

MINUTES

City of Guadalupe

Regular Meeting of the Guadalupe City Council

Tuesday, January 25, 2022, at 6:00 pm

City Hall, 918 Obispo Street, Council Chambers

1. ROLL CALL:

Council Member Liliana Cardenas
Council Member Gilbert Robles
Council Member Eugene Costa Jr.
Mayor Pro Tempore Tony Ramirez
Mayor Ariston Julian

Meeting was called to order at 6:00 p.m. CM Costa, Jr. was absent. All others were present. (The abbreviation, "CM", will be used for Council Member in these minutes.)

2. MOMENT OF SILENCE

Mayor Julian asked to join in a moment of silence: 1) For our U.S. Servicemembers, our civil servants, firefighters, police officers and military personnel who have dedicated and lost their lives protecting our safety, our freedom and democracy; 2) Best wishes, health, and prayers for Mr. David Rodriguez for a speedy recovery; 3) Prayers and a moment of silence for those impacted by the Covid pandemic, and 4) Lastly, for those we personally and individually wish good health, thoughts, and prayers.

3. PLEDGE OF ALLEGIANCE

4. 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 business.

Ceremonial Calendar: Masatani's Market 100-Year Anniversary Proclamation – Postponed.

Item #11. Public Hearing: Conditional Use Permit (2021-151-CUP), for Mr. Patrick Kimbell, to allow re-establishment of a boardinghouse on the second floor at 823-829 Guadalupe Street (APN 115-112-003) – Applicant requested that staff pull the item. No discussion.

Item #16. Closed Session: Conference with Labor Negotiators – Cancelled.

5. CEREMONIAL CALENDAR

a. Masatani's Market 100-Year Anniversary Proclamation – previous noted as postponed.

b. Touch of Style, Car Club Proclamation

The proclamation was read by CM Robles. In part, it read that..."47 years ago, in the summer of 1974, the car club, Touch of Style, was established at Le Roy Park. Seventeen years ago, the club established their Show and Shine/Toy Drive event held in Guadalupe, where other clubs from all around the area and the state participate to gather toys to benefit the youth of Guadalupe. Over 5,000 toys have been donated to several organizations in Guadalupe just in time before the youth go on Christmas break. Touch of Style exemplifies the sense of community by supporting one another in time of need, supporting other residents in Guadalupe and supporting other clubs in surrounding areas."

Mr. John Watanabe, President of Touch of Style, accepted the proclamation along with Ruben Perales and Anthony Guerrero. Mr. Watanabe said, "I want to thank the City Council for this proclamation. We appreciate the City for recognizing us." Mayor Julian noted that on the wall in the chambers was a picture of Mr. Watanabe's father who had served on the City Council. The mayor said, "He sheds a lot of light on what you do as a club for the City of Guadalupe. When an organization asks for help, Touch of Style, is always there to help. They represent Guadalupe very well. We appreciate you all. Thank you."

c. Los Compas de Guadalupe Proclamation

CM Cardenas read the proclamation saying, "...Guadalupe has a large population of youth under the age of 18 for which the City prides itself...two years ago, youth from Guadalupe established a musical group named Los Compas de Guadalupe. The group auditioned for a talent show on one of the largest Spanish language media companies but did not make the first round...but they reauditioned a second time and were successful making it on the talent show. They persevered through their performances and made it to the talent show's final round. Their name and participation throughout the talent show highlight their pride in the City of Guadalupe."

Four gentlemen came forward to accept this proclamation. One of the group members, Mr. Anibal Perez, said, "On behalf of Los Compas de Guadalupe, I want to thank Guadalupe. We're very proud to be a part of this town. I was raised here and we're very proud to proclaim Guadalupe as the name where we're from. We're excited to accept this proclamation, and we thank the City of Guadalupe for it." Another member, Mr. Crescencio Perez, added, "I want to thank everyone who supported us. It's been a long way, two years. I want to thank the other members and my family. This is just the start of something big. I'm very proud to say that I'm from Guadalupe."

Mayor Julian said, "This group is representative of our youth here...what Guadalupe means to them and what they mean to Guadalupe. We appreciate the group. Continued success in the future. Thank you."

d. Human Trafficking Awareness Month Proclamation

CM Ramirez read the proclamation. In summary, the proclamation stated that ..."human trafficking is a form of modern slavery that occurs in every state, including California, where victims are forced to work in various forms of labor exploitation including, but not limited to, commercial sex acts and other services that are induced through force, fraud, or coercion. More than 40.3 million people

around the world are victims of human trafficking, with people being unaware that trafficking exists in their communities. Victims face a cruelty that has no place in a civilized world. It is a crime that tears at our social fabric, debases our common humanity, and violates what we stand for as a country. Santa Barbara County Human Trafficking Task Force is committed to using all applicable laws and resources for investigating human trafficking and prosecuting those engaged in it. Increased education and knowledge of in-state resources and services can help decrease the number of future victims. California ranks #1 in the country for reported human trafficking cases with the County being home to hundreds of survivors of trafficking and exploitation. Human Trafficking Awareness Month is an opportunity to recognize the critical role all Guadalupe residents play in preventing, reporting, and adjudicating these heinous crimes.”

