



## City of Guadalupe

### AGENDA

#### Regular Meeting of the Guadalupe City Council

Tuesday, June 23, 2020 at 6:00 pm

City Hall, 918 Obispo Street, Council Chambers

**Pursuant to Governor's Executive Orders N-25-20 and N-33-20:** All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.

The City Council meeting will be broadcast live on Charter Spectrum Cable Channel 20.

If you choose to attend the City Council meeting in person, you should maintain appropriate social distancing. Seating will be limited. **In addition, all persons attending the City Council meeting are required to wear nose and face masks pursuant to County of Santa Barbara Health Officer Order No. 2020-10.**

If you choose not to attend the City Council meeting but wish to make a comment during oral communications or on a specific agenda item, please submit via email to [juana@ci.guadalupe.ca.us](mailto:juana@ci.guadalupe.ca.us) no later than 1:00 pm on Tuesday, June 23, 2020. Every effort will be made to read your comment aloud into the record, subject to the 3-minute time limit.

Please be advised that, pursuant to State Law, any member of the public may address the City Council concerning any item on the Agenda, before or during Council consideration of that item. Please be aware that items on the Consent Calendar are considered to be routine and are normally enacted by one vote of the City Council. If you wish to speak on a Consent Calendar item, please do so during the Community Participation Forum.

The Agenda and related Staff reports are available on the City's website: [www.ci.guadalupe.ca.us](http://www.ci.guadalupe.ca.us) Friday before Council meeting.

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available the Friday before Council meetings at the Administration Office at City Hall 918 Obispo Street, Monday through Friday between 8:00 am and 4:30 pm, and also posted 72 hours prior to the meeting. The City may charge customary photocopying charges for copies of such documents. Any documents distributed to a majority of the City Council regarding any item on this agenda less than 72 hours before the meeting will be made available for inspection at the meeting and will be posted on the City's website and made available for inspection the day after the meeting at the Administrator Office at City Hall 918 Obispo Street, Monday through Friday between 8:00 am and 4:30 pm.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, including review of the Agenda and related documents, please contact the Administration Office at (805) 356.3891 at least 72 hours prior to the meeting. This will allow time for the City to make reasonable arrangements to ensure accessibility to the meeting.

## **ROLL CALL:**

Council Member Tony Ramirez  
Council Member Eugene Costa Jr.  
Council Member Liliana Cardenas  
Mayor Pro Tempore Gina Rubalcaba  
Mayor Ariston Julian

## **MOMENT OF SILENCE**

## **PLEDGE OF ALLEGIANCE**

## **AGENDA REVIEW**

At this time the City Council will review the order of business to be conducted and receive requests for, or make announcements regarding, any change(s) in the order of the day.

## **COMMUNITY PARTICIPATION FORUM**

Each person will be limited to a discussion of three (3) minutes or as directed by the Mayor. This time is reserved to accept comments from the public on Consent Calendar items, Ceremonial Calendar items, Closed Session items, or matters not otherwise scheduled on this agenda. Pursuant to provisions of the Brown Act, no action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. City Council may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting.

## **CONSENT CALENDAR**

The following items are presented for City Council approval without discussion as a single agenda items in order to expedite the meeting. Should a Council Member wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.

- 1.** Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Calendar will be adopted by the same vote cast as the first meeting, unless City Council indicates otherwise.
- 2.** Approve the Minutes of the City Council Regular Meeting of June 9, 2020 to be ordered filed.
- 3.** Adopt second reading of Ordinance No. 2020-489 adding Chapter 5.53 (Licensure of Tobacco Retailers) and Chapter 8.60 (Smoking in Public Places and Multiunit Housing) to the Guadalupe Municipal Code.
- 4.** Approve a one-year extension of the City's current animal control services agreement with the County of Santa Barbara and authorize the Mayor to execute that extension.

5. Adopt Resolution No. 2020-42 authorizing staff to apply for the Local Early Action Planning Grant Application (LEAP) grant to be submitted to the Department of Housing and Community Development (HCD).
6. Adopt Resolution No. 2020-50 approving the creation of two positions for the Guadalupe Department of Public Safety: Emergency Preparedness Coordinator and Code Compliance Officer.
7. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
  - a. Police & Fire Department Report for May 2020
  - b. Treasurer's Report for May 2020
  - c. Human Resources Department Report for May 2020
  - d. Recreation and Parks Department Report for May 2020

**CITY ADMINISTRATOR REPORT:** (Information Only)

**DIRECTOR OF PUBLIC SAFETY REPORT:** (Information Only)

**REGULAR BUSINESS**

8. **Request by Sam Duarte, Director of Little House by the Park to use the Downtown Parking Lot (AKA, Veterans Memorial Plaza) for a Fireworks sale fundraiser.**

Written Report: Charlie Guzman, Recreation Coordinator

Recommendation: That the City Council receive report, approve or direct staff.

9. **Pasadera Landscaping and Lighting District for Fiscal Year 2020/2021.**

Written Report: Shannon Sweeney, Public Works Director/City Engineer

Recommendation: That the City Council:

1. Adopt Resolution No. 2020-43, initiating proceedings for the annual levy of assessments for the Pasadera Landscaping and Lighting District, Fiscal Year 2020/2021; and
2. Adopt Resolution No. 2020-44, approving the Engineer's Report for the Pasadera Landscaping and Lighting District and declaring the City Council intent to levy assessments.

10. **Calling and giving notice of the General Municipal Election to be held on November 3, 2020, and consideration of submitting to the voters the Essential Services Transaction and Use Tax Measure, and Introduction of Ordinance No. 2020-490 Repealing Existing Chapter 3.14 of the City of Guadalupe Municipal Code and Replacing with a New Chapter 3.14 Imposing an Essential Services Transaction and Use Tax.**

Written Reports: Philip F. Sinco, City Attorney

Recommendation: That the City Council take the following actions required in conjunction with the general municipal election to be held on November 3, 2020, and for submission to the voters of the "Essential Services Transaction and Use Tax Measure:"

- 1) Resolution No. 2020-45 calling and giving notice for the holding of a general municipal election on November 3, 2020, for the election of certain officers as required by the provisions of the laws of the State of California, and for submission to the voters for approval of a question relating to the reauthorization and enhancement of the local transactions and use tax to one (1) cent until ended by the voters; and
- 2) Resolution No. 2020-46 requesting that the Board of Supervisors consolidate the City's general municipal election with the statewide general election and requesting services from the County for election of the Mayor, two Council Members, and the City Clerk, and submission to the voters of a question to reauthorize and enhance the local transactions and use tax; and
- 3) Resolution No. 2020-47 establishing regulations for candidates' statements; and
- 4) Resolution No. 2020-48 setting priority to the City Council for filing a written argument in favor of the Essential Services Transaction and Use Tax Measure, and directing the City Attorney to prepare an impartial analysis; and
- 5) Resolution No. 2020-49 providing for the filing of rebuttal arguments; and
- 6) Introduce Ordinance No. 2020-490, for the first reading, and continue to the next regular meeting for second reading and adoption, repealing and replacing in its entirety Chapter 3.14, the Essential Services Transaction and Use Tax; and
- 7) By motion, authorize the Mayor or two members of the City Council to work with staff on a written argument in favor of the Essential Services Transaction and Use Tax Measure.
- 8) **OR, in the alternative:**

- A. A resolution calling and giving notice for the holding of a general municipal election on November 3, 2020 for the election of certain officers as required by the provisions of the laws of the State of California; and
- B. A resolution requesting that the Board of Supervisors consolidate the City's general municipal election with the statewide general election and requesting certain services from the County for election of the Mayor, two Council Members, and the City Clerk; and
- C. A resolution establishing regulations for candidates' statements.

**FUTURE AGENDA ITEMS**

**ANNOUNCEMENTS - COUNCIL ACTIVITY/COMMITTEE REPORTS**

**ADJOURNMENT TO CLOSED SESSION MEETING**

**CLOSED SESSION**

- 11. a. **CONFERENCE WITH LABOR NEGOTIATORS**  
(Subdivision (a) of Gov. Code Section 54957.6)  
Agency designated representatives: City Administrator and Human Resources;  
Employee Organization: International Association of Firefighters (IAFF), local 4403.

**ADJOURNMENT TO OPEN SESSION MEETING**

**CLOSED SESSION ANNOUNCEMENT**

**ADJOURNMENT**

*I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall display case, Water Department bulletin board and website not less than 72 hours prior to the meeting. Dated this 18<sup>th</sup> day of June 2020.*

  
Todd Bodem, City Administrator

**PROPOSED FUTURE CITY COUNCIL AGENDA ITEMS**

Council Meeting: Date and Subject	Department	Agenda Category	
<b>Tuesday, July 14, 2020 at 6:00 pm / Regular Meeting</b>			
Budget Review	Finance Department	Regular Business	
Pasadera Landscape & Lighting District FY 20/21	Public Works Dept	Public Hearing	
Director of Public Safety Performance Evaluation	Human Resources	Closed Session	
<b>Tuesday, July 28, 2020 at 6:00 pm / Regular Meeting</b>			
City Attorney Performance Evaluation	Human Resources	Closed Session	
Other Unscheduled Items	Proposed Date of Item	Department	Agenda Category
Urban Foot Print Civic Plan		Ariston – Request CC	New Business
City Hall Repairs			New Business
Proposition 68 Update		Ariston – Request CC	Update
Vacant Property Ordinance		Todd Bodem	New Business
Tree Ordinance		Philip F. Sinco	New Business
Air B&B Policy & Standards		Ariston – Request CC	New Business
Food Truck Ordinance		Police Department	New Business
Yard Sale Ordinance		Police Department	New Business
Guadalupe Leo Club Recognition		Administration Dept	Ceremonial
Sign Ordinance Workshop & First Reading	Aug- Sep 2020	Planning Department	Public Hearing

## MINUTES

### City of Guadalupe

**Regular Meeting of the Guadalupe City Council  
Tuesday, June 9, 2020 at 6:00 pm  
City Hall, 918 Obispo Street, Council Chambers**

#### ROLL CALL:

Council Member Tony Ramirez  
Council Member Eugene Costa Jr.  
Council Member Liliana Cardenas  
Mayor Pro Tempore Gina Rubalcaba  
Mayor Ariston Julian  
Councilmember Rubalcaba absent.

#### MOMENT OF SILENCE

Mayor Julian called for eight minutes and six seconds of silence in memory of George Floyd to express our union with the Nation in protest against harsh treatment by some in authority.

#### PLEDGE OF ALLEGIANCE

#### AGENDA REVIEW

(Request to move item ten forward was made and Council assented.)

Item # 10.

Mr. Charley Guzman spoke requesting a waiver of fees for facilities used by the Kiwanis's Club while fundraising during the Queen Candidate Events. The Kiwanis would be using the City Hall four times and the Senior Center eight times. Other usage may come up as the events progress.

The Mayor and Council pointed out that there were expenses such as cleaning and maintenance; more so due to the coronavirus.

Council Member Costa Jr. and Ms. Raguz both spoke in behalf of Kiwanis advocating the waiver of fees for the Queen Contest as a fundraiser for youth. Ms. Raguz felt this gave a special consideration for the funds raised by the group. She was told other groups raised money and that it did not give them reason to receive a discount not offered to others.

The Council declined the request but they will receive the same discount to the rents that is received by all non-profits.

### **COMMUNITY PARTICIPATION FORUM**

Ms. Shirley Boydston spoke requesting the Council to please speak into their microphones. Acoustics are bad in the hall and it is hard to hear. She stated to the Council that it was not July fourth yet, but last night there were four huge booms around City Hall. Window rattlers. She would like to know what the policy is in dealing with the noise and illegal fireworks.

### **CEREMONIAL CALENDAR**

- Oath of Office –Swearing in Michael Beers, Police Officer

Ms. Raguz, City Clerk, swore in Officer Beers and congratulated him. His father pinned officer's badge on while family members and friends took pictures. Mr. Beers addressed the Council with a statement proclaiming he would be working for positive changes and happy to be aboard.

- Proclamation –Honoring all 2020 Graduates

Mayor Julian read the proclamation honoring all graduates class 2020.

- Proclamation - Recognizing June 2020 – Pride Month

Mayor Julian brought notice to the proclamation of June being Pride Month, noting acceptance and understanding of all who proclaim themselves as being outside of the majority patterns of gender, race, thinking or living. We are all humans living on the same planet with the same rights.

Mayor Julian asked Chief Cash to speak about some of his experiences in law enforcement and his future plans in his office. Due to many emotions felt by individuals of our community, it is good to discuss this and he encouraged anyone who wished to speak. He touched on what we can control in our environment, such as our City. He gave note to what affects us from other communities and the protests and violence that we are not seeing in our City due to our community makeup.

Chief Cash responded that he felt proud to have been in law enforcement 38 years and he found it to be a 24/7 job. He likes to keep everything professional, so he will relate experiences he had while on the job. Chief Cash has responsibility for every person residing in Guadalupe; children going to school; parents, workers, business people, visitors in town, and the homeless if on our streets.

He thought he would consider this quiet town a place to retire from, but he found this town grows on you and makes you part of the family. He approaches the job as a challenge to work with people and help solve their issues. He mentioned examples of persons in the community's response to him that fuels belonging. He cited how exciting it is to see the young



officers' coming on board and watching how they grow to fit. Policing that you can't put into a book is what he aspires to practice and teach his officers on a daily basis.

He gave examples of some of his background in working with different parts of the community while in San Diego. As time went on, he at one time was assigned to different communities within the community such as the African American, Chinese, Gay and Transgender, Asian-American, and Muslim. This gave him a great deal of insight into people and cultures that has been a blessing in his work and life. He attended all types of churches and synagogues.

He gave us an overview of some of his liaison work with the FBI in San Francisco and other cities and communities. The Andrew Kynogun Murder in the San Diego gay community and Rodney King incident in Los Angeles were some of his assignments. He named all the Cities of unrest that he was at after the events to help restore order and normalcy. If the Police don't listen to the people they serve, bad things can happen. Even here in Guadalupe, if communication stops occurring.

There are 323 Police Chief positions in California. Out of that, 15 are African American. Less than that are Asian Americans. He compared thinking in the past to what it is becoming today. He finds seeing what's going on in the world and fellow retired police officers' comments on Facebook as hurtful to him. You learn to rely on yourself, and your abilities. He thanks God for being here (in Guadalupe).

His white paper written for graduation from college was "How to Police the Police". His theme was making sure the community has control of its Police Department. He stated he liked the flexibility to be able to do what he needs to do without asking every minute someone else for permission, but some control is needed such as checks and balances. He feels Guadalupe is a model for this.

He discussed changes he wanted to see happening in the Police Department and how he can bring it about in working with the Council and community; training his officers to stay community and "person to person" focused. He is being sure that dangerous holds and methods of disabling suspects are not used by his personnel, such as strangle holds and choke holds. He wants to work with positive solutions to prevent trouble in the community and especially with the youth. It's his job not to assume his officers know what to do, but it is to teach and lead.

He discussed his lack of funds as an ongoing problem but understands the necessity of working within the available funds in the budget. Knowledge of the community and what's going on in the community is essential. He can't work in a bubble; he needs ongoing information to do his job. He treasures his relationship with all members of the Council.

He briefly spoke of his expectation of conduct and housekeeping. This includes cleanliness of person, gear and equipment down to autos they use. He feels how they execute these duties reflects on their overall performance on the job.

Councilmember Cardenas said that the death of George Floyd shows the white community what

the black community already knows. That racism still exists and is harming many people. Covid-19 brought forward the economic disparity that exists in our City. We need change and it takes each and every one of us to make that change. If our City thrives, we all thrive.

### **CONSENT CALENDAR**

The following items are presented for City Council approval without discussion as a single agenda items in order to expedite the meeting. Should a Council Member wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.

1. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Calendar will be adopted by the same vote cast as the first meeting, unless City Council indicates otherwise.
2. Approve payment of warrants for the period ending June 3, 2020 to be approved for payment by the City Council.
3. Approve the Minutes of the City Council Regular Meeting of May 26, 2020 to be ordered filed.
4. Adopt Resolution No. 2020-41 authorizing the City's submission to the State of California of one or more application(s) for the purpose of supplementing existing contract # 17CDBG12099 in the aggregate amount, not to exceed, of \$900,000 - Revision of Grant Application for Supplemental Funding for the LeRoy Park and Community Center Rehabilitation Project.
5. City Council to ratify the temporary agreement with Itech Solutions for IT services.
6. Accept the April 2020 Finance Report.

Ms. Boydston pulled item 3: Correction to the Minutes  
Council Member Costa Jr. pulled Item 5.

**Motion made by Council Member Ramirez, 2<sup>nd</sup> by Council Member Cardenas to approve the balance of the calendar. 4/0 passed.**

Ms. Boydston stated that on page five of the minutes there was written into the narrative the amount in dollars of a donation. She did not stated the amount and the notation should be accurate.

Council Member Costa Jr. asked about the amount of \$4,600 concerning the IT servers and work for the City; was that per month? The answer was yes. He asked about the \$13,260; what was it for? Attorney Sinco answered it was a one-time set-up fee for temporary service. New servers are included in the price as well as new software. New computers are a separate issue. This is a 3-month temporary fix to help get us out of the problem we are in and tide us until we can prepare

for an RFP. We are going out to get proposals for multiple servers on a permanent basis and that will be a cost of a yearly contract of \$50,000.

City Treasurer asked how our old computers were going to perform with the new servers. Mr. Bodem answered they would serve well for the short time required and a new program is being put together for us. In the past it was recommended that we needed three servers. We actually only need one. Yes, we will need to upgrade our PC's, software and a plan is being put together for that. Eventually we will use the 365 Cloud, which will be a back-up for us. He recommends using some of the Self-Help money to add to the project for these upgrades. These changes will put us up to speed.

**Motion made by Council Member Costa Jr., 2<sup>nd</sup> by Council Member Cardenas to approve item 5 of the Consent Calendar. 4/0 passed.**

**7. MONTHLY REPORTS FROM DEPARTMENT HEADS**

- a. Planning Department Report for May 2020
- b. Building Department Report for May 2020
- c. Public Works Department Report for May 2020

**CITY ADMINISTRATOR REPORT: (Information Only)**

Administrator Bodem stated that Council member Ramirez mentioned we should waive water fees for May and June due to many not working because of COVID-19. We are coming to the end of that reprieve and he would like to know how the Council feels about where to take it from here. Council voiced agreement to continue that policy through June.

Another item he wanted to share briefly is our sales tax revenue. We did not get hit as hard as first thought because 60% of our businesses are essential businesses. Our negative 2% amounts to about \$10,000.

He announced we received three proposals for the General Plan update. We have a grant to pay for planning services and a committee of staff will review and grade the three proposals.

**DIRECTOR OF PUBLIC SAFETY REPORT: (Information Only)**

**PUBLIC HEARING**

- 8. Public hearing to consider 2020-059-CUP, a request of John A. Smith, on behalf of the property owner Steve Brown, Brown Family Trust, to approve a conditional use permit (CUP) for a vehicle repair and service, and storage facility, located at 209 Guadalupe Street, Guadalupe, CA, (Assessor's Parcel Number 115-193-018 and 115-193-019).**

Written Report: Margaret Woods, Contract City Planner

Recommendation: That the City Council:

- a. Receive a presentation from staff; and
- b. Conduct a public hearing, including 1) an opportunity for the applicant to present the proposed project 2) receive any comments from the public; and
- c. Adopt Resolution No. 2020-40 approving a conditional use permit for the Brown Vehicle Repair facility (2020-059-CUP).

City Planner Woods presented the request for a vehicular repair shop in behalf of the Brown Family Trust. This is a conditional use permit for vehicle storage, repair, and service facility located at 209 N. Guadalupe Street. Property is on the northwest corner of Guadalupe and 2<sup>nd</sup> Street. The zoning of the property is MC, Industrial Commercial. Prior usage of the site was a gas station and recently, illegal storage of vehicles and other items. There is 2,000 square feet building on the property. The owner proposes to use as a storage, repair and service autos, trucks and farm machinery. Operations would be Monday-Friday from 7 AM to 5 PM. An occasional Saturday as well. The majority of the business will be mobile. Repair of vehicle can occur on highways and fields as well as the shop. Some delivery of vehicles to property would occur but not a lot of walk in traffic. No new buildings will be erected and the screening of the property with fence and slats 6 feet high is in the plans.

**Open to public: 7:17 pm**

Ms. Boydston felt that a full traffic study needs to be done before considering this project. She found it a tight squeeze going east or west on second street. Especially when cars are parked on both sides of second street and they always are. The streets take the overflow from the apartments in the area. She is not certain that large machinery or farm equipment could traverse the street without endangering other autos or pedestrians and property.

Mr. Brown stated that would be no problem as access to the property would be from the front with plenty of clearance. He stated he has been in business three years in Santa Maria but is moving the entire business to Guadalupe.

**Closed to public: 7:24 pm**

**Motion made by Council Member Costa Jr., 2<sup>nd</sup> by Council Member Cardenas to adopt Resolution 2020-40. Roll Call 4/0 passed.**

9. **Introduction of Tobacco Control Ordinances 1) adding Chapter 5.53 regarding licensure of tobacco retailers; 2) adding 8.60 regulating smoking in public places and multiunit housing.**

Written Report: Todd Bodem, City Administrator

Recommendation: That the City Council move to introduce Ordinance No. 2020-489 adding Chapter 5.53 (Licensure of Tobacco Retailers) and Chapter 8.60 (Smoking in Public Places) to the Guadalupe Municipal Code.

Administrator Bodem presented the ordinance stating that Guadalupe had no smoking regulation on the books. The purpose of these regulations is to promote orderly regulation of tobacco sales and ensure the safety and health of the public. This also will put us in compliance with State and County regulations.

**Open to Public: 7:26 pm**

Ms. Boydston spoke saying that she feels there is too much regulation and infringing on private citizens rights by government entities. While she does not smoke, she respects the rights of others to do so, regardless of consequences to themselves.

Mr. Weaver spoke in rebuttal of the premise put forth by Ms. Boydston. He did not mind and had no opinion until his son came along. He lived in an apartment because he could not afford single family housing at the time. Smoke from other apartments seeps through the vents and sometimes through floors. Second hand smoke kills and damages lungs and aggravates asthma, allergies, and other diseases. This is sensible to protect the health of everyone. A step forward.

Mayor Julian commented that since 30% of our population is under 18, restrictions are in order to protect the men and women of the future.

Council and Mr. Bodem discussed the use of videos on websites and in public for educating the community on the subject. Council Member Costa Jr. did the math and concludes that that method cost too much. Director of the Cancer Society, the number one killer disease, states smoking is a large contributor to the disease.

**Closed to public: 7:34 pm**

**Motion made by Council Member Ramirez, 2<sup>nd</sup> by Council Member Cardenas to approve the 1<sup>st</sup> reading of Tobacco Ordinance in Guadalupe. Roll Call 3/1 Costa Jr. No- passed.**

**REGULAR BUSINESS**

**10. Request by Guadalupe Kiwanis Club to waive facility rental use fees.**

Written Report: Charlie Guzman, Recreation Coordinator

Recommendation: That the City Council receive report, approve or direct staff.

(Covered at the beginning of the meeting.)

**SPECIAL PUBLIC SAFETY/SOCIAL JUSTICE COUNCIL FORUM**

Councilmember Ramirez spoke relating to his first encounter with racial issues and learning from his grandfather the injustice of treating people different than you as unequal and undeserving. He learned this lesson at five years old when he refused to help an African American boy tie his shoe. He has never forgotten that lesson.

Mayor Julian told the story of the marriage of his parents. An older Filipino man and a young girl not yet 18. They had to go to Arizona and pretend his father was Indian to marry due to California law.

**FUTURE AGENDA ITEMS**

Special Events by non-profits noted.

**ANNOUNCEMENTS - COUNCIL ACTIVITY/COMMITTEE REPORTS**

Notice to award W. Main Water Design will be going out.  
Evaluation of City Attorney on the July 14<sup>th</sup> changed to the July 28<sup>th</sup>.  
Staff/ Council Goal Setting Meeting on the June 16<sup>th</sup> from 5-9 PM.  
Mayor announces a Distant Learning Grant.

**ADJOURNMENT TO CLOSED SESSION MEETING**

**Motion made by Council Member Costa Jr., 2<sup>nd</sup> by Council Member Ramirez to adjourn at 8:22 pm 4/0**

**CLOSED SESSION**

- 11. a. **CONFERENCE WITH LABOR NEGOTIATORS**  
(Subdivision (a) of Gov. Code Section 54957.6)  
Agency designated representatives: City Administrator and Human Resources;  
Employee Organization: International Association of Firefighters (IAFF), local 4403.
- b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Subdivision (b) of Government Code section 54957)  
Title: City Administrator

No reportable action.

**ADJOURNMENT TO OPEN SESSION MEETING**

**Motion made by Council Member Ramirez, 2<sup>nd</sup> by Council Member Costa Jr. 4/0 at 9:02 pm**

**CLOSED SESSION ANNOUNCEMENT**

**ADJOURNMENT**

**Motion made by Council Member Ramirez, 2<sup>nd</sup> by Council Member Costa Jr. 4/0 at 9:03 pm**

**Prepared by:**

**Approved by:**

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

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



Agenda Item No. 3.

**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE**  
**Agenda of June 23, 2020**

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

**SUBJECT:** Second reading of Ordinance No. 2020-489 adding Chapter 5.53 regarding licensure of tobacco retailers and Chapter 8.60 regulating smoking in public places and multiunit housing.

**RECOMMENDATION:**

That the City Council adopt, on the second reading, Ordinance 2020-489, adding Chapter 5.53 regarding licensure of tobacco retailers and Chapter 8.60 regulating smoking in public places and multiunit housing.

**BACKGROUND:**

The City Council introduced Ordinance No. 2020-489 at its meeting on June 9, 2020. This constitutes the second reading of the ordinance.

**ATTACHMENTS**

1. Ordinance No. 2020-489 entitled: "An Ordinance of the City Council of the City of Guadalupe Adding Chapter 5.53, Licensure of Tobacco Retailers, and Chapter 8.60, Smoking in Public Places and Multiunit Residences, to the Guadalupe Municipal Code."



**ORDINANCE NO. 2020-489**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE ADDING CHAPTER 5.53, LICENSURE OF TOBACCO RETAILERS, AND CHAPTER 8.60, SMOKING IN PUBLIC PLACES AND MULTIUNIT RESIDENCES, TO THE GUADALUPE MUNICIPAL CODE**

**WHEREAS**, the U.S. Centers for Disease Control and Prevention reports that approximately 480,000 people die in the United States from smoking-related diseases and exposure to secondhand smoke every year, making tobacco use the nation's leading cause of preventable death;

**WHEREAS**, the World Health Organization (WHO) estimates that tobacco kills roughly 6 million people and causes over half a trillion dollars in economic damage each year;

**WHEREAS**, 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness;

**WHEREAS**, tobacco use is the number one cause of preventable death in California and continues to be an urgent public health issue, as evidenced by the following:

- 40,000 California adults die from their own smoking annually;
- More than 25% of all adult cancer deaths in California are attributable to smoking;
- Smoking costs California \$13.29 billion in annual health care expenses, \$3.58 billion in Medicaid costs caused by smoking, and \$10.35 billion in smoking-caused productivity losses;
- Tobacco use can cause disease in nearly all of the organs of the body and is responsible for 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all cases of chronic obstructive pulmonary disease in the United States;

**WHEREAS**, tobacco use among priority populations in California contributes to health disparities and creates significant barriers to health equity, as evidenced by the following:

- African American (20%), Asian (15.6%), Hispanic (15.0%), and American Indian/Alaska Native (36.2%) males all report a higher smoking prevalence than White, Non-Hispanic males (14.8%);
- More than half (53.8%) of low socioeconomic status American Indian/Alaska Native Californians smoke, the highest smoking prevalence among all populations;
- Californians with the highest levels of educational attainment and annual household income have the lowest smoking prevalence;
- Those who reported experiencing psychological distress over the past year smoke at rates disproportional to their population in California;

**WHEREAS**, neither federal nor California state laws restrict the sale of menthol cigarettes or flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, electronic smoking devices, and the solutions used in these devices, but studies show

that restricting access to these flavored products would have a large benefit to overall public health; and

**WHEREAS**, flavored tobacco has significant public health implications for youth and people of color as a result of targeted industry marketing strategies and product manipulation;

**WHEREAS**, mentholated and flavored products have been shown to be “starter” products for youth who begin using tobacco and that these products help establish tobacco habits that can lead to long-term addiction; and

**WHEREAS**, the tobacco industry encourages youth and young adult tobacco initiation through predatory targeting, as evidenced by the following:

- Tobacco companies target young adults ages 18 to 24 to increase their frequency of tobacco use and encourage their transition to habitual users;
- Tobacco industry documents state that if “a man has never smoked by the age of 18, the odds are three-to-one he never will. By age 24, the odds are twenty-to-one”;
- The tobacco industry spends an estimated \$620 million annually to market tobacco products to California residents;

**WHEREAS**, the availability of inexpensive tobacco products leads to increased tobacco use as evidenced by more than 100 academic studies that conclusively show that when tobacco products are made more expensive, fewer people use tobacco, fewer initiate tobacco use, and more people quit tobacco use;

**WHEREAS**, youth are particularly responsive to changes in tobacco prices, and evidence suggests that tobacco companies deliberately target youth with price reductions;

**WHEREAS**, the tobacco industry’s price discounting strategies, such as coupons and multiple-package discounts, are popular among consumers, with more than half of adults using some price minimization strategy. In California, those who use price minimization strategies lower per-pack cost an average \$1.04 (or 18.6% off the total);

**WHEREAS**, the City Administrator and Department of Public Safety, as the Administrative Authority, is proposing changes to amend the City of Guadalupe Municipal Code by adding Chapter 5.53, Licensure of Tobacco Retailers, and Chapter 8.60, Smoking in Public Places and Multiunit Housing; and

**WHEREAS**, the City Council finds that adding Chapters 5.53 and 8.60 set forth in this Ordinance are exempt from the California Environmental Quality Act (CEQA) review pursuant to 14 CCR 15061(b)(3).

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

**SECTION 1:** Chapter 5.53 is hereby added to the Guadalupe Municipal Code to read as follows:

## **CHAPTER 5.53 LICENSURE OF TOBACCO RETAILERS**

### **5.53.010 Findings and Purpose**

A. It is the intent of the City Council, in enacting this chapter, to discourage violations of laws which prohibit or discourage sale or distribution of tobacco products and tobacco paraphernalia to minors and young people, but not to expand or reduce the degree to which the acts regulated by state or federal law are criminally proscribed.

B. All amendments to this chapter shall be applied in a prospective manner only, not retrospectively to situations, conditions or facts existing at the time of or prior to the amendment.

### **5.53.020 Definitions**

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. "Arm's length transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of a violation of this chapter, is not an arm's length transaction.

B. "Cigarette" means: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described herein.

C. "Cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing more than three pounds per thousand.

D. "Delivery sale" means any sale of tobacco products to a consumer if products and/or tobacco:

1. the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mails, or the internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

2. the tobacco products are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the tobacco products.

D. "Department" means the City of Guadalupe Department of Public Safety or the duly authorized designee of the Department of Public Safety.

E. "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device

includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

F. "Flavored tobacco product" means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements or claims concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a flavored product.

G. "Full retail price" means the price listed for a tobacco product on its packaging or on any related shelving, advertising, or display where the tobacco product is sold or offered for sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price.

H. "Licensing agent" means the City of Guadalupe Department of Finance or the duly authorized designee of the Department of Finance.

I. "Little cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand. Little cigar includes, but is not limited to, tobacco products known or labeled as small cigars, little cigars, or cigarillos.

