







# GUADALUPE FIRE DEPARTMENT



**TO:** PUBLIC SAFETY DIRECTOR, MICHAEL CASH  
**FROM:** CAPTAIN PATRICK SCHMITZ  
**SUBJECT:** MONTHLY SUMMARY OF CODE ENFORCEMENT CASES  
 March 1, 2020 – March 31, 2020

**DATE:** 04/04/2020

## CODE ENFORCEMENT CASES

INCIDENT TYPE	This Month	Last Month	Year to Date (2019-2020)	Year to date (2018-2019)
Business License (GMC 5.04.040)	0	0	0	16
Animal Nuisance (Odor, Noise) (GMC 6.04.100 (A,E))	0	3	6	2
Fowl, Livestock and Wild Animals (GMC 6.04.210)	0	0	2	6
Litter Accumulation (GMC 8.12.020)	1	3	15	48
Abatement of Weeds and Rubbish (GMC 8.16.010)	2	0	11	60
Unsafe Living Conditions (GMC 8.40.020)	0	0	0	3
Unlawful Property Nuisance (GMC 8.50.070)	0	0	8	22
Graffiti Abatement (GMC 9.07.060)	1	2	6	12
Abandoned Vehicles (GMC 10.36.010)	0	7	26	67
Unapproved Vehicle Covers (GMC 10.36.010)	0	0	4	0
Portable/fixed basketball goals (GMC 10.48.050)	0	0	6	0
Yard Sale Signs (GMC 12.13.010)	0	0	3	11
Tampering with Water Service (GMC 13.04.200)	0	0	0	0
Working Without Permits (GMC15.04.020)	0	0	1	15
Address Number (GMC 15.08.020 (505.1))	0	3	5	28
Illegal Garage Conversion (GMC 18.08.120, 18.08.160)	0	0	0	2
Damage Fence (GMC 18.52.125)	0	0	0	2
Parking on Front Yard Setback (GMC 18.60.035)	7	3	46	81
Landscape Maintenance Required (GMC 18.64.120)	0	8	14	32
Inspection/Complaints (No Violation Found)	0	2	11	5
Apartment Inspections	0	0	84	261
Yearly Business Inspections	0	0	40	57
Other	2	2	28	60
<b>TOTAL</b>	<b>13</b>	<b>33</b>	<b>316</b>	<b>790</b>
Complaints Received (November – March)	0	5	27	N/A

### Miscellaneous

	This Month	Last Month	Year to Date (2019-2020)	Year to date (2018-2019)
Visitors	47	107	790	986
Public Relations ()	1	7	16	12
School Visits ()	0	2	3	9

**CALLS FOR SERVICE March 2020**

<b>INCIDENT TYPE</b>	<b>This Month</b>	<b>Last Month</b>	<b>Year to Date (2019-2020)</b>	<b>Year to date (2018-2019)</b>
Medical	46	27	314	254
Structure Fire	0	0	0	2
Cooking Fire	2	0	3	1
Trash or Rubbish Fire	1	0	4	2
Vehicle Fire	0	0	1	2
Grass/Vegetation Fire	0	0	4	0
Other Fire	0	0	1	3
Motor Vehicle Accidents with Injuries	0	3	19	17
Motor Vehicle Accidents No Injuries	0	2	12	20
Motor Vehicle/Pedestrian Accident	0	0	1	5
Hazardous Materials Spill/Release	0	0	7	5
Hazardous Condition Other	0	0	3	18
Water Problem/Leak	0	1	3	10
Animal Problem / Rescue	0	1	2	2
Search / Rescue	0	0	0	1
Public Assistance	2	2	17	24
Police Matter/Assistance	0	0	5	8
Illegal Burn	0	0	0	0
Smoke/CO Detector/Fire Alarm Activation	1	1	9	15
Dispatch and Canceled En-route	0	2	29	31
False Alarm	0	0	7	6
<b>TOTAL</b>	<b>52</b>	<b>39</b>	<b>441</b>	<b>426</b>

**Additional Information**

**STAFFING:** 1 Public Safety Director (Police/Fire Chief)  
 3 Fire Captains  
 2 Fire Engineers 1 Position Vacant  
 1 Permit Tech/Firefighter  
 4 Paid Call Firefighters 8 Positions Vacant  
 2 Reserve Firefighters

**Special Coverage:**

- PCF's covering open spot.



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

**Memorandum**

**To:** Todd Bodem, City Administrator  
**From:** Anna Marie Santillan Michaud, City Treasurer  
**Subject:** Treasurer's Report – March 2020  
**Date:** April 24, 2020

This memo explains the changes in the monthly Treasurer's report for March 2020 compared to the prior month. March 2020 cash increased by due primarily to:

- **MKL (Pasadera) \$589,301.00**
- **CDBG Reimbursements \$185,404.00**

**Treasurer's Report  
Investments and Cash as of March 31, 2020**

<b>Local Agency Investment Fund ("LAIF") Account 98-42-346</b>		
Deposit	3/5/2020	\$ 7,879,483.04
Deposit	3/13/2020	\$ 250,000.00
<b>Total Investments</b>		<b>\$ 8,379,483.04</b>

Cash	
Checking Account 155-503815 ("Warrant Account")	\$ 765,637.90
Checking Account 155-003261 ("Payroll Account")	\$ 64,096.01
<b>Total Cash</b>	<b>\$ 829,733.91 *</b>

\*Actual ending balances reconciled to Bank Statements

The following is a summary of the City's cash and investments as of March 31, 2020 compared with the prior month.

Investments and Cash	February 29, 2020	March 31, 2020
Investments	7,879,483.04	8,379,483.04
Cash	677,799.39	829,733.91
<b>Total</b>	<b>\$ 8,557,282.43</b>	<b>\$ 9,209,216.95 **</b>

\*\* 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: 4/24/2020

  
**Anna Marie Santillan Michaud**  
City Treasurer



8c.

Human Resources  
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## HUMAN RESOURCES MONTHLY REPORT MARCH 2020

### RECRUITMENT

- **Police Department**

Michael Beers was sworn in on 3/10/20 as a full-time Police Officer. Due to COVID-19 shutdown of the San Jose Regional Public Safety Consortium to complete recertification of Basic P.O.S.T., his post has been with the COVID-19 mobile command unit and emergency response.

One candidate did not pass psychological evaluation scheduled on 3/04/20.

An internal job posting for Police Sergeant opened 3/19/20, requisition closing 4/3/20. There is one applicant.

- **Fire Department**

A full-time Fire Engineer resigned 3/20/20. An internal job posting opened 3/19/20, requisition closing 4/3/20.

Special Assignment Agreements were extended to three PCF's to shore up resources during the state of emergency.

Jacob Sabatino was sworn in on 3/26/20 as a PCF.

- **Human Resources Department**

Emiko Gerber's start date as Human Resources Manager was 3/09/20.

**OTHER:**

- **Workers' Compensation**

An Interactive Assessment Summary meeting occurred 3/12/20 to review QME/AME findings for one active claim. There was no opposition to the findings, employee cannot return to work with the permanent and stationary work restrictions. A second QME/AME evaluation is pending review.

One worker received a full return to work status without limitations or restrictions.

One other employee who has been out for some time still remains out. No determination has been made on that claim to date.

- **COVID-19**

A State of Local Emergency was declared on March 20 by City Administrator. A series of responses to City employees have been ongoing, acknowledging unprecedented times we are in; Coronavirus prevention and/or best practices; what to do if an employee is symptomatic, etc.

Personnel (1) from Fire Department provided a doctor's release to return to work after 3 days, displaying cold symptoms.

Department Directors identified team members essential for ongoing City services. Telecommuting Agreements were granted to certain administrative staff: Accounts Payable Clerk, Finance Business Manager, Finance Director, City Administrator Administrative Assistant, and Human Resources Manager. These agreements are to be re-evaluated April 17.

All employees are to record daily activities related to COVID-19 on an ICS 214 form. These related expenses may be reimbursable by FEMA. Totals are submitted on a weekly basis.

FEMA training must be completed online by April 29; FEMA training for new hires will be mandatory. HR will provide additional training options to Department Directors focused on pandemic responses, changes to employment law, sick time leave, etc.



Department Directors, City Attorney, and Mayor are telephone conferencing twice a week to review updates to City services, shelter-in-place impacts on local businesses, and any First Responder calls.

- **Training**

Two sessions for “Preventing Harassment & Discrimination in the Workplace” was completed 3/12/20 for employees, supervisors, local officials. However, the second session scheduled for 3/17/20 was postponed until further notice.

- Evaluation results from the CJPIA Ergonomic Study were shared with employees (8) in March. Human Resources is drafting a budget to address new workplace equipment such as chairs, computer risers, and other ergonomic solutions.
- An HR audit is due to be completed in April, ensuring that required certifications are in personnel files.
- Continued review of the Memorandum of Understanding draft for Fire.



8d.

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**RECREATION AND PARKS MONTHLY REPORT  
 March 2020**

**Summary of Rentals/Usage for City Facilities & Parks**

FACILITY	THIS MONTH	THIS MONTH LAST YEAR	THIS YEAR- TO-DATE (FY 19/20)	LAST YEAR- TO-DATE (FY 18/19)
Auditorium/Gym	6	25	281	185
O'Connell Park	1	1	8	13
LeRoy Park	0	0	3	2
Senior Center	17	9	177	38
City Parking Lot	0	0	7	3
Council Chambers	6	9	89	68

The above Council Chamber total includes formal City Council Meetings and 4 other separate meetings / interviews conducted by staff.

As expected in March there was a dramatic decrease in the use of the City Hall Auditorium. The McKenzie school and youth basketball activities ended midway through March. In addition the much needed Auditorium floor renovation took place and this coupled with the advent of the COVID-19 issues and resulting orders for shelter in place minimized the Auditorium's use.

The Guadalupe Wrestling Club continued their practices and training up until the Auditorium floor renovation and the COVID-19 issues. Hopefully the club will be able to restart their program activities in the near future.

The Recreation and Parks Commission continues to meet monthly and have recently returned to full staffing with the appointment of the newest Commissioner Mr. Robert Salinas Jr. The Commission was pleased to know that the City Council approved the change with respect to a new facility use fee schedule. The Commission also continues to take a keen interest on the City's continued ongoing negotiations with The American Legion Post 371 on the usage of the City Veterans Hall. The Commissioners as a whole have expressed a hopeful timely conclusion to these negotiations.

The Commission continues to be very aware of the concerns voiced by the Riverview and Pasadera neighborhood groups have about providing additional recreation and parks opportunities. An adhoc committee will be considered to study the recreational needs and requests by these neighborhoods along with reviewing and determining the next steps in developing the City's overall Park plan needs especially in light of the recent Prop 68 Grant denial for additional funds to complete the 2<sup>nd</sup> phase of the LeRoy Park renovation.

In the months to come the Recreation and Parks Commissioners and I along with help from our City staff personnel hope to work more closely with the City's various Non-Profit, Fraternal and Social Organizations operating throughout the City to bring about a more collaborative effort to address the community's recreational and park needs.

The Commission was also very pleased with City Hall Auditorium floor renovation. With the completion of the floor renovation the Commissioners expressed a sincere effort to address in the immediate future the other aspects of the Auditorium's physical appearance and deteriorating condition with a work detail to be spear headed by Commissioner Solis.

On another front, the City spirited by Mayor Ariston Julian's initiative has entered into an informal agreement to be the host for a Santa Barbara County Food Bank Distribution Site to meet some of the food needs of the community during the recent COVID-19 crisis. The City is presently hosting a weekly Food Bank distribution site at the Senior / Community Center every Thursday. In the spirit of altruism our City Mayor Julian and Councilwoman Lilliana Cardenas and Recreation Commissioner Gilbert Robles helped out with many volunteers headed by Site Coordinator / Manager Lourdes Ramirez-Julian to make the first food distribution a very much appreciated success. In fact, the following is a list of some the volunteers that all worked so very hard in service to our community:

Richard (Deek) Segovia	Penny Chamousis	Erica Lopez
Marcus Guzman	Sonia Rios-Ventura	Kristiano Plata
Maricela Santiago	Noemi Velasquez	Gesus Escobar

**Maria C.  
Maria Gomez  
Geraldine Valdiviezo  
Esther Robles  
Jesse Ramirez  
I Garcia**

**Areceli Hernandez  
Monica Buenrostro  
Kristi Harden  
Grace Ortiz  
Oma Ortiz  
Maria Curriel**

**Mayra Bautista  
Kelly Fairbrother  
Chris Valdiviezo  
Cesar Ramirez  
Micheal Beers  
Daisy Garcia**

**Respectfully,**

**Charlie Guzman  
City of Guadalupe  
Recreation Coordinator**



**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE**  
**Agenda of April 28, 2020**

**Prepared by:**  
**Todd Bodem, City Administrator**

**SUBJECT:** Second continuance of public hearing on proposed sign ordinance

**RECOMMENDATION:**

It is recommended that the City Council continue the public hearing on the proposed sign ordinance until the Council's meeting on May 26, 2020.

**BACKGROUND:**

The proposed sign ordinance was noticed for a public hearing at the March 24, 2020, Council meeting. The 1/8-page advertisement published in the Santa Maria Times that provided the legal notice of this public hearing had to be sent to the Santa Maria Times by March 12, 2020 in order for it to be published on March 14, 2020 (10 days before the public hearing as required for legal notice).

The County of Santa Barbara declared a public health emergency on March 12, 2020, and Governor Newsom issued his "stay-at-home" order for the entire state of California on March 19, 2020. These orders encouraged everyone to "stay at home" to the extent possible and to practice physical distancing when it was necessary to go out in public. Because the proposed sign ordinance might draw a significant number of persons from the City's business community to the public hearing since business owners would be affected by the new regulations, staff decided to recommend continuing the public hearing until April 28, 2020, to keep the number of persons attending the City Council meeting to the fewest possible number to be able to maintain physical distancing. Staff indicated in the report for this item, staff indicated that if the situation improved, the public hearing could take place, and that, otherwise, the Council could continue the hearing again.

Staff provided a copy of the proposed ordinance with the staff report for the item at the March 24<sup>th</sup> Council meeting so that interested persons and the general public would be able to review it well in advance of whenever the public hearing on the item is ultimately held.

**DISCUSSION:**

As the Council is well aware, the situation with respect to the COVID-19 public health emergency has not improved to the point where a public hearing on an item that might draw numerous persons should take place. For this reason, staff recommends that the Council continue the public hearing on the proposed sign ordinance again.

Staff recommends that the Council continue the public hearing on this item until the meeting of May 26, 2020, with the understanding that the item can be continued again if the situation has not improved to the point where a public hearing on this item can take place consistently with public health directives issued by the federal, state, and county governments.

**ATTACHMENT:**

1. Ordinance No. 2020-484 entitled: "An Ordinance of the City Council of the City of Guadalupe, California, to Repeal the Existing Sign Ordinance (Sections 18.52.140 – 18.52.160) and Amend the City of Guadalupe Municipal Code by Adding Chapter 18.51 Regarding Signs".

**ORDINANCE NO. 2020-484**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, TO REPEAL THE EXISTING SIGN ORDINANCE (SECTION 18.52.140 – 18.52.160) AND AMEND THE GUADALUPE MUNICIPAL CODE BY ADDING CHAPTER 18.51 REGARDING SIGNS**

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 40 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 March 14, 2020.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUADALUPE DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Sections 18.52.140 – 18.52.160 of the Guadalupe Municipal Code are hereby repealed in their entirety as follows:

~~**18.52.140 — Signs — Permits required.**~~

~~A zoning permit shall be required prior to the construction of any sign structure in excess of 5 square feet in area, or the painting of a sign on the side of a building where the perimeter of the sign encloses an area exceeding 5 square feet. Where a conditional use permit is required, all signing shall be considered as a part of the conditional use permit application.~~

~~**18.52.150 — Signs — Size and number restrictions.**~~

~~A. In all districts, one sign not over 5 square feet in area and used only to identify the occupants of the property, or to indicate that the property is for sale, lease or rent is permitted. House numbers shall not be considered signs.~~

~~B. In R-3, G-C, M-C, and G-I districts, one additional sign not more than 64 square feet in area identifying a permitted use is permitted. A double-faced sign containing 64 square feet on each side is permitted.~~

~~**18.52.160 Signs Conditional use permit required.**~~

~~All signs or sign structures in addition to or larger than those listed as permitted in this title are permitted subject to first obtaining a conditional use permit.~~

**SECTION 2.** Chapter 18.51 of the Guadalupe Municipal Code is hereby added to read as follows:

**CHAPTER 18.51 SIGNS**

**Section 18.51.01. Purpose.**

The purpose of this Chapter is to regulate signs located on private property within the City and on property owned by public agencies other than the City and over which the City has zoning and land use regulatory power.

**Section 18.51.02 Objectives.**

Signs can have either a positive or negative impact on the character and quality of the City. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and set the tone of a neighborhood and the City. The objectives of this Chapter include the following:

A. To implement the City's community design and safety standards as set forth in the City's General Plan, and Municipal Code.

