

# MINUTES

## City of Guadalupe

### Regular Meeting of the Guadalupe City Council

Tuesday, November 8, 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", for Council Member will be used in the minutes.)*

#### 2. PLEDGE OF ALLEGIANCE

#### 3. AGENDA REVIEW

*Mayor Julian requested to move two (2) items on the agenda: Item #10. Consider entering into a Community Benefit Lease Agreement by and between the City of Guadalupe and the Boys & Girls Clubs of Central Coast (DBA Boys and Girls Clubs of Mid-Central Coast) and Item #11. Cosecha Guadalupe Farmers Market. Both items to go before Item #9. Public hearing to consider a Notice of Exemption, Conditional Use Permit (2022-027-CUP) and Design Review (2022-030-DR), to allow a high-density residential project.*

#### 4. PRESENTATIONS

- Santa Barbara County Broadband Strategic Plan Project

*Marjie Kirn, Executive Director of SBCAG, gave a brief introduction stating that SBCAG has been working with the City and the County for over a year to get better broadband for all. The City Council provided funding to their proposal and hired Santa Barbara County Broadband of Pacific Coast. The goal tonight is to present their strategy to the City Council. The PUC provided \$500,000 to continue the project and another \$500,000 was provided by the County for the EIR and implementation of the project.*

*Maria Kelly, member of the Broadband Consortium Team, continued the presentation saying that this is the fifth time presenting at our Council meetings. She talked about a regional and local approach and emphasized that they are still collecting speed data for Santa Barbara County. She went through a timeline of this project showing actions taken in early in January and February such as data collection and identifying and developing the stakeholder group. By mid-year, an analysis framework was developed, public outreach had occurred, and a strategy draft was developed, bringing the project to November with presentations and project wrap up.*

*Some time was spent discussing recommended local actions for Guadalupe. One area emphasized was identifying partnership opportunities to increase capacity and prioritize broadband planning. Other actions discussed were assist in identifying residences and businesses that are unable to connect to internet service; support and foster partnerships to overcome community barriers; continue to partner with SBCAG on infrastructure planning and continue to meet with major providers to discuss public/private opportunities. Some regional actions were also recommended.*

*The presentation then involved the next steps. Some of those steps were to review and adopt strategy recommendations; identify staff as point of contact for SBCAG; prioritize policy recommendations, and have Council determine priorities. There were other steps discussed that went into first quarter 2023 such as determining feasibility of recommendations and developing priorities and approach. The City was encouraged to join JPA.*

*Mayor Julian said, "Every city hears what's working. Can't do this alone. Thank you for keeping us updated."*

*At this point, Mr. Bodem introduced Teg Butler, the new Human Resources Manager. He recently came on board on October 31, 2022. Mr. Butler was present and said that he was pleased to be here.*

## **5. COMMUNITY PARTICIPATION FORUM**

*There were no requests to speak on any item not on the agenda.*

## **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 October 31, 2022.
- C.** Accept the First Quarter 2022 financial report.

- D. Adopt Resolution No. 2022-95 authorizing the City to enter a one-year agreement for planning services with Mr. Larry Appel, Integrity Planning commencing on January 1, 2023.
- E. Approval of Amendment No. 1 to Agreement with Hinderliter, De Llamas & Associates (HdL) for cannabis-related services.
- F. Adopt Resolution No. 2022-96 entering into an agreement with De Lapide & Associates, Inc. (AKA Dr. Cornelius Nuworsoo), for the preparation of the City of Guadalupe, 6<sup>th</sup> Cycle Housing Element to remain compliant with the State of California Housing and Community Development (HCD) requirements.
- G. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
  - 1. Planning Department report for October 2022
  - 2. Building Department report for October 2022
  - 3. Public Works /City Engineer’s report for October 2022
  - 4. Los Amigos de Guadalupe Update

*No items were pulled. Motion was made by Council Member Cardenas and seconded by Council Member Robles to approve the Consent Calendar. 5-0 Motion passed. Mr. Bodem then commented on Item #6.D. stating that there was a typo in the agreement for the Contract Planner. City Attorney Sinco added that it is a one-year agreement ending December 2023, not December 2024.*

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

*There was discussion for Central Park final design...move joint meeting (City Council & Recreation & Parks Commission) to January 24, 2023, meeting. Ms. Sweeney emphasized that the design consultant drew a GANT chart and there isn’t a lot of room to push off the conceptual design. She said , “If the joint meeting was scheduled for January 10, 2023, that leaves five (5) months ‘wiggle’ room for construction issues.” She presented various options with dates of the presentation going before Council whether a joint meeting was or was not held.*

*Mayor Julian said that input from the Recreation & Parks Commission was needed. Ms. Sweeney questioned if the Commission could meet before January 24<sup>th</sup>. A special meeting for the Commission would be needed. Then direction was given by the mayor to move forward without the Commission meeting but have the presentation given tentatively at the 12/13/22 Council meeting.*