J. "Person" means any natural person, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

K. "Pharmacy" means a place of business at which prescription drugs are prepared, compounded, or dispensed by or under the supervision of a pharmacist and from which related clinical pharmacy services are delivered.

L. "School" means any public or private kindergarten, elementary, middle, junior high, or high school.

M. "Self-Service Display" means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct face-to-face transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

N. "Tobacco paraphernalia" means holders of smoking materials of all types, cigarette rolling machines, and any other item designed for smoking, preparation, storing or consumption of tobacco products.

O. "Tobacco product" means:

1. any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

2. any electronic smoking device, and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

3. any component, part, or accessory of subsection O.1. or O.2., whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

4. Tobacco product does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, nor does it mean cannabis products as defined by the Health and Safety Code § 11018.1 or cannabis as defined by Business and Professions Code § 26001, as these laws may be amended from time to time.

P. "Tobacco retailer" means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia.

Q. "Tobacco retailing" shall mean engaging in the activities of a tobacco retailer.

R. "Tobacco retailer license" or "license" means a business license that permits the retail sale of tobacco paraphernalia.

#### **5.53.030 Requirement for tobacco retailer license**

It is unlawful for any person to act as a tobacco retailer without first obtaining and maintaining a valid tobacco retailer license pursuant to this chapter for each location at which tobacco retailing is to occur. Tobacco retailer licenses are valid for one year. An application to renew a tobacco retailer license should be submitted prior to the expiration of the license.

#### **5.53.040 Application procedure**

A. An application for a tobacco retailer license, plus one copy, shall be submitted to the licensing agent in the name of the person(s) proposing to conduct tobacco retailing and shall be signed by such person(s) or an authorized agent thereof. All applications shall be submitted on a form supplied by the licensing agent and shall contain the following information:

1. The name, address, and telephone number of the applicant(s);

2. The business name, address, and telephone number of each location for which a license is sought.

3. Such other information as the licensing agent deems necessary for enforcement of this chapter.

B. Once an application has been submitted to the licensing agent, it will be promptly forwarded to the Department for review. The Department shall, within twenty-one business days of receipt of the application, recommend whether or not the licensing agent should issue the tobacco retailer license.

#### **5.53.050 Issuance of tobacco retailer license**

A. Within thirty business days of the licensing agent's receipt of an application for a tobacco retailer license, the licensing agent shall issue a license, unless it has been determined by the licensing agent or Department that the issuance of the license should be denied, based on the following criteria:

1. The application is incomplete or inaccurate;
2. The application seeks authorization for tobacco retailing by a person or at a location for which a suspension or revocation with prejudice is in effect pursuant to section 5.53.160 of this chapter; or
3. The application seeks authorization for tobacco retailing in an area that is in violation of section 5.53.110, or in a manner that is in violation of section 5.53.090, city zoning pursuant to Title 18 of this code, or in violation of any other provision of city, state, or federal law.
4. The application seeks authorization for tobacco retailing in a pharmacy. No pharmacy or any retail establishment that operates an on-site pharmacy will be granted a license.

B. A denial of a tobacco retailer license may be appealed pursuant to section 5.53.160.

C. The licensing agent shall keep a permanent record of all tobacco retailer licenses issued, but may destroy such records as provided by law with the approval of the City Council.

#### **5.53.060 Display of tobacco retailer license**

Each licensee shall prominently display the tobacco retailer license at each location where tobacco retailing occurs.

#### **5.53.070 Fees for tobacco retailer license**

A. The initial fee or renewal fee for a tobacco retailer license shall be set forth in the "Tobacco Retailer License Fee Schedule" that is adopted by resolution. The fee shall be paid to the licensing agent when a tobacco retailer license application is submitted.

B. Renewal. Renewal fees are due the thirty days prior to the date of expiration of a tobacco retailer license. If the renewal fee is not paid on time, a penalty of fifty percent of the renewal fee shall be added to the renewal fee. If the renewal fee and any applicable late penalty are not paid before the date of expiration of a tobacco retailer license, then the licensing agent shall automatically revoke the license. Thereafter, if the licensee desires to

resume tobacco retailing, a new license application must be submitted to the licensing agent in accordance with section 5.53.040, along with the license fee and late penalty.

#### **5.53.080 Tobacco retailer licenses are nontransferable**

A. A tobacco retailer license is nontransferable. If a person to whom a tobacco retailer license has been issued changes the business location or sells the business, then that person must obtain a new license prior to acting as a tobacco retailer at the new location, or the buyer of the business must obtain a license in the new owner's name before acting as a tobacco retailer.

B. Prior violations at a location shall continue to be counted against a location and license revocation periods shall continue to apply to a location unless:

1. The location is being or has been fully transferred to a new owner; and
2. The new owner(s) provide the licensing agent with clear and convincing evidence that the new owner(s) is acquiring or has acquired the location in an arm's length transaction.

#### **5.53.090 Tobacco retailers must operate at a fixed location**

No tobacco retailer license may be issued to authorize tobacco retailing at other than a fixed location. All sales of tobacco products and tobacco paraphernalia to consumers shall be conducted face-to-face and over the counter at the licensed location. For example, tobacco retailing by persons on foot, from vehicles, or at mobile kiosks is prohibited, and delivery sales of tobacco products to consumers is prohibited.

#### **5.53.100 Prohibited sales**

- A. No person engaged in tobacco retailing may:
1. Honor or redeem, or offer to honor or redeem, a coupon to allow a consumer to purchase a tobacco product for less than the full retail price;
  2. Sell any tobacco product to a consumer through a multiple-package discount or otherwise provide any such product to a consumer for less than the full retail price in consideration for the purchase of any tobacco product or any other item or service; or
  3. Provide any free or discounted item to a consumer in consideration for the purchase of any tobacco product.
  4. Provide any free or nominally-priced sample of any tobacco product to any person.
  5. Sell:
    - a. A flavored tobacco product;
    - b. Any little cigar unless it is sold in a package of at least twenty little cigars;
    - c. Any cigar unless it is sold in a package of at least at least six cigars, provided, however, that this subsection shall not apply to a cigar that has a price of at least \$10.00 per cigar, including all applicable taxes and fees;

- d. Cigarettes at a price that is less than \$10.00 per package of twenty cigarettes, including all applicable taxes and fees;
- e. Little cigars at a price that is less than \$10.00 per package of little cigars, including all applicable taxes and fees; or
- f. Cigars in a package at a price that is less \$5.00 per cigar, including all applicable taxes and fees.
- g. Any tobacco product by means of a self-service display.

B. The minimum prices established in this section shall be adjusted annually by the annual average of the percentage change in the Consumer Price Index for all urban consumers for all items for the Los Angeles statistical area as reported by the United States Bureau of Labor Statistics or any successor to that index.

#### **5.53.110 Prohibition of tobacco retailing within one thousand feet of a school**

- A. No tobacco retailer license may be issued to authorize tobacco retailing within one thousand feet of a school.
- B. All distances shall be measured in a straight line from the nearest point on the parcel boundary of an existing or proposed tobacco retailer to the nearest point on the parcel boundary of the nearest school.

#### **5.53.120 Positive identification requirements for sale of tobacco products and tobacco paraphernalia**

No person engaged in tobacco retailing shall sell or transfer a tobacco product or tobacco paraphernalia to another person who appears to be under the age of thirty, without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess tobacco products or tobacco paraphernalia.

#### **5.53.130 Minimum age for persons selling tobacco products and tobacco paraphernalia**

No person who is younger than the minimum age established by state or federal law for the purchase of tobacco products or tobacco paraphernalia may engage in tobacco retailing or work for a tobacco retailer.

#### **5.53.140 False and misleading advertising prohibited**

A tobacco retailer without a valid tobacco retailer license, including for example, a tobacco retailer license that has been suspended or revoked, shall not display any advertisement promoting the sale or distribution of tobacco products or tobacco paraphernalia at the tobacco retailer's location and shall keep all such products out of public view.



### **5.53.150 Compliance monitoring**

A. Compliance with this chapter shall be primarily enforced by the Department, in conjunction with code enforcement. However, any peace officer may enforce the penal provisions of this chapter against a tobacco retailer.

B. The Department will check the compliance of each tobacco retailer two to four times per twelve-month period. However, the Department may check the compliance of a tobacco retailer more or less often, depending on a tobacco retailer's compliance history. Nothing in this paragraph shall create a right of action for any tobacco retailer or other person, against the county or its agents.

### **5.53.160 Revocation or suspension of tobacco retailer license, and appeals**

A. Grounds for Revocation or Suspension.

1. A tobacco retailer license shall be revoked if the Department finds that one or more of the basis for denial of a license under section 5.53.050 of this chapter exists. The revocation shall be without prejudice to the filing of a new application for a license following correction of the conditions that required revocation of the license, unless the Department finds that missing information was intentionally withheld, or inaccurate information was intentionally provided.

2. A tobacco retailer license shall be suspended, if the Department finds that the licensee or his or her agent or employee has violated this chapter or any federal, state, or local law governing the sale, distribution, advertisement, labeling, packaging, manufacturing, or display of tobacco, tobacco products or tobacco paraphernalia, including, but not limited to: Penal Code Section 308a, or Business and Professions Code Sections 22950 et seq. (Stop Tobacco Access to Kids Enforcement Act "STAKE Act") or sections 37-7 and 37-8 of Santa Barbara County's code, or Business and Professions Code Section 25612.5(c)(7).

3. The licensing agent shall give notice of revocation or suspension to a licensee by personal service or by certified mail return receipt requested, addressed to where the license was issued. The notice of revocation or suspension shall be effective when notice is personally served, or when the certified mail return receipt is returned to the licensing agent. If the licensee fails to file a timely appeal of the suspension or revocation pursuant to this section, the notice of suspension or revocation shall be final, subject only to judicial review.

B. Suspension of Tobacco Retailer License. If the Department finds that there are grounds for suspension of a tobacco retailer license, the following sanctions shall be imposed:

1. Upon a first finding by the Department of a violation of this chapter by a licensee or by any agent or employee of a licensee within any five-year period, the license shall be suspended for thirty days.

2. Upon the second finding by the Department of a violation of this chapter by a licensee or by any agent or employee of a licensee within any five-year period, the license shall be suspended for ninety days.

3. Upon the third or subsequent finding by the Department of a violation of this chapter by a licensee or by any agent or employee of a licensee within any five-year period, the license shall be suspended for twelve months.

C. Appeal of Denial, Revocation and/or Suspension. The decision of the licensing agent to deny the issuance of a tobacco retailer license or the decision of the Department to revoke or suspend a license can be appealed to the Department or its designee. All appeals must be in writing and filed with Department, within ten days of receipt of notice of denial, or within ten days of the effective date of the notice of revocation or suspension of a tobacco retailer license. The Department shall set an appeal hearing at the earliest practicable time and shall give written notice of the hearing to the parties at least ten days before the date of the hearing. At the hearing any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Within a reasonable time after the conclusion of the hearing, the Department shall make a written decision. An appeal shall stay all proceedings until the appeal is resolved. Any decision rendered by the Department shall be a final administrative decision.

#### **5.53.170 Penalties—Enforcement**

- A. Any violation of the provisions of this chapter by any person is a misdemeanor and is punishable as provided in Title 1, Chapter 1.08 of this code.
- B. Violations of this chapter are hereby declared to be public nuisances.
- C. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the county counsel, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

#### **5.53.180 Severability**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this chapter or the rules adopted hereby. The City Council of the City of Guadalupe hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**SECTION 2:** Chapter 8.60 is hereby added to the Guadalupe Municipal Code to read as follows:

#### **CHAPTER 8.60 – SMOKING IN PUBLIC PLACES AND MULTIUNIT HOUSING**

**8.60.010 Definitions.** The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. "Adjacent unenclosed property" means any unenclosed area of property, publicly or privately owned, that abuts a multiunit residence, but does not include property containing detached single-family homes.

B. "Business" means any sole proprietorship, partnership, joint venture, corporation, association, landlord, or other entity formed for profit-making purposes. A business also includes owner-operated entities with no employees in which the owner is the only worker.

C. "Cannabis" has the meaning set forth in California Business and Professions Code Section 26001(f), as that section may be amended from time to time.

D. "Common area" means every enclosed area and unenclosed area of a multiunit residence that residents of more than one unit of that multiunit residence are entitled to enter or use, including, but not limited to, halls, pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.

E. "Dining area" means any area, including streets and sidewalks, that is available to or customarily used by the general public or an employee, and that is designed, established, or regularly used for consuming food or drink, including, but not limited to restaurants.

F. "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

G. "Employee" means any person who is employed or retained as an independent contractor by any Employer in consideration for direct or indirect monetary wages or profit, or any person who volunteers his or her services for an employer.

H. "Employer" means any business or nonprofit entity that retains the service of one or more employees.

I. "Enclosed area" means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has:

1. any type of overhead cover, whether or not that cover includes vents or other openings, and is bounded by walls, doorways, windows, or vegetation of any height, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area; or

2. walls or other vertical constraints to airflow, including, but not limited to, vegetation, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the areathat exceed six (6) feet in height, whether or not those boundaries include vents or other openings.

J. "Multiunit residence" means property containing two (2) or more units, including, but not limited to, apartment buildings, condominium complexes, senior and assisted living facilities, hotels and motels, and long-term health care facilities. Multiunit residences do not include the following:

1. a mobile home park;
2. a campground;
3. a marina or port;
4. a single-family home, except if used as a health care facility subject to licensing requirements; and

5. a single-family home with a detached or attached in-law or second unit permitted pursuant to California Government Code sections 65852.1, 65852.150, 65852.2, as they may be amended from time to time, or an ordinance of the City adopted pursuant to those sections, except if the single-family home or in-law/second unit is used as a health care facility subject to licensing requirements.

K. "Nonprofit entity" means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association, or other entity created for charitable, religious, philanthropic, educational, political, social, or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a nonprofit entity within the meaning of this chapter.

L. "Nonsmoking area" means any enclosed area or unenclosed area in which smoking is prohibited by

1. this chapter or other law;
2. binding agreement relating to the ownership, occupancy, or use of real property;

or

3. a person with legal control over the area.

M. "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, including government agencies.

N. "Place of employment" means any area under the legal or de facto control of an employer that an employee or the general public may have cause to enter in the normal course of the operations, regardless of the hours of operation. Place of employment includes all retail or wholesale tobacco shops, and all tobacco retailers licensed by the City.

O. "Private smokers' lounge" means any enclosed area in or attached to a retailer wholesale tobacco shop that is dedicated to the use of tobacco products, including, but not limited to, hookahs, cigars, and pipes.

P. "Public place" means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.

Q. "Reasonable distance" means a distance of twenty (20) feet in any direction from an area in which smoking is prohibited.

R. "Recreational area" means any area including streets and sidewalks publicly or privately owned and open to the general public for recreational purposes, regardless of any fee or age requirement. "Recreational area" includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding

trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and beaches.

S. "Retail or wholesale tobacco shop" means any business establishment, the main purpose of which is the sale of tobacco products, including, but not limited to, cigars, pipe tobacco, electronic smoking devices and smoking accessories.

T. "Service area" means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. "Service area" includes, but is not limited to, areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.

U. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, heating, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, heating, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no cannabis, tobacco, or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. "Smoke" includes, but is not limited to, tobacco smoke, aerosol from an electronic device or heated product, and cannabis smoke or aerosol.

V. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco product, cannabis product, or any plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking, and includes, but is not limited to tobacco smoke, vapors from an electronic device, and cannabis smoke or aerosol.

W. "Tobacco product" means

1. any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and

2. any electronic smoking device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.

3. Notwithstanding any provision of subsections 1. and 2. to the contrary, "tobacco product" includes any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

X. "Unenclosed area" means any area that is not an enclosed area.

Y. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio. "Unit" includes but is not limited to an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a hotel or motel room; a room in a single room

occupancy ("SRO") facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an in-law or second unit.

