

MINUTES

Regular Meeting of the Guadalupe City Council Tuesday, December 14, 2021, 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. All were present. (Note: The abbreviation "CM" will be used for "Council Member".)

2. MOMENT OF SILENCE

To pay respect to those who most recently have left us, Mayor Julian mentioned the following: 1) the 800,000 individuals who died from Covid-19 in the United States; 2) the victims of the recent tornadoes in six states; 3) the family and friends of Vicente Fernandez, King of Rancheras; 4) the family and friends of Theodoro Gomez, Guadalupe resident; 5) the family of Robert Dole, former member of the United States Senate; 6) the families of the 54 migrants from Guatemala killed in a vehicle accident in Chiapas, Mexico, and 7) those family and friends each of us may wish to recognize in our moment of silence.

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.

There were no requests to change the agenda.

5. CEREMONIAL CALENDAR

- Recognition to the Guadalupe Community Changers for the cleanup efforts.

Mayor Julian read the Certificate of Recognition in English with CM Cardenas then reading it in Spanish. Mireya Piña, Coordinator, and Maria Montonya were present to accept this recognition. The certificate acknowledged the year-round clean-up efforts of the numerous volunteers of the Community Changers, and their focus on improving our community.

6. PRESENTATION

- Guadalupe Community Changers 2021 Clean-Up Report.

Mireya Piña gave the presentation showing some of the highlights: 12 community clean-ups; volunteer opportunities for Guadalupe residents; community education and collaboration with other organizations, such as Essence of Earth and the Dunes Center. Ms. Piña then went month-by-month showing the statistics of how much trash was collected, how many volunteers, and specific locations.

For the first three months of the year, they collected 43.5 bags with 37 volunteers at 6 locations. For the remaining months through November, they collected trash from 22+ locations with 98+ volunteers. As of April, they switched from counting “bags” to “pounds”. For the eight (8) months, they collected a total of 867.8 lbs. of trash. On average for this period: 2.5 locations, 108.5 lbs. with 12+ volunteers. Ms. Piña cited one interesting statistic: in November, there were “1,400 cigarette butts picked up which equals 70 packs of cigarettes”. The next clean-up date is scheduled for Saturday, 12/18. In addition, Essence of Earth collected 186+ lbs. for July and September.

Ms. Piña cited some other interesting facts: young people litter slightly more than older people; socio-economic factors are linked to littering behavior, and smoking-related items are littered more frequently than most other litter items. She also mentioned that there are only four (4) trash bins on Guadalupe Street. In Disneyland, Ms. Piña said, there are trash cans every 30 feet. Motivations and barriers also tie into littering, such as a sense of responsibility, feelings about the community, etc. Because these facts were important, Ms. Montonya repeated them in Spanish.

Ms. Piña spoke about street sweeping and showed a sketch of areas that are swept every Friday and other areas that are only swept once-a-month on the second Friday. She recommended that an additional day be added to the areas now receiving once-a-month sweeping. Other recommendations made to the City Council were: 1) add more trash/recycling/smoking receptacles on Guadalupe Street and high trafficked areas; 2) establish a community clean up volunteer group; 3) provide education to the community around waste and environmentally conscious practices, and 4) require business owners on Guadalupe Street to remove trash from the front of their businesses. Ms. Montonya also read these recommendations in Spanish.

Mayor Julian mentioned that Ms. Piña should connect with Ms. Sweeney, Public Works Director, and the City, in general. He said, “When the City was responsible for street sweeping, there was a requirement not to park on Guadalupe Street between the hours of 2:00am to 3:00am so the street could be swept. But that doesn’t happen anymore. Nobody can get in there because of all the cars.”

The mayor then asked Ms. Sweeney how this street sweeping would fit with our agreement with Health Sanitation (HSS) and their schedule. Ms. Sweeney responded, “We’d have to have discussions with Waste Management (HSS) to see what it would take to adjust the schedules. One of the things you’ll see on the Consent Calendar is the agreement with the Department of Transportation, which is the Clean California Maintenance Agreement. It’s \$70,000 we can use over the next 2.5 years. That enables us to do graffiti and litter removal from state highways, specifically Hwy 166 and Hwy 1. It can only be used on those two (2) streets. I’ve had discussions with CalTrans about how that funding can be used. It’s a bit of a work-in-progress how the monies can be used but once we get approval on that agreement, then we can start working on the recommendations made here tonight. This grant monies provides us with more opportunities we didn’t have previously.”