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

*Chief Cash said that there were two items from last City Council meeting:*

- *There was a request to review a fence issue at 333 Guadalupe Street. Fire Captain Schmitz did the inspection for Council’s review.*

- *Utility trailers and non-motorized vehicles parked through-out the City. City Attorney Sinco said that there is a specific ordinance that gives the City the authority to move vehicles and can tag before 72 hours. Looking to do an operational plan throughout the City.*

*Mayor Julian asked if the request for a CUP on the auto repair shop would be coming back to another meeting. Item is to be scheduled for November 22<sup>nd</sup> meeting.*

## **PUBLIC HEARING**

9. **Public hearing to consider a Notice of Exemption, Conditional Use Permit (2022-027-CUP) and Design Review (2022-030-DR), to allow a high-density residential project consisting of 27 apartment units on the westerly portion of the 0.70-acre property at 823 Guadalupe Street (Assessor’s Parcel Number 115-112-003). The project is proposed pursuant to State Government Code Section 65915 (Density Bonus Law).**

Written report: Bill Scott, City Planner

Recommendation: That the City Council:

- a. Receive a presentation from staff;
- 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. 2022-97 approving the Notice of Exemption, Conditional Use Permit 2022-027-CUP, and Design Review 2022-030-DR for the 823 Guadalupe Street apartment project.

*An application was submitted for a Conditional Use Permit (CUP) and design review for a high-density development project consisting of 27 apartment units on 0.7-acre property at 823-829 Guadalupe Street. The new three-story building will contain twenty-four apartments. The upstairs portion of the two-story building will be remodeled to add three (3) apartment units for very low-income households. The apartment units in the new building would be one- and two-bedroom units. The renovated second floor in the existing building would contain one three-bedroom unit and two four-bedroom apartments.*

*Mr. Scott briefly talked about “Density Bonus Law” which provides an increase in residential density over local government’s General Plan and/or zoning and allows certain concessions or incentives, such as parking reduction and setback reduction. Using the density bonus formula, a total of 29 apartment units could be allowed but the applicant is proposing twenty-seven apartment units.*

*There are three (3) incentives or concessions: 1) Setback reduction; 2) Parking reduction, and 3) No covered parking. There is higher density than normal with an increase of nine (9) apartments (3 for – very low-income household)s. With the setback reduction, there is no adverse safety impact – a 15-foot parkway will function as a yard. There will be some degree of on-street parking.*

*A design review is required for any development in the Central business District fronting Guadalupe Street. The design will be Spanish mission style. The front building has some historical elements. The façade needs to be fixed and the exterior renovated.*

*Mr. Scott stated that this project meets General Plan conformance. More residential units in the downtown area will increase market demand for downtown businesses. There's efficient development with an underutilized and vacant infill property where City infrastructure and services are already in place. In addition, the City will be promoting density bonuses and incentives. For CEQA review, there is a Class 32 exemption.*

**Public Hearing opened at 7:57 p.m.**

*Mr. Lupe Alvarez spoke in support of the project. He did mention a parking situation. They own the property on the southside. With families there, he said there is a need for a 6-foot block wall. He can see people parking on his side. He did say that we need more housing.*

*There continued to be discussion on the need for a wall. Mr. Alvarez stated that he could see a block wall on both sides. There is a tin fence on one side now. Mayor Julian asked if there were plans for this. Mr. Scott, "No, not in the conditions. Code requires a 6-foot wall. We can put in as condition. Would want on the north side but maybe not on the other side." Mr. Thom Jess, project architect, then spoke. He said, "We have a good experience working with Bill Scott and staff. We want to have regulation for block wall on north side or southside. We'll defer to what the staff wants. But preference is not to block."*

*The discussion then turned to affordability of the apartment units. The mayor asked the State definition of "affordable" which he assumed depended on the size of the unit. Mr. Jass said, "For low-income, one-bedroom is \$600 per month and two-bedroom is \$900 per month. It's tied to the median income." The mayor asked if there were any plans to convert to H2A housing. Mr. Scott said, "The ground floor is commercial. The upstairs is residential. Just strictly apartments. No commitment for H2A housing."*

**Public Hearing closed at 8:10 p.m.**

*Mr. Scott talked more about the walls saying, "Too many walls. Makes for a graffiti magnet. If the wall is done architecturally and maintained, it could be compatible with the main building. That would be okay." Mr. Jess added, "Maybe collectively this can be worked out with something that's fitting. How would the wall fit in? We can work something out." There was then a discussion of a decorative fence.*

*City Attorney Sinco offered suggestions: 1) approve the project; 2) continue for a period of time, or 3) approve and come back with an amendment. CM Cardenas said for the property owners to make an agreement on their own regarding a fence.*