**8.60.020 Prohibition of Smoking in City Facilities,**

Smoking is prohibited in all enclosed areas, including buildings and vehicles owned, leased, or operated by the City.

**8.60.030 Prohibition of Smoking in Enclosed Areas.**

Smoking is prohibited in the enclosed areas of the following places within the City:

- A. Places of employment;
- B. Public places;
- C. Common areas of multiunit residences;
- D. Retail and wholesale tobacco shops; and
- E. Private smokers' lounges;
- F. Service areas;
- G. Recreational areas;
- H. Dining areas.

**8.60.040 Smoking Restrictions in Units of Multiunit Residences.**

Smoking is prohibited in all units of a multiunit residence, including any associated exclusive-use enclosed areas or unenclosed areas, such as a private balcony, porch, deck, or patio.

**8.60.050 Prohibition of Smoking in Unenclosed Areas.**

A. Smoking is prohibited in the unenclosed areas of the following places within the City:

- 1. Recreational areas;
- 2. Service areas;
- 3. Dining areas;
- 4. Places of employment;
- 5. Any private or public sidewalks located within a commercial zone; and any public place located within a commercial zone.
- 6. Common areas of multiunit residences, provided, however, that a person with legal control over a common area may designate a portion of the unenclosed area of the common area as a designated smoking area if the area:
  - a. is located a reasonable distance from any unit or enclosed area where smoking is prohibited:
  - b. by this chapter or other law;
  - c. by binding agreement relating to the ownership, occupancy, or use of real property; or
  - d. by designation of a person with legal control over the property:

- i. does not include, and is a reasonable distance from, unenclosed areas primarily used by children and unenclosed areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, school campuses, recreational areas, and sandboxes;
- ii. is no more than ten percent (10%) of the total unenclosed area of the multiunit residence for which it is designated;
- iii. has a clearly marked perimeter;
- iv. is identified by conspicuous signs;
- v. is completely within an unenclosed area; and
- vi. does not overlap with any enclosed or unenclosed area in which smoking is otherwise prohibited by this chapter or other provisions of this code, state law, or federal law.

B. In the case of a smoking area created by agreement or designation, this provision does not apply unless the person designating the smoking area has actual knowledge of, or has been given notice of, the agreement or designation. A person with legal control over a designated smoking area may be obliged to modify, relocate, or eliminate it as laws change, as binding agreements are created, and as nonsmoking areas on neighboring property are established.

C. Other public places, when being used for a public event including, but not limited to, a farmers market, parade, craft fair, festival, or any other event open to the general public.

D. Nothing in this chapter prohibits any person, employer, or nonprofit entity with legal control over any property from prohibiting smoking on any part of such property, even if smoking is not otherwise prohibited in that area.

**8.60.060 Reasonable Smoking Distance Required.**

A. Smoking in all unenclosed areas shall be prohibited within a reasonable distance from any doorway, window, opening, crack, or vent into an enclosed area in which smoking is prohibited.

B. Smoking in unenclosed areas shall be prohibited within a reasonable distance from any unenclosed areas in which smoking is prohibited under Sec. 8.60.050 of this chapter.

**8.60.070 Nonsmoking Buffer Zones.**

A. Smoking is prohibited in adjacent unenclosed property located within twenty (20) feet in any direction of any doorway, window, opening, or other vent into an enclosed area of a multiunit residence.

B. Subsection A above does not apply to a person who is smoking in the restricted buffer zone area while actively passing on the way to another destination.

**8.60.080 Required and Implied Lease Terms for All Units in Multiunit Residences.**

A. Every lease or other rental agreement for the occupancy of a unit in a multiunit residence, entered into, renewed, or continued month to month after the effective date of this

ordinance, shall include the provisions set forth in subsection B. below on the earliest possible date allowable by law.

B. Every lease or other rental agreement for the occupancy of a unit in a multiunit residence, entered into, renewed, or continued month to month after the effective date of this ordinance, shall be amended to include the following provisions:

1. A clause providing that as of the effective date of this ordinance, it is a material breach of the agreement to knowingly or intentionally allow, or engage in, smoking in the unit, including exclusive-use areas such as balconies, porches, or patios.

2. A clause providing that it is a material breach of the agreement for tenant to knowingly and intentionally allow, or engage in, smoking in any common area of the multiunit residence other than a designated smoking area.

3. A clause providing that it is a material breach of the agreement for tenants to violate any law regulating smoking while anywhere on the property, or to knowingly and intentionally allow any other person subject to the control of the tenant to engage in such behavior.

4. A clause expressly conveying third-party beneficiary status to all occupants of the multiunit residence as to the smoking provisions of the lease or other rental agreement.

C. Whether or not a landlord complies with subsections A and B above, the clauses required by those subsections shall be implied and incorporated by law into every agreement to which subsections A or B apply and shall become effective as of the earliest possible date on which the landlord could have made the insertions pursuant to subsections A or B.

D. A tenant who breaches, or knowingly and intentionally allows any other person subject to the control of the tenant to breach, a smoking provision of a lease or other rental agreement for the occupancy of a unit in a multiunit residence shall be liable for the breach to:

1. the landlord; and  
2. any occupant of the multiunit residence who is exposed to smoke or who suffers damages as a result of the breach.

3. A landlord shall not be liable to any person for a tenant's breach of smoking regulations if the landlord has fully complied with subsections A and B of this section.

E. Failure to enforce any smoking provision required by this chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.

#### **8.60.090 Notice and Signage Requirements.**

A. Every landlord and homeowner association shall deliver the following, on or before the effective date of the ordinance, to each unit of a multiunit residence:

1. a written notice clearly stating:  
a. all units are designated nonsmoking units and smoking is illegal in a unit, including any associated exclusive-use enclosed area or unenclosed area, such as a private balcony, porch, deck, or patio, as of effective date of the ordinance; and  
b. Smoking in all common areas except for specifically designated smoking areas, is a violation of this chapter as of the effective date of this ordinance.

2. a copy of this chapter.



B. As of the effective date of the ordinance, every landlord and homeowner association shall provide prospective tenants with written notice clearly stating that:

1. Smoking is prohibited in units, including any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio, as of effective date of ordinance; and

2. Smoking is prohibited in all common areas, except for specifically designated smoking areas, as of effective date of ordinance.

C. As of the effective date of ordinance, every seller of a unit in a multiunit residence shall provide prospective buyers with written notice clearly stating that:

1. Smoking is prohibited in units, including any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio, as of effective date of ordinance; and

2. Smoking is prohibited in all common areas, except for specifically designated smoking areas, as of effective date of ordinance.

D. The person or persons with legal control over common areas shall post clear and unambiguous "No smoking" signs in sufficient numbers and locations in common areas where smoking is prohibited by this chapter or other law. In addition, the person or persons with legal control over the multiunit residence shall post signs in sufficient numbers and locations in the multiunit residence to indicate that smoking is prohibited in all units. The person or persons with legal control over the common areas shall maintain such signs. The absence of signs shall not be a defense to a violation of any provision of this chapter. "No smoking" signs are not required inside or on doorways of units, except for hotels or motels which meet the criteria listed in California Civil Code section 1940, subdivision (b)(2).

E. No Person with legal control over any nonsmoking area shall permit smoking in the nonsmoking area, except as provided in Section 8.60.050.A.6.

#### **8.60.100 Nuisance; Other.**

A. The provisions of this chapter are restrictive only and establish no new rights for a person who engages in smoking. Notwithstanding (i) any provision of chapter or of this code, (ii) any failure by any person to restrict smoking under this chapter or (iii) any explicit or implicit provision of this code that allows smoking in any place, nothing in this code shall be interpreted to limit any person's legal rights under other laws with regard to smoking, including, for example, rights in nuisance, trespass, property damage, and personal injury or other legal or equitable principles.

B. For all purposes within the jurisdiction of the City, nonconsensual exposure to smoke occurring on or drifting into residential property is a nuisance, and the uninvited presence of smoke on residential property is a nuisance.

C. Pursuant to California state law, Health and Safety Code sections 11362.3 and 11362.79, as they may be amended from time to time, smoking cannabis is prohibited wherever smoking tobacco is prohibited.

D. Notwithstanding any provision to the contrary, nothing in this ordinance shall be interpreted to restrict or otherwise regulate the use of a drug, device, or combination product

authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

**8.60.110 Other Requirements and Prohibitions.**

A. No person, employer, or nonprofit entity shall permit smoking in an area which is under the legal or de facto control of that person, employer, or nonprofit entity and in which smoking is prohibited by law.

B. No person, employer, or nonprofit entity shall permit the presence or placement of ash receptacles, such as ashtrays or ash cans, within an area under the legal or de facto control of that person, employer, or nonprofit entity and in which smoking is prohibited by law, including, without limitation, within a reasonable distance required by this chapter from any area in which smoking is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provision of this chapter.

C. A person, employer, or nonprofit entity that has legal or de facto control of an area in which smoking is prohibited by this chapter shall post a clear, conspicuous, and unambiguous "No smoking" or "Smokefree" sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international "No smoking" symbol (consisting of a pictorial representation of a burning cigarette and an electronic smoking device, enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the reasonable distance requirement set forth in Sec 8.60.060. For purposes of this section, the City Administrator or his/her designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this chapter.

D. No person, employer, or nonprofit entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this chapter.

E. Each instance of smoking in violation of this chapter shall constitute a separate violation. For violations other than for smoking, each day of a continuing violation of this chapter shall constitute a separate violation.

F. Pursuant to California state law, Health and Safety Code sections 11362.3 and 11362.79, cannabis smoking is prohibited wherever smoking is prohibited.

G. The Department of Public Safety or its designee shall conduct an ongoing educational program to explain and clarify the purposes and requirements of this chapter as well as to provide guidance to persons, employers, and nonprofit entities about compliance. However, lack of receiving or participating in such education program shall not be a defense to a violation of this chapter.

**8.60.120. Penalties and Enforcement.**

A. The remedies provided by this chapter are cumulative and in addition to any other remedies available under this code, at law, and/or in equity.

B. Each incident of smoking in violation of this chapter is an infraction subject to a one hundred dollar (\$100) fine or otherwise punishable pursuant to this code. Enforcement of this chapter shall be the responsibility of the Department of Public Safety or its designee. In addition, any peace officer or code enforcement official also may enforce this chapter.

C. All other violations of this chapter are subject to a civil action brought by the City punishable by a civil fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) per violation, and each day of violation constitutes a separate offense.

D. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.

E. Any violation of this chapter is hereby declared to be a public nuisance.

F. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

G. Any person acting for the interests of itself, its members, or the general public (hereinafter "private enforcer") may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this chapter against any person who has violated this chapter two or more times. Upon proof of the violations, a court shall grant all appropriate relief.

H. Except as otherwise provided, enforcement of this chapter is at the sole discretion of the City. Nothing in this chapter shall create a right of action in any person against the City or its agents to compel public enforcement of this chapter against private parties.

I. Notwithstanding other penalties in this chapter, code, or other law, persons under the age of 21 who smoke in violation of this chapter may only be subject to non-criminal, non-monetary civil penalties such as tobacco-related education classes, diversion programs, community services, or another penalty that the City determines to be appropriate. The City Council will consult with court personnel, educators, parents, children, the Department of Public Safety, and other interested parties to determine an appropriate penalty for persons under the age of 21 in the City. The penalty may be established by ordinance and amended from time to time.

#### **8.60.130 Other Laws.**

A. It is not the intention of this chapter to regulate any conduct where the regulation of such conduct has been preempted by the State of California.

B. Notwithstanding any provision to the contrary, nothing in this ordinance shall be interpreted to restrict or otherwise regulate the use of a drug, device, or combination product authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

#### **8.60.140 Statutory Constructions and Severability.**

It is the intent of the City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that

intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof independently, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

**INTRODUCED** at a regular meeting of the City Council on the 9<sup>th</sup> day of June 2020, by the following vote:

**MOTION: TONY RAMIREZ / LILIANA CARDENAS**

<b>AYES:</b>	<b>3</b>	<b>Councilmembers:</b>	<b>Ramirez, Cardenas, Julian</b>
<b>NOES:</b>	<b>1</b>	<b>Councilmembers:</b>	<b>Costa Jr.</b>
<b>ABSENT</b>	<b>1</b>	<b>Councilmembers:</b>	<b>Rubalcaba</b>
<b>ABSTAINED</b>	<b>0</b>		

**PASSED AND APPROVED** as the regular meeting of the City Council on the 23<sup>rd</sup> day of June 2020, by the following roll call vote:

**Motion:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

**ATTEST:**

---

**Joice Earleen Raguz, City Clerk**

---

**Ariston Julian, Mayor**

**APPROVED AS IS TO FORM:**

---

**Philip F. Sinco, City Attorney**



**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE**  
**Agenda of June 23, 2020**

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

**SUBJECT:** Santa Barbara County Animal Services Agreement – One-Year Extension

**RECOMMENDATION:**

That City Council approve a one-year extension of the City's current animal control services agreement with the County of Santa Barbara and authorize the Mayor to execute that extension.

**BACKGROUND:**

The City of Guadalupe, like most other cities in Santa Barbara County, contracts with the County for animal control services. If the City did not contract with the County, the City would have to perform those services itself. In particular, the City would have to operate its own pound and deal with the task of arranging adoption or euthanasia of abandoned pets.

Staff is recommending that City Council approve a one-year extension of the current animal control services contract at a cost of \$60,716 in FY 20/21. That is an increase of 2.5% vs. FY19/20. The County sets the rate for animal control services for each city it contracts with based on population.

**FISCAL IMPACT:**

Funding for the one-year extension will be incorporated into the upcoming FY 20/21 General Fund budget.

**ATTACHMENTS**

1. Seventh Amendment to the Agreement between the County of Santa Barbara and City of Guadalupe for Animal Control Services FY 20/21.

**SEVENTH AMENDMENT TO AGREEMENT**

between

**COUNTY OF SANTA BARBARA**

and

**CITY OF GUADALUPE**

for

**ANIMAL CONTROL SERVICES**

**Effective July 1, 2020**

**THIS IS THE SEVENTH AMENDMENT TO THE AGREEMENT** (hereafter Seventh Amendment) for Animal Control Services (hereafter Agreement), made by and between the County of Santa Barbara, a political subdivision of the State of California (hereafter COUNTY), and the City of Guadalupe, a municipal corporation in Santa Barbara County (hereafter CITY).

**WHEREAS**, the parties desire to amend the Agreement to extend the term and to adjust the compensation payable to COUNTY for services performed under the Agreement; and

**WHEREAS**, this Seventh Amendment incorporates the terms and conditions set forth in the Agreement, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, and Sixth Amendment except as modified by this Seventh Amendment.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, COUNTY and CITY hereby agree to amend the Agreement as follows:

1. **Definitions.** Capitalized terms used in this Seventh Amendment, to the extent not otherwise defined herein shall have the same meanings as in the Agreement.
2. **Amendments.**

The Agreement is amended as follows:

5. **TERM.** The term of this Agreement shall be from July 1, 2011, through June 30, 2021.
6. **COMPENSATION OF COUNTY.** For services rendered from the COUNTY-operated shelter in Santa Maria between July 1, 2020 and June 30, 2021, CITY shall pay COUNTY \$60,716, billed in four equal quarterly payments of: \$15,179. Quarterly payments to COUNTY shall be made within thirty (30) days of receipt of invoice. Invoices shall be delivered to the CITY address specified in Section 3, NOTICES of Agreement.
3. **Counterparts.** This Seventh Amendment may be executed in several counterparts, all of which taken together shall constitute a single agreement between the parties.

Seventh Amendment to Agreement for Animal Control Services between the **County of Santa Barbara** and the **City of Guadalupe**.