B. To maintain and enhance the City's appearance by regulating the design, character, location, number, type, size, illumination, and maintenance of signs.

C. To serve the City's interests in maintaining and enhancing its visual appeal for residents, tourists, and other visitors, by preventing the degradation of visual quality which can result from excessive and poorly designed, located, or maintained signage.

D. To generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public.

E. To limit the size, number, and construction of signs to levels that reasonably allow for the free communication of ideas, consistent with the other purposes of this ordinance.



F. To encourage signs that are appropriate to the zoning district in which they are located and consistent with the permitted and conditional uses applied to the subject property.

G. To establish sizes of signs in relationship to the scale of the lot and building on which the signs are to be placed or to which they pertain.

H. To minimize the possible adverse effects of signs on nearby public and private property, including streets, sidewalks, roads, and highways.

I. To protect and improve pedestrian and vehicular safety by balancing the need for signs that facilitate the safe and smooth flow of traffic (e.g., directional signs and on-site signs) without an excess of signage which may distract drivers or overload the mental capacity to quickly receive and interpret information.

J. To reduce hazardous situations, confusion, and visual clutter caused by the proliferation, placement, illumination, animation and excessive height, and area and bulk of signs which compete for the attention of pedestrians and motorists.

K. To respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational, and other non-communicative aspects of signs, generally for the public health, safety, and welfare, and specifically to serve the public interests in community aesthetics, traffic, and pedestrian safety.

L. To enable the fair, consistent, and effective enforcement of the sign regulations of the City.

### **Section 18.51.03. Definitions.**

The definitions listed below supplement those set forth in Chapter 18.08 with Illustration A and B (located in the Appendix at the end of this Chapter) depicting examples of certain types of signs:

A. Balloon or Blimp: An airtight bag, possibly rigid or semi-rigid, which will rise and float above the earth when filled with hot air or gas.

B. Banner: A type of temporary sign made of paper, cloth, flexible plastic or similar material.

C. Bow/Feather Sign: Any variety of fabric signs as shown in Illustration A, commonly called but not limited to bow, feather, tear drop, etc. that display a message, supported by a horizontal or vertical pole of various lengths.

D. Bulletin Board: A permanently constructed sign containing a surface area that may have interchangeable letters, words, or numerals.

E. Building Face: The exterior surface of any building, regardless of frontage.

F. Building Occupancy Frontage: The length of that portion of a building occupied exclusively by an individual tenant or owner which faces the public right-of-way.

G. Building Official: A title recognized by the City of Guadalupe and the International Code Council (ICC) responsible for interpretation, effectuation and

enforcement of the California Building Codes, including, but not limited to, the International Building Code (IBC).

H. Canopy/Awning Sign: A sign mounted or painted on a canopy or awning.

I. Commercial Sign: Any sign, wording, logo, picture, transparency, mechanical device, or other representation that is intended to attract attention to a commercial or industrial business, occupancy, product, goods, service, or other commercial or industrial activity for a commercial or industrial purpose.

J. Construction Project or Subdivision Sign: A sign erected in conjunction with a construction project.

K. Directional Structure: A noncommercial, on-site structure, the purpose of which is to facilitate safe vehicular or pedestrian travel by directing pedestrians or vehicles to specific on-site locations, such as parking spaces, special drive-up or walk-up services, exits, and public restrooms.

L. Director: Currently the Contract Planning Director of the City.

M. Directory Sign: A wall or monument sign that may list the names of businesses in an office or retail complex and the corresponding building, suite or room number/letter. In multi-family residential areas, the sign can be used for identifying apartment buildings and unit numbers.

N. Freestanding Sign: A sign not attached to a building that is constructed upon, or affixed to, the ground by means of two or more columns or similar structural components.

O. Height of Sign, Maximum: The distance from the lowest adjacent finish grade within three feet of the base of the sign to the top of its highest element.

P. Illuminated Sign - External: A sign which is illuminated by use of lighting from a source outside of the sign.

Q. Illuminated Sign - Internal: A sign which is illuminated by use of lighting installed inside the sign.

R. Institution: All governmental, religious, and charitable organizations.

S. Master Sign Plan: A plan outlining the design, location, size, number, materials, and construction of sign structures for any multi-tenant or multi-building site in order to ensure continuity of design within the project and to provide for equitable distribution between tenants of allowable sign area.

T. Memorial Signs or Tablets: Signs or tablets cut into masonry surfaces or constructed of bronze or other incombustible materials mounted on a solid base, affixed to a building, or on one or more uprights.

U. Mobile billboard advertising display: An advertising display that is attached to a wheeled, mobile, non-motorized vehicle, that carries, pulls, or transports a sign or billboard, and is for the primary purpose of advertising in accordance with Section 395.5 of the California Vehicle Code and sections amendatory or supplementary thereto.

V. Monument Sign: A sign affixed to a solid base and installed on a landscaped, concrete or other solid surface on the project site.

W. Noncommercial Sign: A sign that does not name, advertise, or call attention to a commercial or industrial business, commodity, product, goods, service, or other commercial or industrial activity for a commercial or industrial purpose.

X. Off-Site Sign: A commercial sign not located on the site of the business or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained.

Y. On-Site Sign: A commercial sign which directs attention to a commercial or industrial occupancy, business, commodity, product, goods, service, or other commercial or industrial activity conducted, sold, or offered upon the site where the sign is maintained. For purposes of this Chapter, all signs with noncommercial speech messages shall be deemed to be on-site, regardless of location.

Z. Parcel Frontage: The length of the property line abutting the public right-of-way for the parcel of land measured in linear feet.

AA. Painted Sign: A sign that is painted directly on a wall or other surface, and does not project from the surface to which it is applied.

BB. Parking Lot Light Banner: A banner sign attached to the vertical portion of a privately-owned parking lot light standard, suspended between horizontal supports. For the purpose of this Chapter, a parking lot light is defined as a vertical pole of varying height supporting a luminaire or mast arm.

CC. Permanent Sign: Any sign which is constructed to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall, or building.

DD. Projecting Sign: A sign attached to, and projecting from, the face of the roof of a structure, canopy, or marquee.

EE. Pole/Pylon Sign: Any freestanding sign where the structural support for the sign is generally a single exposed pole.

FF. Roof Sign: A sign erected upon a roof or eave of a roof, or erected upon an awning of a structure, which is wholly or partially supported by said structure and includes a sign projecting above the eave or parapet of a roof.

GG. Sandwich Board Structure: A small, single or multi-sided type of sign placed on the ground, also referred to as an "A-sign".

HH. Sign: Any device, fixture, placard, or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which can be viewed from any public street, road, highway, right-of-way, parking area or public space.

II. Triangle Pennant Sign: A triangle-shaped piece of plastic or cloth material connected to a cord including a single color or multiple colors that repeat for the length of the cord, and is used to draw attention to businesses such as vehicle sales lots.

JJ. Valet Sign: A moveable support structure which contains a single support element or post used to display signage not permanently affixed to the ground.

KK. Nonconforming Sign: A sign which existed as a legal sign prior to the effective date of the ordinance codified in this Chapter which is in conflict with the provisions of this Chapter.

LL. Sign Structure: A structure which supports a sign.

MM. Sign Tower: An architecturally designed structure not exceeding 25 feet in height that can be permitted in the C-S-SP and C-N-SP zoning districts subject to a Design Review Permit or Conditional Use Permit.

NN. Temporary Sign: A sign constructed of expendable material such as paper, plastic, cloth, or wood intended to be displayed for a short period of time. Pennants, banners, and similar devices are also included in this category. Temporary signs may serve many functions such as grand opening signs or political signs.

OO. Wall Sign: A sign which is attached directly to, and parallel with, the building face or painted upon the wall or marquee of a building or structural part thereof.

PP. Window Sign: A sign painted, printed, attached, unattached but adjacent, glued, hung or otherwise affixed to a window so that it is visible from the exterior of the building. A window sign is a type of wall sign and may be located inside or outside of a building and either shall constitute a sign and is subject to the provisions of this Chapter.

QQ. The following are not within the definition of sign for the regulatory purposes of this Chapter:

1. Any public or legal notice required by a court or public agency;
2. Decorative or architectural features of building, except letters, trademarks, or moving parts;
3. Time and temperature devices;
4. Signs on street legal vehicles, license plates, license plate frames, registration insignia, including noncommercial messages, messages relating to the business or service of which the vehicle is an instrument or tool (not including general advertising), and messages relating to the proposed sale, lease, or exchange of the vehicle;
5. Traffic, directional, emergency, warning or informational signs required or authorized by a governmental agency having jurisdiction;
6. Permanent memorial or historical signs, plaques, or markers that comply with Section 18.51.03;
7. Public utility signs; and

8. News racks.

**Section 18.51.04. General Requirements.**

A. **Applicability.** This Chapter regulates signs located on private property within all zoning districts of the City and on property owned by public agencies other than the City and over which the City has zoning and land use regulatory power. Except where otherwise expressly provided in this Chapter, all signs located in such areas of the City shall receive zoning clearance for signs or a master sign plan as provided in subsection B of this Section, and shall be erected and maintained in conformity with this Chapter. The consent of the property owner is necessary before any sign may be erected on any private property within the City.

B. **Zoning Clearance for Signs Required.** Except as otherwise provided in this Chapter, it is unlawful for any person to place, erect, structurally or electrically alter (not including a change in sign copy or sign face), move or display or maintain any temporary or permanent sign without first obtaining a zoning clearance for signs from the Director or his/her designee in accordance with the provisions of this Chapter. No zoning clearance for signs is required for cleaning or other normal maintenance of a properly approved sign, unless a structural or electrical change is made.

C. **Master Sign Plan Required.** On a multi-tenant building or multi-building site, a master sign plan shall be prepared by the owner for review and approval by the Director or his/her designee in accordance with Section 18.51.07. The purpose of the master sign plan is to ensure compliance with this Chapter, promote continuity of sign design and to spread the amount of sign area permitted among the buildings and businesses within a multi-tenant building or multi-building site. Temporary signage may be allowed in accordance with Section 18.51.05.D upon the approval of a complete master sign plan.

D. **Noncommercial Signs.** Noncommercial signs are allowed whenever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. For purposes of this Chapter, all noncommercial free speech messages are deemed to be on-site, regardless of location.

E. **Substitution of Noncommercial Message.** Subject to the consent of the property owner, a noncommercial message of any type may be substituted for all or part of the commercial message on any sign allowed under this Chapter. No special or additional approval is required to substitute a noncommercial message for any other message on an allowable sign, provided the sign structure is already approved or exempt from the approval requirement and no structural or electrical change is made. When a noncommercial message is substituted for any other message, however, the sign is still subject to the same design, size, locational, and structural regulations (e.g., color, materials, height, size, illumination, maintenance, duration of display, etc.) as well as all building and electrical code requirements, as would apply if the sign were used to display a commercial message. In the event of any perceived or actual conflict between

the general provisions of this subsection and any other specific provisions in this Chapter, the provisions of this subsection shall prevail.

F. Substitution of Commercial Messages. Substitution of a commercial message is not automatically allowed in a place where only a noncommercial message is allowed. In addition, no off-site commercial messages may be substituted for on-site commercial messages.

G. Construction Materials. All permanent signs shall be constructed of wood, metal, plastic, ceramic tile, glass or like material (or paint on a building such as a painted wall sign) as approved by the Planning Director.

H. Area of Signs.

1. A “double-face sign” with parallel planes, back-to-back, not more than 24 inches apart, shall count as a single sign and only one side shall be counted for the total sign area.

2. In the case of a multi-face sign other than a double-faced sign, the outer dimensions of all the sign faces shall be combined. The sign area shall be the total area of all the faces.

3. In the event a sign falls under more than one sign definition, the more restrictive sign regulations found in this Chapter shall apply.

4. Sign face changes to a legally established sign which do not structurally alter the sign (including sign area and configuration) shall not require a zoning clearance for signs.

5. The total sign area allowed on a parcel shall be calculated as the sum of the sign areas of all signs on the parcel except directional structures and temporary signs.

6. The total sign area allowed on a parcel shall be up to one square foot of sign area for each lineal foot of building occupancy frontage or parcel frontage, whichever is greater, except that all properties are allowed a minimum of 25 square feet of sign area regardless of the building or parcel width. The Director or his/her designee, through the zoning clearance for signs process, shall determine whether proposed sign area is compatible with the proposed architecture of the building and with other properties in the vicinity. Sites with multiple tenants shall be required to submit a master sign program, for approval by the Director or his/her designee, to determine the share of total sign area for each tenant space.

a. Parcels adjacent to more than one public street, public alley, or freeway may be allowed to count each frontage toward the total sign area for the parcel. As part of the zoning clearance for signs review process, the Director or his/her designee shall ensure that the sign area is appropriately distributed among said frontages in order to avoid signs that are visually out of proportion with each particular building face.

b. Bonus Sign Area: The total sign area may be increased by 25% for that portion of a building that has a height of 20 feet or more of habitable interior space. As part of the zoning clearance for signs review process, the Director or his/her designee

shall ensure that the amount of the bonus sign area allowed does not result in signage that is out of proportion with the building.

7. The area of a sign shall be calculated by forming a box to enclose the entire sign. The box must be a continuous line consisting of not more than eight straight lines that form right angles. The area within the box shall be the sign area.

8. The supporting structure of any sign, including monument base or masonry veneer, shall not be included in determining the sign area.

I. Location. All sign structures shall comply with sight distance requirements for corner visibility of pedestrians and vehicles per Resolution No. 2009-24 (adoption of Santa Maria City Roadway Standards Manual, including corner cutbacks).

J. Architecturally Designed Sign Towers along Primary Arterial Streets. The City Council, through a Design Review Permit or Conditional Use Permit may permit, or conditionally permit, sign towers in the C-S-SP and C-N-SP zoning districts along primary arterial streets as defined in the Circulation Element of the General Plan. The sign towers shall not exceed a height of 25 feet above finished grade. The total sign area shall not be greater than 200 square feet per tower with signs permitted on up to four sign faces. The design of the sign towers must be consistent with the adopted Specific Plan for the area. The sign tower must make a positive design statement for the City of Guadalupe, be architecturally compatible with the architecture of the adjoining buildings, and must include substantial adjacent landscaping.

K. Illumination. Illumination shall be allowed on all signs upon the approval of zoning clearance for signs. Illuminated signs may be lighted either by exterior or interior means. Illuminated signs shall be designed in such a manner as to avoid glare or reflection of light on private property in the surrounding area or onto public rights-of-way. Illumination of signs shall comply with all adopted building codes of the City of Guadalupe.

L. Limitation on Number of Signs Affixed to a Building. Up to four signs may be permitted on any building face for a single tenant, subject to a determination by the Director or his/her designee that the proposed signage does not clutter the building face.

M. Maintenance. All signs shall be maintained in a neat and orderly appearance, including, but not limited to, repairing all holes, tears, fading, chipping, structural defects, and partial or full loss of illumination.

#### **Section 18.51.05. Standards by Sign Type.**

##### **A. Wall Sign.**

1. Maximum Height: Not to exceed the eave or parapet of the roof.
2. Permitted Zones: All Commercial, Industrial, PF, Open Space, Mixed-use, and Multi-family zone districts.
3. A wall sign may encumber no greater than 80% of the building street frontage width.

4. Window signs may not exceed 25% of an overall window area per building face. When any window area is displayed with a sign(s) in excess of 30 days per calendar quarter, or there is a change in the sign(s) with any number of different signs displayed in that same window for more than 30 days per calendar quarter, such window sign(s) shall be deemed a permanent sign and shall be counted against the total allowed sign area.

5. A wall sign may not exceed 25% of an overall window area per building face.

6. Zoning clearance for signs needed: Yes.

**B. Monument Sign.**

1. Maximum Height: Six feet in residential zones; eight feet in commercial or industrial zones, as measured from adjacent finished grade.

2. Monument signs may be placed on landscaped mounds. All landscaped mounds shall comply with the development standards of Chapter 18.64 (landscaping) providing that mound slopes may not be steeper than 2 to 1 and no higher than three feet.

3. Monument Base: A monument sign must be supported by a solid base equal to or greater than 60% of the sign width obscuring one or more upright supports.

4. Permitted Zones: All Commercial, Industrial, PF, Mixed-use, and Open Space districts. Permitted in Residential zone districts with Master Sign Plan.

5. The maximum monument sign area shall be 50 square feet in all commercial, industrial, open space, public facilities. The maximum monument sign area shall be 35 square feet in all residential zoning districts.

6. Number of monument signs permitted shall be limited to one monument sign for each 125 linear feet of parcel frontage along a public street except that, upon the request of the applicant, monument signs closer to each other than an aggregate of 125 linear feet of parcel frontage along a public street shall be permitted when within 50 feet of the main entrances/exits of developments, such as a shopping center or office complex. Through the zoning clearance for signs review process, the Director or his/her designee will ensure the location of monument signs do not create an appearance of clutter along the street. In multi-family residential zones, monument signs may be permitted throughout the development provided the cumulative sign area is not exceeded for the project.