*CM Robles said, "27 single parking spots. Where would overflow go?" (Pioneer Street.) Mr. Scott said to add to Condition #66 that applicant shall install a decorative rot iron fence with concrete base along southern side of property line and 6-foot masonry wall along property side on norther side.*

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to approve Resolution No. 2022-97 as amended. Ayes: 5 Nos: 0 5-0 Motion passed.**

*At this time, there was a short break at 8:25 p.m. The mayor called the meeting back to order at 8:34 p.m. at which point he changed the order of the remaining agenda.*

*The last item was Item #9. Public Hearing. The rearranged agenda items were then as follows:*

*Item #13. Ordinance No. 2022-504 – CA Building Code*

*Item #14. Ordinance No. 2022-505 – CA Fire Code*

*Item #16. Main Street/Obispo intersection traffic issues*

*Item #15. Council Seat Vacancy*

*Item #12. Ordinance No. 2022-506 – Salary Increases for City Officials*

*Item #17. Resolution No. 2022-98Reclassification of Business Manager Position and Finance  
Department Reorganization*

*Item #18. Resolution No. 2022-100 – New Employment Agreement between the City of  
Guadalupe and Todd Bodem as City Administrator*

**REGULAR BUSINESS**

- 10. Consider entering into a Community Benefit Lease Agreement by and between the City of Guadalupe and the Boys & Girls Clubs of Central Coast (DBA Boys and Girls Clubs of Mid Central Coast).**

Written report: Todd Bodem, City Administrator

Recommendation: That the City Council adopt Resolution No. 2022-99 authorizing entering into a Community Benefit Agreement by and between the City of Guadalupe and the Boys and Girls Clubs of Central Coast (DBA Boys and Girls Club of Mid Central Coast).

*Mr. Bodem gave a brief history on the Boys & Girls Clubs of Mid Central Coast (BGMCC). Founded in 1966, BGMCC focuses on providing programs to the youth and teens who need them most. BGMCC programs are designed to achieve priority outcomes for lifetime success in three (3) main areas: Education, Character, and Health. About 37% of Guadalupe’s population is under 18 years of age.*

*Since 1998, BGMCC has provided sports leagues in the City-owned Le Roy Park facility. That building became unusable with signs of wear, mold development and structural problems. The City secured a grant that funded the newly remodeled Le Roy Park facility. The facility sits on a few acres and includes a building with amenities with a basketball court, restrooms, offices, meeting rooms...a true multi-purpose facility. BGMCC has provided services to an average of 100 members/day of*

*Guadalupe youth and has been working over the past three (3) years with the City to come up with a plan for a continued collaboration in services to the community's youth.*

*A committee was formed comprised of the BGC MCC, Recreation & Parks Commissioners Emily Dreiling and Robert Salinas, Mayor Julian, City Administrator Bodem and Recreation Services Manager Sanchez to look at partnering with BGC MCC again. The City determined that it could not run this large a program or as cost effectively as BGC MCC. Over the past 2.5 years, the city committee and the BGC MCC have worked on a lease agreement to partner in the planning execution programming for our youth in this facility.*

*The BGC MCC is not required to pay any rent to the City; however, the BGC MCC will pay for all utilities (estimated to between \$9,000 - \$10,000 per month). The BGC MCC will make various investments to the facility, estimated at approximately \$60,000, to include network and wireless access points, computer network including internet access; surveillance, video and audio, motion sensing flood lights; security system with motion sensors, door and window sensors and a key safe containing copies of all keys for the building.*

*Section 7.2 of the lease agreement states BGC MCC's maintenance obligations. Some points listed are to keep, maintain, and repair the facility, such as equipment and signs installed BY BGC MCC, floor and wall coverings, doors, lights fixtures, locks, fire extinguishers, furnishings, keep the premises free of pests and rodents, landscaping as defined in the agreement but not any portion of the park area, etc. A reserve maintenance fund is to be established to be used for these maintenance obligations.*

*The City's maintenance obligations are to maintain the physical structure of the facility, roof, plumbing, water heating system, electrical systems, HVAC equipment, exterior painting, etc. Repairs caused by the negligence or willful misconduct of the BGC MCC or arising from its operations are not the responsibility of the City.*

*Mr. Bodem stated that although the City is not receiving rent from the BGC MCC, the committee felt that the lease agreement will meet certain criteria to ensure a mutually beneficial partnership of providing services to the community. The 'value' of services provided by the BGC MCC will exceed the fair market value of the rent for the property. Mayor Julian said, "This has been a long process. A lot of back-and-forth negotiations. Discussions of staffing, costs, etc."*

*Mr. Michael Boyer, CEO of BGC MCC, and Roberto Rodriguez, Chief Operations & Accountability Officer of BGC MCC, then spoke. They acknowledged the lengthy process to get the lease agreement. They said, "Over 100 kids can be served each day with various activities. We will run sports leagues. There will be full-time staff. Hours will be 10:00 a.m. to 6:00 p.m., Monday thru Friday, and on Saturday, 9:00 a.m. to 1:00 p.m. Staff will be available if the facility is rented.*