Ms. Lorena Anguiana was present and accepted the proclamation. She said, “I am a human trafficking counselor for the Santa Barbara County Rape Center and Child Protection Center but tonight I come here as a member of the Human Trafficking Task Force. This proclamation is a clear message that combatting the issue of human trafficking is a priority in the community and we thank you. Trafficking, whether sex trafficking or labor trafficking, presents real concerns for those of us on the frontline. Risk factors have been exacerbated with loss of income due to the pandemic raising housing costs, etc. As a task force, we attack the issue from a multi-pronged approach. In 2013 a multi-disciplined coalition of law enforcement, service providers and community advocates was formed. We provide leadership, training, public awareness and outreach to the communities we serve. We undertake investigations and prosecutions while supporting the survivors we’re able to help. It hasn’t been easy, but our efforts have not been in vain. Since 2017 to date, there have been 192 new human trafficking investigations in Santa Barbara County with 183 new survivors identified. Of those 183, 30% were minors with an additional 33% within the 18-24 age group. 45% were Santa Barbara County residents prior to trafficking and an additional 44 were California residents. 91% being sex trafficking. The task force is a work in progress. As we continue our work, we are expanding to help those who are labor trafficked. Thank you again for this proclamation and on behalf of the entire task force, we appreciate the support.”

Mayor Julian added, “We appreciate the task force approaching us because human trafficking knows no boundaries, and we need to highlight that. Thank you for being here and moving us forward and acknowledging the community. There is a problem, but there is support from us to move forward. Thank you for being here.”

6. COMMUNITY PARTICIPATION FORUM

Each person will be limited to a discussion of three (3) minutes or as directed by the Mayor. 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.

Ms. Weipert on zoom asked for an update on Le Roy Park. Ms. Shannon Sweeney, Public Works Director said, “There’s a delay because there was a design error made by PG&E on the electric feed infrastructure and they quickly redesigned it. PG&E construction is scheduled to be complete by March 11th which is fairly quick. The contractor schedule is not yet fully adjusted to reflect the new

PG&E construction. Complete construction will be after the end of March, but much sooner than July, which was initially the worst-case schedule for PG&E.”

Reina Chavez from Guadalupe Community Changers reported on the December clean-up. She said, “Volunteers picked up 196 lbs. of trash for an annual amount of over 1,150 lbs. of trash removed from Guadalupe streets. Thank you for recognizing us last month. We would like to revisit some of the suggestions we made then, such as additional trash cans on Guadalupe Street, community education and review of the street sweeping schedule.” Mayor Julian commented, “Thank you for your service to our community. One other topic...COVID tests distribution. Do you have test kits for distribution?” Ms. Chavez said that they, in fact, did have a supply of COVID test kits. Mayor Julian ended by thanking her and the Community Changers for their service.

7. CONSENT CALENDAR

The following items are presented for City Council approval without discussion as a single agenda item 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.

- A. 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.
- B. Approve the Minutes of the City Council Regular Meeting of January 11, 2022, to be ordered filed.
- C. Adopt on second reading, Ordinance No. 2022-497 concerning Short-Term Rentals.
- D. Adopt on second reading, Ordinance No. 2022-498 and Ordinance No. 2022-499 affirming, revising, and setting fees and rates for water and wastewater service.
- E. Adopt Resolution No. 2022-04 authorizing submittal of application(s) for all CalRecycle grant and payment programs for which City of Guadalupe is eligible.
- F. Adopt Resolution No. 2022-05 approving the purchase of the O’Connell Park play structure from Zoom Recreation, Inc. in the amount of \$53,496.05.
- G. Adopt Resolution No. 2022-06 approving the City of Guadalupe COVID-19 Athletic/City Auditorium Facilities Use Procedure Agreement.
- H. Adopt Resolution No. 2022-07 regarding the Council’s granting of Mr. Nice Guy’s appeal of the rejection of its application for a commercial cannabis business permit at its meeting on January 11, 2022, with findings in support.

I. MONTHLY REPORTS FROM DEPARTMENT HEADS

- 1. Public Safety Department:

- a. Police Department report for November & December 2021
- b. Fire Department report for November & December 2021
- c. Code Compliance report for November & December 2021
2. City Treasurer's report for November & December 2021
3. Human Resources report for November & December 2021

Item #7.C. and Item #7.F. were pulled. Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to approve the balance of the Consent Calendar. 4-0 Absent: Costa, Jr. Passed.