7. Zoning clearance for signs needed: Yes.

**C. Directional Structures.**

1. Maximum Height: Four feet for ground-mounted structures.

2. Maximum Area: Four square feet for ground-mounted structures; six square feet for wall-mounted structures.



3. Special Limitation: Directional structures shall only contain the information stated in Section 18.51.03.K.

4. Permitted Zones: All Commercial, Industrial, PF, Mixed-use, Open Space, and Multi-family zone districts.

5. Permit needed: Yes.

**D. Temporary Sign/Banner.**

1. Maximum Height: Not to exceed roof eave line of nearest building or building to which it is affixed.

2. Maximum Area: A banner or temporary sign may be installed at a ratio of 32 square feet of sign area (in commercially or industrially zoned properties), or six square feet of sign area (in residentially zoned properties) for each 75 feet of width of the side(s) of a building facing a public street. For instance:

Building Width (feet)	Sign Area (square feet)	Sign Area (square feet)
	Commercial/Industrial Zones	Residential Zones
75	32	6
150	64	12
225	96	18
300	128	24

3. Permitted Zones: All Residential, Commercial, Industrial, PF, Mixed-use, and Open Space districts zones.

4. Permitted Time: Temporary signs may be displayed for up to two 30-consecutive-day periods during a six-month time frame, not exceeding 120 display days within 12 months. The applicant shall specify the desired dates of display, any consecutive period(s) for display, and the 12 months within which the display will occur on the application for temporary zoning clearance for signs. A temporary zoning clearance for signs may be renewed upon expiration of the 12 months specified in a temporary sign application. All temporary signs shall be removed from the property within 5 days of the expiration date of the permit.

5. Banners shall be made of flexible, non-rigid material that cannot support itself.

6. Temporary signs shall not be subtracted from the total allowable permanent sign area.

7. A maximum of two temporary signs may be permitted as long as the total allowable temporary sign area is not exceeded.

8. Temporary signs are permitted on vacant lots and are subject to all other applicable provisions of Section 18.51.03.GG

9. Zoning clearance for signs needed: Yes (no fee permit).

**E. Projecting Sign.**

1. **Maximum Height:** Not to exceed eave or parapet line of wall or structure to which projecting sign is attached (Note: Bottom of sign shall be a minimum of eight feet from ground to provide proper clearance.)

2. **Permitted Zones:** All Commercial, Industrial, PF, Mixed-use, and Open Space zone districts.

3. **Location:** Projecting signs may extend over public rights-of-way including public sidewalks not to exceed one-half of the distance from the building face to which the sign is attached to the curb face of said sidewalk.

4. **Zoning clearance for signs needed:** Yes.

**F. Canopy/Awning Sign.**

1. **Maximum Height:** Not to exceed the height of the underside of a canopy, awning or marquee. The bottom of the sign shall be a minimum of eight feet from the ground to provide proper clearance.

2. **Permitted Zones:** All Commercial, Industrial, PF, Mixed-use, and Open Space districts zones.

3. **Location:** Canopy/awning signs may locate over rights-of-way including sidewalks except that no part of the sign may extend beyond the canopy.

4. **Zoning Clearance for Signs needed:** Yes.

**G. Temporary Flags in Developing Residential Areas.**

1. **Maximum Height:** Not to exceed 15 feet.

2. **Maximum Area:** Ten square feet per flag, not to be less than two feet wide.

3. **Permitted Zones:** All Residential zones, and any other zones that include an approved mixed use housing project or Residential through the use of a conditional use permit.

4. **Permitted Time:** Temporary flags may be displayed for up to one year plus one additional year if a zoning clearance for signs for signs extension has been obtained. Flags shall only be installed onsite and cannot be installed prior to issuance of Certificate of Occupancy for the model unit(s).

5. **Special Limitation:** One flag for each 50 feet of exterior public street frontage, not to exceed 20 flags for each approved project in a developing residential area. Flags shall be replaced when they become torn, frayed, or have holes.

6. **Zoning clearance for signs needed; zoning clearance for sign extensions needed:** Yes.

**H. Parking Lot Light Banners.**

1. **Maximum Area:** Eight square feet each, not to exceed two banners per pole.

2. **Minimum Height:** Bottom horizontal support shall not be affixed to the vertical light pole less than eight feet above the ground.

3. Permitted Zones: All commercial zones
4. Permitted Time: May be utilized for an indefinite period of time when in full compliance with applicable provisions of Chapter 34. Banners shall be replaced when they become frayed, torn, or have holes.
5. Number of Banners: No more than 25% of the parking lot lights shall be utilized for banners.
6. Zoning clearance for signs needed: Yes.

**I. Freestanding Signs.**

1. Maximum Height: Six feet in residential zones; eight feet in commercial or industrial zones, as measured from adjacent finished grade.

2. Freestanding signs may be placed on landscaped mounds. All landscaped mounds shall comply with the development standards of Chapter 18.64 (landscaping) providing that mound slopes may not be steeper than 2 to 1 and no higher than three feet.

3. Support Structure: A freestanding sign must be affixed to the ground by means of two or more columns or similar structural components.

4. Permitted Zones: All Commercial, Industrial, PF, Mixed-use, and Open Space districts. Permitted in Residential zone districts with Master Sign Plan.

5. The maximum freestanding sign area shall be 50 square feet in all commercial, industrial, open space, public facilities. The maximum freestanding sign area shall be 35 square feet in all residential zoning districts.

6. Number of monument signs permitted shall be limited to one monument sign for each 125 linear feet of parcel frontage along a public street except that, upon the request of the applicant, monument signs closer to each other than an aggregate of 125 linear feet of parcel frontage along a public street shall be permitted when within 50 feet of the main entrances/exits of developments, such as a shopping center or office complex. Through the zoning clearance for signs review process, the Director or his/her designee will ensure the location of monument signs do not create an appearance of clutter along the street.

8. Zoning clearance for signs needed: Yes.

**J. Digital Display Signs.**

Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.

1. Sign Type: Digital displays are permitted in the form of freestanding, monument, and wall signs, on-premise signs.

2. Height: A digital display shall have the same height limits as for other permitted signs of the same type and location.

3. Area: When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.

4. Maximum Number per Property: Where permitted, one (1) digital display sign is permitted per property
5. Message Display:
  - a. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
  - b. One message/display may be brighter than another, but each individual message/display must be static in intensity.
  - c. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
  - d. Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
6. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to Section 18.51.07.
7. The addition of any digital display to a nonconforming sign is prohibited.
8. Public Service Announcements: The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning
9. When used as an on-premises sign, message center signs and digital displays are limited in area and are permitted only as a portion of the total sign area on the site.

#### **Section 18.51.06. Construction or Subdivision Signs.**

Construction or subdivision project signs shall not exceed 32 square feet in area, or eight feet in overall height, unless legally required by governmental contract to be larger. A construction or subdivision project sign shall require a zoning clearance for signs and may exist no longer than the period of construction. One sign is permitted per street frontage, with an exception for frontages exceeding 200 feet where one sign may be permitted for each 200 feet of street frontage.

#### **Section 18.51.07. Administration.**

- A. Application and Processing.
  1. Purpose. The purpose of a zoning clearance for signs is to help ensure compliance with the provisions of this Chapter, in particular, the provisions regulating the design, illumination, location, materials, number, size, and type of sign, including structural and electrical provisions of the state building codes.
  2. General application process for zoning clearance for signs. Unless otherwise specified by this Chapter, the application for a zoning clearance for signs must be made in writing on the form provided by the Planning Department and accompanied

by the required fee established by City Council resolution. The application shall include the following information and items:

- a. The completed application form.
- b. Plans drawn to scale showing the design of the sign, including dimensions, sign size, colors, materials, method of attachment, source of illumination, and showing the relationship to any building, parcel, or structure to which it is proposed to be installed or affixed or to which it relates. Compliance with applicable state building codes including structural analysis, wind load calculations, and footing details shall be shown on the plans and signed by a structural engineer when applicable.
- c. A site plan, including all dimensions, drawn to scale indicating the location of the sign relative to the property line, rights-of-way, streets, sidewalks, vehicular access points, and existing or planned buildings or structures and off-street parking areas located on the premises.
- d. The number, size, type, and location of all existing signs on the same building, site, or premises.
- e. Proof of the consent of the property owner or other person in control or in possession of the property.
- f. If a proposed sign would be an advertising display under the Outdoor Advertising Act (Business and Professions Code Sections 5200 and following), the applicant shall submit reasonable evidence demonstrating compliance with or exemption from the Act.
- g. Such other information as the Director may reasonably request in order to establish that the proposed application is in full compliance with the provisions of this Chapter, the municipal code, and any other applicable law.

3. Processing Applications. The Director, or his/her designee, shall determine whether the application contains all of the information and items required by the provisions of this Chapter. If the Director or his/her designee determines that the application is not complete, the applicant must be notified in writing within 30 calendar days of the date of receipt of the application that the application is not complete and the reasons for such determination, including any additional information necessary to render the application complete. The applicant will then have 30 calendar days from receipt of comments to submit additional information to render the application complete. Failure to do so within this 30-day period renders the application void. Within 30 calendar days following receipt of an amended application or supplemental information, the Director or his/her designee must again determine whether the application is complete in accordance with the procedures set forth in this subsection. Evaluation and notification is to occur as provided above until such time as the application is found to be complete. All notices required by this Chapter are deemed given upon the date any such notice is either deposited in the United States mail or the date upon which a personal service of such notice is provided.

4. Findings for Approval. After reviewing a complete zoning clearance for signs application, the Director or his/her designee, shall render a written decision to approve or deny the application within 30 calendar days of the complete application date. The Director's determination shall be based on the following findings:

a. The proposed sign(s) comply with all development standards in Chapter 18.51.05;

b. The placement and design of the sign(s) is compatible with the building or structure the signage is placed on;

c. The proposed sign(s) is consistent with the City's General Plan and municipal code;

d. The proposed design, character, location, number, type, size, illumination and maintenance of the proposed sign(s) maintain and enhance the City's appearance.

Decisions made on zoning clearance for signs shall not be based on the content of the signage.

B. Appeals.

1. Any person seeking to appeal a decision of the Director or his/her designee granting or denying an application for issuance of a zoning clearance for signs, revoking a permit, or ordering the remediation or removal of a sign, shall appeal in writing consistent with Chapter 18.80 (Appeals).

2. Any person dissatisfied with the final action by the City Council may seek prompt judicial review of the action pursuant to the California Code of Civil Procedure Section 1094.8.

#### **Section 18.51.08. Hazardous Signs.**

Signs shall conform to the following provisions of the California Vehicle Code.

A. No person shall place, maintain or display upon or in view of any highway, any unofficial sign, signal or device, or any sign, signal or device which purports to be or is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official sign or signal. (Cal. Veh. Code, section 21465).

B. No person shall place, maintain or display upon or in view of any highway, any light of any color of such brilliance as to blind or dazzle the vision of drivers upon said highway nor shall any light be placed in such position as to prevent the driver of a vehicle from readily recognizing any traffic sign or signal. (Cal. Veh. Code, section 21466.5).

C. The State Department of Public Works, members of the California Highway Patrol and local authorities are hereby authorized and empowered without notice to remove every prohibited sign, signal, device or light which is a public nuisance or cause the same to be removed or the director of said department, the chief of said

patrol or local authorities may bring any action as provided by law to abate such nuisance.

#### **Section 18.51.09. Construction of Signs.**

A. No portion of any sign nor its supports shall be placed in a manner that it will in any way obstruct any fire escape, stairway, or fire sprinkler stand pipe, nor shall any such sign or any of its supports be attached to or supported by any fire escape.

B. No portion of any sign or its supports shall be so placed that it will interfere with human exit through any window of any room of any building.

C. No portion of any sign or its supports shall be placed so that it will obstruct any exterior door or required exit of any building.

D. No sign shall be placed that will obstruct any legally required light and ventilation.

E. No sign or portion of a sign shall be placed on any public right-of-way in such a manner which obstructs such public right-of-way. Any such sign is hereby declared a public nuisance and may be removed by the Director, Building Official or any other designated official.

#### **Section 18.51.10. Nonconforming Signs.**

A. General Requirements: A nonconforming sign structure shall not be:

1. Changed to another nonconforming sign structure or increased in area unless the height or area of the sign structure is made less nonconforming;

2. Structurally altered to extend its useful life; or

3. Moved from its location to a new location.

B. Face Changes: Sign copy and face changes within the existing boundaries of the nonconforming sign structure are permitted without obtaining a zoning clearance for signs.

C. Modifications and Maintenance: Non-structural modifications or non-structural maintenance (i.e., painting, rust removal) are allowed without a zoning clearance for signs up to a maximum of 50 percent of the existing total area of the sign. Non-structural modifications or maintenance exceeding 50 percent of the existing total area of the sign, and all structural changes, shall comply with all applicable standards of this Chapter.

D. Discontinued Use: If the use of a building or land associated with a legal nonconforming sign structure is discontinued for a period of six months or more, any sign structure shall thereafter conform to the provisions of this Chapter.

E. Public Nuisances: No sign or portion of a sign shall be placed on any public right-of-way in such a manner which obstructs such public right-of-way. Any such sign is hereby declared a public nuisance and may be removed by the Director, Building

Official, or any other designated official without notice if determined to be a safety hazard.

F. **Destroyed Signs:** If, at any time, any nonconforming sign structure in existence or maintained on the effective date of the ordinance codified in this Chapter is destroyed by fire, accident, explosion or act of nature to the extent of more than 50 percent of the value thereof, without further action of the City, such sign shall, from and after the date of such destruction, be subject to all the provisions of this Chapter. For the purposes of this Chapter, the value of any sign shall be the estimated cost of replacement of the sign in kind as determined by the Building Official.

G. Administration of this section is not intended to conflict with the provisions of the Outdoor Advertising Act (Chapters 2 and 2.5, Sections 5200 – 5499.30 of the Business and Professions Code).

#### **Section 18.51.11. Exempt Signs, Flags, and Devices.**

The following signs, flags, and devices are exempt from the provisions of this Chapter:

A. Flags of a governmental entity (e.g., United States, California, municipalities within City of Guadalupe, other governmental entities).

B. Signs and devices erected by a governmental entity, including public schools.

C. Signs erected by a public utility or common carrier to warn of dangers (e.g., the location of underground facilities and railroad crossings).

D. Signs required to be maintained or posted by law or governmental order, rule, or regulation.

E. Signs located entirely within structures.

#### **Section 18.51.12. Prohibited Signs and Locations.**

Prohibited signs are as follows:

A. Any sign designed for emitting sound.

B. Any sign or sign structure which has become a public nuisance due to inadequate maintenance, dilapidation, or abandonment.

C. Any sign which obstructs in any manner the ingress to, or egress from, a door, window, fire escape, or other access way required by building codes adopted by the City of Guadalupe.

D. Any sign unlawfully installed, erected, or maintained.

E. Any sign that encroaches into any City right-of-way and/or easement, except under-canopy, and projecting signs.

F. Any sign that flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of attachment which does the same.



G. Any sign that is inconsistent with the traffic safety sight area, pursuant to Resolution No. 2009-24 (Adopted City of Santa Maria Traffic Standards Manual).

H. Any sign structure located so that it interferes with visibility at an intersection, public right-of-way, driveway, or other ingress/egress.

I. Any pole sign. Any pole sign existing on the date the ordinance becomes effective shall have three (3) years before it must be removed.

J. Any sign located or displayed on or over public property except as expressly permitted in this Chapter.

K. Any sign attached to a tree or utility pole.

L. Any sign structure erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the state, or rules and regulations duly promulgated by agencies thereof.

M. Any sign structure adversely affecting traffic control or safety.

N. Balloons, balloon-like objects, and blimps.

O. Roof signs.

P. Any sign on public property or property in which the City holds an interest unless otherwise authorized by this Chapter. A public utility easement (PUE) is an example of property in which the City holds an interest.

Q. Off-Site Signs—Exception. Signs on property owned or controlled by the City, whose design is compatible with the objectives of this Chapter as determined by the Director or his/her designee through zoning clearance for signs.

R. Bow/feather signs.

S. Sandwich board signs (also referred to as “A-signs”).

T. Inflatable signs, including those that exhibit motion through the use of a blower and controlled release of air.

U. Triangle Pennant signs.

V. Mobile Billboard Advertising Displays: Pursuant to Section 22651(v) of the California Vehicle Code and sections amendatory or supplementary thereto, any peace officer, or any regularly employed and salaried employee of the City, who is engaged in directing traffic or enforcing parking laws and regulations in which the mobile billboard advertising display is located may remove the mobile billboard advertising display located within the territorial limits of the City when the mobile billboard advertising display is found upon any public street or any public lands, if all of the following requirements are satisfied:

1. When a vehicle is a mobile billboard advertising display and is parked or left standing in violation of this code, if the registered owner of the vehicle was previously issued a warning citation for the same offense;

2. A warning citation was issued to a first-time offender at least twenty-four (24) hours prior to the removal of the vehicle. The City is not required pursuant to Section 22651(v)(2) of the California Vehicle Code and sections amendatory or supplementary thereto to provide further notice for a subsequent violation prior to enforcement; and

3. The warning citation advised the registered owner of the vehicle that he or she may be subject to penalties upon a subsequent violation of this Chapter that may include the removal of the vehicle.

