

MINUTES

City of Guadalupe

Regular Meeting of the Guadalupe City Council

Tuesday, November 22, 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

The meeting was called to order at 6:00 p.m. All members were present. (Note: The abbreviation "CM" will be used for "Council Member" in these minutes.)

2. PLEDGE OF ALLEGIANCE

3. AGENDA REVIEW

There were no changes to the agenda.

4. CEREMONIAL CALENDAR

- Proclamation – Antonio "Tony" Ramirez, Council Member

Mayor Julian read the proclamation which stated that CM Ramirez was first elected in November 2016 and re-elected in November 2020 for a second 4-year term. The City of Guadalupe has benefitted from CM Ramirez's commitment of time, energy, knowledge and strength in many matters. His commitment to difficult decisions were in the City's best interest. The City of Guadalupe recognized and expressed deep appreciation, gratitude, and respect for CM Ramirez's humor, dedicated leadership, and service to the people of Guadalupe.

CM Ramirez commented, "This is very surreal. Six years ago, I didn't know I'd be in this position with this platform. I was 28 when I started. I've been able to help with my own growth, but I hope the City's, as well. This is the next step...was super difficult to make. I'm excited to see where Guadalupe is going. I know it will go very far. I still own a home here, so I'm very well invested in this community. My family's from here...I'm from here. So, this is just a 'see you later but I'll be back' kind of moment. So, don't get too comfortable..." Mayor Julian added, "Two

times a month, for six years. The City Council appreciates your service. We have a lot of big topics to discuss and one of them is the General Plan. In 2040, maybe you'll be back here, in this seat or another seat...so, we appreciate your service." CM Ramirez's last comment was, "I was trying to avoid looking like the mayor with gray hair!"

- **Microenterprise Recipient Recognition**

In addition to herself, CM Cardenas acknowledged the other members of the Microenterprise Advisory Council, Lorena Zarate and Sam Durate, who oversaw CDBG funds to assist economic development. Brief background: the recipients have been attending meetings with an economic advisor earlier this year. They met one-on-one to discuss their businesses. Some were able to get small grants, then financial assistance. The financial components involved preparing a business plan, obtain technical assistance, then financial assistance. CM Cardenas also acknowledged the assistance of Los Amigos de Guadalupe, Stephanie Krouse, Tiffany Gonzales, Alejandra Mahoney and Nicole Segovia.

CM Cardenas then announced those recipients: Marcia Pili, Gilbert Robles, Mireyra & Carlos Guerrero and Christine Rice. Those present were given the opportunity to speak to let the City Council know a bit about each of their businesses. (Ms. Rice was not present at the meeting.)

Marcia Pili said that she has a print shop business. Laser printing able to print on a variety of items. In the future, Ms. Pili said that she wants a website to help the community.

Gilbert Robles said, "I appreciate the opportunity. I wish fellow recipients the best. In December 1998, I started my barber shop business. Coming through Covid...some businesses got hit hard. Keep on turning that wheel."

Mireyra Guerrero said, "My business is Guadalupe Fitness. We're opening a gym here in town.

CM Cardenas then added, "Thank you to all who participated in this program."

5. COMMUNITY PARTICIPATION FORUM

Superintendent Emilo Handall first congratulated Mayor Julian, CM Costa, Jr. and Christina Hernandez for winning their offices in the election. He then thanked CM Ramirez for his service saying it is greatly appreciated. He thanked the City for approving the two bond measures, V and W which will allow the district to build a new gym and a junior high school. The district received a \$7.6M grant to build an early learning center which should be completed before the new junior high school.

Superintendent Handall then said, "The primary reason I'm here tonight is to ask for help for him to work with Chief Cash. There is a dangerous issue involving drop-offs and pick-ups at Mary Buren School. It's pretty dangerous and will take both the City and the district to keep things safe. The City

needs to give the district authority to close down the street and bring staff in trained on traffic control. The district can bring financial assistance. I ask the City to expedite changes.”