**IN WITNESS WHEREOF**, the parties hereto have executed this Seventh Amendment to be effective July 1, 2020.

COUNTY OF SANTA BARBARA

**ATTEST:**

Mona Miyasato  
County Executive Officer  
Clerk of the Board

By: \_\_\_\_\_  
Deputy Clerk

**COUNTY OF SANTA BARBARA:**

Gregg Hart

By: \_\_\_\_\_  
Chair, Board of Supervisors

Date: \_\_\_\_\_

**RECOMMENDED FOR APPROVAL:**

Van Do-Reynoso, MPH, PhD

By: \_\_\_\_\_  
Department Head

**APPROVED AS TO ACCOUNTING FORM:**

Betsy M. Schaffer, CPA  
Auditor-Controller

By: \_\_\_\_\_  
Deputy

**APPROVED AS TO FORM:**

Michael C. Ghizzoni  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

**APPROVED AS TO FORM:**

Risk Management

By: \_\_\_\_\_  
Risk Management

**APPROVED:**

Director of Animal Services  
Public Health Department

By: \_\_\_\_\_

Seventh Amendment to Agreement for Animal Control Services between the **County of Santa Barbara** and the **City of Guadalupe**.

**IN WITNESS WHEREOF**, the parties hereto have executed this Seventh Amendment to be effective July 1, 2020.

CITY OF GUADALUPE

ATTEST:

By: \_\_\_\_\_  
Ariston Julian, Mayor  
City of Guadalupe

Date: \_\_\_\_\_





**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE**  
**Agenda of June 23, 2020**

**Presented by:**  
**Larry Appel, Contract Planning Director**

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

**SUBJECT:** Consideration of a Resolution authorizing staff to apply for the Local Early Action Planning Grant Application (LEAP) grant to be submitted to the Department of Housing and Community Development (HCD).

**EXECUTIVE SUMMARY:**

The LEAP grant program is a non-competitive grant offered to all cities and counties within the state of California to increase the number of homes constructed each year, and to streamline the development process. The source of funding comes from additional charges for recording certain types of legal documents. Based on the additional revenue collected during 2019, the HCD staff were able to calculate, based on population, the amount of grant funds each agency could receive. Given the size of our city, the maximum amount available is \$65,000.

**RECOMMENDATION:**

It is recommended that the City Council:

- 1) Receive a short presentation from staff (Larry Appel, Contract City Planner); and
- 2) Adopt Resolution No. 2020-42 allowing the City Administrator and Contract Planning Director to submit the grant proposal.

**BACKGROUND:**

The principal goal of this program is to make funding available to all local governments in California for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production. This is a follow up grant to the SB 2 grant which the City received earlier this year for \$160,000.

**DISCUSSION:**

The grant has 19 basic areas where funds can be requested. We have selected the first which says, "Rezoning and encouraging development by updating planning documents and zoning ordinances, such as general plans ..." The SB 2 grant has been targeted for the preparation of a draft General Plan. However, there were insufficient funds to prepare the necessary CEQA document, so if we are able to

obtain funding through the LEAP grant, then it will be targeted for CEQA review. That will allow us to complete the General Plan update with minimal costs to the general fund. Staff is currently reviewing proposals from three planning firms. It is anticipated that the firm will be under contract later this summer.

The draft application has been reviewed by HCD staff and therefore we believe that this grant will meet the minimum requirements for funding. All applications are due no later than July 1, 2020. Preparation of the draft General Plan update will take us into 2021, so we wouldn't be utilizing any of these new funds until then. Funding for this grant expires on December 31, 2023, so we have plenty of time to compete the CEQA review.

The Resolution attached to this staff report is required by HCD in order to ensure that the City Council fully supports the efforts of staff to obtain the grant funding as well as ultimately being responsible that the funds are expended according to the approved grant.

**CONCLUSION:**

Staff has invested many hours in complying with the requirements to initially receive the SB 2 grant, so we are pleased to be able to submit for this second grant in the hopes of finalizing the General Plan update.

**ATTACHMENTS:**

1. Resolution No. 2020-42 "authorizing application for, and receipt of, Local Government Planning Support Grant Program Funds".
2. LEAP Application

# Local Early Action Planning Grant Application



**State of California  
Governor Gavin Newsom**

**Alexis Podesta, Secretary  
Business, Consumer Services and Housing Agency**

**Doug McCauley, Acting Director  
Department of Housing and Community Development**

**Zachary Olmsted, Deputy Director  
Department of Housing and Community Development  
Housing Policy Development**

2020 West El Camino, Suite 500  
Sacramento, CA 95833

Website: <https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml>

Email: [EarlyActionPlanning@hcd.ca.gov](mailto:EarlyActionPlanning@hcd.ca.gov)

January 27, 2020

**A. Applicant Information and Certification**

Applicant (Jurisdiction)		City of Guadalupe	
Applicant's Agency Type		Municipal City	
Applicant's Mailing Address		P.O. Box 908	
City		Guadalupe	
State	California	Zip Code	93434
County		Santa Barbara	
Website		ci.guadalupe.ca.us	
Authorized Representative Name		Todd Bodem	
Authorized Representative Title		City Administrator	
Phone	805 356-3891	Fax	805 343-5512
Email	tbodem@ci.guadalupe.ca.us		
Contact Person Name		Larry Appel	
Contact Person Title		Contract Planning Director	
Phone	805 287-9494	Fax	805 343-5512
Email	smlarry@aol.com		
Proposed Grant Amount	\$	65,000	

*Pursuant to Health and Safety Code Section 50515.03 through (d) of the Guidelines, all applicants must meet the following two requirements to be eligible for an award:*

<b>1. Does the application demonstrate a nexus to accelerating housing production as shown in Attachment 1?</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>2. Does the application demonstrate that the applicant is consistent with State Planning or Other Priorities; Attachment 2?</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>Is a fully executed resolution included with the application package?</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>Does the address on the Government Agency Taxpayer ID Form exactly match the address listed above?</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>Is the applicant partnering with another eligible local government entity? If Yes, provide a fully executed copy of the legally binding agreement.</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

As the official designated by the governing body, I hereby certify that if approved by HCD for funding through the Local Early Action Planning Program (LEAP), the City of Guadalupe assumes the responsibilities specified in the Notice of Funding Availability and certifies that the information, statements and other contents contained in this application are true and correct.

Signature:  Name: Todd Bodem

Date: 6-18-2020 Title: City Administrator

## B. Proposed Activities Checklist

<b>Check all activities the locality is undertaking. Activities must match the project description.</b>		
1	<input checked="" type="checkbox"/>	Rezoning and encouraging development by updating planning documents and zoning ordinances, such as general plans, community plans, specific plans, implementation of sustainable communities' strategies, and local coastal programs
2	<input type="checkbox"/>	Completing environmental clearance to eliminate the need for project-specific review
3	<input type="checkbox"/>	Establishing housing incentive zones or other area based housing incentives beyond State Density Bonus Law such as a workforce housing opportunity zone pursuant to Article 10.10 (commencing with Section 65620) of Chapter 3 of Division 1 of Title 7 of the Government Code or a housing sustainability district pursuant to Chapter 11 (commencing with Section 66200) of Division 1 of Title 7 of the Government Code
4	<input type="checkbox"/>	Performing infrastructure planning, including for sewers, water systems, transit, roads, or other public facilities necessary to support new housing and new residents
5	<input type="checkbox"/>	Planning documents to promote development of publicly owned land such as partnering with other local entities to identify and prepare excess or surplus property for residential development
6	<input type="checkbox"/>	Revamping local planning processes to speed up housing production
7	<input type="checkbox"/>	Developing or improving an accessory dwelling unit ordinance in compliance with Section 65852.2 of the Government Code
8	<input type="checkbox"/>	Planning documents for a smaller geography (less than jurisdiction-wide) with a significant impact on housing production including an overlay district, project level specific plan, or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas
9	<input type="checkbox"/>	Rezoning to meet requirements pursuant to Government Code Section 65583(c)(1) and other rezoning efforts to comply with housing element requirements, including Government Code Section 65583.2(c) (AB 1397, Statutes of 2018)
10	<input type="checkbox"/>	Upzoning or other implementation measures to intensify land use patterns in strategic locations such as close proximity to transit, jobs or other amenities
11	<input type="checkbox"/>	Rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps); Establishing Pre-approved architectural and site plans
12	<input type="checkbox"/>	Preparing and adopting housing elements of the general plan that include an implementation component to facilitate compliance with the sixth cycle RHNA
13	<input type="checkbox"/>	Adopting planning documents to coordinate with suballocations under Regional Early Action Planning Grants (REAP) that accommodate the development of housing and infrastructure and accelerate housing production in a way that aligns with state planning priorities, housing, transportation equity and climate goals, including hazard mitigation or climate adaptation
14	<input type="checkbox"/>	Zoning for by-right supportive housing, pursuant to Government Code section 65651 (Chapter 753, Statutes of 2018)
15	<input type="checkbox"/>	Zoning incentives for housing for persons with special needs, including persons with developmental disabilities
16	<input type="checkbox"/>	Planning documents related to carrying out a local or regional housing trust fund
17	<input type="checkbox"/>	Environmental hazard assessments; data collection on permit tracking; feasibility studies, site analysis, or other background studies that are ancillary (e.g., less than 15% of the total grant amount) and part of a proposed activity with a nexus to accelerating housing production
18	<input type="checkbox"/>	Other planning documents or process improvements that demonstrate an increase in housing related planning activities and facilitate accelerating housing production
19	<input type="checkbox"/>	Establishing Prohousing Policies

## C. Project Description

Provide a description of the project and each activity using the method outlined below, and ensure the narrative speaks to **Attachment 1: Project Timeline and Budget**.

- a. Summary of the Project and its impact on accelerating production
- b. Description of the tasks and major sub-tasks
- c. Summary of the plans for adoption or implementation

Please be succinct and use Appendix A or B if more room is needed.

### Activity #1 - General Plan Update / EIR Preparation:

#### A. Summary -

Our SB 2 grant is being used primarily to update the 2002 General Plan which is woefully outdated. Given the extremely tight City budget, and now with the Covid-19 Pandemic, there are no funds available to address the CEQA process that will allow the City to complete and adopt the new General Plan. We are requesting funding of the EIR through this LEAP grant.

The primary use of grant funds for SB 2 Cycle 1 covers the costs for a planning firm, through competitive bidding, to prepare a Draft General Plan. In addition to the mandatory elements, the City is requesting the firm to prepare the following elements: Public Facilities, Community Design, Health, Economic Development, and Environmental Justice.

Updating the General Plan and subsequently preparing a Program-Level Environmental Impact Report will enable future development that is consistent with the General Plan to enjoy expedited processing. This would be possible since the new residential projects would be able to take advantage of the EIR already prepared. This would allow the new project to be tiered off the original EIR and in turn save months in the planning process along with significant saving to the developer by not requiring original environmental reports.

The SB 2 Grant along with the LEAP grant will provide an up-to-date General Plan that contains elements that will provide clear Goals, Objectives, Policies, and Programs such that developers will improve their approval certainty. Policy consistency will be easier to determine with clearly written Policies thereby reducing processing delays and developer uncertainty.

The City's current Regional Housing Needs Assessment (RHNA) requires the development of 50 units in various income ranges during the current housing cycle. Based on projects currently under construction, the City will more than double the required number of units. However, the City is striving to increase housing stock for existing residents and incoming residents. This will ensure that growth in the Ag-Industry sector will have a sufficient employee base to cover expanded businesses.

Continued in Appendix A

**D. Legislative Information**

<b>District</b>	<b>#</b>	<b>Legislator Name</b>
<b>Federal Congressional District</b>	24	U.S. Congressman Salud Carbajal 1431 Longworth House Office Building Washington, D.C. 20515
<b>State Assembly District</b>	35	Representative Jordan Cunningham State Capitol, Ste 4102 Sacramento, CA 94249
<b>State Senate District</b>	19	Senator Hanna-Beth Jackson State Capitol, Room 2032 Sacramento, CA 95814

Applicants can find their respective State Senate representatives at <https://www.senate.ca.gov/>, and their respective State Assembly representatives at <https://www.assembly.ca.gov/>.





## Attachment 2: Application Nexus to Accelerating Housing Production

Applicants shall demonstrate how the application includes a nexus to accelerating housing production by providing data regarding current baseline conditions and projected outcomes such as a reduction in timing, lower development costs, increased approval certainty, increases in number of entitlements, more feasibility, or increases in capacity. An expected outcome should be provided for each proposed deliverable. If necessary, use Appendix B to explain the activity and its nexus to accelerating housing production.

Select at least one	*Baseline	**Projected	***Difference	Notes
Timing (e.g., reduced number of processing days)	4-6 months for ND or MND	3-4 months	1-2 months	Utilizing a Tiered EIR. Stand-alone MNDs will not be required in the future
Development cost (e.g., land, fees, financing, construction costs per unit)	Developer m +	Variable due to +	Variable due to +	Each project's costs are different, but env. review will save \$1000s by using the tiered EIR.
Approval certainty and reduction in discretionary review (e.g., prior versus proposed standard and level of discretion)				
Entitlement streamlining (e.g., number of approvals)	Guadalupe receives very few applications each year, but staff processes them as quickly as possible.	Once tiering of future env. document is in effect, months will be saved in the planning process.	1-2 months	We have informed applicants of the new procedures that will streamline their permit processing.
Feasibility of development				
Infrastructure capacity (e.g., number of units)				
Impact on housing supply and affordability (e.g., number of units)	The City is set to at least double the Cycle 5 RHNA units by 2021.	Upzoning will provide additional low income opportunities.	Theoretically 258 additional units with upzoning	These are rough calculations of two areas that will be upzoned through the GPZ process.

**\* Baseline – Current conditions in the jurisdiction (e.g. 6-month development application review, or existing number of units in a planning area)**

**\*\*Projected – Expected conditions in the jurisdiction because of the planning grant actions (e.g. 2-month development application review)**

**\*\*\*Difference – Potential change resulting from the planning grant actions (e.g., 4-month acceleration in permitting, creating a more expedient development process)**

**Attachment 3: State and Other Planning Priorities Certification (Page 1 of 3)**

*Applicants must demonstrate that the locality is consistent with State Planning or Other Planning Priorities by selecting from the list below activities that are proposed as part of this application or were completed within the last five years. Briefly summarize the activity and insert a date of completion.*

**State Planning Priorities**

<b>Date of Completion</b>	<b>Brief Description of the Action Taken</b>
<b>Promote Infill and Equity</b>	
<i>Rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas.</i>	
5/13/14	City Council adopts Water Master Plan Resolution (Reso 2014-25) to ensure sufficient water resources for existing and undeveloped property within the City. <i>Seek or utilize funding or support strategies to facilitate opportunities for infill development.</i>
5/13/14	Resolution 2014-25 provides sufficient water services to ensure full development of the vacant or underdeveloped properties in the City. <i>Other (describe how this meets subarea objective)</i>
2/28/14	Draft Wastewater Master Plan was also adopted by City Council as a way to verify that the City has sufficient capacity to process wastewater from existing and proposed development.
<b>Promote Resource Protection</b>	
<i>Protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands; natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands; recreation lands such as parks, trails, greenbelts, and other open space; and landscapes with locally unique features and areas identified by the state as deserving special protection.</i>	
Wetlands identified on City maps within the City as well as those on the perimeter of town are protected from impact. Existing parks have received grants for improvements.	
<i>Actively seek a variety of funding opportunities to promote resource protection in underserved communities.</i>	
Funding has been provided to the City through multiple grants that are being used specifically to improve parks, trails, greenbelts and other open space.	
<i>Other (describe how this meets subarea objective)</i>	
<b>Encourage Efficient Development Patterns</b>	
<i>Ensuring that any infrastructure associated with development, other than infill development, supports new development that does the following:</i>	
<i>(1) Uses land efficiently.</i>	
The City has ongoing development within an area that received an annexation and sphere of influence adjustment. The approved new land uses are being used for moderately priced housing as well as a future shopping center. All other developable areas of the City are considered infill.	