Mayor Julian then addressed the suggestion of more trash cans on Guadalupe Street. He said, "If we provide more, they have to be emptied. Maybe this agreement with CalTrans, it will provide resources for that purpose." Ms. Sweeney added, "We are allowed to use staff time and materials, trash bags, for that work emptying trash cans. That's one of the tasks we can be reimbursed for. There would be some recordkeeping involved here." Mayor Julian then said, "When you do add City staff then you do add expenses. What about using the Community Changers, if they want, or another clean-up group that would take some responsibility?" Ms. Sweeney said that there are many questions asked of CalTrans and once the program is more fully defined, the City can then put together a more meaningful program. Mayor Julian added, "Who better than to partake in this than residents who walk the streets."

CM Robles asked, "I'm not sure when Earth Week is but maybe we can collaborate with the school district and have an introduction, like a coloring book. Maybe something in the classroom showing picking up after yourself, and in your neighborhood showing ownership and pride in your community." Ms. Piña responded, "Thank you for your comment, Gilbert. Actually, Christina is here tonight, and we are trying to coordinate something for Earth Day. What we're hoping to do is pass on the baton. We're trying to target so many different areas of need here in Guadalupe that need representation. We're thinking of doing something for each of the four (4) seasons. We're happy to work with anyone on this." CM Robles again emphasized that it would be great to introduce this to a target group, like 2nd-4th grade level students, maybe in an assembly environment.

Ms. Piña ended the presentation by saying, "I just want to give thanks to a few people. I want to thank our volunteers. All the organizations that supported us. I want to thank the City Council. You've been really supportive, and we've really appreciated that. Lastly, I want to thank the Community Changers for holding themselves accountable for how we contribute to global warming. Thank you."

7. 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.

There were no requests to speak.

8. 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 December 9, 2021.
- C. Approve the Minutes of the City Council Special Meeting of November 17, 2021, to be ordered filed.
- D. Approve the Minutes of the Special Joint Meeting of the Guadalupe Union School District and City Council of November 17, 2021, to be ordered filed.
- E. Approve the Minutes of the City Council Regular Meeting of November 23, 2021, to be ordered filed.
- F. Accept cancellation of the December 28th City Council Meeting.
- G. Accept the November 2021 Financial Report.
- H. Adopt Resolution No. 2021-91 approving the modifications to the Master Fee Schedule Annual CPI Update.
- I. Adopt Resolution No. 2021-92 approving a letter to Caltrans recommending improvements to Highway 1 as part of Project No. 05-1E030-0513000026 named the Guadalupe Street ADA Project.
- J. Adopt Resolution No. 2021-93 approving a maintenance agreement with the California State Department of Transportation (Caltrans) for litter and graffiti removal in and around the state highways, associated with the "Clean California Beautification Program of 2021".
- K. Adopt Resolution No. 2021-94 approving the use of the Veterans Memorial Plaza for a Public Safety Holiday Display and Command Post Operations.
- L. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
 - 1. Planning Department Report for November 2021
 - 2. Building Department Report for November 2021
 - 3. Public Works Department Report for November 2021
 - 4. Recreation & Parks Department Report for November 2021

No items were pulled. Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to approve the Consent Calendar. 5-0 Passed.

9. CITY ADMINISTRATOR REPORT: (Information Only)

Mr. Bodem read the following:

This letter is from Deek Segovia: "I am responding to the commentary published 30 November 2021 in the Santa Maria Times regarding Veterans evicted from Guadalupe Veteran's Memorial Building.

While the history of the building is accurate and informative, the allegation that the Veterans were 'kicked out' is totally false. While the building was originally dedicated for use of all veterans of Guadalupe, management of the building was negotiated between the City of Guadalupe and the American Legion Post 371, which included rental of the facility.

Unfortunately, the American Legion Post chose to put money ahead of the veterans, prohibiting access for regularly scheduled meetings to other veterans in the community. This caused quite a bit of contention between the American Legion and other Veteran groups, eventually resulting in the Guadalupe Vietnam Veterans Chapter 982 seeking a meeting place in several other locations as the Memorial Building was not made available for regular meetings due to the priority given to renting the facility. This had nothing to do with the City of Guadalupe!