6. 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 payment of warrants for the period ending November 14, 2022.
- C. Approve the Minutes of the City Council regular meeting of October 25, 2022.
- D. Approve the Minutes of the City Council regular meeting of November 8, 2022.
- E. Adopt Second Reading of Ordinance No. 2022-504, repealing Ordinance No. 2020-491, Title 15.04, adopting a new Chapter 4 of Title 15, adoption of State of California 2022 Building Standards Code.
- F. Adopt Second Reading of Ordinance No. 2022-505, repealing Ordinance No. 2019-483 adopting a new Chapter 8 of Title 15, adoption of the State of California 2022 Fire Code.
- G. Adopt Resolution No. 2022-101 approving budget amendment and time extension for design services for the Highway 1 and Pioneer Lift Station replacement projects and authorizing the Mayor to sign Amendment No. 2 to the agreement between the City and Michael K. Nunley and Associates.
- H. Approve the Amended Scope of Work and Budget for Subrecipient Agreement with Los Amigos de Guadalupe (LADG).
- I. Adopt Resolution No. 2022-102 approving an “add service” amendment to the agreement with Andrew Goodwin Designs for architect and engineering work with respect to bidding and construction administration for the construction phase of the Royal Theater Renovation Project in an amount not to exceed \$202,635.00.
- J. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
 - 1. Public Safety Department:
 - a. Police Department report for October 2022
 - b. Fire Department report for October 2022
 - c. Code Compliance report for October 2022

2. Human Resources report for October 2022
3. City Treasurer's report for October 2022
4. Recreation and Parks report for October 2022

CM Cardenas pulled Item #6.J.4. - Recreation and Parks Report for October 2022. Mayor Julian pulled Item #6.H. - Los Amigos de Guadalupe. Motion was made by Council Member Cardenas and seconded by Council Member Robles to approve the balance of the Consent Calendar. 5-0 Motion passed.

Item #6.H. – Mayor Julian questioned the breakdown that was shown on Exhibit B – Cost Proposal/Budget. He said, “The Royal Theatre has a \$300,000 commitment by LADG. Further on in that Exhibit B, it shows Project Manager, 3 years @ \$52,000 per year; Grant Manager, 4 years \$120,000 and other costs, 4 years \$28,000. That would total \$748,000, not \$300,000.” City Attorney Sinco said, “Actually, the math comes to about \$304,000.” Mr. Bodem added, “It’s \$28,000 for 4 years.” The mayor added, “We couldn’t do this without LADG. Very technical to do for \$304,000 for all items.” Mr. Bodem also added that the costs are covered by a grant.

Item #6.J.4. – CM Cardenas asked Ms. Hannah Sanchez to share all the activities planned for December:

- *12/3 – Part 2 of the Color Fusion 5K; deadline to signup is Thursday, 12/1*
- *12/5 – deadline to submit house for “City Christmas Light Contest”*
- *12/9 – Family Night: Movie, “Polar Express” will be shown with free chocolate, popcorn with gingerbread cookies to be decorated*
- *12/10 – Kiwanis Christmas Parade*

Mayor Julian asked about the status of the two (2) vacancies on the Recreation & Parks Commission. Ms. Sanchez said that there were two (2) letters of interest that came in. A staff report will go on the December 13th agenda.

The mayor also commented on having attended a quinceañera the prior weekend here at City Hall. He said, “It was pretty cool...no alcohol. Was nice to see locals having an event without alcohol.”

Motion was made by Council Member Cardenas and seconded by Council Member Ramirez to approve Item #6.H. and Item #6.J.4. of the Consent Calendar. 5-0 Motion passed.

7. CITY ADMINISTRATOR REPORT: (Information Only)

Amelia Villegas, who has been acting as Interim Human Resources Manager for the past six (6) months, will end that assignment, effective 11/30/2022. She will be missed.

Mayor Julian asked about Item #5. - Cannabis Cost Recovery on page 2. He said, “I don’t see much movement on that. We need to have a certain amount of time to get going...need a deadline. There

are other people who want to be involved. So, we need to have a deadline that says 'if you don't have things done by this date, there are others who have an interest, etc.'” Mr. Bodem said that he and City Attorney Sinco are working on this issue.

The mayor then commented on Item #8. – HWY 1/166 Project Coordination Status on page 3. Caltrans District 5....a gentleman from Guadalupe complained about Obispo Street and Hwy 166 and what Caltrans is doing. In SBCAG, here are millions and millions of dollars being spent on Hwy 1 and 101 and South County. But very little activity other than a new bridge coming in three or four years and some work along Hwy 1. We need to let people know in our community that we're hindered by Caltrans by their lack of ability to develop plans. We need an update from SBCAG and Caltrans because we're being blamed for not doing anything. It's not the City's responsibility but we need to address the issue and push those who need to be pushed.

Royal Theatre Update:

EDA Status - Working on clearing the Environmental questions regarding State Historic Preservation Officer (SHPO) and getting SHPO approval of the renovation plans. The application to EDA is being revised to make it a one-phase project. All of this should be completed before the new year.

California Arts Council (CAC): Waiting on a contract; according to the AC timeline, an executed contract isn't expected until mid-January.