*CM Cardenas asked about the management of the building and especially how residents will know how to schedule/rent the building. Both Mr. Boyer and Mr. Rodriguez said that they'd provide a monthly report to Recreation Services Manager, Hannah Sanchez. There will be information put on their website about scheduling the building. The rental management will be based on how the City wants it to be...work as a partnership.*

*Further questions were asked about the rental process such as do renters come to the City or Le Roy Park; the rental fees go where; staff. Both Mr. Boyer and Mr. Rodriguez addressed these questions saying, "The B&G Club will be initial manager. Rental fees go to the City with a small fee for maintenance. It's up to the City to show fees, etc. as it's a City building. Staffing and custodial will be provided by B&G Club. The foundation has a maintenance fund.*

*As for staffing, Mr. Rodriguez explained, "There's a 20 to 1 ratio (kids to staff). 100 kids to 5 youth providers. There's also an Assistant Club Director and Club Director. So, a total of 7 on staff: 1 full-time; 1 part-time at 28 hours per week and other part-time at 20-25 hours per week. There's flexibility to bring on more staff as needed." Mayor Julian added working with Recreation Services Manager for coordination to benefit all kids.*

*The topic then turned to safety and security. The mayor asked about monitoring the area because when no one's there, problems happen. Mr. Boyer said that they will put inside/outside surveillance system for safety of the kids, etc. (All audio and video will be saved for six (6) months.) Those entering the facility must check in. Not anyone can just walk into the building.*

*CM Ramirez said, "I'm confused on the process. For renting the facility, where do you go? City Hall? Boys & Girls Club? Both?" Mr. Boyer said, "We haven't come up with specific process yet. We're managing the building as the City wants." CM Ramirez emphasized that it needs to be clear on the website for the public and must be easy to do. He then asked when the keys to the building will be turned over to the B&G Club? The B&G Club already have the keys. Mr. Rodriguez added, "Process depends on the function, event, service, etc. Running the process depends on how the City wants unless B&G Club process supersedes the City's for safety purposes."*

*CM Cardenas asked, "Does the process need to be outlined in the lease agreement?" City Attorney Sinco, "No, the agreement states that the City's in control. We don't have to have specifics spelled out in the agreement."*

*The issue of "no cost to B&G Club" came up. Mayor Julian said, "Let's talk about the elephant in the room. How do you justify 'in lieu of'?" Mr. Boyer said, "We're serving your kids at no cost. We're putting \$78,000 into the building and \$100,000 into our own maintenance fund."*



CM Robles asked, "You're getting a brand-new building. Are you adding new activities?" Mr. Rodriguez said, "There was an art room before. A new room will be used for STEM, art, multi-use room, computer use, WIFI, etc."

Ms. Sanchez said, "The only comment I have is on facility rental. A lot of confusion. We need to be specific where the public needs to go to rent. Mayra Figueroa is the City's Facility Rental Coordinator. It's easier to have rentals done through the City unless there's a specific recreational event. Then I'd see that being handled by the B&G Club, not the City." Mr. Rodriguez said that they'd want to work with the City to clarify things. Alejandra Mahoney, Executive Director of LAdG, added, "Everyone has to have equal access. People going to the park; others to the City for rentals. There needs to be one point of contact."

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to approve Resolution No. 2022-29 authorizing entering into a Community Benefit Agreement by and between the City of Guadalupe and the Boys and Girls Clubs of Central Coast (DBA Boys and Girls Club of Mid Central Coast). Roll Call: Ayes: 5 Nos: 0 5-0 Motion passed.**

#### **11. Cosecha Guadalupe Farmers Market**

Written report: Hannah Sanchez, Recreation Services Manager

Recommendation: That the City Council choose from one of the following options:

- a. Allow Cosecha Guadalupe access to the Veteran's Memorial Plaza free of charge including use of utilities; or
- b. Pro-rate rental fees and utilities for Cosecha Guadalupe's use of Veteran's Memorial Plaza; or
- c. Allow Cosecha Guadalupe access to Le Roy Park free of charge including use of utilities; or
- d. Pro-rate rental fees and utilities for Cosecha Guadalupe's use of Le Roy Park.