The Veterans Memorial Building was intended for use by all veterans, however that has not been the case due to the American Legion leadership. I am a Vietnam Veteran and a member of the American Legion as well. I have always felt supported by the City of Guadalupe, which has welcomed our Chapter and supported all our public events. The VVA chapter 982 considers Guadalupe our home and since the City of Guadalupe has resumed management of the Veterans Memorial Building, we have been able to use the building for our meetings and feel that we have been welcomed back home. The American Legion has the same opportunity to use the building. No veteran or veteran's group has been 'put out' (of the building). All veterans are welcome in Guadalupe, and it makes me sad to read the commentary stating that veterans do not have a home and are allegedly not welcome in Guadalupe. This is absolutely not the case!

Sincerely,

Deek Segovia, Charter member Vietnam Veterans of America Chapter 982 and VVA Riders Group, Life Member VFW, Member of the American Legion."

Mr. Bodem also read a brief written comment from Refugio Hernandez: "Re: Guadalupe Theatre Building - To Whom It May Concern: I am in support of the building's preservation. Respectfully, Refugio Hernandez"

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

Chief Cash said, "Personally, for Public Safety, thank you to the Community Changers. Let's see how we can partner with you. I've seen you around town and it's been a great help. So, thank you."

Chief then continued saying that there were several things to report:

- 1. There was a sectional meeting last week with the Sheriff's Office and Police Chiefs from San Luis Obispo, Santa Barbara County and Ventura. This group met with California Attorney General, Rob Bonta. I happened to be seated next to his special assistant. Mr. Bonta's background was read. He is the first Filipino-American Attorney General of the State of California. He has an agricultural background. I told his assistant that this guy is a mirror of Guadalupe due to his*

background and upbringing. We're working together to try and bring Mr. Bonta here. I spoke with him, and he's very interested. Now we're trying to work on schedules. I had the opportunity to extend an invitation from the mayor to come here. I explained the cultural and historical aspect of Guadalupe, and he was really impressed.

- 2. Working with the school district re traffic. Thank you to Council Member Costa, Jr. who helped to steer things. We're bringing more of the parents to be involved so this isn't done behind closed doors.*
- 3. Juvenile Justice Commission – we're continuing working on that commission to provide resources for youth and families.*
- 4. The Public Safety Department is doing a 'free blanket giveaway'. There are about 20 blankets. The Food Distribution did the same.*
- 5. Graffiti Artist Vandal: we put out a 'Crime Stopper' flyer hoping for some tips. The costs are increasing for clean-up.*
- 6. There was a printout that was sent to Facebook in 2018 that resurfaced and still holds true: "One of the reasons we live where we live...The overall crime rate in Guadalupe is 71% lower than the national average. For every 100,000 people, there are 2.2 daily crimes that occur in Guadalupe. Guadalupe is safer than 79% of the cities in the United States. In Guadalupe you have a 1 in 125 chance of becoming a victim of any crime."*

Chief commented, "This touts our lower crime rate. It's nice to see a resident sending these comments. There are comments from people who've moved away wishing they could come back. It's encouraging to put those comments out. But it goes together with not only having lower stats and knowing that, but people also need to have a feeling of being safe. So those two things go together and something that we'll continue." That concluded the report.

Mayor Julian said, "CHC also donated blankets and large supply of diapers as well as five (5) \$25 gift cards from Wal-Mart. The School District, Mary Buren and McKenzie Schools, had a food drive. They packed and distributed the food which was distributed at the December 2nd Food Bank distribution. Thank you to the School District." Chief Cash added, "A resident donated apples from their trees. There are other citizens who give what they can. We have volunteers all around helping."

CM Cardenas asked Chief to talk a little about the launch of the program with the School District, 'Handle with Care'. Chief explained, "Yes, the pilot program here in Guadalupe has started and we're working with the Santa Barbara County DA's office. If our first responders come across youth/children having issues at home, that information can be entered into a database. So, when they go to school, teachers can be aware that something is going on. Rather than disciplining the child, we can get resources to help. The website is up, and information is being built. The hope is that then the program will go Countywide."