**Section 18.51.13. Signs in the Public Right-of-Way or Placing Citizens in Peril.**

The Director, Building Official or other designated official in Chapter 2 of this Code (Administration and Personnel) shall immediately cause the removal of any sign which, in the judgment of the Director, Building Official or other designated official, is found to be within the public right-of-way and/or easements and are found to place citizens in immediate peril. Said removal shall be by any or a combination of the following methods using sound judgment under the circumstances:

A. Removal or modification of said sign by City staff with business owner (or property owner if business has ceased operations) to be billed for time and materials related to the cost of said removal.

B. Notification orally or in writing to the business owner causing the removal of said signs within a 24 hour period or later period of time, as prescribed by the Director, Building Official or other designated official.

C. Immediate citation of the business owner (or property owner if business has ceased operations) or party responsible for said sign.

**Section 18.51.14. Severability.**

If any provision or clause of this Chapter or the application thereof is held unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Chapter which can be implemented without the invalid provision, clause, or application, it is hereby expressly declared that this ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, adopted, and/or ratified irrespective of the fact that any one or more sections, subsections, sentences clauses, and/or phrases be declared invalid or unconstitutional.

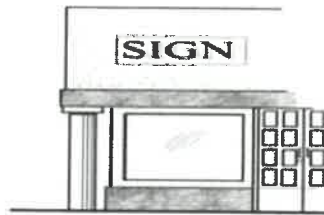
**Appendix: Illustration A (Bow/Feather Sign).**



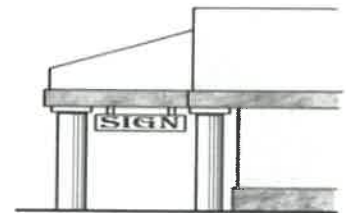
**Illustration B (Examples of Signs).**



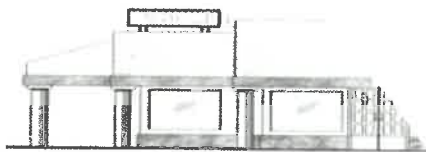
**Awning**



**Wall**



**Under Canopy**



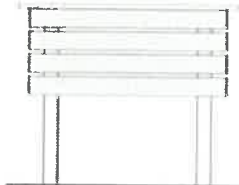
**Roof**



**Projecting**



**Window**



**Pole/Pylon**



**Changeable Copy Sign**



**Directory/Multi-Tenant**

(Source: Santa Barbara County)

**SECTION 3.** 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 4.** 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 5.** 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 \_\_\_ day of \_\_\_, 2020, by the following roll call vote:

**MOTION:** /

<b>AYES:</b>	<b>0</b>	<b>Councilmembers:</b>
<b>NOES:</b>	<b>0</b>	
<b>ABSENT:</b>	<b>0</b>	
<b>ABSTAINED:</b>	<b>0</b>	

**ATTEST:**

\_\_\_\_\_  
Joice Earleen Raguz, City Clerk

\_\_\_\_\_  
Ariston Julian, Mayor

APPROVED AS TO FORM:

---

Philip F. Sinco, City Attorney



**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE  
Agenda of April 28, 2020**

**Prepared by:  
Shannon Sweeney  
Public Works Director / City Engineer**

**Approved by:  
Todd Bodem, City Administrator**

**SUBJECT:**

Update to the Council Approved Allocation of the Special Impact Fee paid by People's Self Help Housing Corporation (PSHH) as a Condition of Approval for the Guadalupe Court Project.

**RECOMMENDATION:**

It is recommended that the City Council approve Resolution No. 2020-29 updating the approved list of projects to be funded using funds from the PSHH special impact fee paid as a condition of approval for the Guadalupe Court Project.

**BACKGROUND:**

PSHH gave the City \$515,118.58 as a special impact fee as a condition of approval for the Guadalupe Court project. The first amended and restated development agreement between PSHH and the City, executed March 15, 2018, section 3.1.3 states "Developer shall pay a one-time fee of \$515,118.58 prior to issuance of a building permit to offset the impact the project and its residents will have on the City's need for public infrastructure, facilities, and public safety equipment." The City has received these funds. The development agreement did not provide any further direction on the disbursement of these funds.

On January 14, 2020, City Council approved Resolution No. 2020-03 allocating the use of these funds, and approved Resolution No. 2020-10 at its meeting on January 28, 2020, to approve a correction to the proposed allocation.

**DISCUSSION:**

Table 1 shows the funding approved in Resolution No. 2020-03, along with current status of these projects.

Table 1

Project	Funds Approved	Funds Expended	Project Status
<b>Public Safety</b>			
Fumigation of American Legion	\$15,000	\$10,238	Completed.
Valve maintenance	\$7,929.93	\$7,929.93	Completed.
Termite Repair at American Legion	\$15,000	\$0	Not yet started.
New server	\$14,000	\$13,817.51	Purchased.
Fire room subfloor inspection	\$2,340.00	\$2,340.00	Completed.
Fire room Sub floor repairs	\$7,898	\$0	Existing contractor backed out. Only additional bid is \$38,000. Recommend canceling.
Generator	\$42,000	\$0	PG&E evaluating temporary generator to establish hotspot at City Hall. Will complete at later date
<b>General Fund</b>			
New Server	\$22,000	\$21,909.14	Purchased.
Master Facilities Plan	\$80,000	\$0	Not started, recommend cancelling.
Auditorium floor repairs/coating	\$25,000	\$14,456	Completed.
Senior Center Roof replacement	\$70,000	\$46,320	Awarded. Project not yet started due to weather.

Out of the total \$515,118.58 available, the Council allocated a total of \$303,167.93 for the above-listed projects, leaving a total of \$213,950.35 unallocated. Funds spent or committed to date equals \$117,010.58. Funds to be spent on remaining projects not yet started (American Legion termite repair and City Hall generator) are \$57,000. After these funds are expended, this leaves a total of \$129,157.35 of previously allocated funds unspent. This amount, along with the unallocated funds of \$213,950.35, equal a total of \$343,107.70 in available (unspent) funds).

Staff is recommended that the Fireroom subfloor repairs (in the amount of \$7,898) be re-allocated since the existing contractor backed out and the only other bid is \$38,000. Staff also recommends re-allocating the \$80,000 that was designated for the Master Facilities Plan. Instead, staff recommends that \$40,000 of these remaining funds be allocated to development of conceptual plans for a new City Hall, and that the remaining funds (\$303,107.70) be allocated to the development of plans, specifications, and an estimate of cost so that the City can start developing the paperwork necessary to secure funds for the construction of a new City Hall. The city is in dire need of a new City Hall and staff believes that reallocating the majority of the PSHH special impact fee to this purpose will help move this project forward.

**ATTACHMENTS:**

1. Resolution No. 2020-29 "A resolution of the City Council of the City of Guadalupe adopting an update to the disbursement of People's Self Help Housing special impact fee."



**RESOLUTION NO. 2020-29**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE ADOPTING AN UPDATE TO THE DISBURSEMENT OF PEOPLE'S SELF-HELP HOUSING SPECIAL IMPACT FEE**

**WHEREAS**, the City Council approved a proposed allocation of the People's Self-Help Housing special impact fee to various projects in Resolution No. 2020-03 and a correction in Resolution No. 2020-10 at its meetings on January 14, 2020, and January 28, 2020, respectively; and,

**WHEREAS**, out of the total \$515,118.58 available, the Council allocated a total of \$303,167.93, leaving a total of \$213,950.35 unallocated; and

**WHEREAS**, funds spent or committed to date equals \$117,010.58, and including funds that will be spent on the American Legion termite repair and City Hall generator (57,000), this leaves a total amount of \$129,157.35 of previously allocated funds unspent; and

**WHEREAS**, this amount, along with the unallocated funds of \$213,950.35, equal a total of \$343,107.70 in available (unspent) funds; and

**WHEREAS**, Staff recommends that the funds allocated for the Fireroom subfloor repairs (in the amount of \$7,898) and the \$80,000 designated for development of a Master Facilities Plan be re-allocated; and

**WHEREAS**, Staff recommends that these re-allocated funds (totally \$87,898) along with the remaining unspent funds (in the amount of \$41,259.35) be reallocated; and

**WHEREAS**, Staff recommends that the entire amount of the unspent funds previously allocated (in the amount of \$129,157.35) along with the previously unallocated funds in the amount of \$213,950.34 (a total of \$303,107.70) be allocated as follows: (1) \$40,000 for the development of conceptual plans for a new City Hall, and (2) \$263,107.70 for the development of plans, specifications, and an estimate of cost so that the City can start developing the paperwork necessary to secure funds for the construction of a new City Hall.

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

The City Council hereby approves the cancellation of the fire room subfloor repairs and master facility plan report development and approves allocating \$40,000 for the conceptual design of City Hall and \$263,107.70 towards the development of plans, specifications, and a cost estimate for City Hall (which includes the \$213,950.35 that was previously unallocated, and that this allocation will exhaust the PSHH special impact fee.

**PASSED, APPROVED AND ADOPTED** at a regular meeting on the 28<sup>th</sup> day of April, 2020 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 **Resolution No. 2020-29** has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held April 28, 2020, and that same was approved and adopted.

ATTEST:

\_\_\_\_\_  
Joice Earleen Raguz, City Clerk


\_\_\_\_\_  
Ariston Julian, Mayor


APPROVED AS TO FORM:

\_\_\_\_\_  
Philip Sinco, City Attorney



**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE**  
**Agenda of April 28, 2020**

  
Prepared by:  
Lorena Zarate, Finance Director

  
Approved by:  
Todd Bodem, City Administrator

**SUBJECT:** City of Guadalupe Purchasing Guidelines

**RECOMMENDATION:**

That the City Council adopt Resolution No. 2020-28 to accept the City of Guadalupe Purchasing Guidelines.

**DISCUSSION:**

The Finance Department has prepared Purchasing Guidelines for the Council's consideration and approval. Attached hereto as Attachment No. 1 are the proposed Purchasing Guidelines. Staff requests that the City Council approve these.

On January 14, 2020, at staff's request, the City Council adopted Resolution No. 2020-04 increasing the amount required for competitive bidding and proposals for purchases made pursuant to Guadalupe Municipal Code Chapter 4.04 from \$5,000 to \$50,000. As part of this request, staff advised the Council that it is in the process of preparing Purchasing Guidelines to provide specific direction to staff for making purchases in compliance with Guadalupe Municipal Code Chapters 4.04 and 4.05.

The key points of these guideline:

General Purchases and Maintenance Repairs & Service Contracts (must comply with Guadalupe Municipal Code Chapter 4.04):

- Greater than \$1,000, less than or equal to \$5,000
  - Prudent judgment required; strongly suggest comparative pricing whenever practical.
  - Award by department via purchase order for items greater than \$1,000.
- Greater than \$5,000, less than \$50,000 (open market)
  - Department solicits at least 3 written quotes by email, fax, etc. Document bid and selection criteria.
  - Award by purchase order or contract signed by department head.
- Greater than \$50,000 (formal bidding)

- Formal bidding is required.
- City Council awards contract after bids received and evaluated.

**Credit Card Purchases:**

- Credits card purchases are authorized for small dollar items and/or time-sensitive transactions that can be obtained directly from the vendor either in person or via telephone, fax, or Internet. Individual purchase transactions are limited to \$500 with monthly credit limits varying based on the needs of each department. If individual purchase exceeds \$500, City Administrator is to approve.
- The procurement card is issued jointly in the City's and employee's name; is to be used by only the employee whose name appears on the card; and the delegation of authority is not permissible in making credit card purchases.
- The City Visa card holder is responsible for the preparation of a monthly reconciliation of the City Visa statement, preparation of a Transaction Log, and submittal of all documents to Accounts Payable for payment.

**Public Works Projects (must comply with Guadalupe Municipal Code Chapter 4.05):**

- Less than \$60,000 (open market)
  - Department solicits at least 3 written quotes by email, fax, etc. Document bid and selection criteria.
  - Award by purchase order or contract signed by department head.
- Greater than \$60,000 to \$200,000 (informal bidding process authorized by Public Contract Code Sections 22000 through 22045)
- Greater than \$200,000 (formal competitive bidding)
  - City Council awards contract after bids received and evaluated.

**ATTACHMENTS:**

1. City of Guadalupe Purchasing Guidelines
2. Resolution No. 2020-28 "A resolution of the City Council of the City of Guadalupe adopting the City of Guadalupe Purchasing Guidelines."

# *City of Guadalupe*



## **Purchasing Guidelines**

**Prepared by the Finance Department**

April 2020

*City of Guadalupe*  
**PURCHASING GUIDELINES**  
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# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Introduction**

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The Purchasing Guidelines manual was prepared to translate common practice purchasing procedures, formal procedures adopted in the Municipal Code and the California Uniform Public Construction Cost Accounting Act (Act), into a concise, easily understood practices and procedures manual.

The establishment of these guidelines provides direction for City staff in the purchase of goods and services at competitive prices. The basic purchasing guideline is to obtain quality supplies, services, vehicles, and equipment required for the proper operation of the City of Guadalupe, in the most cost-effect manner possible. It is recognized that the lowest price is not the sole factor in evaluating the cost of purchases. Service, quality, timeliness, and price are all factors of a satisfactory purchase.

The information in this manual is primarily for non-public works projects. The requirements for these types of purchases do not contain or repeat State requirements, nor is it intended to conflict with or supersede State requirements. In the event of any conflict between the provision of these guidelines for non-public works projects, State law or City ordinance/resolution, the more stringent requirement should prevail.

Public works projects are covered by the Act. This Act encompasses projects that are generally large and involve construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility. Because these projects are significantly different from general purchases, maintenance and repair services, and professional services, bidding and threshold limits are significantly different from non-public works projects. However, because the Act (as of January 2020) allows public projects of sixty thousand dollars (\$60,000) or less to be performed by City employees, negotiated contract or by purchase order without specific guidelines, departments are strongly encouraged to follow City non-public works project guidelines for these types of purchases. Page G-1 of the Purchasing Guidelines outlines the differences.

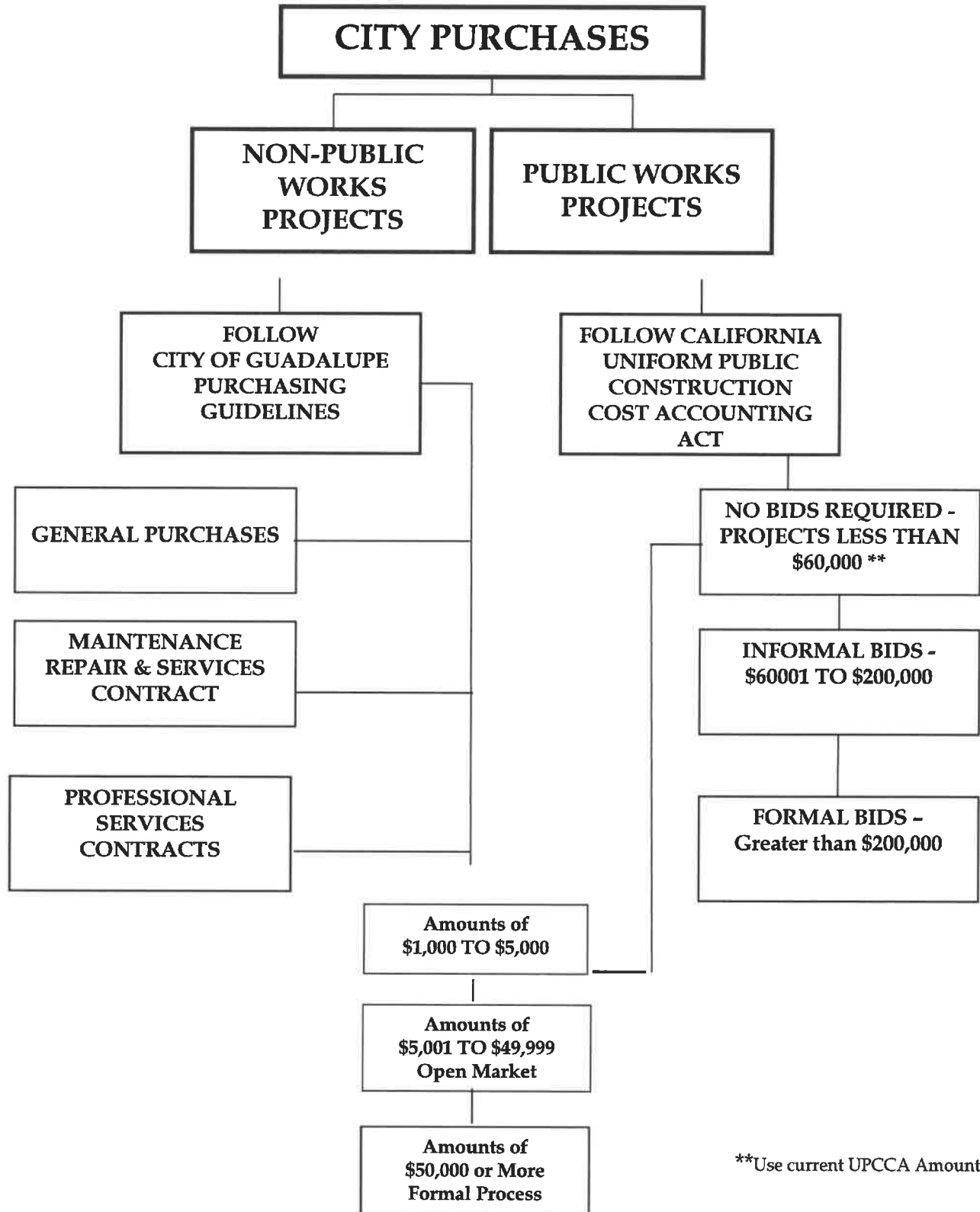
Federally funded projects are subject to additional requirements in accordance with 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Guidance for Federal Awards.