*Ms. Sanchez explained that various groups within Guadalupe have been working over the years to find a way to provide the city with a farmers' market. FRESA, one of those groups, has spent a couple years researching and documenting the feasibility of having one in Guadalupe. (FRESA stands for "Food Resiliency, Equity, Sustainability & Action"). This group is also involved in advocating for quality food access in Northern Santa Barbara County.*

*An interested working group, though separate from FRESA, is working with FRESA on having a market here in town. The working group has tentatively named the farmers' market "Cosecha Guadalupe". This group has asked the City to use, free of charge, the Veterans' Memorial Plaza, and the water and electricity on the plaza. Another request is that the City pay for the rental of a porta-potty to be kept on the plaza year-round.*

*Staff cited the pros and cons of Le Roy Park rather than the Veterans Memorial Plaza for this market site. For Le Roy Park, there'd be sufficient parking, no need to rent a porta-potty, playground area for kids to play. The strong "pros" for using the Veterans Memorial Plaza are the centralized location*

*and potential for visitors to the farmers market going to restaurants and businesses in town. Potential downside of the Veterans Memorial Plaza is eliminating parking spaces during the market's open hours as well as access to the electric vehicle charging station.*

*Request to speak:*

*Mr. Dennis Apel said that he's spent some time with Hannah. He gave proposal to staff and was surprised by staff's recommendation, especially move to Le Roy Park but said that he understood. However, he felt there are strong points for use of the Veterans Memorial Plaza. He said that he isn't requesting the City to rent the porta-potty. The farmers' market is not a financial benefit for anyone but is a good benefit to the community.*

*Mr. Apel then questioned the potential fees the City would charge for use of the Veterans Memorial Plaza. For utilities, he asked how the market would use \$12 per hour; \$100 per day. He talked about the \$100 deposit and cleaning fee which would be about \$640 a month. He said he was surprised by that but if that was what the City wanted, that's what it would be.*

*The question at this point was not for the City to decide based on costs and fees but rather on whether the site would be to have the farmers market at the Veterans Memorial Plaza or at Le Roy Park.*

*CM Costa, Jr. had some questions of both Ms. Sanchez and Ms. Sweeney about utilities usage, cost for the City vs residential, monitoring water with a meter. Rates for public areas depend on usage. Water and electricity are hard to estimate. A "best guess" was used because there's no reported usage documented. As for putting in a meter, Ms. Sweeney said, "If there was a fire hydrant there...would have to do research to put a spigot or take meter reading before and after the event." Mr. Apel added, "It's required to have a bathroom and hot water for vendors available. We don't want to rely on business neighbors. With six (6) produce vendors and possibly six (6) others, we'd need enough water to wash hands. Water should be minimal. Use of electricity would only be if music was used at the gazebo." Rental fees were briefly discussed with Ms. Sanchez saying that she'd bring that item back.*

*Mayor Julian then went through the proposal from Mr. Apel for the Farmers' Market in Guadalupe:*

- 1. Use the Veterans Memorial Plaza to provide vegetables to the community.*
- 2. Olivera Apartments are near the parking lot (Plaza). The program has to be in the middle of town to make it easier to get to. Vandenberg, Lompoc, Santa Maria all use parking that's central for people walking.*
- 3. Are vendors being charged? Mr. Apel said that the market will get 5% of what the vendors sell.*
- 4. Haven't seen a lot of electrical use...farmers markets don't use power.*
- 5. Water usage for vendors.*

6. *Porta-potty: don't see the City participating with rental...maybe see Guadalupe Business Association participating...people coming here, things to see, restaurants, businesses, Wine House.*
7. *Parking barriers for "no parking" could be used. If people know time of farmers market and they park there, they'd be ticketed. But people will get used to not parking when market is open.*
8. *Fees – Lions Club, Commite, Kiwanis all use the Veterans Memorial Plaza and have Council's pre-approval to waive fees. Some adjustments may need to be made based on purpose of Plaza use. The mayor suggested looking after one year, look to see what progress there is. The mayor made some additional comments: the City should participate in the fee; location should be at the Veterans Memorial Plaza; porta-potty is more expensive than explained...suggested farmers might donate; need upkeep of the porta-potty which would be left for public to use.*

*General concerns raised by Council and staff: if Le Roy Park was the location, it would limit the use of some areas to rent; access to the electrical vehicle charger at the Plaza could be a problem; suggest using only a portion of the Plaza to start things small and have it grow. Mr. Apel said that if only a portion of the Plaza was used, it cuts vendors in half...wouldn't have space for 12 vendors. Chief Cash added that without any review of the situation for the charger, if people can pull in and out easily, might work...whatever the Council wants, we can make it happen.*

*Mr. Alhan Diaz-Correa, FRESA, then spoke regarding the pros and cons of either suggested location. He said, "We've done work in the past and looked at both locations. Either one is good. The Plaza is a prime location and will bring people in. Whatever the location, it's important to stick with it...be consistent. I'd want the Plaza location to focus on downtown business but have Le Roy for other vendors. Whatever location, build on it."*

*Mayor Julian then said, "The biggest issue are the fees. Water, porta-potty, electricity – not a big issue. Electric vehicle charging station – no big issue. The Senior Center has a charger. Can't carve up the Plaza parking lot. Alhan added, "As chargers are added, lesser restrictions on the Plaza parking lot. The Veterans Memorial Plaza will work. If it's a matter of funds, FRESA will fundraise, but this market will make money. In the beginning, we need a strong foundation." The mayor said, "Look at the location now. Hannah and others will look at expense. Look at six-month to a year forgiveness. But we need to get it going."*