Historic Tax Credits: Tax consultant has been hired. Federal Tax Credit applications (3) require a Historic Architect to compete the applications. A Historic Architect has been identified, and the contracting process is starting.

New Market Tax Credits: Staff are exploring this as additional option. The “new” components of this project are eligible for these credits.

Escalante Meadows Update

Project was closed on November 22nd. Santa Barbara Housing Authority Executive Director, Bob Havlicek, said a Notice to Proceed is being issued to the contractor, Ashwood Construction. They will start mobilizing on Monday after the Thanksgiving holiday. Construction will take 20 months with a groundbreaking ceremony likely in January.

City Council Appointment Update

A lot of calls and inquiries have been received. There are at least six (6) interested in submitting a letter of interest to be appointed to fill out the term of Antonio Ramirez. To date, only one (1) letter

has been received. The deadline to submit a letter of interest to the City Administrator is Tuesday, December 6th, by 4:00 p.m.

Ms. Shannon Sweeney gave a brief update on street projects. On Pioneer & Mahoney Streets, there is a pavement rehabilitation job (concrete) which will begin on Dec. 5th. Pavement will be in January 2023. Also, Frontier is working on an infrastructure for high-speed internet, fibre optics, which provides competition for Spectrum. Started infrastructure project before January pavement project.

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

Building a DUI enforcement detail for Thanksgiving and Christmas holidays for Hwy 1 and Hwy 166...operating now.

12/10: Christmas parade will be coming back...first since Covid.

12/17: Recreation & Parks and Veterans will host an armed forces gathering. Spoke with Vandenberg Base commander regarding the military who are away from their homes. There will be a dinner at the Veterans Hall where the Fire Department, Recreation & Parks Department and veterans will host between 20-30 military personnel. We hope to have the military people be able to visit the Historical Museum and Dunes Center that same day. We want to show Guadalupe's hospitality to our military neighbors. It's actually a mutual thing because if we ever have an evacuation, they have plenty of space to help us in time of need. The second meeting on this event is next Tuesday, 11/29. We're really excited to be able to make this happen. We invite the City Council to show their appreciation to our veterans and active personnel.

Mayor Julian added, "You'll see on the future agenda items. In Pasadera South, they've allowed the City to name 20 streets after veterans who were killed in action or are no longer living.

PUBLIC HEARING

9. Continuation of a public hearing from October 25, 2022, to consider a Conditional Use Permit (2022-037-CUP) for Highway 1 General Auto Repair, an automotive repair shop with associated outdoor vehicle staging area on property in the M-C (Industrial Commercial) zoning district at 333 and 363 Guadalupe Street.

Written report: Bill Scott, 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, and 2) receive any comments from the public; and

- c. Adopt Resolution No. 2022-92 approving 2022-037 CUP, including CUP Findings, CEQA Class 32 Exemption and Conditions of Approval.

This subject is a continuation from the October 25, 2022 public hearing to allow Public Safety Director Cash to review and evaluate the project site, specifically focusing on the fencing. The applicant cannot get a business license without a Conditional Use Permit. The Director of Public Safety concluded that the existing chain-link fence at the backside of 333/363 Guadalupe Street property is in overall good shape with some maintenance needed and that the current discretionary review for this conditional use permit would be the appropriate time to require any additional fence improvements. The coils of razor wire that were conditioned to be removed from the top of the fence (Condition #6) have been removed by the property owner. The Planning staff believes the visual appearance of the property is greatly improved, and with the exception of additional maintenance of existing fence, the primary focus of the conditional use permit should be returned to consideration of legalizing the unpermitted automotive repair business.

Public Hearing Opened @6:46 p.m.

Requests to Speak

Mr. Antonio Carrillo and his son, operators of the automotive repair business, and Stew Jenkins spoke. Mr. Carrillo's son spoke for his father saying, "Thank you, everybody, for considering our business here in the town. Thank you for your consideration and we will add whatever the City requests."

Mr. Jenkins said, "Mr. Carrillo has been working hard. He's order slats which will be here in a few weeks. It will take a couple of months to get the fence up to speed. Part of the fence needs pole strengthening but that's not part of the project tonight. Give us six (6) months to get everything in shape for part of the site that's not part of this project."

Mr. Carrillo spoke in Spanish and CM Cardenas translated, "The whole intention is to bring business to Guadalupe and to keep the place clean. I don't want the place to look like a junkyard. I'm purchasing slats and I will be installing them myself."