These Guidelines should be perceived as a dynamic document that will likely change as City personnel find more effective and efficient ways to accomplish tasks and achieve goals. Changes to these purchasing guidelines may be issued by the City Administrator to address operational needs.

These Purchasing Guidelines are divided into three sections, the Preface, the Guidelines, and the Special Provisions. Each section is uniquely numbered to facilitate additions, modifications, and changes to the Purchasing Guidelines.

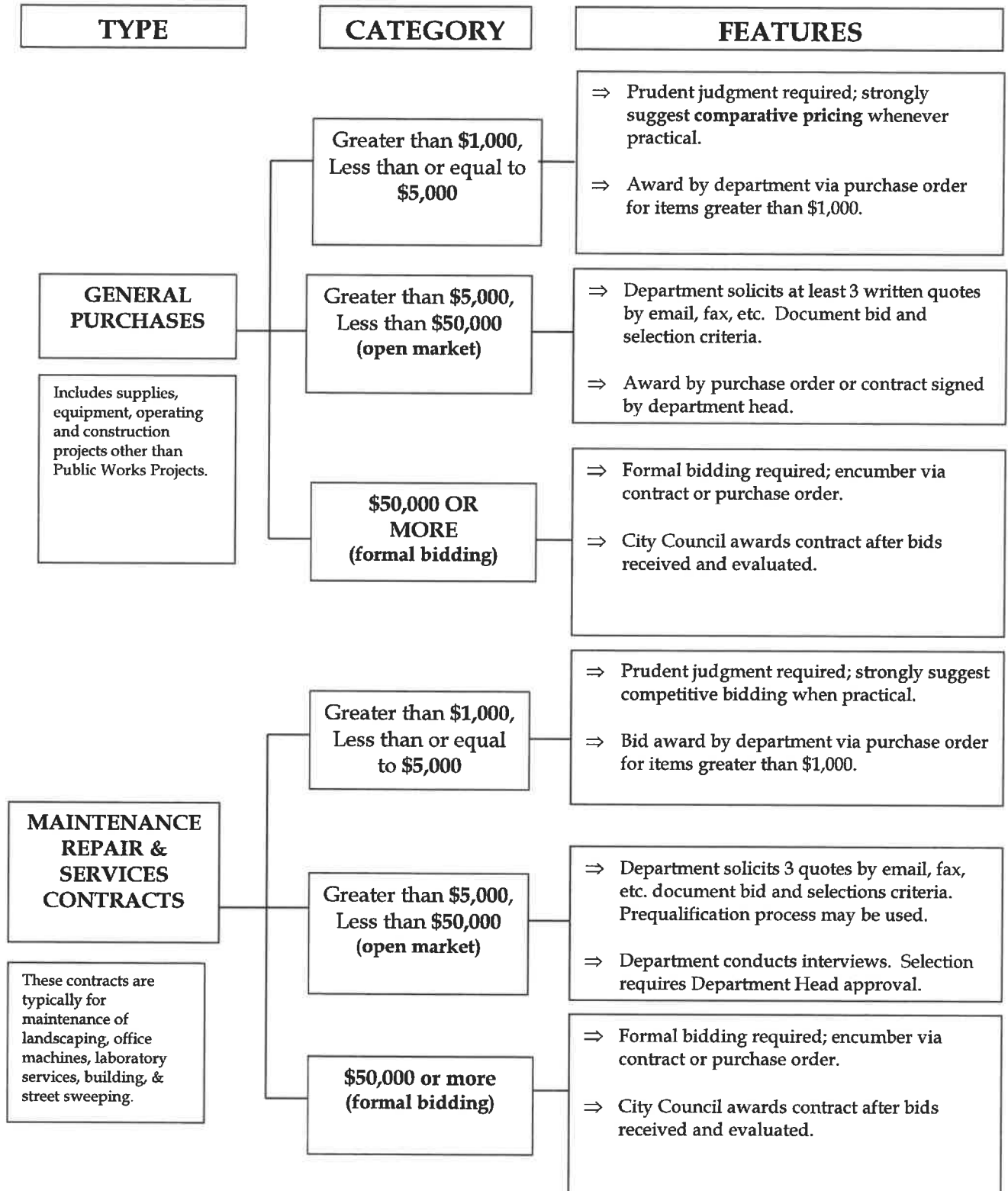
*City of Guadalupe*  
**PURCHASING GUIDELINES**  
 Purchasing System Overview

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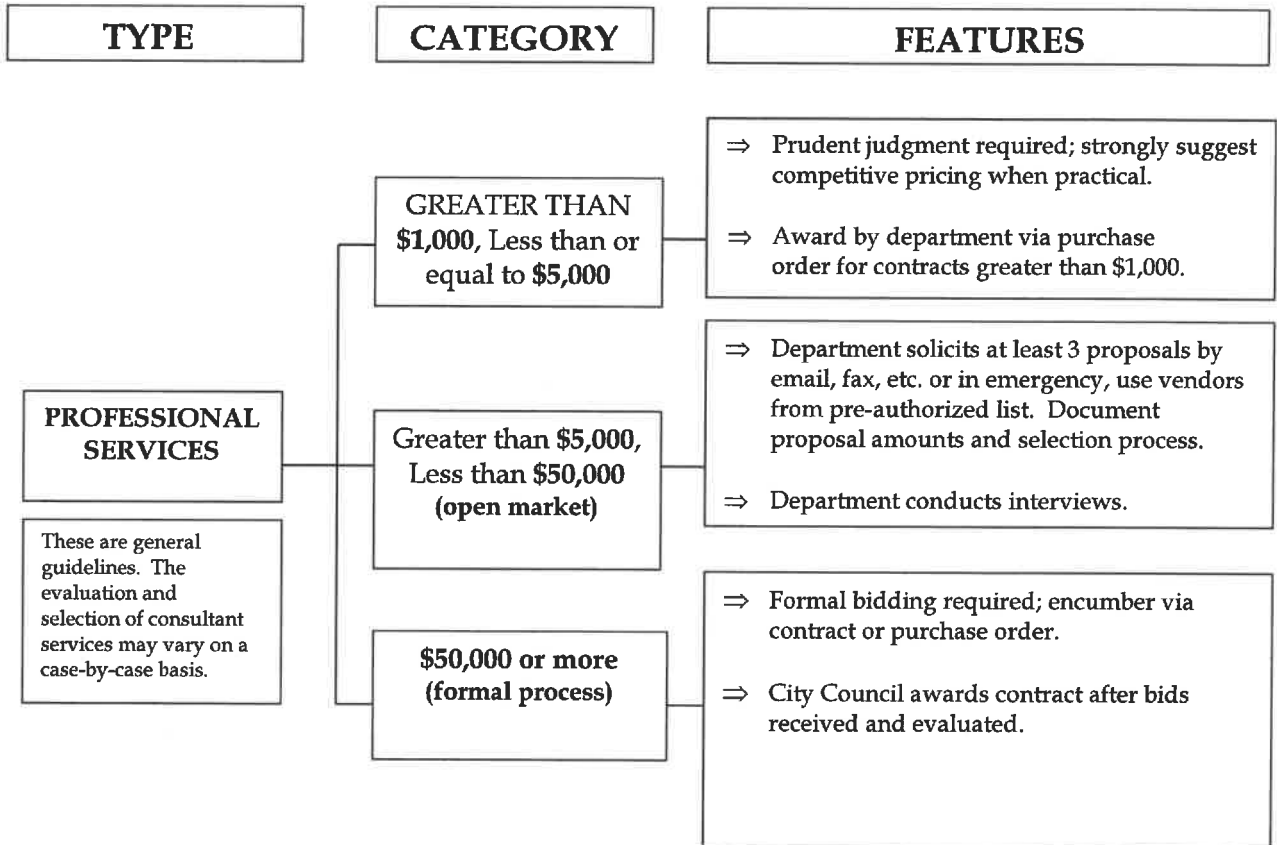




**City of Guadalupe**  
**PURCHASING GUIDELINES**  
**Purchasing System Overview, *continued***



*City of Guadalupe*  
**PURCHASING GUIDELINES**  
 Purchasing System Overview, *continued*



# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Purchasing Responsibility - General Purchases**

---

#### **Summary:**

General purchases include supplies, equipment, and construction projects other than "Public Works Projects."

**Purchase of \$1,000 or less:** Requisitions/purchase orders are not required for purchases of \$1,000 or less. When a check for \$1,000 or less, will pay the invoice for the item "in full," the department may use the invoice to generate payment. The face of the invoice should prominently display, the stamp "Approved for Payment," the account number, the proper authorization, and the date before direct submittal to the Finance Department. Multiple invoices may NOT be generated for one item, simply to avoid the issuance of a requisition/purchase order.

**Purchases of more than \$1,000 but less than or equal to \$5,000:** Prudent judgment is required for purchases of greater than \$1,000 but less than or equal to \$5,000. It is strongly suggested that comparative pricing, whenever practical, be used. Typically, bids may be obtained by telephone, fax, or email quotations.

Each vendor must be provided with the exact information provided to other vendors. The department should have on file, the following information:

- Date of request for quote;
- Exact request for quote;
- Vendor information (contact information);
- Vendor's response to request for quote; and
- Justification for selection of vendor.

The department head, or his/her designee, has the authority to award the bid.

#### **Open Market Purchases:**

**Purchases of more than \$5,000 but less than \$50,000:** Departments are required to solicit at least three written competitive quotations, by email, fax, or other written format, for purchases greater than \$5,000 but less than \$50,000. Typically, these request for quotes are mailed to the vendors or emailed/faxed if delivery time is a major factor. The following information should be documented and on file with the department:

- Date of request for quote;
- Exact request for quote;
- Vendor information (contact information);
- Vendor's written response to request for quote; and
- Justification for selection of vendor.

# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Purchasing Responsibility - General Purchases, *continued***

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The award of bid is completed by either issuing a purchase order or a contract is signed by the department head.

#### **Formal Bid Purchases:**

Purchases of more than \$50,000: Purchases for general services shall comply with Guadalupe Municipal Code section 4.04.070. An invitation for bids shall be issued and shall include adequate specifications and all contractual terms and conditions applicable to the procurement. The City Clerk shall (1) publish or post as required by statute or charter (G.C. 36933). This process is deemed to be the formal competitive sealed bidding process.

For items not identified or approved in the budget, departments are to gain approval to seek bids from the City Administrator prior to soliciting bids. Thereafter, the City Council is to make the award to the successful bidder.

**Appeal of award of bid:** An unsuccessful respondent to a City request for quotation may appeal the award of bid. The unsuccessful bidder is required to file a formal protest of the award of bid with the Finance Department and the issuing department. The department, in conjunction with Finance Department's staff, will appoint a three member board to hear the appeal, review the bid documents, and issue an opinion on the award of bid.

# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Purchasing Responsibility - Maintenance Repair and Service Contracts**

---

#### **Summary:**

The contracts for maintenance repairs and service are exemplified by the types of services such as maintenance of landscaping, office machines, laboratory services, and building maintenance.

**Contracts of \$1,000 or less:** Requisitions/purchase orders are not required for purchases of \$1,000 or less. When a check for \$1,000 or less, will pay the invoice "in full" the department may use the invoice to generate payment. The face of the invoice should prominently display, the stamp "Approved for Payment," the account number, the proper authorization, and the date before direct submittal to the Finance Department. Multiple invoices may NOT be generated for one service, simply to avoid the issuance of a requisition/purchase order.

**Contract of more than \$1,000 but less than or equal to \$5,000:** Prudent judgment is required for contracts of greater than \$1,000 but less than or equal to \$5,000. Unless a contract is made to a party through the prequalification process, it is strongly suggested that comparative pricing, whenever practical, be used. Typically, bids may be obtained by telephone, fax, or email quotations. In lieu of comparative pricing for each purchase, departments may develop a pre-qualification list of qualified vendors to be used, on a rotating basis, during the two year budget process. Departments shall work in conjunction with the Finance Department in the establishment of pre-qualification lists.

Each vendor must be provided with the exact information provided to other vendors. The department should have on file, the following information:

- Date of request for quote;
- Exact request for quote;
- Vendor information (contact information);
- Vendor's response to request for quote; and
- Justification for selection of vendor.

The department head has the authority to award the bid.

#### **Open Market Contracts:**

**Purchases of more than \$5,000 but less than \$50,000:** Unless a contract is made to a party through the prequalification process, Departments are required to solicit at least three written competitive quotations, by email, fax, or other written format, for contracts greater than \$5,000 but less than \$50,000.

# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Purchasing Responsibility - Maintenance Repair and Service Contracts**

---

#### **Open Market Contract, *continued:***

##### Contracts of more than \$5,000 but less than \$50,000, *continued:*

Typically, these request for quotes are mailed to the vendors or emailed/faxed if delivery time is a major factor. The following information should be documented and on file with the department:

- Date of request for quote;
- Exact request for quote;
- Vendor information (contact information);
- Vendor's written response to request for quote; and
- Justification for selection of vendor.

#### **Formal Bid Purchases:**

**Purchases of \$50,000 or more:** Contracts for maintenance repair and general services of \$50,000 or more shall comply with Guadalupe Municipal Code section 4.04.080. An invitation for bids shall be issued and shall include adequate specifications and all contractual terms and conditions applicable to the procurement. The City Clerk shall (1) publish or post as required by statute or charter (G.C. 36933). This process is deemed to be the formal competitive sealed proposals process.

For items not identified or approved in the budget, departments are to gain approval to seek bids from the City Manager prior to soliciting bids. Thereafter, the City Council is to make the award to the successful bidder.

**Appeal of award:** An unsuccessful respondent to a City request for proposal may appeal the award of bid. The unsuccessful respondent is required to file a formal protest of the award with the Finance Department and the issuing department. The department, in conjunction with Finance Department's staff, will appoint a three member board to hear the appeal, review the proposal documents, and issue an opinion on the award.

# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Purchasing Responsibility - Development of Pre-qualification List**

---

**Development of Pre-qualification List:** In lieu of obtaining three competitive quotations each time a repetitive service contract of less than \$50,000 is needed, each department may develop a pre-qualification list during the first months of the two-year budget cycle. Each department will be responsible for developing a list of the repetitive services used, the standards and specifications required, and potential vendors. The Finance Department will assist the department in the issuance of the Request for Proposals, in establishing the pre-qualification list, and in contracting with the vendors. The pre-qualification list will be valid for the two-years of the budget cycle. The following steps must be followed to establish the pre-qualification list:

- Issuance of a Request for Proposals;
- Typical vendors on a pre-qualification list include, but are not limited to, electricians, plumbers, surveyors, material testers, and appraisers; and
- The vendors are required to supply a price list of the various services offered; the vendors may supply different price lists for each of the budget years; may request an inflation factor in year two; or can provide identical lists for the two years;
- The vendors are required to enter into a contract with the City;
- The list should contain at least three active vendors; and
- Work performed for the City will be rotated among the pre-qualified vendors, based on the vendors' availability.

The award of bid is completed by executing a contract with the vendor.

# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Purchasing Responsibility for Professional Services Contracts**

---

#### **Summary:**

Professional services are provided by independent contractors and include services such as legal, planning, design, studies of governmental operations, management consultant, etc. These services may include unique services or other specialized abilities. Contracts for professional services must be based on demonstrated competence, professional qualifications for the services required, availability, and fair and reasonable cost. Cost cannot be the sole basis for awarding a professional contract. All professional consulting services must be conducted by way of a contract for professional services. The following are general guidelines as contracts for consultant services may vary on a case-by-case basis.