Item #7.C. – Adopt a second reading, Ordinance No. 2022-497 concerning Short-Term Rentals.

Joseph & Robin Plassmeyer: *"We see a lot of good things happening around here and we'd like to add to that. This short-term rental ordinance is addressing potential nuisance and I don't think we are a nuisance or even a potential nuisance. We have reviews from our renters. We don't rent to anyone who doesn't have prior reviews. They're typical people, tourists. Typical families, people here working on projects, etc. It's in our best interest not to make noise or have parties. We talked to our neighbors and ask them if there are any problems, let us know. As for parking, they typically have one car. At our place, we have a two-car garage and two spots in front of the house. It's not like a beach city. That's not what's going on here. I hear parties going on in the neighborhood, not necessarily from short-term rentals. We come here as our second home, and we plan to retire here in five (5) years.*

With the number of maximum days at 120, we wouldn't be able to rent it out. Barely breaking even now. We didn't know there'd be a problem. It was a permitted use. We've spent \$12,000 landscaping. I did some research on Airbnbs in the area and they're some of the nicest houses there. So, I don't see maintenance as a problem. I would like to have heard from the people who had complaints. I'd like to have asked them if they knew a short-term renter that's a problem. We weren't given any notice either that this was happening. This is the first meeting we've been to. The only reason I found out was because of a reporter contacting me. We would have liked to have notice to be part of the discussion since it's our house that's in jeopardy. If you want, I can print out the messages from the people who stay. We ask the renters why they're coming to the area because we don't want just anybody in our house. They're under contract. So, if they break the rules, they're out."

Debra Vande Lune: *"I'm here to ask for the short-term rental ordinance be pulled until you can get some input from us. I know you don't have time to go through each one of them today. We don't have any hotels or motels here in Guadalupe. I want my guests to be respectful of my home, my neighborhood, and my neighbors, as well. I give them my home phone number so they can contact me. We just really want to be involved in the discussion because we don't want concerns. We want solutions. I think we all want the same thing, the best for Guadalupe. I'm a retired high school counselor. I'd be happy to participate in a group discussion to make this good for the City and good for everybody."*

Tom Sanchez: *"I want to thank the City Council of Guadalupe for the opportunity to voice our family home and our reasoning to use Airbnbs/short-term rentals versus renting. I understand the*

importance of the City Council and its decisions in creating a better community for everyone. I'm part of this community now. My mother and father worked in the fields in Central Coast. My father retired with an extensive background in law enforcement. My mother is a retired paralegal and retired real estate broker. Our family always had a goal of owning property in a community such as Guadalupe. We are now, as a family, the proud owners of a four-bedroom home west of PCH, know that this would be our forever vacation home with no intention of selling it. Maybe one day, living here permanently. We live in Fresno now. About 4-5 months out of the year, we'd live here and then rent it out for the rest of the year. Using Airbnb/short-term rentals gives me more control over renters. Different rights for short-term than long-term renters.

Airbnb renters are guests. The house is not the renter's property. I decided to use Airbnb after I purchased the house. I spelled out the provisions for the renters. I had a sign put up that said 'No Parties'. I require renters to sign contracts. The first guest was disrespectful, loud and noisy. The neighbors contacted me. I then implemented a \$1,000 security deposit and a stipulation on my Airbnb contract that if there were any complaints, the renter would lose the deposit and would be asked to leave that same day without prior warnings. That's the benefit of using short-term rentals. Also, whenever possible, we use only Guadalupe residents for jobs regarding our property, such as house cleaning staff, gardener, etc.

As an owner of property in the City of Guadalupe, I was disillusioned that the City Council did not inform me of these procedures and proceedings. I'm sure it was just an oversight. I was notified four (4) days ago about the Council's direction regarding short-term rentals. My family has been responsible, courteous, and invested a lot of money into this home. I wish the disdain for Airbnbs and short-term rentals had been communicated to me prior to this. In closing, I hope for a resolution that can be satisfying. Possibly, we can be 'grandfathered in' or, at least, we can have a say in the by-laws that you are suggesting. As of now, I don't know what they are, but it would have been great to have been part of that conversation. Thank you."

Woman on Zoom (unfortunately, her name couldn't be clearly heard): "The reason Airbnbs are good for Guadalupe is that they bring in revenue. There are public restaurants there that can be used by the renters. People come in from all areas, north and south. They see Guadalupe. They want to move here. All of this brings revenue to the community. Why would you want to do that? Of all the communities across California, this has got to be the harshest rules I've ever seen across the entire state of California. It's totally ridiculous. It's asinine. There are no HOAs there. We bought because there are no HOAs there and now you're forcing these rules. We're going to get misdemeanors if we don't follow them? There's something going on behind the scenes. Developers wants to build hotels and they don't want anyone to have Airbnbs. There aren't any hotels now and it may be sometime before there are any. There's something behind this. It's good for the City. You should really consider Airbnbs and not try to shut it down with every possible aspect that you possibly can. That's all I have to say. Thank you."