*Mayor Julian asked the council members for their choice of location:*

- CM Robles: Veterans Memorial Plaza*
- CM Costa, Jr.: Le Roy - because of parking*
- CM Ramirez: Veterans Memorial Plaza – leave Le Roy Park open for rentals*
- CM Cardenas: Le Roy Park*
- Mayor Julian: Veterans Memorial Plaza*

*City Attorney Sinco added that the policy needed to be amended to include the City Council's approval for the Farmers Market to be added to the list of an approved special event, as listed on the Master Fee Schedule. He said, "Give direction to staff to work with the farmers market group and bring back to staff. It's a 3-2 vote in favor of the Veterans Memorial Plaza. Make a motion to work with farmers market people on plan to use the Veterans Memorial Plaza.*

**Motion was made by Council Member Ramirez and seconded by Mayor Julian to have the applicant work with staff on a plan to use the Veterans Memorial Plaza. Ayes: 3 Nos: 2 3-2 Motion passed.**

*CM Ramirez clarified, "The City's involved; need to have Guadalupe Business Association and all partners in this project. But it's not a 'for sure thing' as there are questions to be answered. Location was the issue voted on." Mr. Apel said, "City is okay to proceed with Farmers Market at the Veterans Memorial Plaza. There were two options to vote on." Mayor Julian said, "More details need to be determined. Will there be a grace period? No vote on fees, utilities, etc. now."*

*CM Costa, Jr. raised the issue of accumulated trash and who handles that? Mr. Apel said, We're willing to take trash out every week. We don't want to burden the City." The mayor's final comment was, "Work with Hannah to get details."*

## **12. Ordinance No. 2022-506 - Salary Increases for City Officials.**

Written report: Philip F. Sinco, City Attorney

Recommendation: That the City Council introduce Ordinance No. 2022-506, and continue to its meeting of November 22, 2022, for second reading and adoption, an ordinance increasing the monthly salaries for all of the City's elected officials.

*City Attorney Sinco cited some sections from the government code relating to salaries of elected officials. It stated that the maximum salary is based on population. For cities with a population up to and including 35,000 in population, the maximum stipend is \$300.00 per month. However, the salary for council members can be increased beyond that amount by an amendment to an ordinance but the increase can't exceed an amount equal to 5 percent for each calendar year from the date of the last adjustment to the salary.*

*The salary for council members is \$150.00 per month. The last time there was a salary adjustment was in 1987. The salaries for the City Clerk and City Treasurer are determined by the City Council. They are also \$150.00 per month. City Attorney Sinco said, "The Council could increase the salary to \$300.00 per month but can go higher to \$570.00 per month, which would be the maximum, but it doesn't have to go that high. Also, the mayor can receive a higher salary per the government code with approval of the City Council. In 1997 the salaries for the City Clerk and City Treasurer were approved, through a resolution, to be equal to the salaries of the City Council. The Council can*

*approve that the salaries continue to be the same as the City Council or a different amount can be approved.*

*The City Council has the approval to grant stipends for the Recreation & Parks Commission. Mr. Bodem said, "Stipends for the Commissioners make sense to give, and that the mayor receive more than the rest of the Council. He is involved in ceremonials and activities within the community." City Attorney Sinco said that retirement and health benefits are not considered part of salary. Mayor Julian then said, "I don't feel that health benefits and PERS should be given...there's no budget. But 37 years of \$150.00 per month isn't adequate for what we do. This increase should also include the City Clerk and City Treasurer. I'd want the increase for the mayor, \$420.00 per month, not take effect until 12/10/2024. I'm planning on staying another two (2) years" City Attorney Sinco said that we can continue to another meeting to take effect 1/01/2024.*

*CM Cardenas said that she could see the Recreation & Parks Commissioners receiving something. City Attorney Sinco said, "No action has to be taken tonight on that. It can be done by resolution. Item can be brought back for the next meeting with a resolution showing compensation for the Recreation & Parks Commissioners." The mayor recommended \$100.00 per month for the Commissioners. CM Cardenas said, "Will this be sustainable for the next two (2) years? Or even the next six (6) months if adopted in January 2023?"*

**Motion was made by Council Member Costa, Jr. and seconded by Mayor Julian to amend Ordinance No. 2022-506 to increase salaries for first reading and continue for second reading at meeting of November 22, 2022. Ayes: 2 No: 3 2-3 Motion did not pass.**

- 13. Ordinance No. 2022-504, repealing Guadalupe Municipal Code Ordinance No. 2020-491, Title 15.04, adoption of Building Codes; and adopting a new Chapter 4 of Title 15, adoption of State of California 2022 Building Standards Code.**

Written report: Mark Green, Contract Building Official

Recommendation: That the City Council introduce Ordinance No. 2022-504, and continue to the meeting of November 22, 2022, for second reading and adoption, to update and amend Title 15, Chapter 4 of the Guadalupe Municipal Code to be consistent with the State of California 2022 Building Standards Code of which become effective January 1, 2023.