**Contracts of more than \$1,000 but less than or equal to \$5,000:** Prudent judgment is required for contracts of greater than \$1,000 but less than or equal to \$5,000. It is strongly suggested that comparative pricing, whenever practical, be used. Typically, quotes may be obtained by telephone, fax, or email quotations.

Each vendor must be provided with the exact information provided to other vendors. The department should have on file, the following information:

- Date of request for quote;
- Exact request for quote;
- Vendor information (contact information);
- Vendor's response to request for quote; and
- Justification for selection of vendor.

The department head, or his/her designee, has the authority to award the bid.

#### **Open Market Contracts:**

**Contracts of more than \$5,000 but less than \$50,000:** Departments are required to solicit at least three written competitive quotations, by email, fax, or other written format, for purchases greater than \$5,000 but less than \$50,000. Typically, these request for quotes are mailed to the vendors or emailed/faxed if delivery time is a major factor. The following information should be documented and on file with the department:



# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Purchasing Responsibility for Professional Services Contracts, *continued***

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#### **Open Market Contracts, *continued*:**

##### Contracts of more than \$5,000 but less than \$50,000, *continued*

- Date of request for quote;
- Exact request for quote;
- Vendor information (contact information);
- Vendor's written response to request for quote; and
- Justification for selection of vendor.

The award of contract is completed by executing a contract with the vendor.

#### **Formal Process Contract:**

**Purchases of \$50,000 or more:** Contracts for designated professional services of \$50,000 or more shall comply with Guadalupe Municipal Code section 4.04.090. An invitation for proposals shall be issued and shall include all contractual terms and conditions required for the professional services. The City Clerk shall (1) publish or post as required by statute or charter (G.C. 36933).

**Appeal of award:** An unsuccessful respondent to a City request for proposal may appeal the award. The unsuccessful respondent is required to file a formal protest of the award with the Finance Department and the issuing department. The department, in conjunction with Finance Department's staff, will appoint a three member board to hear the appeal, review the proposal documents, and issue an opinion on the award.

*City of Guadalupe*  
**PURCHASING GUIDELINES**  
**Purchasing Procedures - Credit Card Purchases**

---

**Summary:**

Credits card purchases are authorized for small dollar items that can be obtained directly from the vendor either in person or via telephone, fax, or Internet. Individual purchase transactions are limited to \$500 with monthly credit limits varying based on the needs of each department.

**Procedure:**

**Procurement Card:** The Finance Department issues procurements cards, in the form of Visa cards, to designated employees. Employees that are issued the City Visa card are provided with spending and monthly credit limits depending on departmental need and authority. The procurement card is issued jointly in the City's and employee's name; is to be used by only the employee whose name appears on the card; and the delegation of authority is not permissible in making credit card purchases. The City Visa card holder is responsible for the preparation of a monthly reconciliation of the City Visa statement, preparation of a Transaction Log, and submittal of all documents to Accounts Payable for payment.

**Benefits of Procurement Card:** The use of a City Visa card provides an efficient cost-effective alternative for the purchase and payment of small dollar expense items and for time-sensitive transactions. The City Visa card streamlines the traditional procurement process by reducing the number of requisitions, purchase orders, receivers, invoices, and checks needed for handling miscellaneous low dollar transactions.

**Out of State Purchases:** The City is obligated to report and pay tax to the State of California for purchases made from out-of-State vendors that do not charge sales tax. It is very difficult to track those purchases and to compile the amount due the State of California, when using the City Visa cards.

**Use of Private Credit Cards:** Employees are to refrain from using private credit cards for City business.

# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Public Works Purchasing**

---

#### **Summary:**

The award of contracts for public projects of the City shall be governed by Uniform Public Construction Cost Account Act (hereinafter "Act"), except as otherwise provided for in this section. The threshold amounts depicted below are predicated on January 2020 dollar amounts adopted by the State Controller pursuant to the Act. Should the below dollar amounts change in the Act, these guidelines shall be adjusted to reflect the then-current Act dollar amount thresholds, but in the event that these guidelines are not timely changed, the then current dollar amount thresholds may be used.

**Public projects of \$60,000 or less:** Public projects below the informal bid limit specified by the Act (currently \$60,000), with appropriations approved by the City Council, may be performed by the employees of the City by force account, by negotiated contract, or by purchase order approved by the department head. These purchases should comply with the procedures for general purchases set forth on Page G-4 and/or for services set forth on Pages G-6 and G-7.

**Public projects of \$60,000 to \$200,000 - informal bidding procedures:** Contracts for public projects above the minimum informal bid amount (\$60,000 currently specified by the Act) and below the maximum formal bid amount (\$200,000 currently specified by the Act) may be awarded through the Act's informal bidding procedures as follows:

- A list of contractors shall be developed and maintained in accordance with provisions of Section 22034 of the Act.
- Where a public project is to be performed that is subject to the provision of Act, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, in accordance with Section 22034 of the Act, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Act. Additional contractors and/or construction trade journals may be notified at the discretion of the department/agency soliciting bids; provided , however:
  - (1) If there is no list of qualified contractors maintained by the City for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the commission.
  - (2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

*City of Guadalupe*  
**PURCHASING GUIDELINES**  
**Public Works Purchasing, *continued***

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**Public projects of \$60,000 to \$200,000 - informal bidding procedures, *continued*:**

- The City Purchasing Authority and the Director of Public Works/City Engineer are each authorized to award informal contracts pursuant to this section.
- The City's Municipal Code links the value of informal bid procedures to limits listed in Section 22032 of the Public Contract Code. Therefore, when the California Uniform Construction Cost Accounting Commission modifies the dollar threshold, the City's level will also be modified.

**Public projects of more than \$200,000 - formal bidding procedures:** Contracts for public projects above the minimum formal bid limit (currently \$200,000), shall award a contract pursuant to formal bidding procedures as set forth in the then-current Act.

**Wages of public works projects:** In every contract for the performance of labor on public works projects, eight (8) hours shall constitute a day's work, and the contractor and all subcontractors shall pay employees for the work, a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, under similar employment in the City.

*City of Guadalupe*  
**PURCHASING GUIDELINES**  
**Special Provisions - Sole Source Purchases**

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**Summary:**

A sole source purchase is one made from only one source of supply or a purchase for which no advantage can be gained through competitive bidding. Sole source purchases often arise because specifications and requirements for the purchase are so distinct that only one possible source can provide the purchase or meet established standards. This may be the case with replacement parts for brand name machinery, equipment or vehicles. To be valid, the sole source must be the only reasonably known source of supply meeting the bona fide specification requirements. A sole source decision is not permitted merely upon the grounds that such approach is the most convenient or that the subject product is preferred by staff. A sole source purchase shall comply with Guadalupe Municipal Code section 4.04.110.

**Procedure:**

**Initiating the Sole Source Purchase:** The department requesting to procure supplies, equipment, materials, or services from only one available source of supply, shall complete a request form and obtain the department head's signature (or authorized designee). The completed form shall state the justification for obtaining quotes from only one source. The requesting department head (or authorized designee) may approve the sole source status only after confirming that there is only one vendor or supplier of the needed items or services. The completed Sole Source Purchase form shall be sent to the Director of Finance for signature. Once the Director of Finance approves the Sole Source form, a copy of the approved form will be returned to the originating department and the original retained by Finance.

**Verification of Sole Source:** Prior to any action on the purchase by the Finance Department, verification shall be obtained that the procurement meets the sole source definition set forth above, and that the procurement requisition form is complete with the proper approval of the requesting department or authorized designee. For large contracts and/or construction supplies, equipment, materials and services, the City Attorney may be consulted on the applicability of the sole source procurement procedures. In such cases, the proposed solicitation shall not begin until the City Attorney has confirmed the procurement qualifies as a sole source purchase.

**Cost Analysis:** The price for the proposed purchase shall be obtained from the sole source vendor. Reasonableness of the price should be established by a verifiable means, which may include catalogs, market price for similar commercial products, or on the basis of prices set by law or regulation. If the price cannot be verified, a cost analysis shall be conducted. A cost analysis is a detailed evaluation of the cost elements comprising the proposed price to determine if appropriate resources were applied to the purchase, and if the costs are proper, reasonable, allowable and allocable.

# *City of Guadalupe*

## **PURCHASING GUIDELINES**

### **Special Provisions - Emergency Purchase Documentation**

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#### **Summary:**

The City is not required to engage in either informal or formal competitive bidding in an emergency. The City Council delegates to the City Administrator the authority to waive any procedures in the Purchasing Guidelines that are not statutorily mandated when making emergency purchases of supplies, equipment, materials or services. "Emergency Purchases" are those procurements required to prevent the immediate interruption or cessation of necessary City services or to safeguard life, property or the public health and welfare. If the purchase is expected to be \$50,000 or more, for public works, or for supplies, equipment, materials or services (including professional services), the event must be declared an emergency by a majority vote of the City Council and the purchase must be ratified. An emergency purchase shall comply with Guadalupe Municipal Code section 4.04.120.

#### **Procedure:**

**Initiating the Emergency Purchase.** Emergency purchases are to be made by staff members with expertise related to the emergency and the need for the purchase. Upon approval by the requesting department director and the City Administrator (or his or her designee), determine the best price and quality of product or services available. The department head shall relay such information to the City Administrator. The City Administrator is authorized to approve emergency purchases of less than \$50,000. The emergency must be declared, and the procurement ratified by a majority vote of the City Council if the emergency procurement exceeds \$50,000 for construction work or supplies, equipment, material or services, including professional services.

**Confirmation of Emergency Purchase.** Staff shall notify the Finance Department after placing the order: (1) that an emergency purchase has been placed, and the nature of the purchase; (2) the nature of the emergency; (3) that the department head of the requesting department or authorized designee has approved the procurement; (4) the name and location of the vendor or supplier; and (5) that the City Administrator has authorized the emergency purchase pursuant to the procedures outlined in subparagraph above. All information should be provided on the form Emergency Purchase Documentation. Upon verification of the emergency procurement, the City shall cause a confirming order to be issued to such vendor, confirming the procurement and its terms.

**City Council Ratification of Emergency Purchase.** The City Council shall be presented with the circumstances giving rise to the emergency purchase at the next regularly scheduled City Council meeting. The City Council shall declare the emergency and ratify the emergency purchase in excess of \$50,000 for construction work and/or supplies, equipment, materials and services, including professional services.

*City of Guadalupe*  
**PURCHASING GUIDELINES**  
**Special Provisions - Cooperative Purchasing Program**

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**Summary:**

Cooperative purchasing is used by municipalities in the purchase of goods and services. This arrangement offers the participants significant economies of scale. Although one municipality may issue specifications and receive bids, each entity independently executes its own contract, administers the procurement function, and finances the purchase. A cooperative purchase shall comply with Guadalupe Municipal Code section 4.04.130.

This is an acceptable practice that allows municipal agencies to “piggy-back” on contracts for services and supplies, issued by a wide range of other governmental agencies. Cooperative purchasing agreements may be entered into with state, city governments, public or quasi-public entities, and non-profit entities.

**RESOLUTION NO. 2020-28**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE  
ADOPTING THE CITY OF GUADALUPE PURCHASING GUIDELINES**

**WHEREAS**, on January 14, 2020, the City Council adopted Resolution No. 2020-04 increasing the amount required for competitive bidding and proposals for purchases made pursuant to Guadalupe Municipal Code Chapter 4.04 from \$5,000 to \$50,000; and

**WHEREAS**, in an effort to provide direction to City staff for purchasing in compliance with Guadalupe Municipal Code Chapters 4.04 and 4.05, staff prepared guidelines as to general purchases, maintenance repairs and service contracts, and public works projects.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Guadalupe that the City of Guadalupe Purchasing Guidelines are hereby approved.

**PASSED, APPROVED AND ADOPTED** at a regular meeting on the 28<sup>th</sup> day of April, 2020 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 **Resolution No. 2020-28**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held April 28, 2020, and that same was approved and adopted.

**ATTEST:**

\_\_\_\_\_  
Joice Earleen Raguz, City Clerk

\_\_\_\_\_  
Ariston Julian, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Philip Sinco, City Attorney





REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE  
Agenda of April 28, 2020

151  
\_\_\_\_\_  
Prepared by:  
Philip F. Sinco, City Attorney

\_\_\_\_\_  
Approved by:  
Todd Bodem, City Administrator

**SUBJECT:** Amendments to Guadalupe Municipal Code Chapters 4.04 and 4.05 concerning purchasing requirements and contracting for public projects

**RECOMMENDATION:**

It is recommended that the City Council introduce Ordinance No. 2020-487 amending various sections of Chapters 4.04 and 4.05 of the City of Guadalupe Municipal Code concerning purchasing requirements and contracting for public projects

*Suggested motion:* "I move to waive first reading, introduce, and continue to the Council's meeting of May 12, 2020 for second reading and adoption, Ordinance No. 2020-487 amending various sections of Chapters 4.04 and 4.05 of the City of Guadalupe Municipal Code concerning purchasing requirements and contracting for public projects."

**BACKGROUND:**

California Government Code sections 54202 and 54203 require every public agency to adopt policies and procedures governing purchases of supplies and equipment by the agency that are consistent with state law. The City Council adopted such an ordinance at its meeting of December 9, 2003. These policies and procedures may be found in Chapter 4.04 of the Guadalupe Municipal Code (GMC).

Under the Public Contracts Code, any "public project" valued at more than \$5,000 requires competitive bidding; however, Public Contracts Code § 22000, *et seq.*, provides an alternative method for bidding on public projects if a local jurisdiction elects to become subject to the Uniform Construction Cost Accounting Act (Act). If such an election is made, competitive formal bidding is required only for projects that exceed a specified amount (currently, \$200,000), informal bidding is permitted for public projects valued as less than this amount, and public projects valued at less than a specified amount (currently \$60,000) may be performed by the employees of the local jurisdiction, by negotiated contract, or by purchase order without any requirement for competitive bidding. The City elected to be subject to the Act and has enacted policies and procedures related to the Act in Chapter 4.05 of the Guadalupe Municipal Code.

At its January 14, 2020 meeting, at staff's request, the City Council adopted a resolution increasing the threshold amount when the Council's approval is required for purchases of equipment, services,

supplies, and construction (that is not a “public project”) from \$5,000 to \$50,000. When staff made this request, staff also advised the Council that it was preparing purchasing guidelines to assist staff with complying with the provisions of the Guadalupe Municipal Code regarding purchasing, and also, that proposed amendments to the City’s Municipal Code provisions concerning purchasing would be brought to the Council for its consideration with the purchasing guidelines at a future date as staff had identified some issues with the current provisions.

#### **DISCUSSION:**

At the time the City Council enacted Chapter 4.05 of the Guadalupe Municipal Code regarding contracting for public projects, the threshold amounts set forth in Public Contracts Code section 22032 when competitive bidding is required was \$100,000, informal bidding was permitted for contracts valued at \$25,000 to \$100,000, and competitive bidding was not required for contracts less than \$25,000. The ordinance adopted by the City Council at that time included these specific amounts. Public Contracts Code section 22020 provides that the State Controller may adjust the monetary limits regarding competitive bidding every five years if there have been material changes in public construction cost. Since 2003, these amounts have increased. Currently, pursuant to Public Contracts Code section 22032 competitive bidding is required when a public project contract is valued at more than \$200,000, and informal bidding is permitted for public project contracts valued at between \$60,000 and \$200,000. Public project contracts valued at less than \$60,000 may be performed by City employees, by negotiated contract, or by purchase order, without competitive bidding.

Although Guadalupe Municipal Code provides that the Council may adopt a resolution to increase the various purchasing amount thresholds stated in the Municipal Code (which the Council did on January 14, 2020), it is more efficient to amend the City’s Municipal Code so that these threshold amounts are not specifically identified, but rather, are identified by reference to the amounts stated by Public Contracts Code section 22032 (as adjusted from time to time by the State Controller). The proposed ordinance includes many instances where this reference to Public Contracts Code section 22032 replaced the specified amounts in the Municipal Code.

Another issue identified by staff in Chapter 4.04 of the Guadalupe Municipal Code was the reference to “construction” along with purchases of equipment, supplies, and services. Most construction projects are “public projects” which are subject to Chapter 4.05. Since there are some minor “construction” projects that will not qualify as public projects (e.g., minor painting, some maintenance, etc.), it was not appropriate to eliminate the reference to “construction” in Chapter 4.04, but the reference to “construction was confusing to staff as to which Chapter (4.04 or 4.05) applied for a particular construction project. To identify those relatively rare situations when a construction project is not a public project, the following words were inserted after the word construction in each instance it was used in Chapter 4.04 in the proposed ordinance: “construction (that is not a public project as that term is defined by California Public Contracts Code Sections 20161 and 22002).” Although this solution is a bit cumbersome, by doing so, those rare “construction” projects that do not qualify as “public projects,” can still be contracted for pursuant to the provisions of Chapter 4.04, while providing guidance when a construction project must be contracted for pursuant to Chapter 4.05.