Courtney Cazenave: "I didn't know that short-term rentals was an issue coming up. I just purchased a duplex in Guadalupe because I transferred here with my job. I have a son who is disabled, and I bought the place, so he'd always have a place to go. I made the decision to do short-term rentals because I never know when he would like to move back or when he might need to come home. I thought short-term rentals would be good because I don't have to put people on notice or go through litigation to remove long-term renters. I was looking at college students at Hancock who might need

to stay here while they're in school or things like that. I'm a little shocked but I'm glad I came tonight to find out about this. But I think short-term rentals, in certain situations, is a good idea. Thank you."

Julio Chavez: "I also have a short-term rental here in Guadalupe. Before, though, we had a long-term. Tenants were not clean which caused rat and tick infestation problems in our home and our neighbors, too. We then decided to switch to Airbnb and a company called, 'Furnish Finder'. I have since had nurses stay there, workers on projects at Vandenberg, Boeing employees working at the airport, etc.

If there are rules that we can help with, I can help with that. I've implemented a device called a 'minute device'. It records decibels, not voices or conversations. If it hits a certain level for an extended period, I'm notified, and I contact the renters. I hope we can help change a few rules to help Airbnbs to be supportive. I'm not sure 120 days will sustain our homes. Just repairs for our home and our neighbors was very costly. In closing, I hope you can come up with another solution. If you need any help on anything, I can help. With the technology side, there are a lot of things you can implement to avoid any of the nuisance problems. Thank you."

CM Ramirez asked City Attorney Sinco to go over the timeline of this ordinance, so the people are aware of the process that has been followed. City Attorney Sinco said, "This process started in September 2019. There was a general presentation, a general overview with various options presented. One question to the Council was whether to ban short-term rentals or not. The Council chose to regulate them. Due to a delay caused by COVID, in September 2020, the first of three meetings occurred on this ordinance. In the next meeting in December 2021, changes were discussed for the ordinance. The Council, as well as Chief Cash, gave me changes to make to the ordinance. The number of days was discussed, from a low of 90 days to a high of 180 days for un-hosted short-term rentals. It was recommended to use 120 days as the maximum number of days permitted in the ordinance. This was accepted by the Council. I would disagree with the woman on zoom who said that these are the most onerous in the state of California. That isn't correct. There are a lot of cities that have banned short-term rentals, and there are a lot of cities that have much stricter regulations. There are some restrictions that are strict and that's because the Council had some concerns. The Council wanted them addressed in the ordinance. The final ordinance went before the Council on January 11th this year and it was adopted at that meeting."

City Attorney Sinco continued saying, "For the benefit of the public, the ordinance does not ban short-term rentals. If hosted, it's easy to continue to operate. There is no limitation on number of days. But the un-hosted rentals have a much higher risk with nuisance activity requiring an Administrative Use Permit as an additional condition for those types of rentals. It doesn't prohibit them. It just requires them to meet certain conditions. Other issues besides number of days could be addressed as conditions for each Administrative Use Permit. It wouldn't necessarily be the same for every property."

CM Cardenas added, "We're not trying to ban Airbnbs. We've had residents to come here a couple times to voice their issues on the short-term rentals near their properties. So, that has brought up the reason why we're doing these measures to help the other residents that are being affected by short-term rentals."

Mayor Julian then gave his comments. He said, "We were approached by the Pasadera developer who didn't want short-term rentals as they were driving up the prices of homes. People were using them as sources of income. If we limited the un-hosted rentals to 180 days rather than 120, you're making money, thus driving up the prices of homes here. That was the developer's issue on not wanting short-term rentals. The people who've spoken here tonight, you exemplify what a short-term renter should do. The rentals are clean, you have control over who rents from you, etc. But others don't do as you do. There are about 10-12 short-term rentals that we have no control over. We have people coming here saying there's partying, especially in the summer, with people bringing their beach buggies crowding up the areas. Some would be partying until two or three o'clock in the morning with no control. There was a resident who spoke at a meeting before saying she lives in a two-story house with people next door in a short-term rental partying in the backyard late at night which was a concern to us. There was mention that we make money on these. We don't make money on this. We spend more time trying to police these things to ensure the other residents who are near the Airbnbs are...they bought their homes here just as you did. There was a concern that we made sure that we actually help them, too. There's a balance in terms of noise, in terms of maintenance, etc. Again, the folks who spoke today exemplify what an Airbnb should be. But there are others who don't. We needed to control that. It was the un-hosted where we had the problems. Parking was an issue with most of them. There could be eight (8) people in a home with 4-5 cars. Some rentals don't use the garage, taking up parking in the neighborhood."