**Attachment 3: State and Other Planning Priorities Certification (Page 2 of 3)**

<i>(2) Is built adjacent to existing developed areas to the extent consistent with environmental protection.</i>	
	The Pasadera development is adjacent to existing development in the City.
<i>(3) Is located in an area appropriately planned for growth.</i>	
	This area received approvals from LAFCo as well as City Council for a logical extension and expansion of the City.
<i>(4) Is served by adequate transportation and other essential utilities and services.</i>	
	All services are provided for this large housing development and future school and shopping center site.
<i>(5) Minimizes ongoing costs to taxpayers.</i>	
	The developer has agreed to special payments to the City as part of a recorded Development Agreement. These payments help defray costs to the general public for services.
<i>Other (describe how this meets subarea objective)</i>	

**Other Planning Priorities**

<b>Affordability and Housing Choices</b>	
<i>Incentives and other mechanisms beyond State Density Bonus Law to encourage housing with affordability terms.</i>	
5/25/20	Worked with developer to process and approve an 80-unit low income apartment complex with 19,000 square foot community center to replace 26 very old duplex units.
<i>Efforts beyond state law to promote accessory dwelling units or other strategies to intensify single-family neighborhoods with more housing choices and affordability.</i>	
2/27/20	Staff completed the final amendment to the ADU zoning ordinance which now harmonizes the State's latest revisions to the ADU and Jr. ADU programs.
<i>Upzoning or other zoning modifications to promote a variety of housing choices and densities.</i>	
9/25/19	City Council initiated a General Plan and Rezone amendment to upzone two areas of the City, currently being worked on by planning staff.
<i>Utilizing surplus lands to promote affordable housing choices.</i>	
9/25/19	Initiation of the General Plan and Rezone amendment will convert excess General Commercial land into high density residential.
<i>Efforts to address infrastructure deficiencies in disadvantaged communities pursuant to Government Code Section 65302.10.</i>	
All services are meeting state requirements. The Public Facilities Element of the upcoming General Plan update will fully address services.	
<i>Other (describe how this meets subarea objective)</i>	

**Attachment 3: State and Other Planning Priorities Certification (Page 3 of 3)**

**Conservation of Existing Affordable Housing Stock**

*Policies, programs or ordinances to conserve stock such as an at-risk preservation ordinance, mobilehome park overlay zone, condominium conversion ordinance and acquisition and rehabilitation of market rate housing programs.*

*Policies, programs and ordinances to protect and support tenants such as rent stabilization, anti-displacement strategies, first right of refusal policies, resources to assist tenant organization and education and "just cause" eviction policies.*

*Other (describe how this meets subarea objective)*

**Climate Adaptation**

*Building standards, zoning and site planning requirements that address flood and fire safety, climate adaptation and hazard mitigation.*

9/11/18      The adopted Hazard Mitigation Plan addresses Guadalupe's impacts from flood, fire, and climate adaptation.

*Long-term planning that addresses wildfire, land use for disadvantaged communities, and flood and local hazard mitigation.*

The adopted Hazard Mitigation Plan is part of a multi-jurisdictional effort including the County Association of Governments (SBCAG), Santa Barbara County, Guadalupe and the other seven cities.

*Community engagement that provides information and consultation through a variety of methods such as meetings, workshops, and surveys and that focuses on vulnerable populations (e.g., seniors, people with disabilities, homeless, etc.).*

4/22/19      Multiple community forums for the draft GP and Housing Element Update started in 2017 (4 workshops), and Resiliency Study and Mobility Study workshops have been conducted. The Mobility Study has been adopted.

*Other (describe how this meets subarea objective)*

**Certification:** I certify under penalty of perjury that all information contained in this LEAP State Planning and Other Planning Priorities certification form (Attachment 2) is true and correct.

Certifying Officials Name: Todd Bodem

Certifying Official's Title: City Administrator

Certifying Official's Signature:  Date: 6/23/20

**RESOLUTION NO. 2020-42**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA,  
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL GOVERNMENT PLANNING  
SUPPORT GRANT PROGRAM FUNDS**

**WHEREAS**, pursuant to Health and Safety Code 50515 et. Seq. the Department of Housing and Community Development (Department) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or LEAP; and

**WHEREAS**, the City Council of the City of Guadalupe desires to submit a LEAP grant application package ("Application"), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and

**WHEREAS**, the Department has issued a NOFA and Application on January 27, 2020 in the amount of \$119,040,000 for assistance to all California Jurisdictions;

**NOW, THEREFORE**, the City Council of the City of Guadalupe ("Applicant") resolves as follows:

- Section 1. The City Administrator is hereby authorized and directed to apply for and submit to the Department the Application package;
- Section 2. In connection with the LEAP grant, if the Application is approved by the Department, the City Administrator of the City of Guadalupe is authorized to submit the Application, enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of \$65,000.00, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant's obligations related thereto, and all amendments thereto; and
- Section 3. The Applicant shall be subject to the terms and conditions as specified in the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds

for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

**PASSED, APPROVED AND ADOPTED** at a regular meeting on the 23<sup>rd</sup> day of June, 2020 by the following vote:

**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. 2020-42**, has been duly signed by the Mayor and attested by the City Clerk, all at the regular meeting of the City Council, held June 23, 2020 and that same was approved and adopted.

**ATTEST:**

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

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Philip F. Sinco, City Attorney

## Appendix A

### Continuation of C. Project Description

#### B. Tasks / Sub-tasks -

\*RFP to solicit firms to prepare the Administrative, Draft, and Final EIR based on the draft General Plan prepared through funding by the SB2 grant

\*Finalize General Plan through adoption of the EIR by the City Council

#### C. Summary of the plans for adoption or implementation -

\* Once the General Plan has been adopted along with the Tiered FEIR, future residential projects requiring environmental review will be able to utilize the FEIR as their base CEQA document and thus save months in the normal processing of a Negative Declaration or Mitigated Negative Declaration. Smaller projects will continue to receive Categorical or General Exemptions under CEQA.

\* With inclusion of new General Plan elements and expanded existing elements, policy consistency will be easier to determine with clearly written Policies thereby reducing processing time and uncertainty for the developer.

Guadalupe is considered a low-income Community under AB 1550 and the Centers for Disease Control ranks the city in its highest quartile for overall social vulnerability. The median household income in 2015 was \$43,710 which was nearly 32 percent lower than the median income of Santa Barbara County. In 2015, the City of Guadalupe had a total population of 7,218 people, an increase of 1,559 people since 2000. The median age in Guadalupe was 27 years old, indicating a relatively young population compared to Santa Barbara County. Over 85 percent of the population in Guadalupe identified as Hispanic or Latino, making it the largest racial group in the City, followed by 7.1 percent white, 2.6 percent Asian, 2.4 percent Native American, Black or African American and people of two or more races composing the last 2.5 percent of the population.

Given the high percentage of low income households and the high percentile of Hispanic or Latino population, the new Environmental Justice Element will ensure that future development addresses the many areas contained in the element. The EIR will be able to provide adequate mitigation to ensure that the new element is fully implemented.

The City is fortunate to have partnered with People's Self Help Housing and Housing Authority of the County of Santa Barbara, both of which focus on low income housing and farmworker housing. Both of these firms will be able to benefit with savings in time and processing costs when the FEIR is in place.

Continued in Appendix B

## Appendix B

Various elements of the updated General Plan and subsequent Final EIR will address 15-Minute (Complete) Neighborhoods. Guadalupe is a small town with only one elementary school, and one junior high school. Most students are able to walk, but some rely on busses. A second elementary school is proposed in a new large housing development currently under construction. Once half of the homes are constructed, then a new commercial center will also be constructed, which is key to the Complete Neighborhood concept for providing shopping within a 15-minute walk. Many portions of town are within a 15-minute walk to grocery stores and other businesses. Additional grants have been obtained to make significant improvements to local parks which are used as community gathering places. These will all be analyzed in the appropriate element(s) of the GP update and through the EIR.

Parallel to the General Plan update, staff is processing two upzones that will increase densities from single family to multifamily in one area and convert underutilized general commercial to high density residential. Rough estimates show that there could be over 250 new units if all areas were developed (or redeveloped) at the higher residential densities. Both of these will have a positive impact on housing which, if trends continue, will be used to produce additional low income and farmworker housing.

Proposals for the GP update have indicated that they will be converting the Circulation Element to VMT from LOS. The element will also incorporate findings and policies from the recently completed Mobility Study. A recent ATP grant from Caltrans has improved safe routes to school, added missing sidewalks, and improved crossings at various points along Hwy 1. The 2014 Bicycle and Pedestrian Master Plan will be incorporated into the Circulation and Environmental Justice Elements.

While the City doesn't have an inclusionary housing program in place, several housing projects currently under construction will be providing low income housing. Many of the units currently under construction are providing multiple levels of low income housing (including extremely low) through various Federal and State housing programs. All housing projects would be able to take advantage of the Tiered EIR review process.

The ProHousing Program will be easier to implement in Guadalupe after completion of the General Plan update and this proposed EIR. Prohousing policies in Guadalupe include: 1) Upzoning to exceed our Cycle 5 RHNA numbers, 2) New ADU zoning ordinance that encourages ADUs and Jr.ADUs, and 3) Streamlining permit processing with use of a tiered EIR.

A Resilience study is also underway in Guadalupe. Portions of that study will be incorporated into various elements of the updated General Plan.





**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE**  
**Agenda of June 23, 2020**

151

Presented by:  
Michael Cash, Director of Public Safety

Approved by:  
Todd Bodem, City Administrator

**SUBJECT:** Approval to create the following positions;  
Emergency Preparedness Coordinator and Code Compliance Officer.

**RECOMMENDATION:**

It is recommended that the City Council provide approval for the Guadalupe Department of Public Safety for the creation of the following positions;

- Emergency Preparedness Coordinator
- Code Compliance Officer

This would be accomplished through utilizing existing budgeting.

**BACKGROUND:**

*The Emergency Preparedness Coordinator* oversees disaster preparedness training and programs for the public within the Police and Fire Department; develops and implements training for City staff and officials in emergency preparedness and the Emergency Operations Center (EOC) functions; maintains and updates the City's emergency response plans; and coordinates volunteer activities.

The Emergency Preparedness employee coordinates training on the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS) completes plans and maintains training records; manages CERT Teams, supports the Emergency Preparedness working group; ensures compliance with the Governor's Office of Emergency Services and maintains Emergency Operation Center equipment consistent with SEMS, NIMS, and Incident Command System (ICS) guidelines.

The presence of an Emergency Preparedness Coordinator would enhance the City's capability to secure grants and funding for emergency preparedness training and supplies from state and federal governmental agencies.

*Code Compliance Officers* help maintain and improves the quality of our community by administering a fair and unbiased enforcement program to correct violations of property conditions and land use

requirements, working with the Police and Fire Department, the Building and Planning Department, community volunteer groups, public service agencies, and other interested people. They facilitate voluntary compliance with City laws and codes, empower community self-help programs, develop public outreach programs, and establish community priorities for the betterment of its citizens.

**DISCUSSION:**

In the past during a severe budget and finance crisis, the City Council established The Department of Public Safety and combined the administrative operations of the Fire Department and the Police Department under the Office of the Chief of Police. This unique model has shown success for the City of Guadalupe but the operational aspects of this plan needs to be adjusted.

The positions of Emergency Preparedness Coordinator and Code Compliance Officer are necessary, vital, and essential to the well-being and quality of life for the citizens of Guadalupe.

Currently, the Chief of Police manages the operational and administrative portions of all of these job duties. Relief from this additional workload is important to the health of the entire Department. This level of work and additional workload cannot be sustained for any extended period of time.

**FISCAL IMPACT:**

Funding for the Emergency Preparedness Coordinator and the Code Compliance Officer would come from the budgeted vacant Police Sergeant position.

This action is warranted, fiscally sound and a needed improvement in city services.

**ATTACHMENTS:**

1. Resolution No. 2020-50 “creating two new classifications for the positions of Emergency Preparedness Coordinator and Code Recruitment for these positions”.
2. Emergency Preparedness Coordinator Job Description
3. Code Compliance Officer Job Description

**RESOLUTION NO. 2020-50**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE CREATING TWO NEW CLASSIFICATIONS FOR THE POSITIONS OF EMERGENCY PREPAREDNESS COORDINATOR AND CODE COMPLIANCE OFFICER, AND AUTHORIZING STAFF TO INITIATE RECRUITMENT FOR THESE POSITIONS**

**WHEREAS**, disaster preparedness training for Police and Fire Department personnel, as well as for every other City department is necessary, as we have learned as a result of the current Coronavirus pandemic as well as the increasing number of fires in California in recent years; and

**WHEREAS**, there are extensive requirements for training on the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS) including the need to plan for the training of City employees, maintain training records, ensure compliance with the Governor's Office of Emergency Services, and maintain Emergency Operation Center equipment consistent with SEMS, NIMS, and Incident Command System (ICS) guidelines; and

**WHEREAS**, providing this necessary emergency preparedness training for City employees and maintaining of training records, as well as ensuring compliance with other record preparation and maintenance is essential to maximize recovery of emergency response costs from the state and federal governments; and

**WHEREAS**, there has been an increasing acknowledgment that code compliance activities are important for maintaining quality of life issues in the City; and

**WHEREAS**, code compliance has become a specialized area of law enforcement; and

**WHEREAS**, the City's Fire Department has been responsible for code compliance activities for at least the last decade or so, but with the increasing need for code compliance services in the City, it is more efficient and economical for these services to be provided by specialized Code Compliance Officers rather than being handled by the City's Fire Department personnel; and

**WHEREAS**, the City has already combined the operations of the Police and Fire Departments into a consolidated Department of Public Safety, which has one director to manage both departments; and

**WHEREAS**, the Director of Public Safety currently has all of the responsibilities for emergency preparedness coordination in addition to being responsible for code compliance activities along with all other aspects of public safety; and

**WHEREAS**, an Emergency Preparedness Coordinator would enhance the City's capability to secure grants and funding for emergency preparedness training and supplies from state and federal governmental agencies; and

**WHEREAS**, Code Compliance Officer help maintain and improves the quality of our community by administering a fair and unbiased enforcement program to correct violations of property conditions

and land use requirements; and

**WHEREAS**, these positions are less costly than either a police officer or fire fighter position; and

**WHEREAS**, creating these two position classifications and hiring qualified candidates for them would free the Director of Public Safety to concentrate on other vital public safety duties and responsibilities; and

**WHEREAS**, staff has not requested any increase to the budget for the Department of Public Safety to fund these two positions and will, instead, use existing allocated budgeted funds for these positions.

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

**SECTION 1.** The position classification titled “Emergency Preparedness Coordinator” is hereby created and approved as outlined in Attachment 1 to this Resolution (Emergency Preparedness Coordinator Job Description), and the City Administrator is authorized to make minor changes to the position description as may become necessary in the future.

**SECTION 2.** The position classification titled “Code Compliance Officer” is hereby created and approved as outlined in Attachment 2 to this Resolution (Code Compliance Officer Job Description), and the City Administrator is authorized to make minor changes to the position description as may become necessary in the future.

**Section 3.** Staff is authorized to begin recruitment for the positions of Emergency Preparedness Coordinator and Code Compliance Officer within the existing allocated funding for the Department of Public Safety’s budget for FY 2020-21.

**PASSED, APPROVED AND ADOPTED** at a regular meeting on the 23<sup>rd</sup> day of June 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 C.C. **Resolution No. 2020-50** has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held on June 23, 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



## **CITY OF GUADALUPE**

### **EMERGENCY PREPAREDNESS COORDINATOR**

March 2020

#### **DEFINITION**

Under the administrative direction of the Director of Public Safety, the Emergency Preparedness Coordinator is responsible for assisting with the overall development of the City's Emergency Preparedness Response Plan.