Mayor Julian commented on a crooked fence that didn't look like it would take much to be straightened out. Mr. Jenkins said, "It takes time to do all that. Rent produced by Mr. Carrillo allows us to improve property. The priority is in front. The mayor said, "The fencing needs to be fixed on the property for the conditional use permit. What's the timeline for that?" Mr. Jenkins responded, "For the whole fence to be fixed? Six (6) months. Mr. Scott added, "As an initial thought, the fencing is not a significant undertaking...three (3) months. In the Fence Code, it's the landlord's responsibility. The fence has to be maintained, conditional use permit or not." Mr. Jenkins said, "The contractors we want to use are busy. We need six (6) months."

Ms. Courtney Cazenove, who was in the audience, spoke, "It's good that Mr. Carrillo is doing the repairs. The landlord has owned the property awhile. Why has the property, fence not been maintained? Sounds like the repairs could be done in less than six (6) months...not costly." Ms. Michaud added, "Six (6) months is sufficient. To find a contractor now is hard. Can't get anybody if it has to be finished in less time."

A woman from the audience spoke. She said, "I'm a happy customer of Mr. Carrillo. He does great work. He's dependable and a great guy."

Public Hearing Closed @ 7:02 p.m.

Discussion was brought back to the City Council for any further comments or discussion. CM Robles said, "Mr. Carrillo has a reputable business. It falls back on fixing the fence. It's just been neglected over time. If the whole fence needs to be fixed, the landlord needs to fix it."

CM Costa, Jr. said, "I'd like to adopt the resolution. It shouldn't be held up because of the landlord needing to fix the fence. City Council shouldn't penalize the business. The tenant shouldn't have to be concerned about the site's upkeep." Mayor Julian cited a section regarding fence and wall maintenance enforcement and said, "We don't want to penalize the business. 90 days is ample time to put slats in. People will be looking through there. Long-term and short-term...not defined." Mr. Scott added a comment about the code not drawing a line...not a clear definition between auto repair and auto salvage. Auto salvage has to be screened and auto repair can have storage. It's not completely clear." Mayor Julian then said, "90 days. Get the fence and slats installed."

CM Ramirez said, "There's a principle here...I'm bothered that the tenant has to bear the burden of the work. Make sure that the tenant is not taken advantage of with all of this. Maybe this is part of the agreement, but if not, this shouldn't happen. It doesn't sit well with me." (CM Cardenas translated CM Ramirez's comments for Mr. Carrillo.)

Mayor Julian said, "Recommendation of the conditional use permit. 90 days and solid visual screening. Strike wording on solar project on Condition #11."

Motion was made by Council Member Ramirez and seconded by Council Member Costa, Jr. to adopt Resolution No. 2022-92 approving 2022-037-CUP with amended conditions noted. Roll Call: Ayes: 5 Nos: 0 5-0 Motion passed.

10. Adoption of the 2042 General Plan and approval of the Mitigated Negative Declaration (SCH # 2022080492).

Written report: Larry Appel, Contract Planning Director

Recommendation: That the City Council:

- a. Receive a presentation from staff and EMC; and
- b. Conduct a public hearing; and
- c. Adopt Resolution No. 2022-103 approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP); and
- d. Adopt Resolution No. 2022-104 adopting the 2042 Guadalupe General Plan.

Contract Planning Director, Larry Appel, introduced Mr. Michael Groves, Senior Principal from EMC, and then gave a brief summary of the 2002 General Plan update. The General Plan is the primary tool for local governments that help guide future development. Cities are required to adopt a general plan to guide future development and the general plan outlines goals and policies to guide long-range planning boundaries within a city.

The state requires eight (8) mandatory elements and allows for a number of optional elements. The elements covered in this updated General Plan include the following: Land Use, Circulation, Conservation and Open Space, Safety, Noise, Environmental Justice, Community Design and Historic Preservation, Public Services and Facilities, and Economic Development. The Housing Element was not part of this update as the City had recently updated that element on its own in 2019, and will be working on a 6th Cycle update next year. Each element of the General Plan contains goals, policies and programs to provide guidance to decision-makers and the public when questions arise about the appropriate use of individual parcels of land and other resources. Following adoption of the 2042 General Plan, staff will be tasked with implementing the many programs identified in the various elements as well as prepare a consistency rezone for all properties that had a change in their land use designations.

Mr. Appel went through the elements and recommended changes to each. He said that all plans would be implemented within three (3) years except Conservation and Open Space. There are 42 programs to implement within this three-year period. Mr. Groves said, "Don't be nervous about the three-year timeline. The three (3) years is a benchmark. Timelines can be extended if there's no funding or staff capacity. If extension is needed, document request to extend will be made." If adopted tonight, Mr. Appel said he would be back before the City Council in late January or early February for the General Plan follow up, the Consistency Rezone. A workshop will be needed in January to receive input from the public on what would go into the housing element.