The mayor continued saying, "We had two options: to allow them or not allow them. We agreed to allow them. Our City Attorney, Public Safety and City staff spent several years cutting out what's best for our community and those with short-term rentals. That's why this ordinance is as tight as it is in certain areas but in some areas is not."

City Attorney Sinco then said, "I just want to reiterate that City staff would have no control over the days for un-hosted. The underlying intent of the ordinance was not to make it difficult to operate a short-term rental. The ordinance was intended to have an extra level of control. It is not onerous. The permit lays out conditions, e.g. cameras at the entrance, local contact person, etc. I certainly am sympathetic with people trying to avoid the issues with long-term rentals, such as having to go through a long eviction process. Believe me, I understand that's a real concern. But there's no right to a short-term rental. In many ways, those are counterproductive to City goals to provide housing for the populace. It takes away from the long-term rental market because it makes it easier for the owner to make money. But it's not necessarily in the best interest of the City. I think this ordinance is a balance. I think it could work for everybody. Some people may not like the extra level. They may not like have to pay the Transient Occupancy Tax now which they didn't have to up to this point. I'd encourage all to work with the City, to follow the rules and to apply for the Administrative Use Permit. They should be able to operate it in a way that should allow them to earn income and meet the City's needs to prevent a nuisance. Thank you."

The discussion was brought back to the Council. Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to adopt Ordinance No. 2022-497 Concerning Short-Term Rentals. 4-0 Absent: Costa, Jr. Passed.

City Attorney Sinco then said, "Now that it's passed, there is a 30-day period before it goes into effect. Then there's an amnesty period which will allow people to bring into full compliance. I believe

it's a three-month period." The mayor asked if the ordinance was on the City's website. City Attorney Sinco said, "Yes. It's in the staff report right now but will be available on the website."

Item #7.F. – Adopt Resolution No. 2022-05 approving the purchase of the O'Connell Park play structure from Zoom Recreation, Inc. in the amount of \$53,496.05.

CM Cardenas briefly commented that the survey came back, and Option #2 was chosen. She deferred to Ms. Sweeney for further information. Ms. Sweeney added, "The public weighed in. There had been nine options and the ad hoc committee narrowed it down to four which were then presented to the public with Option #2 being chosen. The Recreation & Parks Commission concurred. If the Council agrees tonight, I can do a purchase order tomorrow with the manufacturer. There is a 16-week lead time because it will be made-to-order. I will put together an RFP for the installation and the grounds cover." Mayor Julian commented, "This is great. Thank you, Shannon, Lily and the ad hoc committee and the Recreation & Parks Commission. This is gonna be used a lot...probably gonna wear it out in a year. It's going to be very nice." **Motion was made by Council Member Cardenas and seconded by Council Member Robles to adopt Resolution No. 2022-05. 4-0 Absent: Costa, Jr. 4-0 Passed.**

8. CITY ADMINISTRATOR REPORT: (Information Only)

Mr. Bodem did not have a report to give.

9. DIRECTOR OF PUBLIC SAFETY REPORT: (Information Only)

Chief Cash reported the following:

Public Comments: "I want to express to the public that we do appreciate your comments...good, bad or otherwise, even anonymous ones. We don't have gang issues coming into town. We did a briefing with Santa Maria PD, looking at their gang issues and out gang issues and what's been documented. All the Chiefs do look at the statistics from Santa Maria, Lompoc, and Santa Barbara. We have twenty documented gang members. That's manageable. We do have issues. But what's interesting is that when that came across in meeting with other Chiefs, they were discussing some of the shootings that they had. When it came to me, I said that we had two (2) citizens complaining about our code enforcement issues. It kind of put things into perspective. These are important. Our Code Enforcement Officer is going from community to community. The issue concerned 72-hour parking in the Point Sal Dunes area. People gave good comments about the follow-up but are complaining wanting more enforcement. There were an additional six (6) trailers cited, two (2) boats, and three (3) cars. All but one (1) car has been moved off the streets. So, it's working.

Community Policing: We do what the community needs. Some want us to do zero tolerance on everything which is not realistic and not what the community wants. We want to be able to respond to what the community needs are.

Social Media: With our vandalism and theft, we've put out 'Crime Stoppers' with a reward for any information to help us deter crime. Got slammed by putting that out by people saying that 'they're

not going to be snitches'. One of those individuals had a theft and called the PD to see if anyone reported it. Chief said that I could have said that 'snitches don't call', but we went out to help like we should. So, until you become a victim, it's easy to kind of sit on the fence.