11. MAYOR'S REPORT- UPDATES:

Mayor Julian said that the report was self-explanatory. He did say that there's a lot going on in the City and encouraged people to read the report on the City's website.

PUBLIC HEARING

12. **Royal Theater Expansion, 2021-100-DR to approve a remodeling/restoration of the original theater, a 5,221 square foot addition to the rear of the theater along with an 803 square foot addition to the original theater. The project site covers 26,600 square feet over three Assessor's Parcels and is located at 848 Guadalupe Street, (APN 115-101-001, 115-101-011 and 115-113-001).**

Written Report: Larry Appel, Contract Planner Director

Recommendation: That the City Council:

- a. Receive a presentation from staff;
- b. Conduct a public hearing, including 1) an opportunity for the architect to present the proposed project, and b) receive any comments from the public; and
- c. Adopt Resolution No. 2021-95 approving 2021-100-DR, including Finding and Conditions of Approval.

Mr. Appel gave a brief background on the Royal Theatre. It was first opened in 1939, and in 2011 it closed due to an electrical fire. An evaluation by the Historic Resource Inventory and Evaluation was conducted and in February 2021 and determined that the theatre qualified for both the California and National Historic Registry. The City is using former redevelopment agency bond funds to cover the costs of preparing plans to remodel the original theatre as well as design a three-story addition to the rear of the building. The design work is being done by Andrew Goodwin Designs of San Luis Obispo.

A grant application was submitted for the design phase for CDBG funds in the amount of \$250,000. This would reimburse some of the planning costs. The City is also preparing an application a grant from the federal Economic Development Administration (EDA). This grant, under the "2021 American Rescue Plan Act Travel, Tourism, and Outdoor Recreation" grant program, would cover the costs of restoration of the theatre and the new three-story addition.

After the brief explanation by Mr. Appel, the presentation was begun by Mr. Michael DeMartini of the design group. He said, "A team, which includes architectural, structural and civil engineering, landscaping, electrical, plumbing, fire, acoustics and historical expertise, has been working on this project for some months. Back in early 2020, we were asked to provide pro-bono design services for potential expansion of the Royal Theatre. We had a good development team and worked up some designs onsite and some imagery on how it could look. Fast forward, we've gone in and assessed the building from top to bottom. It's wonderful that we can bring the historical nature back and enhance it with services to the community with the back building."

Mr. DeMartini continued saying, "We brought a drone to really see the building from top to bottom. There's a lot to be done inside to get it back to its safe state and current codes. This project consists of a renovation and 803 square foot addition to the original Royal Theatre and a 5,200 square foot three-story addition to the rear of the theatre, new parking lot with 12 regular spaces, two (2) ADA spaces and commercial loading dock, and new landscaping. There were multiple overheads showing the current state of the theatre and the projected design and refurbishment. There were internal pictures of the existing building condition as well as external shots from a variety of views that were taken in August. There are two street frontages, Olivera Street and Guadalupe Street.

Mr. DeMartini emphasized that the stage would be preserved but repaired for more flexibility of performances. The approximately 200-220 chairs would be removed and refurbished. The front entry lobby flooring would also be preserved with the façade restored. A new roof will be placed on the building. All restrooms, current and new, would follow ADA requirements.

The new first-floor plan would have a new commercial kitchen, new restrooms, secondary lobby, green room/backstage, lounge, concessions and new stair to the second story. The new second-floor plan involves a projector room, flex office and new classroom flex spaces, an outdoor deck, new restroom and the refurbished marquee. The new third-floor plan will consist of an interior flex space, mechanical roof deck, outdoor roof deck and an escape stairway. In addition, there are plans to have an amphitheater, public plaza that opens to the street side and new parking lot for the new addition in the back.

Currently, there is no current parking for the theatre. Staff believes there is adequate public parking in the downtown area which can be used for the theatre parking, both on-street and in City lots. The architect has designed a parking lot at the eastern end of the property that provides 12 standard parking spaces, two (2) ADA spaces and one commercial loading area for the new building.

Mr. DeMartini showed their new landscape plan. The theatre property is currently lacking any landscaping. He spoke about drought tolerant planting, flat turf area for outdoor events right behind the outside theatre, landscape plaza and stormwater management and street trees at the parking lot. He emphasized the drought tolerant and native plants are planned to be used. He then showed pictures of the proposed theatre with views from front entrance to the theatre, the outdoor amphitheater, which will have an enclosed fence, as well as the rear view from the parking lot from the back of the building exiting on to Olivera Street.

