe (the "Successor Agency") was formed to administer the enforceable obligations and otherwise unwind the former affairs of the former Redevelopment Agency of the City of Guadalupe (the "Former Agency"), all subject to the review and approval by a seven-member Oversight Board. Until June 30, 2018, each successor agency had a local oversight board that served this purpose. As of July 1, 2018, all local oversight boards have been replaced by consolidated county-wide oversight boards as part of the streamlining and wind-down of redevelopment affairs.

Under Section 34171(h), a Recognized Obligation Payment Schedule (a "ROPS") is "the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each fiscal year as provided in subdivision (o) of Section 34177." Under the mandatory dates in the Dissolution Law, the Successor Agency must submit a copy of the ROPS for fiscal year 2019-20 (the "ROPS 19-20"), after approval from the Oversight Board, to the County Administrative Officer ("CAO"), County Auditor-Controller ("CAC"), State Controller's Office ("SCO"), and DOF by February 1, 2019.

The ROPS 19-20 contains many of the same enforceable obligations listed on the ROPS for fiscal year 2018-19. In addition, the ROPS 19-20 includes a new line item for the Bond Proceeds Expenditure Agreement between the Successor Agency and the City of Guadalupe, providing for the City's expenditure of any remaining unspent bond proceeds held by the Successor Agency as of July 1, 2019. In addition, the ROPS 19-20 includes a line item to re-affirm and ratify prior payments made under the Henry Garcia loan. While DOF approved the payments for the Henry Garcia loan during the 18-19B period (January-June 2019), DOF has not yet approved certain payments previously made to Mr. Garcia by the Successor Agency, and the Successor Agency must include these payments on the ROPS 19-20 in order to continue working with DOF to reconcile its past payments and resolve this matter. The Bond Proceeds

Expenditure Agreement and the Garcia Loan are described in more detail below.

RECOMMENDATION:

That the Successor Agency Board adopt Resolution No. 2018-03 entitled “Resolution of the Successor Agency to the Redevelopment Agency of the City of Guadalupe Approving the Recognized Obligation Payment Schedule for the July 1, 2019 through June 30, 2020 period.”

DISCUSSION:

1.) The Successor Agency has unspent proceeds derived from the Former Agency’s 2003 bonds. The Dissolution Act permits the Successor Agency to use unspent bond proceeds for the purposes for which the bonds were issued. The Successor Agency has received its Finding of Completion and is therefore eligible to spend bond proceeds in accordance with bond covenants. The renovation and retrofitting of the Royal Theatre is a permitted use of 2003 Bond proceeds.

The Successor Agency and City Council previously approved a Bond Proceeds Expenditure Agreement that would, if approved by the Oversight Board and DOF, provide for the Successor Agency to transfer any remaining unspent proceeds of the Former Agency’s 2003 Bonds to the City to pay for renovation and retrofitting of the Royal Theatre, so that the Royal Theatre can once again be used as a valuable community facility for performances, concerts, community gatherings, educational and job training courses, as well as other uses consistent with the City’s general plan and zoning ordinance. The City is also applying for grant funding from USEDA for this renovation and retrofitting project. Under the Bond Purchase Expenditure Agreement, if the Royal Theatre renovation does not occur or any bond proceeds remain after completion of the Royal Theatre renovation, the City shall be responsible for spending the remaining bond proceeds in accordance with all applicable bond covenants. The transfer of bond proceeds to the City pursuant to the Bond Proceeds Expenditure Agreement must be listed as an enforceable obligation on the ROPS to enable the Successor Agency to make this payment. Although the City and Successor Agency approved the form of Bond Proceeds Expenditure Agreement in September, 2018, the Oversight Board declined to consider the agreement at that time due to the newness of the Oversight Board.

Pursuant to an amendment to the ROPS for fiscal year 2018-19, the Oversight Board previously approved the use of the Agency’s remaining 2003 bond proceeds for the Royal Theatre renovation project, however, this action only enables the Agency to make such expenditures from January 1, 2019 through June 30, 2019. The proposed Bond Proceeds Expenditure Agreement would authorize the Agency to pay any unspent bond proceeds held by the Agency on or after July 1, 2019 to the City to complete the Royal Theatre project or for other uses permitted by applicable bond covenants.