Officer-Involved Shooting: The Department of Justice called last Friday to say that the officer-involved shooting investigation has been completed. A presentation will be before the Attorney General in early February. I was invited and, if possible, I'd like the mayor or a member of the City Council to also attend. Typically, only law enforcement would be there for that presentation, but I would like to have someone representing our community to also be there to have that transparency. When that is eventually brought out prior to it going public, we'd like to be able to speak to the family, so they have information prior to hearing from anybody else.

Staffing: In Fire, there are two (2) employees out with two (2) exposed, which is about 80% of the department. In PD, two (2) are out with four (4) exposed. It's taking a toll. What we're doing, though, is working with the Santa Barbara County Health Department in training our police officers in Advanced First Aid. To provide services to the community, I'm trying to combine fire and police services. Officers have gone through some of the training and now can provide 'Narcan' to individuals who might be going through an overdose.

Airport Contract: The airport management approached me to gauge our interest in taking over the fire contract there. There are things that need to be handled here first before any discussions occur. But that's a possible revenue stream there.

General: The County contacted us letting us know there are free COVID testing kits. We received 135 kits and have distributed them to our community services, such as our Housing Authority, Seniors and the Catholic Beatitude House. Requests need to go in weekly for the home testing kits with increased numbers. This is on a 'first-come first-serve' basis. Hopefully, we'll get another shipment. This will be done weekly and, hopefully, we'll keep doing that until the supply runs out. I ask that the word get out that the PD will be getting these kits and will be delivered to our community members."

Mayor Julian asked if the Fire Department had testing kits here? Chief responded, "No, the rules are that nothing is to be kept to be given out to employees to test. We can reorder once the initial supply is depleted. That was done today. Everyone accepted them and was really successful." The mayor added that CHC had about 180,000 kits ordered for the whole system, so, Guadalupe will get some.

The mayor then talked about mental illness and the homeless. He said, "I was at the park today. There were two (2) gentlemen there. One had no shirt on and was talking to himself. There was another person at O'Connell Park who was breaking poles on the tress. We've talked about this before, about the homeless and what do we do about it. But this was not only dealing with the homeless issue but also mental health ones, as well. My concern was that they were in the play area. There were kids, families and senior citizens there. What do we do with them? The County has dropped the ball bringing their team out here. I just want to make sure we have a connection

with what we see in town with our public safety and whatever county resources they have. Chief, just put this in your tickler file and think about what we can do with these two because they're out there right now. Don't cuff them or arrest them...they're basically lost souls. There has to be some connection to bring in some professionals to help with this."

10. MAYOR'S REPORT- UPDATES

Mayor Julian said that the Mayor's Report can be found on the City's website.

PUBLIC HEARING

11. Conditional Use Permit (2021-151-CUP), for Mr. Patrick Kimbell, to allow re-establishment of a boardinghouse on the second floor at 823-829 Guadalupe Street (APN 115-112-003).

Written Report: Bill Scott, City Planner

Recommendation: That the City Council:

- a. Receive a presentation from staff;
- b. Conduct a public hearing, including: a) an opportunity for the applicant to present the proposed project, and b) receive any comments from the public; and
- c. Adopt Resolution No. 2022-08 approving Conditional Use Permit 2021-151-CUP for the Kimbell 14-unit boardinghouse if Fire Department has approved plans before the public hearing; if Fire Department has not approved building plans, then continue the public hearing to a future meeting with a date certain.

As previously mentioned in "Agenda Review", this item was pulled with no discussion.

12. Measure A Local Program of Projects.

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

Recommendation: That the City Council adopt Resolution No. 2022-09 approving the 2022/2023 through 2026-2027 Measure A Local Program of Projects for the City of Guadalupe.

Ms. Sweeney reported that she is required to bring this item to the City Council every year. She said, "This is Measure A report on projects. Back in 2008, the voters here in the county voted for a gas tax to allow us to do maintenance on our roads here in town. It's \$1B in transportation needs over 30 years, starting in 2010 and ending in 2040. By adopting this program of projects, it shows how we will spend this Measure A money over the course of the next five (5) years. We certify that we're going to throw in a little bit of our own money, as what's called 'Maintenance of Effort'. I've worked with Finance to make sure that that gets done.

Back in 2019, we put together a Pavement Maintenance Plan. We continue to work through what was identified in that plan. We originally thought we'd have \$400,000 to put in each year, but we're putting more in than that for a couple of reasons: 1) there are some traffic mitigation funds we're getting from the Pasadera development, and 2) the revenue from the Gas Tax is higher than we originally anticipated. As a result, we put in almost a \$1M worth of work in rehabilitation of our

streets end of last year. At our next meeting on February 8th, I'll be coming to the Council with a Notice of Completion for the work that was done in October thru December.