*Mr. Green explained that every three (3) years a new construction code is issued. The Municipal Code of the City of Guadalupe Title 15, Chapter 4 has not been comprehensively updated since August 25, 2020, with the adoption of the 2019 California Building Codes which will expire January 1, 2023. The California Building Standards Commission adopted the 2022 California building Standards Code, which becomes effective January 1, 2023, and contains eleven subjects that incorporate public health, life safety, and general welfare standards used in the design and construction of buildings in California. The cost for the building codes is between \$1,500 - \$1,700 a set. PDFs of the codes could also be purchased.*

*Mr. Green said that he picked up five (5) ADUs today. A review of each ADU will take between 3-5 hours. He said that a high priority now is the Royal Theatre project. A third review has been completed and is going into a fourth review. For the Escalante Meadows project, there are a batch of revisions that were issued. He said he finished a review today.*

*Mr. Green mentioned that there are a lot of ADUs and apartment complexes going up now. Mayor Julian asked where are those ADUs that are going up? Mr. Green said, "About 95% are in the older area of Guadalupe. That area has room on site to build. Area is about from Guadalupe Street east to edge of town and north. There's also about two (2) ADUs in Pasadera.*

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Cardenas to introduce Ordinance No. 2022-504 for first reading and continue to the meeting of November 22, 2022 for second reading and adoption. 5-0 Motion passed.**

**14. Ordinance 2022-505, adopting the 2022 California Fire Code and amend the Guadalupe Municipal Code to update Fire and Safety regulations.**

Written report: Michael Cash, Director of Public Safety

Recommendation: That the City Council introduce, on the first reading, and continue to the meeting of November 22, 2022, for second reading and adoption, Ordinance No. 2022-505 adopting the 2022 California Fire Code and amending the specified fire and safety ordinances in the Guadalupe Municipal Code.

*Chief Cash gave a brief background stating that the State of California periodically updates the California Fire Code to adapt to changing needs for the public's continued safety. The code has been updated to remain current on changing technology and risks. The most current version of the California Fire Code was released in 2022 and will become effective on January 1, 2023. In addition to approving to adopt the 2022 California Fire Code to regulate fire, building and safety issues consistent throughout the State, staff is also requesting that the Council approve other amendments to the City's fire and safety regulations set forth in the Guadalupe Municipal Code.*

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Cardenas to introduce Ordinance No. 2022-505 for first reading and continue to the meeting of November 22, 2022, for second reading and adoption. 5-0 Motion passed.**

**15. Council Seat Vacancy.**

Written report: Philip F. Sinco, City Attorney

Recommendation: That the City Council consider whether to make an appointment or call for a special municipal election to fill upcoming vacancy on the City Council.

*CM Ramirez submitted his letter of resignation to the City Clerk on October 25, 2022, specifying the date of his resignation as November 29, 2022. His resignation will occur halfway through his four-year term. Whoever fills his vacancy will serve until December 3, 2024, which would have been the final day of CM Ramirez's term.*

*There are two options for the Council to fill the vacancy: either through an appointment on January 28, 2022, or through a special election. The staff recommends filling the vacancy through an appointment. A notice will be posted on the City's website and elsewhere. There will be a 30-day period to respond. Letters will be reviewed by the Council at the December 13<sup>th</sup> meeting and selections will be made for those applicants to be interviewed at the meeting for January 10, 2023. Final selection as well as appointment can be made then, or it can be continued for the January 24, 2023, meeting. There was consensus by the Council to move forward.*

*The Council then discussed whether or not a shorter period was needed to fill the vacancy. Rather than a 30-day period for applicants to respond, cut it to 15 days. Schedule a special meeting solely to review and interview applicants. A variety of dates and actions were discussed. The final decision was to have the timeframes as initially proposed: Post notice of seat vacancy; deadline to respond with letter of interest, by December 6<sup>th</sup>; letters reviewed by Council at the December 13<sup>th</sup> meeting; applicants interviewed at the meeting of January 10, 2023, and applicant selected and appointed at the meeting of January 24, 2023. (Applicant may also be selected and appointed at the meeting of January 10, 2023.)*

**16. Main Street/Obispo intersection traffic issues.**

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

Recommendation: That the City Council provide direction to staff on next steps for traffic control on Highway 166 (West Main Street) in the vicinity of Obispo Street.

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to continue item to a later date. 5-0 Motion passed.**

**17. Reclassification of the Business Manager position and Finance Department reorganization.**

Written report: Amelia M. Villegas, Interim HR Manager

Recommendation: That the City Council adopt Resolution No. 2022-98 approving the reclassification of the Business Manager position and reorganization in the Finance Department.