#### **ESSENTIAL FUNCTIONS**

- **Develop the Emergency Preparedness Plan for the City of Guadalupe**
- **Provide guidance and consultation to department(s) coordinators in developing the Emergency Preparedness Plan and Procedures**
- **Design, coordinate and evaluate emergency management exercises; ensure that the City is adequately prepared for, and successfully carries out yearly emergency preparedness disaster drills**
- **Develop, organize and conduct disaster preparedness response training, including facility evacuation and all required standardized Emergency Management System training for staff and volunteers**
- **Manage and coordinate the Emergency Operations Center (EOC); in times of actual emergencies, respond and manage the EOC in directing emergency services**
- **Conduct annual review of the City Emergency Preparedness Plan, evaluated program compliance, and recommend policy and program changes**
- **Interpret emergency management rules and regulations; recommend policy and program changes to respond to changing requirements**
- **Prepare and maintain accurate records and reports in accordance with City, County, State and Federal rules and regulations**
- **Represent the City within the community and in professional organizations and associations; serve as a liaison with external emergency preparedness agencies**

**KNOWLEDGE/SKILLS**

- **Principles and practices of effective emergency preparedness system planning, oversight and training**
- **Effective public and community relations techniques**
- **Familiarity with identifying and applying for state and federal emergency preparedness grants, desirable**
- **Ability to analyze complex administrative and operational problems, evaluate alternatives and reach sound conclusions**
- **Principles and practices of effective verbal, written, and interpersonal skills**
- **Ability to collect, evaluate and interpret varied narrative and statistical information**

**EDUCATION/EXPERIENCE**

- **Minimum of High School diploma or equivalent; supplemented by college level coursework in emergency preparedness or related field; graduation from an accredited four-year college with a bachelor's degree, highly desirable**
- **Minimum of two (2) years experience in emergency planning with progressively responsible positions**
- **Familiarity with identifying and applying for state and federal emergency preparedness grants, highly desirable**
- **Certified in ICS, SEMS, NIMS, the FEMA series or related training programs, desirable**
- **Possession of a valid California Class "C" driver's license and satisfactory driving record**

**PHYSICAL REQUIREMENTS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job

- **Occasionally bend, stoop, crouch, kneel, handle, grip, grasp, extend neck upward, downward, or side-to-side**

**PHYSICAL REQUIREMENTS (cont'd)**

- **Occasionally reach above, at and below shoulder level**
- **Ability to lift, carry, push and pull materials and objects weighing up to 25 to 100 pounds or more**
- **Occasionally sits, and frequently stands or walks**
- **Visual acuity which could be corrected sufficiently to perform the essential functions of the position; average depth perception needed**
- **Ability to effectively verbally communicate to exchange information both in the office environment and in the field, to hear and comprehend oral instructions and communications in the office, in the field, especially during times of emergencies**
- **Frequently uses a computer and telecommunications equipment**

**WORK ENVIRONMENT**

- **The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.**
- **Works indoors majority of time**
- **Occasional works in inclement weather conditions and during emergency events in adverse environments that may include intense conditions**
- **Noise level in the work environment is moderate to loud in field settings and is usually quiet in the office**

***This job description is not intended to be all-inclusive. The employee may also perform other reasonably related duties as assigned by the Director of Public Safety.***





## **CITY OF GUADALUPE**

### **Code Compliance Officer**

January 2020

#### **DEFINITION:**

Under general supervision of the Director of Public Safety, the Code Compliance Officer, a single level position, performs a full scope of duties necessary to enforce the Municipal, State and Federal codes, as they relate to the regulation of public health and safety, land use, parking and neighborhood maintenance, providing information to businesses and the general public in code enforcement operations, and other duties as assigned.

#### **ESSENTIAL FUNCTIONS**

- Administers and coordinates the day-to-day operations of the City's code compliance program, which includes enforcement of City Ordinances including, but not limited to, sign violations, right-of-way obstructions, overgrown vegetation, and other general safety related codes
- Establishes and maintains positive and effective working relationships with the general public, community, property owners, City businesses, community groups, and other agencies
- Designs and implements a community outreach/education program to encourage cooperation in achieving compliance with adopted codes
- Performs field investigations and follow-up investigations, to promote compliance with adopted codes
- Ensures the correction of violations through verbal communications, written notices, and administration citations, as needed
- Observes safety principles and practices and works in a safe manner
- Performs other related duties, as may be required

#### **KNOWLEDGE/SKILLS**

- Principles, methods, techniques and practices of inspection and investigations

**KNOWLEDGE/SKILLS (cont'd)**

- **Current trends and developments in code enforcement**
- **Conflict resolution and voluntary cooperation practices**
- **Municipal code, building code and property maintenance code enforcement methods and procedures**
- **City parking rules and regulations**
- **Land use concepts and zoning principles**
- **Ability to read and understand site plans, construction plans, maps, drawings, specifications, legal descriptions, contract documents, criminal codes, penal codes, graphs and building and use permits**
- **Effective public and community relations techniques**
- **Principles and practices of effective verbal, written and interpersonal skills**

**EDUCATION/EXPERIENCE**

- **Minimum High School Diploma or equivalent, preferably applicable specialized coursework or training in code enforcement, building inspection, or a related field**
- **One year experience in either building construction inspection or varied responsibly work at a skilled level in code enforcement, OR two (2) years extensive public contact experience involving difficult conflict resolution**
- **Possession of a valid California Class "C" driver's license and satisfactory driving record**
- **Completion of California Association of Code Enforcement Officer Basic course or the ability to obtain within one year of hire, required**
- **Certification of the following courses or ability to obtain within one year of hire, as required: CA Penal Code 832 and Property Maintenance Inspector by the International Code Council, and designation as a Certified Code Enforcement Officer by the CA Association of Code Enforcement Officers**

## **PHYSICAL REQUIREMENTS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

- Occasionally bend, stoop, crouch, kneel, handle, grip, grasp, extend neck upward, downward, or side-to-side
- Frequently reach above, at and below shoulder level
- Ability to lift, carry, push and pull materials and objects weighing up to XXXX to XXX pounds or more
- Visual acuity which could be corrected sufficiently to perform the essential functions of the position; average depth perception needed
- Ability to effectively verbally communicate to exchange information both in the field and in an office environment, to hear and comprehend oral instructions and communications, and to effectively hear construction and traffic noise in the field
- Occasionally sits, and frequently stands or walks
- Occasionally uses a computer and telecommunications equipment

## **WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Occasionally works in outside weather conditions and is exposed to wet and/or humid conditions
- Occasionally works near moving mechanical parts and in high, precarious places
- Noise level in the work environment is moderate to loud in field settings and is usually quiet in the office

*This job description is not intended to be all-inclusive. The employee may also perform other reasonably related duties as assigned by the Director of Public Safety*

GUADALUPE POLICE DEPARTMENT  
MONTHLY ADMINISTRATIVE OPERATIONAL DATA SUMMARY  
MONTH OF MAY 2020

## PART I: CRIMES

TYPE OF CRIMES	THIS MONTH		THIS MONTH LAST YEAR		THIS YEAR TO DATE		LAST YEAR TO DATE	
	REPORTED	CLEARED	REPORTED	CLEARED	REPORTED	CLEARED	REPORTED	CLEARED
187 PC HOMICIDE	0	0	0	0	0	0	0	0
261 PC RAPE	0	0	0	0	0	0	0	0
211 PC ROBBERY	0	0	0	0	0	0	0	0
242/245 PC ASSAULT	2	2	6	6	15	14	28	23
459 PC BURGLARY	1	0	1	0	8	1	6	1
484/487 PC THEFT	1	0	2	0	11	0	9	0
10851 VC VEH THEFT	3	0	1	1	9	5	9	6
451 PC ARSON	0	0	0	0	1	1	0	0
<b>TOTAL</b>	<b>7</b>	<b>2</b>	<b>10</b>	<b>7</b>	<b>44</b>	<b>21</b>	<b>52</b>	<b>30</b>

## PART II: REPORTED CRIMES

REQUEST FOR SERVICE	THIS MONTH	THIS MONTH LAST YEAR	THIS YEAR TO DATE	LAST YEAR TO DATE
TOTAL REPORTS TAKEN	58	70	346	333
TOTAL REQUEST FOR SERVICE	336	234	1,403	1,020
TOTAL ACTIVITY FOR THE MONTH	<b>394</b>	<b>304</b>	<b>1,749</b>	<b>1,353</b>
DOMESTIC VIOLENCE REPORTS	0	2	8	12
TOTAL PROPERTY STOLEN	<b>\$10</b>	<b>\$4,726</b>	<b>\$11,100</b>	<b>\$11,186</b>
TOTAL PROPERTY RECOVERED	<b>\$0</b>	<b>\$1,200</b>	<b>\$50</b>	<b>\$23,745</b>

## PART III: ARREST SUMMARY

OFFENSES	THIS MONTH		THIS MONTH LAST YEAR		THIS YEAR TO DATE		LAST YEAR TO DATE	
	ADULTS	JUVENILES	ADULTS	JUVENILES	ADULTS	JUVENILES	ADULTS	JUVENILES
FELONY	5	1	5	2	36	6	31	4
MISDEMEANOR	12	0	11	2	55	1	44	13
<b>TOTAL</b>	<b>17</b>	<b>1</b>	<b>16</b>	<b>4</b>	<b>91</b>	<b>7</b>	<b>75</b>	<b>17</b>
23152(a&b) VC ARREST	<b>1</b>		<b>4</b>		<b>13</b>		<b>15</b>	
WARRANT ARREST	<b>4</b>		<b>4</b>		<b>13</b>		<b>14</b>	

NOTE: DUI AND WARRANT DATA ARE INCLUDED IN ABOVE ARREST TOTALS





# GUADALUPE FIRE DEPARTMENT



7a.

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

**DATE:** 06/03/2020

## 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	2	2	18
Animal Nuisance (Odor, Noise) (GMC 6.04.100 (A,E))	0	0	6	2
Fowl, Livestock and Wild Animals (GMC 6.04.210)	0	0	2	6
Litter Accumulation (GMC 8.12.020)	4	0	19	53
Abatement of Weeds and Rubbish (GMC 8.16.010)	4	0	15	81
Unsafe Living Conditions (GMC 8.40.020)	0	0	0	3
Unlawful Property Nuisance (GMC 8.50.070)	0	0	8	25
Graffiti Abatement (GMC 9.07.060)	0	0	6	14
Abandoned Vehicles (GMC 10.36.010)	0	0	26	72
Unapproved Vehicle Covers (GMC 10.36.010)	0	0	4	0
Portable/fixed basketball goals (GMC 10.48.050)	0	0	6	1
Yard Sale Signs (GMC 12.13.010)	0	0	3	14
Tampering with Water Service (GMC 13.04.200)	0	0	0	0
Working Without Permits (GMC 15.04.020)	0	0	1	17
Address Number (GMC 15.08.020 (505.1))	0	0	5	32
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)	2	0	48	87
Landscape Maintenance Required (GMC 18.64.120)	0	0	14	35
Inspection/Complaints (No Violation Found)	0	0	11	6
Apartment Inspections	0	0	84	261
Yearly Business Inspections	0	0	40	57
Other	0	0	28	94
<b>TOTAL</b>	<b>10</b>	<b>2</b>	<b>328</b>	<b>882</b>
<b>Complaints Received</b> (November – May)	<b>12</b>	<b>5</b>	<b>44</b>	<b>N/A</b>

Miscellaneous	This Month	Last Month	Year to Date (2019-2020)	Year to date (2018-2019)
Visitors	61	32	883	1219
Public Relations ()	2	1	19	14
School Visits ()	0	1	4	18

**CALLS FOR SERVICE May, 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	30	21	335	311
Structure Fire	0	2	2	2
Cooking Fire	0	0	3	1
Trash or Rubbish Fire	1	0	4	3
Vehicle Fire	0	0	1	2
Grass/Vegetation Fire	0	0	4	0
Other Fire	0	1	2	3
Motor Vehicle Accidents with Injuries	1	1	20	19
Motor Vehicle Accidents No Injuries	1	3	15	25
Motor Vehicle/Pedestrian Accident	0	0	1	5
Hazardous Materials Spill/Release	0	0	7	5
Hazardous Condition Other	0	0	3	21
Water Problem/Leak	0	1	4	12
Animal Problem / Rescue	0	0	2	3
Search / Rescue	0	0	0	1
Public Assistance	2	0	17	26
Police Matter/Assistance	0	0	5	9
Illegal Burn	0	0	0	0
Smoke/CO Detector/Fire Alarm Activation	0	1	10	21
Dispatch and Canceled En-route	4	2	31	35
False Alarm	0	1	8	6
<b>TOTAL</b>	<b>39</b>	<b>33</b>	<b>474</b>	<b>510</b>

**Additional Information**

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

**Special Coverage:**

- PCF's covering open spot.

7b.



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

**Memorandum**

**To:** Todd Bodem, City Administrator  
**From:** Anna Marie Santillan Michaud, City Treasurer  
**Subject:** Treasurer's Report – May 2020  
**Date:** June 12, 2020

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

- MKL \$85,647.00 received 05/13/20 Professional Consultants Period 07/03/18 thru 03/31/2019 (Pasadera).
- MKL \$46,264.00 received 05/19/20 Impact Fees (Pasadera)
- DOT \$17,546.00 received 05/29/20 Dept of Transportation. (DOT/Caltrans is related to the Mobility and Revitalization project)



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

Local Agency Investment Fund ("LAIF") Account 98-42-346	\$8,418,992.71
<b>Total Investments</b>	<b>\$ 8,418,992.71</b>

Cash	
Checking Account 155-503815 ("Warrant Account")	\$315,479.56
Checking Account 155-003261 ("Payroll Account")	\$ 375,340.65
<b>Total Cash</b>	<b>\$ 690,820.21 *</b>

\*Actual ending balances reconciled to Bank Statements

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

Investments and Cash	April 30, 2020	May 31, 2020
Investments	8,418,992.71	8,418,992.71
Cash	891,785.72	690,821.21
<b>Total</b>	<b>\$ 9,310,778.43</b>	<b>\$ 9,109,813.92 **</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: 6/12/2020

*Anna Marie Santillan Michaud*

**Anna Marie Santillan Michaud  
City Treasurer**



7c.

Human Resources  
918 Obispo Street  
P.O. Box 908  
Guadalupe, CA 93434  
Ph: 805.356.3893  
Fax: 805.343.5512

Email: [egerber@ci.guadalupe.ca.us](mailto:egerber@ci.guadalupe.ca.us)

## HUMAN RESOURCES MONTHLY REPORT MAY 2020

### DEPARTMENT REPORT

- **Police Department**

Frank Medina was sworn in at City Council Meeting as Police Sergeant 5/12/20.

Paola Estrada is a temporary employee serving as Social Media Coordinator to assist during the COVID-19 pandemic. Her assignment will continue through June, but not expected for the entire summer.

- **Fire Department**

Jacob Nuno accepted offer of employment as Fire Engineer 5/4/2020; and took a ceremonial Oath of Office at City Council Meeting 5/12/2020.

Continued review of the Memorandum of Understanding draft for Fire.

### WORKER'S COMPENSATION

An Industrial Disability Retirement was agreed upon by both parties, for an employee who could not return to work with the permanent and stationary work restrictions, effective 5/30/20.

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

- **Ergonomic Workstations**

Ergonomic solutions were ordered for those workstations that pose a potential worker's compensation claim, and for those employees who remain working full-time at City Hall (rather than telecommuting). New chairs, keyboard trays, and computer risers were ordered based upon recommendations by CJPIA for six employees. Ergonomic solutions for an additional six employees are planned for next fiscal year, FY 20-21.

## STATE OF EMERGENCY

- COVID-19

Santa Barbara County Public Health Department issued Order 2020-8, a Stay Well At Home Order, starting 5:00 p.m. (PDT) Friday April 24, 2020 until 5:00 p.m. (PDT), on May 31, 2020. The new order stipulates the following: Certain essential businesses may open with modified operations and social distancing protocols including but not limited to public and private golf courses, faith-based organizations, botanical gardens, and more.

A press conference and press release were broadcast, however, many local businesses did not know how to interpret or follow the new social distancing protocols for their customers and employees. A packet of information was designed to inform the Business Owner and/or Manager(s) of the ordinance guidelines, as well as provided posters to place in business regarding COVID-19 hygiene best practices and new CDC symptoms. The packet included English and Spanish enclosures; mailed out May 1, 2020.