Another issue that has generated some confusion arises from the fact that Chapter 4.05 of the Guadalupe Municipal Code requires that contracts for the professional services of architects,

engineers, and land surveyors comply with the procedure set forth in Section 4.05.090, whereas, all other professional services are contracted under Chapter 4.04. Professional services provided by architects, engineers, and land surveyors are not “public projects” as defined by Public Contracts Code section 22002, and therefore, there is no reason to treat this class of professional services differently from all other classes of professional services, which are contracted for under Chapter 4.04 of the Guadalupe Municipal Code. In order to avoid potential confusion and provide for consistency with respect to the procedure for contracting for professional services, the proposed ordinance eliminates these types of professional services contracts from Chapter 4.05 and allows them to be contracted for pursuant to the procedures set forth in Chapter 4.04.

Before the Council accepts this proposed revision, it should understand that there are some differences required under the current procedures for hiring architects, engineers, and land surveyors than for other professional services. For example, Section 4.05.090 provides that a selection committee composed of three members, including the Public Works Director, the head of the department in need of these services, and one other person, who will select from no less than three firms based on criteria established and published by the selection committee. The Council should be reminded that Chapters 4.04 and 4.05 were essentially copied without alteration from another city’s municipal code, presumably a larger city, when enacted in 2003. It is unclear if this procedure has ever been followed, and even if it has, it does not appear to be an efficient procedure for the City of Guadalupe. The Department of Public Works would be the department in need of these services in nearly every situation. Thus, two of the three persons supposed to be on the selection committee would be the same person (i.e., the Public Works Director and the department head in need of the services). Moreover, it is unclear why a three person selection committee would make a better choice than the Public Works Director making this decision alone. For this reason, the proposed ordinance deletes Section 4.05.090 which is the only section in Chapter 4.05 that mentions the professional services of architects, engineers, and land surveyors.

Finally, the last significant change recommended by staff is to provide for a procedure to permit small purchases less than \$1,000 to be made without the need for any competitive bidding or even the need to obtain any informal quotes.

**FISCAL IMPACT:**

No significant impact. The Council’s previous action increasing the threshold amount from \$5,000 to \$50,000 before Council approval of a purchase or contract is required will likely realize small savings as a result from staff not having to prepare as many staff reports prior to making purchases in the amount of \$50,000 or less.

**ALTERNATIVES:**

If the City Council does not approve the proposed ordinance, it can:

1. Decide not to introduce the proposed ordinance and direct staff to leave Chapters 4.04 and 4.05 of the Guadalupe Municipal Code as they are; or
2. Make changes to the proposed ordinance and introduce the revised ordinance and continue to the meeting of May 12, 2020 for second reading and adoption; or

3. Provide guidance to staff regarding the proposed ordinance and direct staff to bring a revised ordinance back to the Council for its consideration at a future meeting.

**ATTACHMENTS:**

1. Ordinance No. 2020-487 entitled "An Ordinance of the City Council of the City of Guadalupe California, Amending Various Sections of Chapters 4.04 and 4.05 of the City of Guadalupe Municipal Code Concerning Purchasing Requirements and Contracting for Public Projects."

**ORDINANCE NO. 2020-487**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, AMENDING VARIOUS SECTIONS OF CHAPTERS 4.04 AND 4.05 OF THE CITY OF GUADALUPE MUNICIPAL CODE CONCERNING PURCHASING REQUIREMENTS AND CONTRACTING FOR PUBLIC PROJECTS**

**WHEREAS**, pursuant to Government Code § 54202, every local agency is required to adopt policies and procedures governing purchases of supplies and equipment by the local agency that are consistent or in conflict with state law; and

**WHEREAS**, pursuant to Government Code § 54203, cities are required to adopt these policies and procedures by ordinance; and

**WHEREAS**, the City of Guadalupe has adopted these policies and procedures by ordinance when the City Council enacted Chapter 4.04 of the Guadalupe Municipal Code; and

**WHEREAS**, pursuant to Public Contracts Code § 20162, any expenditure required for a public project that exceeds five thousand dollars (\$5,000) shall be competitively bid and contracted for to the lowest responsible bidder after notice; and

**WHEREAS**, the Uniform Construction Cost Accounting Act (Act), Public Contracts Code § 22000, *et seq.*, provides an alternative method for bidding on public projects allows local agencies to elect to become subject to the cost accounting procedures set forth in the Act; and

**WHEREAS**, when a local jurisdiction has elected to be subject to the Act, pursuant to Public Contracts Code § 22032, competitive formal bidding is required only for projects that exceed a specified amount (currently, \$200,000), and permits informal bidding for public projects valued as less than this specified amount, and also, permits public projects valued at less than a specified amount (currently \$60,000) to be performed by the employees of the local jurisdiction, or by negotiated contract or purchase order without any requirement for competitive bidding; and

**WHEREAS**, Public Contracts Code § 22020 provides that the State Controller may adjust the monetary limits every five years if there have been material changes in public construction cost; and

**WHEREAS**, at the time the City Council elected to become subject to the Act in 2003, and enacted Chapter 4.05 of the Guadalupe Municipal Code which sets forth the policies and procedures for complying with the Act, the public project contracts that did not require competitive bidding had to be less than \$25,000, informal bidding was permitted for contracts valued at \$25,000 to \$100,000, and formal competitive bidding was required for contracts in excess of \$100,000, and the ordinance adopted by the City Council at that time set forth these specific amounts; and

**WHEREAS**, although the City Council is authorized by the Guadalupe Municipal Code to adopt a resolution to increase the various purchasing amount thresholds stated in the Municipal Code, it is more efficient to amend the City's Municipal Code so that specific amounts are not specifically identified, but rather, are set forth by reference to the amounts set forth in Public Contracts Code § 22030 as adjusted from time to time by the State Controller; and

**WHEREAS**, the use of the term "construction" in Chapter 4.04 of the Guadalupe Municipal Code is confusing and potentially contradicts the use of this term in Chapter 4.05 of the Guadalupe Municipal Code, so the word "construction" as used in Chapter 4.04 should be limited to construction that does not otherwise qualify as a public project in order to avoid confusion and potential conflict with Chapter 4.05; and

**WHEREAS**, entering into contracts for the professional services of architects, engineers, and land surveyors is authorized in Chapter 4.05 of the Guadalupe Municipal Code, but these services are not "public projects" as defined by Public Contracts Code § 22002, and therefore, there is no reason to treat this class of professional services differently from all other classes of professional services, which are authorized by Chapter 4.04 of the Guadalupe Municipal Code, and should be treated the same to avoid possible confusion; and

**WHEREAS**, it is also more efficient to permit small purchases less than \$10,000 to be made without the need for any competitive bidding or even the need to obtain any informal quotes.

**NOW, THEREFORE**, the City Council of the City of Guadalupe does ordain as follows:

**SECTION 1.** Section 4.04.020 of Chapter 4.04 of the Guadalupe Municipal Code is hereby amended to read as follows:

**4.04.020 Application.**

A. Adoption of Purchasing System. This chapter is adopted to establish efficient, equitable and uniform procedures for the purchase of supplies, equipment, services, and construction ~~that is not a public project as that term is defined by California Public Contracts Code Sections 20161 and 22002~~, to provide for the fair and equitable treatment by the City of all persons involved in public purchasing, maximize the purchasing value of public funds, exercise financial control over purchases, clearly define authority for procurement functions, and provide safeguards to ensure a procurement system based upon quality and integrity.

B. Appropriated Funds. All City procurements shall comply with applicable provisions of this chapter and all relevant provisions of law, and shall be only of items and services for which the City Council has appropriated funds.

C. Thresholds for Competitive Sealed Bids and Proposals. Purchase thresholds for the requirement of competitive sealed bids and proposals may be set periodically by the City Council by resolution. ~~Notwithstanding the foregoing, the initial threshold for the requirement of competitive sealed bids and proposals is set at \$5,000.00 \$75,000 until subsequently modified by the City Council.~~

**SECTION 2.** Section 4.04.040 through 4.04.070 of Chapter 4.04 of the Guadalupe Municipal Code is hereby amended to read as follows:

**4.04.040 Establishment of the position of purchasing agent.**

The responsibility and authority for the purchase of supplies, equipment, services and construction (that is not a public project as that term is defined by California Public Contracts Code Sections 20161 and 22002), is vested in the City Administrator, or other such person as the City Administrator may designate, who shall be the purchasing agent of the City.

**4.04.050 Authority and duties.**

A. Principal Public Purchasing Official—Authority. Except as otherwise provided in this chapter, the purchasing agent shall serve as the principal public purchasing official for the City, and shall be responsible for the procurement of supplies, equipment, services and construction, and the management and disposal of surplus supplies and equipment, in accordance with this chapter.

B. Duties. The purchasing agent shall use his or her best efforts to:

1. Secure the acquisition of supplies, equipment, services and construction (that is not a public project as that term is defined by California Public Contracts Code Sections 20161 and 22002) that is the most advantageous to the City and to the public;

2. Exercise general supervision over all inventories of supplies and equipment belonging to the City; and

3. Sell, trade or otherwise dispose of surplus supplies, equipment, vehicles and any other surplus property belonging to the City.

C. Operational Procedures. Consistent with this chapter, and with the approval of the City Council, the purchasing agent may adopt operational procedures relating to the extension of the duties of the purchasing agent.

**4.04.060 Delegations to other City officials.**

With approval of the City Administrator, the purchasing agent or designee may delegate authority to purchase certain supplies, equipment, services, or construction items (that is not a public project as that term is defined by California Public Contracts Code Sections 20161 and 22002) to other City officials, if such delegation is deemed necessary for the effective procurement of those items.

**4.04.070 Competitive sealed bidding.**

A. Conditions for Use. All contracts of the City for the purchase of supplies, equipment, ~~and~~ services and construction (that is not a public project as that term is defined by California Public Contracts Code Sections 20161 and 22002) of an aggregate annual value exceeding an amount set by Section 4.04.020 or by City Council resolution for formal bids shall be awarded by compliance with the competitive sealed bidding procedures contained in this section, except as otherwise provided in Sections 4.04.080 (Competitive sealed proposals), 4.04.090 (Contracting for designated professional services), 4.04.100 (Informal quotes and small purchases), 4.04.110 (Sole source procurement), 4.04.120 (Emergency procurements), 4.04.130 (Cooperative and piggyback purchases), 4.04.140 (Standardization) and Chapter 4.05 (Procurement of Public Projects, ~~Architect Engineer and Land Surveying Services~~).



B. Evasion of Provisions of Chapter is Prohibited. Orders for supplies, equipment, services or construction shall not be split into smaller orders or projects, artificially aggregated into larger orders or projects, or willfully mischaracterized or misclassified for purposes of evading the provisions of this chapter.

C. Invitation for Bids. An invitation for bids shall be issued and shall include adequate specifications and all contractual terms and conditions applicable to the procurement. Nothing in this chapter shall prohibit the use of electronic invitations for bids.

D. Public Notice. The City Clerk shall (1) publish or post as required by statute or charter (G.C. 36933). The City Clerk's office is responsible for posting all legal notices at public places or seeing that such material is delivered to the proper newspaper for publication within the time allowed, (2) other notices may be assigned to departments as deemed necessary. Adequate public notice of the invitation for bids shall be given a reasonable time before the date set forth therein for the opening of bids. Such notice may include publication in electronic form including, but not limited to, publication on the World Wide Web or the Internet, or publication in a newspaper of general circulation. Publication shall be made not less than 10 working days before the date of the bid opening. The public notice shall state the place, date and time of bid opening.

E. Bid Opening.

1. Public Opening. Bids shall be opened publicly by the office of the City Clerk in the presence of one or more witnesses at the time and place designated in the invitation for bids.

2. Timely Submission. No bid shall be considered which has not been received at the place and by the time stated in the invitation for bids.

3. Electronic Bids. Unless specifically authorized in the invitation for bids, bids that are transmitted electronically will not be considered.

4. Recordation of Bids. The amount of each bid and the name of each bidder shall be recorded. The record and each bid will be open to public inspection in accordance with Section 4.04.030 (Public access to procurement information).

5. No Bids Received. If no bids are received, procurement may proceed without further compliance with competitive bidding requirements.

F. Bid Acceptance and Bid Evaluation.

1. Unconditional Acceptance. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter.

2. Evaluation Criteria. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, life-cycle cost analysis and suitability for a particular purpose.

a. Objective Measurement. Criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs.

b. Disclosure of Criteria. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.

G. Award. All contracts of the City for the purchase of supplies, equipment, services and construction (that is not a public project as that term is defined by California Public Contracts Code Sections 20161 and 22002) of a value exceeding the amount set by Section 4.04.020 or fixed by City Council resolution shall be awarded to the responsible bidder whose bid is lowest in price and conforms to



all material terms, conditions and criteria set forth in the invitation for bid. If prices quoted or received in sealed bids are equal, either bid may be selected. Contracts let pursuant to this subsection shall be awarded and executed in accordance with Section 4.04.160 (Award of contract) of this chapter.

H. Correction or Withdrawal of Bids—Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted at the sole discretion of the purchasing agent when deemed appropriate.

I. Multi-Step Sealed Bidding. When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

to negotiate such contracts on the basis of demonstrated competence and qualifications at fair and reasonable prices

**SECTION 3.** Section 4.04.090 of Chapter 4.04 of the Guadalupe Municipal Code is hereby amended to read as follows:

**4.04.090 Contracting for designated professional services.**

A. Procurement of Certain Professional Services. The services of certain professions that involve extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field, shall be procured in accordance with the selection procedures specified in this section. No contract for the services of legal counsel may be awarded without the approval of City Council. ~~Procedures for the selection of architect, engineer and land surveying services are found in Chapter 4.05 (Procurement of Construction, Architect Engineer and Land Surveying Services) of this chapter.~~

B. Selection Procedure.

1. Conditions for Use. Services provided under Section 4.04.110 (Sole source procurement) or Section 4.04.120 (Emergency procurements) are exempt from the requirements of this section.

2. Statement of Qualifications. Persons engaged in providing professional services as described in subsection A of this section, may submit statements of qualifications and expressions of interest in providing such professional services.

3. Public Announcement and Form of Request for Proposals. The City Administrator, or designee, through a request for proposals, shall give adequate notice of the need for such services.

4. Discussions. The City Administrator, or designee, may conduct discussions with any offeror who has submitted a proposal to determine such offeror's qualifications for further consideration. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion.

5. Award. Award shall be made to the offeror determined in writing to be best qualified based on the evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable. Contracts let pursuant to this subsection shall be awarded and executed in accordance with Section 4.04.160 (Award of contract) of this chapter.

**SECTION 4.** Sections 4.04.100 through 4.04.120 of Chapter 4.04 of the Guadalupe Municipal Code are hereby amended to read as follows:

**4.04.100 Informal quotes and small purchases.**

A. General. Any contract not exceeding the amount ~~set forth in Section 4.04.020~~ or fixed by City Council resolution for solicitation of formal bids, may be made in accordance with the procedures authorized in this section. Contract requirements shall not be artificially divided so as to constitute a small purchase under this section.

B. Informal Quotes. Insofar as it is practical, no less than ~~three (3)~~ businesses shall be solicited to submit quotations. The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded and maintained as a public record.

1. Award. Award shall be made to the lowest responsive and responsible bidder. Contracts let pursuant to this subsection shall be awarded and executed in accordance with Section 4.04.160 (Award of contract) of this chapter.

C. Small Purchases. The purchasing agent shall adopt operational procedures for making small purchases ~~not exceeding the amount fixed as set forth in the administrative procedure orders for purchasing for solicitation of informal quotes. less than \$10,000.~~ Such operational procedures shall provide for maintaining adequate records of all small purchases. Small purchases may be made without competition ~~or the need to obtain informal quotes.~~ Small purchases may be made by claim, purchase order, blanket order, contract order, procurement card or any other method determined by the purchasing agent, or designee, to be reasonable and cost effective methods for making such purchases.

1. Award. The requesting department director or designee may approve small purchases.

**4.04.110 Sole source procurement.**

A. Negotiations. A contract may be awarded without competition when the purchasing agent determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item ~~(that is not a public project as that term is defined by California Public Contracts Code Sections 20161 and 22002).~~ The purchasing agent, or designee or the requesting department director, or designee, shall conduct negotiations, as appropriate, as to price, delivery and terms.

B. Cost or Pricing Data. When the City determines that analysis of the proposed price is necessary to determine if it is reasonable and fair, a bidder shall submit cost or pricing data upon request and shall certify that to the best of its knowledge and belief the cost or pricing data submitted was accurate, complete and current as of a mutually determined date.

C. Records. A record of sole source procurements shall be maintained as a public record for purchases of item(s) or service(s) exceeding the amount fixed by the City Administrator for solicitation of informal quotes.

1. Award. Contracts let pursuant to this subsection shall be awarded and executed in accordance with Section 4.04.160 (Award of contract) of this chapter.