Public Hearing Opened @ 7:51 p.m. Public Hearing Closed @ 7:52 p.m.

CM Ramirez had two (2) comments: 1) under Economic Development, there is a multi-use trail study. Can we weave the County into this? Santa Maria Levee Project. The City supports this. Include in the document. Connect Santa Maria -> Guadalupe -> Beach; and 2) Public Facilities – funds separated in Facilities Master Plan...tie into Facilities Master Plan. Ms. Sweeney said that funding is for this year. RFP to go out in February/March to begin work, includes potable water.

CM Ramirez asked, "Does this also include libraries?" Mr. Appel said it did not. CM Ramirez then asked, "Where can we include a library? Remember the meeting before with Cal Poly...public emphasized a library. We need to have a permanent home for a library." Mr. Appel said, "Environmental Justice. Public spaces, fully fund a library."

CM Cardenas said, "In Economic Development, add 'Microenterprise'...continue to help establish local business through CDBG funding."

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to adopt Resolution No. 2022-103 approving the final Mitigated negative Declaration and Mitigation Monitoring and Reporting Program. Roll Call: Ayes: 5 Nos: 0 5-0 Motion passed.

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to adopt Resolution No. 2022-104 adopting the 2042 Guadalupe General Plan with input provided by the City Council tonight. Roll Call: Ayes: 5 Nos: 0 5-0 Motion passed.

11. Public hearing to discuss Solid Waste Franchise Agreement.

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

Recommendation: That the City Council:

- a. Receive presentation from staff and Waste Management; and
- b. Conduct the public hearing; and
- c. Provide staff with direction on the next steps for the City's solid waste franchise agreement.

Ms. Sweeney explained that the City entered into an amended and restated franchise agreement with what is now Waste Management (WM) on March 8, 2016. This agreement terminates at the close of business on July 1, 2023. The City has the right to extend the term of this franchise agreement two additional periods of five years each. If not approved, the City needs to go out for a Request for Quote.

Ms. Liz Gomez from WM was present and said, "We're coming to the end of the initial agreement. The mandate for AB1826, commercial organics recycling and SB 1383, food waste recycling, began in 2019. AB1826 has been implemented. SB1383 includes residential customers. The City is close to 100% compliant with the laws. The reporting would be done by WM on behalf of the City."

Mayor Julian questioned how the public can give concerns and/or complaints. Ms. Sweeney said to call her. On January 26, 2023 at McKenzie Middle School, there will be a free drop-off for furniture, garage, etc. A common complaint heard by Ms. Sweeney is that the street sweeper goes too fast.

Public Hearing Opened @8:10 p.m.

Ms. Cazenove asked, "Waste Management is awesome. With a five-year extension, what is the rate increase?" Ms. Gomez answered, "The yearly rate includes CPI, cost of doing business in the City. We'll let the City know ahead of time. Then present rates to the City. Don't know how much...yearly increases."

Ms. Sweeney said, "One other question: whether or not the services in the agreement are the services we want to continue. Will our rates result because of new laws, state regulations, such as WM reporting, etc.? As I recall from WM, not significantly. That's because we can send our recycling, our organics, through a green waste stream that already exists. There are other cities that are experiencing increase in their rates because of the additional state regulations, but we're not."

Mayor Julian then said, "Billing issue. I know there were customers who weren't being bill and there were problems. Are we in line with the billing issue?" Ms. Gomez said, "WM is billing directly every two (2) months. The problems that existed previously have all been taken care of with our doing the billing."

Public Hearing Closed @8:14 p.m.

Ms. Sweeney summarized saying, "There are two (2) options: 1) start negotiations with WM for five (5) years with recommendation to exercise the option that's in the agreement now, or 2) start writing an RFQ for a new service." Mayor Julian said there's HSS in San Luis Obispo, MarBorg in Santa Barbara, some others.

CM Ramirez added, "I've had some concerns and have contacted Liz Gomez. Communicate with residents. Substantial changes. Liz, Shannon and I discussed improvements and franchises fees. It's been an easy partnership."

CM Cardenas asked if WM does electronic waste. Ms. Gomez said, "Yes, during community clean-ups. Other than that, you can go to our Betteravia Road site." It was also mentioned that disposal of mattresses would also be at the Betteravia Road site, if not done during the community clean-ups.