We will continue to work northward from where we left off in work from late 2021. We will do the street rehabilitation for the streets that are being impacted by the sewer installation going on right now. The streets were already due for rehabilitation and it's best to do that rehabilitation after we're done digging them up and putting in underground improvements. I'm waiting for that sewer line project to move further along before starting the design on that. It includes Pagaling, Mahoney, Lindy, Wong and that area of streets.

We're also required to spend at least 5% on what's called 'Alternative Transportation Expenditures'. When you do a rehabilitation, you also have responsibility to upgrade the curb ramps for ADA. Part of last year you saw a lot of curb ramps were done. Five percent turns out to be around \$50,000, but we actually put in closer to \$90,000 in alternative transportation in those ADA upgrades we're required to do when we rehabilitate. We'll be doing the same thing for this upcoming year. Plans continue to move along with that Pavement Maintenance Program, and we'll continue to follow that for the next few years to come with the anticipation that we'll be able to get through the maintenance plan in the five (5) years it was anticipated."

CM Robles asked, "Do you have a record of when streets have been paved? Do we have anything up-to-date on when streets were serviced?" Ms. Sweeney responded, "Yes, I do have information on streets that have been serviced in the last 3-4 years. The Pavement Maintenance Program gave an assessment of the streets. It gave an assessment of what kind of maintenance would be necessary. I can tell you of what work that's been done since I've been here. I've been keeping track of when that work was done and whether it was a slurry, which is a maintenance project, or a full rehabilitation, which is a bigger repair job. For things that were done prior to 2018, short of digging through old records, I wouldn't know when work was done."

There was another comment from CM Robles. He said, "I know there was slurry or pavement that was done close to O'Connell Park. There was another section that wasn't done that I think was Santa Barbara Street. It's pretty, pretty rough. That's the street I live on, and I don't think it's ever been slurried in the 22 years that I've been there." CM Cardenas also said that she's had other residents ask about that. CM Robles also added that the street is kind of browning and cracked. Ms. Sweeney responded saying, "Thank you. I can only do what we have funds in the cash balance to do. However, just as I did with this last list of projects, I gave the design engineer the list of them and got an engineer's estimate of what it would take to do full rehabilitation. Then I picked and chose what could be done. I also got a resident's concern about Second Street, between Pioneer and Tognazzini, saying that needed to be done. I have also added that among the Santa Barbara Street to the list of streets for consideration. I can only spend what's in the cash balance, so I have to prioritize based on what those costs come out as. But when you pass a certain point, a slurry is no longer acceptable. When you get a slurry on in the proper timing, you can keep it to a maintenance schedule. But if you waited too long to do that, it now becomes a rehabilitation project which is a lot more expensive."

Ms. Sweeney further said, "One interesting element that didn't dawn on me until I did last year's project, one of the streets that we did at the end of last year was slated for a slurry. It was the only street slated for a slurry. It didn't make sense because the dollar amount that we would have paid for it would have been really high because it was such a small amount that needed slurry. We ended up rehabilitating it, because it was more cost effective to do so because that's what we were doing for the rest of the streets. There's a lot of picking and choosing about what we do. But I have heard about Santa Barbara Street being a concern. It is certainly one that I can bring up and fold into at least the design element and then make decisions based on that list as to what we would move forward with construction."

CM Robles said, "I know you didn't start until 2018, but for just future reference, can we have a list of streets that have been serviced? We could track that, so we know for City business that those streets have been addressed and we're on top of things and not losing any money." Ms. Sweeney commented, "That's a wonderful suggestion. I've taken the spreadsheet that was provided to us with the Maintenance of Effort Program. I've now color coded it with what work has been done, when, how much, etc. So, the work that I've done since I've been here is all color coded based on the year it's been done."

CM Robles continued asking, "Is the slurry done with a specific timeframe? Do you know when they do that? Is it like every 10 years?" Ms. Sweeney answered, "The recommendation is between 5-8 years. And, again, it's based on what you have funding and availability to do. We do have several different funds like Traffic Mitigation, Measure A, SB1. I also plan on going for ATP funds (Active Transportation Planning) to do a lot of the sidewalk work along Obispo Street. So, when we do the remainder of Obispo Street, we won't be saddled with as much concrete work. We'll be able to use as much of the cash balance for the actual street rehabilitation rather than spending a lot of it on the sidewalk. I'm really trying to stretch every dollar as much as we can into the actual paving itself rather than spending that precious money on some of the other things we're required to do."

There was the pothole issue after the train tracks on Hwy 166 that CM Robles mentioned. Ms. Sweeney said, "When you're east of Hwy 1, that's Cal Trans. When you're west of Hwy 1, it's a city street. The next project going out for a quote is to replace a 4-inch waterline on West Main Street, from Guadalupe to the school. That's slated for work this Spring. Then we can look at West Main Street actual paving work. But we can throw some coal work on the pothole." Both CM Robles and CM Cardenas said that the pothole is on the eastside, about 7-12 feet from the railroad tracks. Ms. Sweeney then said, "We do have a maintenance encroachment permit with Cal Trans which does give us the right to do that kind of repair work, so I'll bring it up with the Street staff and request that they take care of that. Thank you for bringing it to my attention."