**4.04.120 Emergency procurements.**

A. Authorization for Emergency Procurements. Notwithstanding any other provisions of this chapter, the purchasing agent may make or authorize others to make emergency procurements of supplies, equipment, services, or construction items (that is not a public project as that term is defined by California Public Contracts Code Sections 20161 and 22002) when there exists a threat to public health, welfare, or safety; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances.

B. Ratification. Emergency procurements shall be ratified as soon as practicable. Contracts let pursuant to this subsection shall be awarded and executed in accordance with Section 4.04.160 (Award of contract) of this chapter.

**SECTION 5.** Section 4.04.160 of Chapter 4.04 of the Guadalupe Municipal Code is hereby amended to read as follows:

**4.04.160 Award of contract.**

A. Award. All contracts resulting from Sections 4.04.070 (Competitive sealed bidding), 4.04.080 (Competitive sealed proposals), 4.04.090 (Contracting for designated professional services), 4.04.100 (Informal quotes and small purchases), 4.04.110 (Sole source procurement), 4.04.130 (Cooperative and piggyback purchases), 4.04.140 (Standardization) and Chapter 4.05 (Procurement of Public Projects, ~~Architect-Engineer and Land Surveying Services~~) shall be awarded as follows:

1. Award by City Council. Purchases exceeding the amount set forth in Section 4.04.020 or fixed by City Administrator through Council resolution for solicitation of formal bids shall be awarded by the City Council after receiving the recommendation of the purchasing agent, or designee, as forwarded through the City Administrator.

2. Award by City Administrator. Purchases of less than the amount that requires award by City Council may be awarded by the City Administrator after receiving the recommendation of the purchasing agent or requesting department director. The City Administrator may execute contracts and other necessary related documents on behalf of the City for purchases within its awarding authority.

3. Authorization to Negotiate Low Bid to Within Available Funds. In the event the lowest responsive and responsible bid for a construction project exceeds available funds as certified by the finance director, and such bid does not exceed such funds by more than 5%, the purchasing agent is authorized, when time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the lowest responsive and responsible bidder, in order to bring the bid within the amount of available funds. Any such negotiated adjustment shall be based only upon eliminating independent deductive items specified in the invitation for bids.

4. Local Preference. The City's ultimate receipt of sales tax, up to a total of \$1,000.00, shall be considered in determining the lowest price, with the following exceptions:

- a. Procurements made with federal or State grant funds;
- b. Procurements of construction or public works projects; or
- c. Procurements made in cooperation with other public entities.

Any bidder, who received an award due to consideration of a local preference, shall agree to designate the City of Guadalupe as the recipient of the receipt of the sales tax for the contract that is awarded.

5. Preference for Recycled Products. The City will consider preferences in determining the lowest price(s) for products containing recycled materials, as follows:

- a. The following procurements may be excepted:
  - i. Procurements made with federal or State grant funds;
  - ii. Procurements of construction or public works projects; or
  - iii. Procurements made in cooperation with other public entities.
- b. The following preferences are not cumulative; only one preference may be applied to a single product.
  - i. Total Aggregate Purchase of \$10,000.00 or Less. The City will consider a 5% preference for products containing 50% or more post-consumer recycled content.
  - ii. Total Aggregate Purchase of \$5,000.00 or Less. The City will consider a 2% preference for products containing 25% or more post-consumer recycled content.
  - iii. Total Aggregate Purchase of \$1,000.00 or Less. The City will consider a 1% preference for products containing 10% or more pre- or post-consumer recycled content.
- B. Ratification. Contracts entered because of an emergency under Section 4.04.120 (Emergency procurements) shall be ratified by the City Council.

**SECTION 6.** Chapter 4.05 of the Guadalupe Municipal Code is retitled as follows:

**CHAPTER 4.05 PROCUREMENT OF PUBLIC PROJECTS, ~~ARCHITECT-ENGINEER AND LAND-SURVEYING SERVICES~~**

**SECTION 7.** Sections 4.05.040 through 4.05.090 of Chapter 4.05 of the Guadalupe Municipal Code are hereby amended to read as follows:

**4.05.040 Competitive sealed bids for projects ~~exceeding \$100,000.00 requiring formal bidding.~~**

A. Conditions for Use. All contracts of the City for public projects exceeding ~~\$100,000.00~~ the amount set forth from time to time by the State Controller by California Public Contracts Code Section 22032(c) shall be let to contract by compliance with the competitive sealed bidding procedures set forth in this section, in accordance with Public Contract Code Sections 22000 through 22045, except as otherwise provided in Sections 4.05.270 (Competitive sealed bids for projects ~~of \$100,000.00 or less requiring informal bidding~~) and 4.05.280 (Competitive bidding not required ~~for certain projects for projects of \$25,000.00 or less~~).

B. Adoption of Plans, Specifications, and Working Details. After review and presentation by staff, the City Council shall adopt plans, specifications, and working details for all public projects exceeding ~~\$100,000.00~~ the amount set forth from time to time by the State Controller by California Public Contracts Code Section 22032(c).

C. Examination of Plans and Specifications. Any person may examine plans, specifications and working details that are adopted by the City Council for any project.

D. Notice Inviting Formal Bids. A notice inviting formal bids, or notice to contractors, shall be issued and shall:

1. State the time and place for receiving and opening of sealed bids; and

2. Distinctly describe the project.

E. Mail Notice Inviting Formal Bids. The City Administrator, or designee, shall mail a notice inviting formal bids to each contractor on the contractor's list and all construction trade journals, as follows:

1. Mail to All Construction Trade Journals. A notice inviting bids shall be mailed to all construction trade journals specified by the California Uniform Construction Cost Accounting Commission.

2. Mail at Least 30 Calendar Days Before Bids are Due. The notice inviting bids shall be mailed to contractors and construction trade journals not less than 30 calendar days before bids are due.

3. Notify Additional Parties. Additional parties may be notified at the City's discretion.

F. Publish Notice Inviting Formal Bids. The notice inviting formal bids shall be published at least 14 calendar days before bids are due:

1. Publish in All Construction Trade Journals. The notice shall be published in all construction trade journals that are specified by the California Uniform Construction Cost Accounting Commission; and

2. Publish in a Newspaper Within the Jurisdiction. The notice shall be published in a newspaper of general circulation, printed and published in the jurisdiction of the City; or

3. Publish in a Newspaper of General Circulation. If no newspaper is printed and published within the jurisdiction of the City, the notice shall be published in a newspaper of general circulation which is circulated within the jurisdiction of the City; or

4. Post in at Least three (3) Locations. If there is no newspaper that is circulated within the jurisdiction of the City, publication shall be made by posting the notice in at least 3 places within the jurisdiction of the City as have been designated by ordinance or regulation of the City as places for the posting of the notices.

5. Other Notice. The City may give such other notice, as it deems proper.

6. City Council Window Posting. The notice shall be posted in the City Council Chambers window or in a place the City Council deems appropriate for posting for all construction bid notices.

G. Bid Opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids.

**4.05.050 Competitive sealed bids for projects ~~of \$100,000.00 or less, requiring informal bidding.~~**

A. Conditions for Use. All contracts of the City for public projects ~~of \$100,000.00 or less~~ than the amount set forth from time to time by the State Controller by California Public Contracts Code Section 22032(b) may be let to contract by informal procedures set forth in this section, in accordance with Public Contract Code Sections 22000 through 22045.

B. Notice Inviting Informal Bids. A notice inviting informal bids, or notice to contractors, shall be issued and shall:



1. State the time and place for the submission of bids; and
  2. Describe the project in general terms and how to obtain more detailed information about the project.
- C. Mail Notice Inviting Informal Bids. The City Administrator, or designee, shall mail a notice inviting informal bids to:
1. Mail to Each Contractor on List. Each appropriate contractor included on the contractor's list developed in accordance with the Uniform Public Construction Cost Accounting Act (Public Contract Code Sections 22000 through 22045) and maintained by the City; or
  2. Mail to Each Contractor on the List and all Construction Trade Journals. Each appropriate contractor included on the contractor's list and all construction trade journals specified by the California Uniform Construction Cost Accounting Commission. It shall be the sole discretion of the public works director whether to mail the notice only to contractors, only to construction trade journals or to contractors and construction trade journals.
  3. Mail to Additional Parties. Additional parties may be notified at the City's discretion.
  4. Mail Notice at Least 10 Calendar Days Before Bids are Due. The notice inviting informal bids shall be mailed to contractors or construction trade journals, or both, not less than 10 calendar days before bids are due.

**4.05.060 Competitive bids not required for certain projects. ~~for projects of \$25,000.00 or less.~~**

~~The City may award contracts for p~~Public projects valued at less than the amount set forth from time to time by the State Controller by California Public Contracts Code Section 22032(a) of \$25,000.00 or less may be performed by the employees of the local jurisdiction, by negotiated contract, or by purchase order without competitive bidding. ~~If the City elects to procure such public projects of \$25,000.00 or less by competitive bidding, it is recommended that the procedure for soliciting informal public projects be used.~~

**4.05.070 Bid security.**

A. Requirement for Bid Security. Bid security shall be required for all competitive sealed bidding for construction projects when the price is estimated to exceed ~~\$100,000.00~~ the amount set forth from time to time by the State Controller by California Public Contracts Code Section 22032(c). Bid security shall be a bond provided by a surety company authorized to do business in the State of California, or the equivalent in cash, or otherwise, supplied in a form satisfactory to the City. Nothing in this section shall prevent the requirement of such bonds on construction contracts under ~~\$100,000.00~~ the amount set forth from time to time by the State Controller by California Public Contracts Code Section 22032(c) when the circumstances warrant.

B. Amount of Bid Security. Bid security shall be in an amount equal to at least 10% of the amount of the bid, unless otherwise specified by the City Council.

C. Rejection of Bids for Non-Compliance with Bid Security Requirements. When the invitation for bids requires security, non-compliance requires that the bid be rejected unless it is determined that the bid fails to comply only in a non-material manner with the security requirements.

D. Withdrawal of Bids. If a bidder is permitted to withdraw its bid before award as provided in subsection H (Correction or Withdrawal of Bids—Cancellation of Awards) of Section 4.04.070 (Competitive sealed bidding), no action shall be had against the bidder or the bid security.

#### **4.05.080 Performance bond and payment bonds.**

##### A. Performance Bond.

1. Requirement and Amount of Performance Bond. When a public works contract is awarded in excess of ~~\$100,000.00~~ the amount set forth from time to time by the State Controller by California Public Contracts Code Section 22032(c), the original contractor shall submit a performance bond satisfactory to the City, executed by a surety company authorized to do business in the State, and approved by the City Administrator, or designee, or otherwise secured in a manner satisfactory to the City, in an amount equal to 100% of the price specified in the contract. The bond shall be delivered to the City and shall become binding on the parties upon execution of the contract.

2. Reduction of Amount of Performance Bond. After notice to the City Council, the City Administrator may reduce the amount of the performance bond to 50% of the contract price when a written determination is made that it is in the best interests of the City to do so.

##### B. Payment Bond.

1. Requirement and Amount of Payment Bond. When a public works contract is awarded in excess of ~~\$25,000.00~~ the amount set forth from time to time by the State Controller by California Public Contracts Code Section 22032(b), the original contractor shall submit a payment bond satisfactory to the City, executed by a surety company authorized to do business in the State, and approved by the City Administrator, or designee, or otherwise secured in a manner satisfactory to the City, in an amount equal to 100% of the price specified in the contract.

2. Reduction of Amount of Payment Bond. Unless otherwise authorized by law, after notice to the City Council, the City Administrator may reduce the amount of the payment bond to 50% of the contract price when a written determination is made that it is in the best interests of the City to do so.

C. Authority to Require Additional Bonds. Nothing in this section shall be construed to limit the authority of the City to require other security in addition to those bonds, or in circumstances other than specified in this section.

#### **4.05.090 Public announcement, selection and negotiation.**

~~— A. Public Announcement. It is the policy of the City to announce publicly all requirements in excess of \$25,000.00 \$60,000 for architect-engineer and land surveying services and to negotiate such contracts on the basis of demonstrated competence and qualifications at fair and reasonable prices. In the procurement~~

~~of architect-engineer and land surveying services, the City Administrator, or designated staff, shall request firms to submit statements of qualifications and performance data.~~

~~— B. — Selection. A selection committee composed of three (3) members, including the Public Works Director, and the head of the department in need of the architect-engineer or land surveying services shall conduct discussions with no less than three (3) firms regarding the proposed contract and the relative utility of alternate methods of approach for furnishing the required services and shall select from among them no less than 3 of the firms deemed most qualified to provide the required services. The selection shall be made in order of preference, based on criteria established and published by the selection committee.~~

~~— C. — Negotiation. The designee shall negotiate a contract with the firm considered to be the most qualified for architect-engineer or land surveying services at compensation which the Public Works Director determines in writing to be fair and reasonable to the City. In making this decision, the City Administrator, or designee, shall take into account the estimated value, the scope, the complexity, and the professional nature of the services to be rendered.~~

**SECTION 8.** Sections 4.05.100 through 4.05.150 of the Guadalupe Municipal Code are hereby amended to read as follows:

**4.05.100-90 Authority to debar or suspend.**

After reasonable notice to the person or firm involved, and reasonable opportunity for that person or firm to be heard, upon written recommendation by the City Administrator, or designee, the City Council may debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than 3 years. The City Council may suspend a person or firm from consideration for award of contracts if there is probable cause to believe that the person or firm has engaged in any activity that might lead to debarment. The suspension shall be for a period not to exceed 3 months. The causes for debarment include:

A. Conviction of a Criminal Offense. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

B. Conviction of a Crime Affecting Responsibility. Conviction under State or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a City contractor or supplier;

C. Conviction of Violation of Anti-Trust Statutes. Conviction under State or federal antitrust statutes arising out of the submission of bids or proposals;

D. Serious Violation of Contract Provisions. Violation of contract provisions, as set forth below, of a character which is regarded by the City Council to be so serious as to justify debarment action:

1. Failure to Perform. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

2. Recent Record of Poor Performance. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor or supplier shall not be considered to be a basis for debarment;



3. Other Causes. Any other cause the City Council determines to be so serious and compelling as to affect responsibility as a City contractor or supplier, including debarment by another governmental entity for any cause listed in this chapter; and

4. Violation of Ethical Standards. For violation of the ethical standards set forth in Section 4.05.150 (Adoption of code of ethics) of this chapter.

**4.05.~~110-100~~ Decision to debar or suspend.**

The City Council shall issue a written decision to debar or suspend. The decision shall state the reasons for the action taken and inform the debarred or suspended person involved of its rights concerning judicial or administrative review.

**4.05.~~120-110~~ Notice of decision.**

A copy of the decision required by Section 4.05.~~110-100~~ (Decision to debar or suspend) shall be mailed or otherwise furnished immediately to the debarred or suspended person or firm.

**4.05.~~130-120~~ Finality of decision.**

A decision under Section 4.05.~~110-100~~ (Decision to debar or suspend) shall be final and conclusive, unless the debarred or suspended person or firm within 10 days after receipt of the decision takes an appeal to the City Council or commences a timely action in court in accordance with applicable law.

**4.05.~~140-130~~ Bid protests.**

A. Right to Protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the City Council. Protestors are urged to seek resolution of their complaints initially with the City Administrator. A protest with respect to an invitation for bids or request for proposals shall be submitted in writing prior to the opening of bids or the closing date of proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposals. The protest shall be submitted within 10 calendar days after such aggrieved person knows or should have known of the facts giving rise thereto.

B. Stay of Procurements During Protests. In the event of a timely protest under subsection A of this section, the purchasing agent shall not proceed further with the solicitation or award of the contract until all administrative and judicial remedies have been exhausted or until the City Council makes a determination on the record that the award of a contract without delay is necessary to protect substantial interests of the City.

**4.05.~~150-140~~ Adoption of code of ethics.**

A. Adoption. By adoption of this chapter, the City Council hereby adopts the following code of ethics. Every employee participating in the procurement, management, storage and use of supplies, equipment, services or construction purchased by the City for its benefit shall:

1. Be governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the City and the public being served;
2. Believe that personal profit obtained through misuse of public and personal relationships is dishonest and not tolerable;

3. Identify and eliminate participation in operational situations where a conflict of interest may be involved;
4. Believe that employees of the City should at no time or under any circumstances accept directly or indirectly, gifts, gratuities, or other things of value from suppliers, which might influence or appear to influence purchasing decisions;
5. Keep the City Administrator informed, through appropriate channels, on problems and progress of applicable procurement operations by emphasizing the importance of the facts;
6. Neither seek nor dispense personal favors. Handle each procurement problem objectively without discrimination;
7. Subscribe to and support the aims and objectives of the City.

**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 28<sup>th</sup> day of April 2020, by the following roll call vote:

**Motion**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

**ATTEST:**

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Joice Earleen Raguz, City Clerk

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Ariston Julian, Mayor

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Phillip F. Sinco, City Attorney