Mayor Julian asked Mr. DeMartini to explain the historical preservation site and keeping the existing building as it is, etc. as there may be questions on differences in architecture. Mr. DeMartini said, "The historic building in the front is an unreinforced masonry building with an art deco history to it. We're keeping all that the same. The marquee is being restored. The neon back to the historic nature of it. The colors, the stucco down to the texture is being preserved. On the outside, the brick is being left alone. Certain areas of the building were meant to be left alone. It's 'new and old' coming together to bring entertainment to the town. The inside is preserved down to the lighting. We maintained the historic nature of the lighting and acoustics down to the interior wall finishes. We're keeping the existing seating and the interior proscenium remains. The original painting on the wall is in good shape. We will have a modern acoustic material there, but it will be designed to stay the colors and texture what it was. Of course, there are modern amenities, like the restrooms, that we need to abide by code but again, would be designed in a way that would echo the art deco nature of the original. In the modern building we've also utilized some art deco features there. The design matches the original era. It's an interesting combination of buildings."

Mr. Bodem asked, "Are you supposed to keep the contemporary part of it sort of different to allow for that difference, to keep what was there, to allow that separation of look or architectural style? Contemporary is different than the original. You're supposed to do that, right, to have a separate architectural look?" Mr. DeMartini said, "Yes. We wouldn't design a building that would be art deco that would be next to a historic art deco building." CM Robles asked, "Isn't there something

about height, that it's not the same?" Mr. DeMartini said, "Yes, it's called 'contrasting element'...a contrasting element to an historic element."

CM Ramirez asked, "We're going from one story to three. Are there any public safety issues with all of that, especially with Fire?" Fire Captain Schmitz said, "There are no complications with the third-floor issue." CM Ramirez also asked, "Noise from the amphitheater. I know you said there'll be fencing but will there be any kind of buffer?" Mr. DeMartini said, "There is. The exterior is not intended to be an amplified space, more of a public forum. But it does have a 6-foot-high fence element around it. And an open air. Nothing reflecting sound."

CM Cardenas asked, "Parking? How many parking spaces are being offered for this?" Mr. Martini said, "The rear building has two (2) ADA spaces and twelve parking spaces which meets the code requirements for that building. Along with public safety, there are two (2) exits in that building and fire sprinkler covered. It meets all the safety standards." CM Cardenas added, "You need more than twelve."

Mayor Julian said, "One of the things staff can respond to is because the building didn't have parking to begin with, there's no requirement to add parking because we have the ability to have reciprocal parking and street parking. You can look at the Dunes Center, Veterans Memorial Parking lot, there'll be ample parking there." Mr. DeMartini said, "It was anticipated that the City would come to an agreement on how to park based on several lots that were studied. You have quite a few lots that would accommodate events there."

The mayor then said, "I think even Lupe Alvarez and family would allow parking, too. Because if you had 200 people there, you're going to need parking spaces." CM Cardenas added, "Right. 220 seats? We're going to need more than twelve spots."

Public Hearing opened at 7:04pm.

Mr. Chacho Ramirez spoke. He said, "One of the hopes Mira and I have is to bring more arts to the community. It's a beautiful building. You can feel the history when you walk in there. It's been a year and a half working towards getting here. We've met with so many artists and talked to them about coming here. We're very excited. These plans are amazing and look forward to a path forward."

Mr. Thomas Brandebury gave an update on the application for the Historical Preservation Registry for the Royal Theatre. He said, "We're going to the Historical Registry on January 21, 2022 to determine if it will be federally recognized or not. We're looking for support saying this should be an historical building. We have a template letter that can be used. It seems CalTrans may see things differently but I'm not sure if that will cause a problem on January 21st or not. For the EDA application, we're currently surveying businesses and property owners in Guadalupe asking them what the value of the Royal Theatre will be in relation to their business. Would it save jobs? Create jobs? Create investments in the community? This survey is a critical part of the application as EDA would want to know how the potential grant funds would benefit the City. The application should be finished sometime in early January. EDA recommends getting the application in before the end of January. EDA requires that the environmental assessment be done, and we are working with a consultant on that. One thing that just came up is that phase 1 of the environmental be done

because of the vacant site and an old building. EDA wants to make sure before the application is submitted that there are no potential issues with the building or the soil. I'm in the process of putting together a team to get quotes for the environmental assessment. All of those actions should get done and we should have enough business responses by the early part of January."