Santa Barbara County began the reopening of a limited number of specified, low-risk businesses May 8, 2020. Information provided in Governor Newsom's Executive Order N-60-20 provides guidance regarding the criteria and procedures with which Santa Barbara County is moving through Stage 2 of the Governor's 4-Stage Process. An additional packet of enclosures outlined which types of businesses this applies to, Phase II of the CA Resilience Roadmap, and the Social Distancing Protocol Checklist Form, Attachment E - Health Officer Order 2020-8, County of Santa Barbara.

Telecommuting Agreements were re-evaluated and extended until May 15 for the following employees: Accounts Payable Clerk, Finance Business Manager, Finance Director, City Administrator Administrative Assistant; , and Human Resources Manager.

A temporary requirement to use face coverings to slow the spread of COVID-19 was issued as Health Officer Order No. 2020-10. This Order will be effective starting 5:00 p.m. (PDT) May 26, 2020, continuing until 5:00 p.m. (PDT), on June 30, 2020 or until it is extended, rescinded, superseded, or amended in writing by the County of Santa Barbara Health Officer.

The Stay Well At Home Order was modified and reissued as Health Officer Order No. 2020-8 3. This Order is also effective starting 5 p.m., Tuesday May 26, 2020 and continuing until 5 p.m., on June 30, 2020 or until it is extended, rescinded, superseded, or amended in writing by the County of Santa Barbara Health Officer. The Health Officer Order provides updated guidance for places of worship and providers of religious services and cultural ceremonies, graduation ceremonies, hair salons, and barbershops.

- **NATIONAL PROTESTS**

Law enforcement agencies in Santa Barbara County were notified per our mutual aid agreements, to pre-identify personnel to mobilize for deployment to assist other agencies confronting rioters in their jurisdictions, effective 5/30/20. The City committed to deploy two officers who are rotated with other personnel every three days. Our officers are reporting to Los Angeles County.

Quarantine protocols for these officers include COVID-19 testing upon return.



Recreation and Parks  
918 Obispo Street  
P.O. Box 908  
Guadalupe, CA 93434  
Ph: 805.356.3894  
Fax: 805.343.5512

Email: [cguzman@ci.guadalupe.ca.us](mailto:cguzman@ci.guadalupe.ca.us)

## RECREATION AND PARKS MONTHLY REPORT May 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	0	17	281	217
O'Connell Park	0	2	8	15
LeRoy Park	0	0	3	3
Senior Center	4	7	186	53
City Parking Lot	0	0	7	3
Council Chambers	6	18	105	98

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

Due to the COVID-19 virus and City's policy to minimize the use of City facility resulted in zero planned events for the City Hall Auditorium and City Parks. The senior / Community Center continued to be used to accommodate the weekly Foodbank distribution.

As previously reported the City Senior Community Center continues to be a host for one of three Santa Barbara County Food Bank Distribution sites here in Guadalupe. Our group of Volunteers has provided food assistance to our Community as follows:

		Families Served	Individuals Served
March 2020	Week 1	119	537
April 2020	Week 2	226	1011
	Week 3	227	1031
	Week 4	291	1282
	Week 5	236	1065
	Week 6	236	1021
May 2020	Week 7	238	1093
	Week 8	260	1183
	Week 9	222	1127
	Week 10	250	1071
Approximate totals Through May		2305	10421

As you can see by the numbers, this service has been a very steady and welcomed endeavor for the community. I applaud and would like to thank all of our 63 Volunteers to date, for their time, hard work and the many health sacrifices each Volunteer has made in service to the Community of Guadalupe. I would like to especially thank: Richard (Deek) Segovia, who bravely volunteered even after undergoing oral surgery the day before! Penny Chamousis, City Recreation Commissioner, Gilbert Robles and spouse Esther Robles, Jesse Ramirez and Cesar Ramirez. These volunteers have all been instrumental during the food bagging process but also very important in providing home delivery service to those individuals of the public who are either elderly or home bound. In addition, a special thanks goes out to Marcus Guzman who has volunteered every week and has generously provided our volunteers with much needed the ice-cold beverages. Finally, again a special shout-out and thanks to Mayor, Ariston Julian and Lourdes Ramirez-Julian, who has also provided coffee and donuts and Mexican sweet breads (pan dulce), for their hard work, dedication and leadership in accomplishing our weekly goal in providing a little cheer and happiness to the community of Guadalupe. I would also like to thank Wendy Domanski of C.A.R.E.4Paws for her contribution in providing pet (Cats and Dogs) food supplies to the community.

In addition, due the COVID City policy on meetings, the City Recreation Commission has been unable to meet for the last couple of months. As a result, in an effort to keep the Commissioners updated and informed on Recreation and Parks business, I provided the Commission with an informational Summary on City Recreation and Parks business, accomplishments and updates covering the period September 2019 through May 2020. I have attached this Summary for your consideration.

Respectfully,

Charlie Guzman  
Recreation Coordinator  
City of Guadalupe



## Summary of Some of the City of Guadalupe Recreation and Parks Accomplishments since September 2019

- Retained / hired the Current Recreation Coordinator (Sept 2019).
- City Council and City Administrator reestablished the Recreation Commission (Sept 2019).
- City Appointed the Five New Recreation and Parks Commissioners (Oct 2019).
- Recreation Coordinator negotiated with local Fraternal and Non-Profits for standing organizational meetings and date(s) utilizing City facilities. Those groups included the following:
  - Kiwanis
  - Lions Club
  - Senior / Community Advisory Committee
  - Vietnam Veterans of America Chapter 982
  - Narcotics Anonymous
  - Knights of Columbus
- City completed the refinishing / restoration of the City Hall Auditorium floor.
- The Senior / Community Center was reconfigured to use site for up to three different events.
- Entered into agreement with Dignity Health to provide City facility space for Health Workshops.
- Entered into agreement to provide City facility space for HI-Cap Medicare Counseling Assistance.
- Continued the City's collaboration with the local School District and The Boys and Girls Club of the Mid Coast, Guadalupe Bulldogs Football Club and Guadalupe Wrestling Club to provide recreational program opportunities to the community youth.
- Initiated contacts and discussion with Peoples Self Held Housing / Riverview Community neighborhood area to establish possible recreational soccer opportunities.
- Agreed to provide the management and volunteers for a weekly sponsored Santa Barbara County FoodBank Distribution site utilizing the City's Senior / Community Center. The program started in late March 2020 and has yielded through 5/7/20 food assistance to 1573 families and 7040 individuals living in our Community.
- Also tentatively entered into an M.O.U. Santa Barbara County FoodBank to serve as a "Home Delivery Hub" utilizing the City Hall Auditorium as a storage, packaging and preparation of food and nutritional supplies for delivery to Seniors and other individuals at-high-risk of infection.
- Provided opportunities for the Community owning pets to have food and vaccine services by the C.A.R.E. 4Paws non-profit organization.
- The City Recreation and Parks facility fee schedule was updated to help offset operational costs for all City managed building and park sites.
- The City Recreation and Parks Department and Recreation Commission continue to work closely with the RCDCC staff in the development of the LeRoy Park Renovation project.
- The City has also reestablished negotiations with American Legion Post 371 on the use and management of the City owned Veterans Hall.
- For the period Sept 2019 through April 2020 the City has provided Recreation and Parks facilities for 536 separate community events.
- Via a Cal Fire grant initiated through the non-profit- "Your Children's Trees", 25 trees have been planted at our Tognazzini Park and 15 at our Central Park here in Guadalupe. These planting were spear headed by the City Mayor- Ariston Julian and Volunteers.


(The underlined are ongoing City-Wide Goals for FY 19-20, 20-22)

5/12/20





**REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE**  
**Agenda of June 23, 2020**

  
for Charlie Guzman  
**Prepared by:**  
**Charlie Guzman, Recreation Coordinator**

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

**SUBJECT:** Request by Sam Duarte, Director of The Little House by the Park to use the Downtown Parking Lot (AKA, Veterans Memorial Plaza) for a Fireworks sale fundraiser.

**RECOMMENDATION:**

Presently the City of Guadalupe Recreation Commission and the Recreation Coordinator have no recommendations as the Commission has not met due to the COVID-19 restrictions on meetings since this request was received.

**DISCUSSION:**

On 6/1/20 the City Recreation Department received a Special Events Facility Use rental application requesting the use of the City owned downtown parking lot, (aka Veterans Memorial Plaza) for a Fourth of July Fireworks fundraiser for their organization.

1. The Little House by the Park will be hosting this fundraising Fireworks sale(s) event from 6/27/20 through 7/4/20.
2. The City of Guadalupe Public Safety Director and Recreation Coordinator have reviewed the Application, calculated all fees and tentatively approved the application event pending the final application approval by the City Council.

**ATTACHMENTS:**

1. Special events rental application tentatively approved by the City of Guadalupe; Public Safety Director- Michael Cash and Recreation Coordinator – Charlie Guzman.



CITY OF GUADALUPE  
SPECIAL EVENT/STREET CLOSURE  
APPLICATION

Date of event must be more than 30 days from date of completed application is received by Administrative Services.

Application date: May 28, 2020

Name of Organization: Little House

Responsible Person-Name: Samuel Duarte

Address: 4681 11<sup>th</sup> St. Guadalupe CA 93454

Contact Phone number: 805 -

Purpose of Street Closure: N/A

Date of Street Closure: N/A

Description of area involved (please attach a diagram including traffic entrance and exit points):

N/A

Time starting: N/A

Time finished: See Attached

Total hours required for street closure. Please limit time to 6 hours or less: \_\_\_\_\_

For the purposes of completing this application, the word "unit" means a person, booth, vehicle or some other type of entry.

Total number of units: ONE TRAILER

Total number of units by type: Each shift will have

Booths: ONE TRAILER Persons: 5-6 at a time.

Vehicles: \_\_\_\_\_ Total Individuals Involved will be approx 25

Other: \_\_\_\_\_

Use space provided below to set forth any arrangements proposed for controlling or self-policing of units and rest of area involved.

Trailer will house fireworks (with P.D. ok)

Trailer will be returned each night to P.D. parking lot during event)

\$50. PER DAY

P.D. STORAGE OVER NIGHT

Samuel Duarte  
Responsible Person

11 DAY AT \$50 = \$550

Please attach a list of all vendors and charitable organizations approved by the applicant/organization and responsible person to sell goods or merchandise as part of the block party, if any, providing contact information including addresses and phone numbers. Please also include a site map.

Inspections required:

Yes \_\_\_ No \_\_\_

Public Works

Yes \_\_\_ No \_\_\_

Building Dept.

Yes X No \_\_\_

Fire Dept.

Fees:

Yes \_\_\_ No \_\_\_ Amount:

Yes \_\_\_ No \_\_\_ Amount:

Yes X No \_\_\_ Amount: \$ 79.00

**AGREEMENT FOR SPECIAL EVENT/STREET CLOSURE PERMIT**

The undersigned, herein known as the "Applicant", understands and agrees that applicant shall assume all risk for loss, damage, liability, injury, cost, or expense that may occur during, or as a result of

Firework Booth Fundraiser <sup>Activity</sup> Located at Downtown City Parking Lot  
Veterans Memorial Plaza <sup>Location</sup>

The Applicant further agrees that in consideration of permission to use the property above, Applicant will save, defend, and hold the City of Guadalupe and/or its employees free and harmless from any loss, claims, liability or damages, and/or injuries to persons and property that in any way may be caused by any acts or omissions of Applicant, its employees, or its agents.

The undersigned warrants that s/he has the legal authority and capacity to sign this Agreement on behalf of the organization listed below.

The undersigned has read, understands and will comply with the requirements and Codes of the City of Guadalupe.

05/28/2020  
Date

  
Signature of Applicant

By: Samuel Duarte  
(Print Name)

Title: Director

Organization: Little House



**CITY OF GUADALUPE**  
Parks & Recreation Department  
918 Obispo Street, Guadalupe, CA 93434  
(805) 356-3894 Telephone

**APPLICATION FOR FACILITY USE**

FACILITY REQUESTED	
City Hall: <input type="checkbox"/> Auditorium <input type="checkbox"/> Kitchen <input type="checkbox"/> Council Chambers	
<input type="checkbox"/> Senior Center <input checked="" type="checkbox"/> Downtown Parking Lot <input type="checkbox"/> O'Connell Park <input type="checkbox"/> LeRoy Park <input type="checkbox"/> Other _____	
Notes:	
Name: <u>Samuel Duarte</u>	Today's Date: <u>05-28-2020</u>
Address: <u>4681 11<sup>th</sup> Street</u>	City: <u>Guadalupe</u> Zip: <u>93434</u>
Telephone: _____	<u>805-343-1194</u>
Name of Organization: <u>Little House by the Park</u>	(Business) (Home)
Relationship to Organization: <u>Director</u>	
Purpose: <u>Firework Booth Fundraiser - Parent Leadership Project</u>	
Please check one box: <input checked="" type="checkbox"/> Non-Profit <input type="checkbox"/> Profit <input type="checkbox"/> Other	
Person in charge during event: <u>Samuel Duarte, Margarita Aguirre</u>	
EVENT INFORMATION	
Event Date: _____	<u>06/27/2020</u> to <u>07/04/2020</u> Event Type: <u>Fundraiser/Educational</u>
Hours: <u>9am</u> am/pm to <u>10pm</u> <u>One Hour</u> am/pm (Please include set-up and clean-up)	<u>10-11pm</u> <u>for cleanup each night</u>
Estimated Attendance: <u>800</u>	Youth <u>300</u> Adult <u>1100</u> Total
Percentage attending that are residence: <u>N/A</u> %	
Will alcohol be served? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, City Permits will be required.	
Will alcohol be sold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, City Permits will be required.	
Equipment Requested: (Check all that apply and give quantity desired)	
<input type="checkbox"/> Tables _____ <input type="checkbox"/> Chairs _____ <input checked="" type="checkbox"/> Other <u>CONES</u>	
Notes:	

**AGREEMENT FOR USE OF FACILITIES**

The undersigned, herein known as the Applicant, understands and agrees that he or she or the organization that he/she represents shall assume all risk for loss, damage, liability, injury, cost and/or expense that may occur during or as result of the use or occupancy of the facility. The Applicant further agrees that in consideration of permission to use the facility, he, she or the organization agrees to indemnify, hold harmless, and defend the City of Guadalupe, its elected officials, officers, agents, volunteers and employees, from any and all liability, actions, claims, damages, costs or expenses, including attorney's fees and costs and expenses of suit, which may be asserted by any person, including Applicant, from any cause whatsoever, directly or indirectly, arising out of or in connection with the activities of Applicant, its agents and employees, or their use or occupancy of the facility. Applicant's indemnification does not extend to claims occurring as a result of the City's sole negligence or willfully wrongful acts or omissions. The Applicant further agrees to be personally responsible for any damages sustained to the grounds, building, furniture or equipment as a result of occupancy of the facilities.

Signature *[Signature]* Date 05-28-2020

**SECURITY**

Security Officers Required  Yes  No Number Required \_\_\_\_\_

Security Service Confirmed  Yes  No Date: \_\_\_\_\_

Police Department Presentation Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**ASSIGNMENT & FEES**

Room/Location	Length	Rate	Sub-Total
		ONE TIME USE Fee	60.00
Personnel	Length	Rate	Sub-Total
		Public Safety Costs/Permit	629.00
Payment Method: <input type="checkbox"/> Check # _____ <input type="checkbox"/> Cash			Security Deposit Sub-Total
Notes: Public Safety Inspection Permit = \$79.00 P.d Storage - \$350.00			Cleaning Deposit \$100.00 (Refundable 50.00)
			Equipment Deposit
			Sub-Total \$789.00
			Total \$789.00
			Total Deposits
			Total Amounts

**APPROVAL**

Recreation Department Approval:  Yes  No  
Signature: *Charlie Guzman* Date: 6/4/20  
*Recreation Coordinator*

*Murder Cruz* 6/4/2020  
CHIEF OF POLICE