Then there was discussion of food waste going to green waste with bins sitting for two (2) weeks...possibility of increased pests with rotting food...extra cart...extra pick-up...size of cans, frequency of pick-ups, etc. Ms. Gomez mentioned that the school district has a separate agreement from the City agreement.

WM rolled out initial plan but will adjust as may be necessary. Ms. Sweeney said that she will look at list of commercial customers and see what size cans each has. Mayor Julian mentioned that when there was significant pruning at O'Connell Park, WM brought free materials out for cleanup.

The mayor then asked what the Council's direction was. CM Ramirez said to go with the five-year agreement. Ms. Sweeney questioned, "With all the discussion today, I want to make sure that we want the same services that we have today with some consideration of a more frequent residential green waste? Was there anything else wanted?" Mayor Julian added, "Yes, that and the street sweeper." Ms. Sweeney questioned the request for the street sweeper. The mayor said, "One of the issues is probably ours. There are a lot of cars parked on the streets and the street sweeper can't clean...they have to go around the cars. The City and WM may need to work together to see how best to get the streets cleaned." Ms. Sweeney said, "The street sweeper cleans once a month for residential and once a week for commercial."

The Council's direction was to go forward with five-year extension to be brought back to another meeting for Council's review and approval.

At this point in the meeting, there as a break at 8:31 p.m. Meeting resumed at 8:40 p.m.

REGULAR BUSINESS

12. Consider Impasse and the imposing of the City's last, best, and final offer on the International Association of Firefighters Unit 4403 (IAFF) pursuant to Government Code Section 3505.7.

Written report: Todd Bodem, City Administrator

Recommendation: That the City Council:

- a. Open the public hearing and receive public comments; and
- b. Receive a presentation from IAFF Unit 4403; and
- c. Receive a presentation from City's lead negotiator; and
- d. Closed the Public Hearing; and
- e. Adopt Resolution No. 2022-105 to impose the City's last, best, and final proposal on IAFF pursuant to Government Code Section 3505.7.

Mr. Bodem mentioned that the order on the staff report was to be changed to have the City's lead negotiator first, then IAFF, and then open the public hearing, etc. He gave a brief background stating that in May 2021, the City of Guadalupe and IAFF Local 4403, met and engaged in negotiations regarding a successor Memorandum of Understanding (MOU). The City and IAFF were unable to reach an agreement. The City submitted its last, best, and final offer to IAFF on or about May 10, 2022. In spite of sporadic communications and discussions since that time, the parties have arrived at an impasse, and the City team has completed all impasse procedures as required by applicable

statutes, rules, regulations, and agreements. Government Code section 3505.7 authorizes the City Council to implement the City's last, best and final offer.

At this point, Mr. Che Johnson, the City's lead negotiator, spoke saying, "This is the second time the City Council has considered an agreement with IAFF since the middle of 2021. It was about a year ago that I was before this council via zoom. We had a discussion that had reached a tentative agreement with IAFF, but it was the decision of the City Council that it needed to see more cost savings. Consistent with that direction, we went back to the table with IAFF, and we are here today with a new last, best, and final offer that achieves additional cost savings consistent with the City's goals of maintaining and adequately staffing its Fire Department, but also having a fiscally sustainable and prudent spending recommendations on that department. Most notably this new agreement makes significant changes to specialty pays and overtime calculations and helps control those costs.

As the Council will probably recall, before we started these negotiations, the City was caught off-guard with the amount of cost the overtime budget for the Fire Department had gone up, as a consequence of the previous agreement. This last, best, and final offer will put those costs under control and make it more sustainable and predictable moving forward for the City. It is only a resetting of the status quo. The parties, I would say may, but I can guarantee, will be back to the negotiations table in 2023 to talk about creating a new agreement. Although our last, best, and final offer to IAFF contemplated multiple years, in practice we can only implement the first year. We are obligated to restart the negotiations process with IAFF and the firefighters to try and reach another agreement. So, in practice, the year-two and year-three are probably going to be issues that are negotiated with IAFF anew and that will come back to the Council...hopefully, an agreement that meets the desires of IAFF but also meets the desires of the City for a fiscally sustainable agreement. At this time, I would recommend that we hand it over to representatives from IAFF to speak regarding the impasse if they so choose to."

Mr. Ryan Mack spoke saying, "I want to address a couple things that I think need to be clarified. The Fire Department has specialty certifications where we can do things that other EMTs can't do. EMTs can give oxygen and Narcan. We can give nitroglycerin, albuterol, breathing emergencies, cardiac emergencies, anaphylaxis emergencies...and we do that with extra training. Incentive pay makes that possible. That is a benefit that we provide that no other area does, other than Lompoc.