2.) On January 16, 2010, the Guadalupe Community Redevelopment Agency entered into a Note Secured by Deed of Trust for the principal amount of \$90,000 to pay Henry Garcia, Jr. and Olivia Garcia. The terms of the Note required the Former Agency to make monthly installments of \$809.75 with the outstanding amount due and payable in 2010. On October 28, 2011, Henry Garcia formally approved the extension of the amortization schedule of the note ending June 4,

2020; however, Olivia Garcia requested that her share of the note be prepaid. In February 2012, the Successor Agency paid off 50% of the note obligation to Olivia Garcia. The Successor Agency has been paying Henry Garcia \$404.88 monthly in accordance with the modified Note terms. The Successor Agency is requesting approval from the Oversight Board and DOF for the monthly scheduled Note payments coming due to Henry Garcia from July 1, 2019 through June 30, 2020.

3.) The Successor Agency is requesting \$165,000 to pay administrative expenses during the ROPS 19-20 period.

The Successor Agency intends to bring its ROPS 19-20 before the Oversight Board at its January 24, 2019 meeting. After obtaining the Oversight Board's approval, Successor Agency staff will then transmit the ROPS 19-20 to the DOF, with copies to the CAO, CAC, and SCO.

Upon receipt of an oversight board-approved ROPS, DOF has 45 days to make its determination of the enforceable obligations, including amounts and funding sources. Within five business days of DOF's determination, the Successor Agency may request additional review and an opportunity to meet and confer on disputed items. DOF has until 15 days prior to the date for property tax distribution to make its final decision after the meet and confer. The RPTTF distribution dates for the ROPS 19-20A period and 19-20B period are on or about June 1, 2019 and January 2, 2020, respectively.

ALTERNATIVE:

1. Direct the Executive Director to make modifications to the form of ROPS 19-20 and adopt the Resolution submitted herewith subject to such modifications.

FISCAL IMPACT:

The Successor Agency is limited to making payments reflected on an approved ROPS; therefore, approval of the ROPS by the Successor Agency, Oversight Board and DOF is essential to the continued operation of the Successor Agency and wind-down of the affairs of the Former Agency.

CONCLUSION

Staff recommends that the Successor Agency Board adopt Resolution No. 2018-03.

ATTACHMENTS:

- 1) Resolution No. 2018-03 entitled "Resolution of the Successor Agency to the Redevelopment Agency of the City of Guadalupe Approving the Recognized Obligation Payment Schedule for the July 1, 2019 through June 30, 2020 period."

SUCCESSOR AGENCY RESOLUTION NO. 2018-03

**RESOLUTION OF THE SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF
GUADALUPE APPROVING THE RECOGNIZED
OBLIGATION PAYMENT SCHEDULE FOR THE JULY 1,
2019 THROUGH JUNE 30, 2020 PERIOD**

WHEREAS, the Successor Agency to the Redevelopment Agency of the City of Guadalupe (“Successor Agency”) has been established to take certain actions to wind down the affairs of the Redevelopment Agency of the City of Guadalupe in accordance with Section 34173 of the Health and Safety Code; and

WHEREAS, prior to July 1, 2018 under the Dissolution Law, in particular Sections 34179 and 34180, certain actions of the Successor Agency were subject to the review and approval by a local seven member oversight board, which oversaw and administered the Successor Agency’s activities during the period from dissolution until June 30, 2018; and

WHEREAS, as of, on and after July 1, 2018 under the Dissolution Law, in particular Section 34179(j), in every California county there shall be only one oversight board that is staffed by the county auditor-controller, with certain exceptions that do not apply in the County of Santa Barbara; and

WHEREAS, as of, on and after July 1, 2018 the County of Santa Barbara through the Santa Barbara County Auditor Controller established the single Santa Barbara Countywide Oversight Board (the “Oversight Board”) in compliance with Section 34179(j), which serves as the oversight board to the 6 successor agencies existing and operating in Santa Barbara County, including the Successor Agency; and

WHEREAS, pursuant to Section 34171(h) of the Dissolution Act, a “Recognized Obligation Payment Schedule” means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each annual fiscal period as provided in Section 34177(o) of the Dissolution Act; and

WHEREAS, pursuant to Section 34177(j) of the Dissolution Act, the Successor Agency is required to prepare and submit to the Oversight Board an “Administrative Budget” for each annual fiscal period corresponding to each Recognized Obligation Payment Schedule; and

WHEREAS, pursuant to Section 34177(o) of the Dissolution Act, the Successor Agency must prepare, approve, and submit to the Oversight Board for approval its Recognized Obligation Payment Schedule (“ROPS”) for the period covering July 1, 2019 through June 30, 2020 (also referred to as “ROPS 19-20”); and