CM Robles then said, "One thing I have noticed is that driving up Obispo Street, there's no delineation of lanes. There aren't any reflectors. Also, going from Main Street to the beach, coming out of Point Sal Dunes, sometimes they're in your lane. There isn't any marker system." Ms. Sweeney said, "Just to let you know, it appears we're going to get a sizeable grant we worked together along with

Escalante Meadows on an affordable housing and sustainable communities grant. There's a chunk of it going into public works projects. One of the things we added in there was work on Obispo Street. I have the work above the sewer line planned this year. I have Obispo planned for next year that will take advantage of those grant funds folded into what will be available from Measure A in order to take care of Obispo. The delineation and of that will all be folded into that project."

CM Robles added, "I have noticed reflector stickers on each of the poles. Gives some kind of guidance on each of the 'No Parking' signs on Mackie Frazier's property. Actually, it helps because there is no line." Ms. Sweeney then said, "I'm glad that helps. That was a resident request."

Mr. Lupe Alvarez also spoke on this topic. He reminded Ms. Sweeney when she first joined the city, Mr. Alvarez took her on a tour and mentioned need for Obispo Street reflectors and striping but said that wouldn't make sense to do now. He then said, "There's one little street that always gets ignored. It's not really claimed by anybody but it's the street from YK Market to the back of the market. There's no name for that street. It's like an alley way and it's pretty bad. It keeps on getting worse."

Mayor Julian asked if that street was 'Rubio Street'. Mr. Alvarez said, "No. Rubio runs north and south. It's by Romo's Market, and YK...a little street that delivery trucks use. There are some big potholes there but none like the one by the railroad tracks that you need to go around. I just wanted to bring this to your attention. I looked at the 5-year plan and I don't know if it's on there or not. So, it's just 'FYI'." Ms. Sweeney responded, "I'll look into it. Thank you for bringing it to my attention."

Prior to having a motion made, City Attorney Sinco said, "In checking the agenda, this was listed under the 'Public Hearing' heading. I'm not sure that was required. I recommend that you retroactively open the public hearing." Mayor Julian then said, "I open the public hearing at 7:35pm. Public hearing closed at 7:36pm." **Motion was made by Council Member Cardenas and seconded by Council Member Robles to adopt Resolution No. 2022-09. Roll Call: Ayes: Ramirez, Cardenas, Robles, Julian Noes: 0 Absent: Costa, Jr. 4-0 Passed.**

13. FUTURE AGENDA ITEMS

There were no new items for the future agenda.

14. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

Mayor Julian reported on the following:

"SBCAG: At last Thursday's meeting, we talked about: 1) the Executive Director's contract extension. She wanted five (5) years. That's a long time. We're working on it, and 2) The big hot topic at SBCAG was an area in Carpinteria. If you're familiar with the city, once you get passed the last bridge, you make a turn and you see the ocean, there's about 800 feet of trail. That was a big

topic of contention because studies say that if you mess with that property, the airflow on the bluff impacts the paragliders. Then they said they'd sue if they go forward with it.

Air Pollution Control District: Met on 1/20. There were no significant issues.

Cal Vans: Meeting was scheduled the same time as SBCAG. I know we're dealing with an employee wrongful termination and wrongful death.

Santa Barbara County Parks: Santa Barbara wants to do a park element with all the cities in Santa Barbara County. They asked for projects by 2/1. I threw in O'Connell Park as renovations for \$435,000. That's in the system. That says 'grass the area around the play area, the barbecue pit, make some soccer fields and other good things. That's subject to movement as we go forward.

Food Bank: Distribution is scheduled for Thursday, 2/3."

THE CLOSED SESSION ITEM WAS CANCELLED.

15. ADJOURNMENT TO CLOSED SESSION MEETING

CLOSED SESSION

16. CONFERENCE WITH LABOR NEGOTIATORS

(Subdivision (a) of Government Code Section 54957.6)


Agency designated representatives: City Administrator, Human Resources Manager and Che Johnson, Partner, Liebert, Cassidy & Whitmore; Employee Organizations: International Association of Firefighters (IAFF)

17. CLOSED SESSION ANNOUNCEMENTS

18. ADJOURNMENT

Motion was made by Council Member Ramirez and seconded by Council Member Robles to adjourn the meeting. 4-0 Absent: Costa, Jr. Passed. Meeting adjourned at 7:39pm.

Prepared by:


Amelia M. Villegas, City Clerk

Approved by:


Ariston Julian, Mayor