Mr. Bodem asked, "If something is found in phase 1 of the environmental assessment, it causes delays." Mr. Brandebury said, "Yes, if something is found, it goes to phase 2 which is a much larger process and would slow the project down."

Public Hearing closed at 7:10pm.

Motion was made by Council Member Ramirez and seconded by Council Member Robles to approve Resolution No. 2021-95. Roll Call. Ayes: Ramirez, Cardenas, Julian, Costa, Jr. and Robles. Passed 5-0.

13. Short-Term Rentals Ordinance.

Written Report: Philip Sinco, City Attorney

Recommendation: That the City Council introduce on the first reading, and continue to its meeting on January 11, 2022, for second reading and adoption, an ordinance regulating short-term rentals in the City of Guadalupe and amending various provisions of Title 18 (Zoning) of the Guadalupe Municipal Code.

City Attorney Sinco gave some background on this ordinance. A presentation was made to the City Council at the October 13, 2020, meeting concerning the growth of these types of short-term rentals in general. The Council was presented with two (2) options: 1) completely ban them in the city, or 2) regulate them. The council was not opposed to allow some short-term rentals and directed staff to prepare an appropriate ordinance to bring back to Council at a future date.

He said, "This is the third time this ordinance is before you. A previous rendition of the ordinance was presented at the September 28, 2021, meeting. Because of the Council required additional provisions and Chief Cash's comments on its impact on public safety and code compliance, the ordinance was not introduced at that time. In previous presentations of the ordinance, it was stated that all short-term rental owners must: 1) have a business license with the City; 2) apply to register the short-term rental with the City; 3) pay Transient Occupancy Tax for all rentals; 4) have no violations of the Municipal code concerning nuisances; 5) either be hosted or un-hosted; 6) have an Administrative Use Permit which must be obtained prior to the application for un-hosted short-term rentals, and 7) for un-hosted rentals a limit of 120 days per year. There was discussion but no consensus in previous meeting on the 120-day limit for un-hosted rentals. Mayor Julian had indicated support for 90 days. CM Cardenas supported 180 days. The 120-day limit can change if you reach consensus tonight on a new number."

He continued explaining what had been discussed at previous September 28th meeting. He said, "The application for an un-hosted short-term rental must include a local contact person who must be available 24 hours a day, seven (7) days a week during the entire un-hosted short-term rental period. This person would be responsible for responding to complaints during the rental period. Originally,

it was proposed that the response time be 60 minutes. One of Chief Cash's suggestions was to make the response time 30 minutes which seems reasonable."

*On page 3 of the staff report, Chief Cash's suggestions were listed. City Attorney Sinco listed those out as follows: 1) Lease agreement must be on-site and available upon request; 2) Three (3) contacts with Public Safety personnel within a 20-day period where cost recovery process for public safety service can be initiated and would be retroactive; 3) Owner or Responsible party **shall** respond within 30 minutes by phone or in person to address any issues; 4) Owner shall sign and submit a 'Trespass Enforcement Authorization Letter' authorizing Public Safety personnel to act on their behalf and enter the property, if three (3) improper and/or illegal activities are not corrected, and 5) Copy of the Short-Term Rental Permit will be sent to Public Safety as soon as approvals and fees have been completed. These recommendations have been incorporated into the ordinance.*

The City Council also gave direction at the September 28th meeting and those provisions have been added: 1) exterior surveillance cameras will be required for un-hosted rentals to record all persons coming on to the property and will be kept for minimum of 30 days; 2) parking shall be limited to 'onsite' which may require garage to be made available to the renters; 3) if un-hosted rental has outside space, the host should require the renters to cease using that space no later than 9:00pm, Sunday through Thursday, and no later than 10:00pm on Friday and Saturday, and 4) the reference in the previous ordinance to an amnesty period has been changed from one year to three (3) months."