The other thing is about revenues and overtime. The overtime wasn't generated by the new MOU. The overtime was generated by strike teams. We've made \$100,000 in extra revenue by strike teams. I don't know why that's debated as a fact, but it is. We offer a lot of opportunity to try to create revenue, and a lot of times our ideas are passed off. Impact fees have been overlooked for years and that's a huge source of revenue for all fire departments. It's in the works now but I don't know if it's just too little too late. But we're trying...we're trying to make the City better. I just wanted to address those things really quick. Thank you.

Three (3) years ago, the City laid down a foundation for what would be historic for the Guadalupe Fire Department. Our first-ever agreed upon MOU which guaranteed workers' rights, education incentives, and the first pay raise the department had seen in twenty years. It was stated at that time that we need to take care of our firefighters. And I quote that. When it came back time to renegotiate, it was a different story entirely. We were demanded to change our work schedule to skirt around paying any overtime. We were demanded pay cuts. And as far back as anyone can recall, the last, best, and final offer was issued for the first time that I've ever even heard of. The interesting thing, if you will recall, we did accept the last, best, and final offer and the City turned around and rejected its own offer. I'm not sure why that was but I thought that was pretty disappointing because I felt like we finally made progress.

The truth is the firefighters don't need pay cuts. Inflation is taking care of that all on its own. We feel the pain at the grocery store, the gas pumps and housing is becoming unaffordable. My question is simple: Does the City Council think the Fire Department don't deserve to be paid? Is it what the public would want? With Police commanding over 40% of the city budget, we only use 18%. Normal in other cities is 30%. Is that why we were refused a Fire Chief because we don't deserve it? New positions are being created for the City. Pay raises are being given across-the-board. So, why is Fire expected to shoulder all these cuts?

The City's own survey put public safety as its top priority. Declaring an impasse, I feel and, on behalf of my firefighters, would be detrimental to the Fire Department, the public health, voter confidence, and your employees. I implore you, on behalf of your loyal firefighters, to come back to the table and open dialogue. Thank you for your time."

Public Hearing Opened @ 8:49 p.m.

Mr. Robert Doty spoke strongly supporting the Fire Department. He said, "I urge you, please, give them what they deserve. Each and every single one of them is so dedicated. You cannot believe how dedicated that they are. We dialed 9-1-1 at 10 o'clock at night earlier in the week and they were there at 10 o'clock at night, along with members of the Police Department. Please renegotiate with them and give them what they deserve. Thank you very much."

Public Hearing Closed @ 8:50 p.m.

Mr. Johnson said, "To put things in context, I don't believe anyone believes that firefighters are not worth their cost. Absolutely, they're worth every penny and more. The question isn't about how much we value them or how much the City needs them. We know they're extremely important The question is what can the City afford? This does not end negotiations. I want to make that abundantly clear. In fact, IAFF has the ability to ask the City to come back to the bargaining table as soon as January, if they so want to. So, the parties will definitely be in discussions. I like to think of the City's

relationship with their labor groups as 'marriage without possibility of divorce'. The two parties have to get along and work together. This may be a bump in the road, but it was never a desire to have the firefighters shoulder a cause. It was really about a sky rocketing, escalating cost that the City and department weren't expecting. We're trying to right-size the department and personnel costs. Then going back to the table and that is why the City is offering a 2% raise for 2022. It's not that we think they don't deserve raises, they do. What gets tricky and is hard for the public to understand sometimes is if you put pay and incentives, overtime and all these little categories, you don't see it on the bottom line on the wages, on the pay scale. The City is more to putting monies in that pay scale. It's more transparent to the public."

Mayor Julian said, "The basis for the last, best, and final offer is to get back to the table and discuss these items." Mr. Johnson said, "Correct, Mayor. This does not create an agreement. There is no agreement. This resets the status quo and paves the way for the parties to come back to the table as you just said."

CM Ramirez asked, "You say 'status quo'. Just so we all understand the timeline. So, let's say we declare impasse today. Then January happens and..." Mr. Johnson said, "Technically, the labor groups can ask to come back to the table tomorrow. Typically, a little time is prudent to go by to allow the parties to regroup. But there is no agreement in place. This resets wage and hours, terms and conditions of employment to be consistent with the City's last, best, and final offer. The City wouldn't be obligated to return back to the negotiation table when IAFF requested. If IAFF didn't request to get back to the bargaining table, the City can request, and IAFF would be obligated to come back to us."