WHEREAS, the ROPS 19-20 sets forth and includes the Administrative Budget prepared by the Successor Agency for the period covering July 1, 2019 through June 30, 2020; and

WHEREAS, the Successor Agency desires to approve the form of ROPS 19-20 in the form attached to this Resolution as Attachment No. 1 and incorporated herein by this reference; and

WHEREAS, following approval of ROPS 19-20 by the Successor Agency Board, pursuant to Section 34177, subdivisions (j) and (o), and Section 34180(g) of the Dissolution Act, Successor Agency staff shall submit ROPS 19-20 to the Oversight Board and DOF for approval.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency to the Redevelopment Agency of the City of Guadalupe, as follows:

Section 1. The foregoing recitals are incorporated into this resolution by this reference, and constitute a material part hereof.

Section 2. The Successor Agency Board hereby approves the ROPS 19-20 in the form attached to this Resolution as Attachment No. 1, and authorizes the Successor Agency Executive Director to make such augmentation, modification, additions or revisions as may be required.

Section 3. The Executive Director is further authorized and directed to transmit ROPS 19-20 to the Oversight Board, and upon approval thereof by the Oversight Board, the Executive Director is directed to transmit the approved ROPS 19-20 to the County Auditor-Controller, the State Controller's Office, and the State Department of Finance, and to post the ROPS 19-20 on the City's website.

Section 4. The Secretary on behalf of the Successor Agency Board shall certify to the adoption of this Resolution.

Section 5. This Resolution shall take effect upon the date of adoption.

THE FOREGOING RESOLUTION IS APPROVED AND ADOPTED BY THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF GUADALUPE THIS 11th DAY OF DECEMBER, 2018 BY THE FOLLOWING ROLL CALL VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

**SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY**

CHAIR

ATTACHMENT NO. 1

(Attach ROPS)

Recognized Obligation Payment Schedule (ROPS 19-20) - Summary
Filed for the July 1, 2019 through June 30, 2020 Period

Successor Agency: Guadalupe
County: Santa Barbara

	19-20A Total (July - December)	19-20B Total (January - June)	ROPS 19-20 Total
A Enforceable Obligations Funded as Follows (B+C+D):			
B Bond Proceeds	\$ 1,055,384 \$	\$ 176,266 \$	\$ 1,231,650
C Reserve Balance	661,968	-	661,968
D Other Funds	286,416	69,266	355,682
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	107,000	107,000	214,000
F RPTTF	\$ 740,553 \$	\$ 86,104 \$	\$ 826,657
G Administrative RPTTF	658,053	3,804	661,857
H Current Period Enforceable Obligations (A+E):	82,500	82,500	165,000
	\$ 1,795,937 \$	\$ 262,370 \$	\$ 2,058,307

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (c) of the Health and Safety code, I hereby
certify that the above is a true and accurate Recognized Obligation
Payment Schedule for the above named successor agency.

Name Title
/s/ _____
Signature Date

Guadalupe Recognized Obligation Payment Schedule (ROPS 19-20) - Report of Cash Balances
July 1, 2016 through June 30, 2017
(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H				
								Fund Sources			
								Bond Proceeds	Reserve Balance	Other Funds	RPTTF
	ROPS 16-17 Cash Balances (07/01/16 - 06/30/17)	Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, Grants, Interest, etc.	Non-Admin and Admin	Comments				
1	Beginning Available Cash Balance (Actual 07/01/16) RPTTF amount should exclude "A" period distribution amount	492,267		12,148	(261,815)	0					
2	Revenue/Income (Actual 06/30/17) RPTTF amount should tie to the ROPS 16-17 total distribution from the County Auditor-Controller	159,022			137,291	591,034					
3	Expenditures for ROPS 16-17 Enforceable Obligations (Actual 06/30/17)			4,859	44,041	591,032	Col. E Line 4 - Reserve for Garcia Note Col. F Line 4 - Amount due to the City for City Property Tax Revenues deposited in error.				
4	Retention of Available Cash Balance (Actual 06/30/17) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)			7,289	2,219						
5	ROPS 16-17 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 16-17 PPA form submitted to the CAC	No entry required									
6	Ending Actual Available Cash Balance (06/30/17) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$ 651,289	\$ 0	\$ 0	\$ (170,784)	\$ 2					