City Attorney Sinco then spoke about parking. He said, "The previous ordinance required that outside parking be made available but not required. The current version requires it. That's something that the Council can change back if it's not considered practical to require that all parking be onsite. There could be a legal challenge with the preemption of the Vehicle Code that people have a right to park on the street. The short-term renter could argue that they be allowed to park on the street. This could be something that could be legally challenged though I don't see a high risk of being successful. Something to keep in mind. Also, Jack Owen, the Administrative Hearing Officer, felt there could be some code enforcement issues and suggested additional language be added to the ordinance in Section 18.55.04, Sub-Section E which currently reads: 'Parking shall be limited to onsite which may require a garage to be made available to renters.' His suggested additional language reads: 'All renters' vehicles shall be required to display a sign on the dashboard of the vehicle indicating that it is permitted to be there by permission of the property owner with the dates of the rental period listed."

He then said, "If the Council wanted to change the wording from 'parking shall be limited to onsite' to 'parking may be limited to onsite', an Administrative Use Permit would go along with that. The language would then be applicable for vehicles parked on the street. We'd know how many vehicles were associated with the rental property, if they complied. This could be controlled by the use permit. We could likely limit the number of vehicles based on the size of the house."

Mayor Julian said, "I've done a lot of thinking on this. What we're doing is allowing people to come in and make money on their purchase of a home, like in Pasadera. There's someone who bought a

home in Pasadera to rent for \$3,200. If it doesn't rent, it will be turned into an Airbnb. We have two major options here: to allow or not allow it. What happens if all that we've approved here, we don't like. What tools do we have to revoke this ordinance?"

City Attorney Sinco replied, "Same tools you'd have to revoke any ordinance. However, if there's an Administrative Use Permit granted, I'd recommend a sentence in the ordinance that says, 'the Council reserves the right to revoke, and no vested rights would be granted'. Or if the ordinance that revokes this ordinance, it could include an amortization or a period of time to allow for the existing property to operate for a year or so before it has to cease operations. I don't want to delay this anymore, but if that's the will of the Council, I'd then recommend bringing this back to the January 11th meeting based on your direction to include that. I'd rather not try to just put something in here quickly, particularly when dealing with reserving rights. I need time to research to make sure this is possible. The Council would have the power to revoke, but I just don't know to what extent someone who has an Administrative Use Permit would have the right to continue. My guess is that we'd have to allow some time or provide notice that that right could be taken away."

Mayor Julian said, "I wouldn't want to delay it any further. I think we have more teeth in it (ordinance) than we had before. What happens if someone calls, second or third time, and no one shows up in 30 minutes?" City Attorney Sinco replied, "The second or third time is a police issue. If no one shows up, we'd treat that as a violation of the Administrative Use Permit and start process to revoke the permit. Use discretion if a person is 20 minutes late or an hour late. In that case, a citation or some penalty might be in order. But if it's an actual no-show, then that would be grounds to revoke the permit. A hearing would be set up as stated in the ordinance and the City could prevent the property from being a short-term rental."

The mayor continued asking, "I don't know if we can do like hotels where if someone doesn't abide by the rules/provisions, they can be asked, if not, told to leave the premises for non-compliance. I'm not sure if we want to go that far since it would add another duty for our police officers." City Attorney Sinco responded, "That would be something I'd want to study further. I would say we could cite the people for disturbing the peace as well as the property owner which would be standard code enforcement technique."

Mayor Julian said, "I have a note here that says 'opportunities for citizen complaints'. Is there anything in here, any details, that allows a citizen to actually file a complaint?" City Attorney Sinco said, "No, not in this particular ordinance. Don't forget that the ordinance is part of the larger Municipal Code where there's a chapter on property nuisances which allows for a citizen to file a confidential complaint about any code violation which would include violation of this ordinance. The short answer is 'yes', but not part of this ordinance but elsewhere in the Municipal Code." The mayor said, "Good, so long as neighbors of the rental property know that."

The discussion then turned to the number of days allowed for an un-hosted rental. The draft ordinance shows 120 days. CM Cardenas said, "I still say 180 days." The mayor said, "That's still a lot of days. That's every weekend; every Friday, Saturday and Sunday. Mr. Appel commented, "At

every single weekend, that's 104 days with 80 more days to go. If you're thinking that's only half a year, most of the short-term rentals happen on weekends. That would be a lot of use to consider."