*For years the Finance has had a flat organizational structure with all positions reporting to the Finance Director. With an increase in the department's customer base along with the need for more focused internal controls and day-to-day supervision of the operations side of the department, two changes are recommended: reclassify the Business Manager position to Accounting Supervisor and reorganize the department structure.*

*The reclassification of the position will result in the staff on the operations reporting directly to the Accounting Supervisor who will then report to the Finance Director. These two changes will allow the Finance Director to provide more focus on higher level review of internal processes, budget and fiscal policies as well as the transition and maintenance of the new software.*

*The SEIU salary grade for the Accounting Supervisor is 215. (The salary grade for the Business Manager position was 205.) There is no fiscal impact at this time or through this fiscal year. The incumbent is eligible for a salary increase no later than November 9, 2023, contingent on overall performance.*

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Robles to approve Resolution No. 2022-98 approving the reclassification of the Business Manager position and the reorganization in the Finance Department. 5-0 Motion passed.**

**18. New Employment Agreement between the City of Guadalupe and Todd Bodem as City Administrator.**

Written report: Amelia M. Villegas, Interim HR Manager

Recommendation: That the City Council adopt Resolution No. 2022-100 approving a new employment agreement with Todd Bodem as City Administrator and authorizing the Mayor to sign the agreement on behalf of the City.

- *Mr. Bodem was hired on November 1, 2019. His original employment agreement had a three-year term, from November 1, 2019 to October 31, 2022. His new agreement is based on the same terms as the prior agreement, with the following changes:*
- *A two-year term from November 1, 2022 to October 31, 2024.*
- *Base Salary of \$146,864.16. On or after November 1, 2023, Mr. Bodem is eligible for a three percent (3%) salary increase, contingent on a satisfactory performance evaluation from the City Council. In addition, he will also be eligible for up to an additional three percent (3%) at that time if he has met certain criteria in a “pay for performance” program. The Council will approve the terms of that program with measurable objectives no later than January 10, 2023.*
- *Mr. Bodem may use his personal car and in lieu of reimbursement at the IRS mileage rate, he will receive a \$150.00 per month car allowance stipend.*



- *Mr. Bodem will automatically receive a three percent (3%) increase to his base salary if any City employee receives an increase to his or her base salary that is higher than Mr. Bodem's. (In the original employment agreement, the increase was \$1.00 per hour.)*

*The fiscal impact for this new two-year term employment agreement to the City's general fund is approximately \$11,000 should an increase occur during the first year of the agreement and approximately up to \$20,000 should Mr. Bodem be awarded a salary increase during the second year of the agreement.*

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Robles to approve Resolution No.2022-100 approving a new employment agreement with Todd Bodem as City Administrator and authorizing the Mayor to sign the agreement on behalf of the City of Guadalupe. 5-0 Motion passed.**

*Mr. Bodem thanked the City Council and expressed his appreciation working with them.*

**19. FUTURE AGENDA ITEMS**

*CM Cardenas mentioned the Micro-Enterprise grantees for the November 22<sup>nd</sup> meeting.*

**20. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS**

*CM Costa, Jr.: Three (3) of the Bulldogs teams were out of the playoffs while the junior team is still in and can possibly make it to the Super Bowl. McKenzie Girls basketball team lost to Lakeview while the Boys team won. Saturday, November 12<sup>th</sup>, Touch of Style will be at Le Roy Park.*

*Mr. Esteban Ross Johnson, who was in the audience, came to the podium. He said he moved to Pasadera and is interested in politics, local politics.*

**21. ADJOURNMENT TO CLOSED SESSION MEETING**

*The meeting is being adjourned to closed session. Item to be discussed: Conference with Labor Negotiators (Subdivision (a) Government Code Section 54957.6) Agency designed representatives: City Administrator, Human Resources Manager and Che Johnson, Partner, Liebert, Cassidy & Whitmore; Employee Organizations: International Association of Firefighters (IAFF).*

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to adjourn the meeting to closed session. 5-0 Motion passed.**

**CLOSED SESSION**

**22. 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)

**23. ADJOURNMENT TO OPEN SESSION MEETING**

Motion was made by Council Member Costa, Jr. and seconded by Council Member Cardenas to adjourn to open session. 5-0 Motion passed. Meeting adjourned to open session at 9:55 p.m.


**24. CLOSED SESSION ANNOUNCEMENTS**

*No reportable action*

**25. ADJOURNMENT**

Motion was made by Council Member Costa, Jr. and seconded by Council Member Cardenas to adjourn. 5-0 Motion passed. Meeting adjourned at 9:56 p.m.

Prepared by:

  
Amelia M. Villegas, City Clerk

Approved by:

  
Ariston Julian, Mayor