CM Ramirez asked, "When you say status quo and last, best, and final offer and we decide to declare impasse and they decide not to come back to the table thus far, that 2% is still retroactive to July 1 2022?" Mr. Che said, "If the Council adopts the resolution tonight, the firefighters will get a 2% raise on their bottom-line wages. Specialty pays will go away, the way overtime is calculated will be changed, schedules will be changed. Their base wage pay scale will see a 2% raise."

City Attorney Sinco clarified the elimination of "Certification Pay". The last, best, and final offer does show that "Certification Pay" is eliminated. The clarification is that if an employee is currently receiving "Certificate Pay", they will be grandfathered. The elimination is going forward." Mr. Johnson said, "It will affect some certification pays. It changes what types of specialty pays members of the bargaining unit can receive and puts a cap on them."

CM Costa, Jr. asked Mr. Doty to return to the podium. Comments were made by CM Costa, Jr. that revenue is needed to support the Fire Department, but that Guadalupe doesn't have the budget to do so. Mr. Doty cited percentages of Fire's budgets at other cities and that the budget for Guadalupe's Fire Department is far lower than others. CM Costa, Jr. said, "Decisions made by the City Council now should have been made 15 years ago. The Council has nothing against the Fire

Department, but we need monies in order to pay.” Mr. Doty made further comments about the need to retain the Fire staff because if they leave, what will happen then. CM Costa, Jr. commented that that won’t happen.

Mayor Julian said, “The City Council challenged the Director of Public Safety to reduce costs in the Police Department and the Fire Department. At the last City Council meeting, we looked at the stipend for the Council which hasn’t been increased in 35+ years. The Council made the decision to cap it – no budget. We don’t have monies. We’re still under the gun from the Grand Jury to disincorporate...we’re still under-reserved. We just don’t have the monies. We respect the Fire Department and the Police Department serving our community. We value them. They’re serving our residents. It’s not easy going through this process.

Look at Pasadera. That started in 2002 and it didn’t move until about eight (8) years ago. Now it is slowing down due to interest rates. Cannabis? We looked at that having a small impact on our resources. You heard us tonight about a timeline on starting their businesses. Not a lot of people like cannabis but even the Grand Jury said we better start thinking of cannabis a few years ago. A new school in four or five years bringing in new teachers. We’re going to have those 18-acres at Pasadera to develop commercially. We have the Royal Theatre that will bring jobs to the community. Fifty percent of us shop in Santa Maria, and we’re losing all those tax dollars. So, it’s not that we don’t care about the Fire Department or the Police Department, but we care about our bottom line. It’s ‘want versus need’. We’re making our best effort to do what we can with the money that we have. We’re not there yet to give everybody what they wanted. And again, this resolution is setting the tone again to get back to the table, look at the issues and discuss them.”

Mr. Johnson added, “I’d be surprised if the parties weren’t back at the table by the first of the new year. And if Council is so inclined, the City could start that process whenever the Council was ready. There are two options to consider now: 1) adopt resolution, reset the status quo and start negotiations again, or 2) not adopt resolution and send the City back to the negotiation table, but we’d still be at impasse but would need new direction from the City Council as to how to try to reach an agreement.”

Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to approve Resolution No. 2022-105 to impose the City’s last, best, and final proposal on IAFF pursuant to Government Code Section 3505.7. Roll Call: Ayes: 5 Nos: 0 5-0 Motion passed.

13. FUTURE AGENDA ITEMS

There were no additional future agenda items mentioned.

14. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

CM Robles: On Saturday, the J1 (junior) Bulldogs played at the Super Bowl at Lompoc High School. They won and were crowned "2022 Super Bowl Champions". They won the game in a 28-0 manner. I've never seen a team play like this. They went undefeated the whole season...11-0. They had eight (8) shut outs. They were only scored against them four (4) times. This young J1 team made history. Everybody was talking about them. They were coached well, and they represented our city in a great manner. No team has done that in 17 years. We've had five (5) Super Bowl appearances, and this will be our third title.

Mayor Julian: I saw youngsters at the game sitting around Tony...representing the community. People approached me saying they want to be part of the Parks & Recreation Commission.


I was saying that Santa Maria Times doesn't do a lot of press on us, but they had a nice article with all the players' names on the front page of the sports section which was nice.

Mayor Julian made some additional comments about CM Ramirez. He said, "We'll miss you, but you'll be back. You can talk about all that you've done. You can tell people to stay in school and stay true to yourself. My best to you in whatever you choose to do."

15. ADJOURNMENT

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to adjourn the meeting. 5-0 Motion passed. The meeting adjourned at 9:15 p.m.

Prepared by:


Amelia M. Villegas, City Clerk

Approved by:


Ariston Julian, Mayor