The mayor asked for a refresher on where things had been left regarding the number of days allowed for un-hosted short-term rentals. City Attorney Sinco said, "Initially, the staff report proposed 120 days. CM Cardenas recommended supporting up to 180 days. You, mayor, thought that was a lot and said you'd rather go with 90 days. So, we're back at 120 days." Mayor Julian then asked the Council for their thoughts. After the polling, here was consensus on 120 days. He said, "That's a lot still but I think we can always go back and look at this again if it becomes an issue."

City Attorney Sinco then said, "There is one point I want to put out here. The issue of taking away the right to use the property as a short-term rental. If the second reading wasn't going to be until January 11th, I'd say we'd be able to slow it down. But if we continue this until January 11th and the second reading would take place two (2) weeks later on January 25th, that provision would be included here. I checked the ordinance and there's nothing in there that would allow you to just revoke it without some type of amortization period. So, that would be something you might wish to consider if that's an important provision for you." The mayor commented that he thought that wouldn't create a delay. City Attorney Sinco said, "I wasn't thinking about revoking this. I was thinking about getting it passed based on previous direction. So, it never occurred to me to say we'd reserve the right to 'pull the plug', but it seems like a good idea to me. If you want that changed and there's support of the Council, I'd recommend that in a new ordinance to bring back again. Third time's a charm. I'd feel more comfortable doing that and bringing it back to the Council as this is a pretty critical issue." The mayor asked the Council if they were in agreement with that recommendation and all answered they were.

Mayor Julian asked, "If someone is renting, will they receive a plaque or something for display on their vehicle?" City Attorney Sinco said, "That would be up to the owner to figure out. The requirement would be to display some sort of sign. We can come up with the format. Could be just a piece of paper showing they have permission of the property owner with the specific dates of the rental period. So, if there's a car on the driveway, a police officer could see that it belongs there during that period." CM Robles commented that this procedure gives the host a 'heads-up' on how many parking passes will be needed. Say, for a 4-bedroom rental property, three (3) parking passes will be needed, etc."

Chief Cash then said, "I'd suggest, to be uniform, those parking passes be issued through Public Safety. I'd also say that a fee should be charged. Like in a hotel, how many vehicles would be there, and that number would be listed in a permit. That way, when we drive by, we can see how many vehicles are there, and how many should be there. That would take some of the onus off the property owner. CM Ramirez concurred with Chief Cash's suggestions. However, City Attorney Sinco said, "I would just qualify that. I would not charge a separate fee for that. But if you want to include the cost of the service, I would have that charge be included in the overall cost of the registration. I would just recommend just one fee."

CM Cardenas continued the discussion of parking by asking, "So, your concern is that someone would contest the ability to park on the street?" City Attorney Sinco said, "If someone is renting a facility...and I specifically said 'renter', say there's visitors or friends of the neighborhood and would park on the street. That shouldn't be prohibited. I said that the existing parking should be made available to the renters. I'd like to give some flexibility depending on the circumstance and especially, depending on the location."

CM Cardenas then said, "Okay, unless we just change that language what you indicated to 'parking might be limited' instead of 'shall be limited'?" City Attorney Sinco responded, "Yes, I would prefer that because it might not make sense in certain locations to require the parking to be onsite, depending on where it's located. I hate 'one size fits all', personally." There was further discussion on the parking issue and City Attorney Sinco indicated being less concerned but did request time to research further.

Mayor Julian gave an example of a short-term rental in his neighborhood where the owner doesn't allow access to the garage. He said, "There could be two (2) cars in the driveway and multiple pick-up trucks with dune buggies attached parked on the street in a cul-de-sac area." City Attorney Sinco said, "Yes, what if someone has a big trailer and can't park in the driveway, and we tell them they can't park on the street. There may be an issue there. Maybe, it would solve the problem if we say that 'parking may be limited to onsite subject to the terms of the Administrative Use Permit'. There's some flexibility saying it that way. Or just leave it the way it is. I want you to tell me to leave the word 'shall' in there. That makes me feel better." He turned the discussion back to the Council.

CM Cardenas said, "To me, there's already a red flag when you tell me you're already concerned. I don't want that at all when you're writing this and approving this." City Attorney Sinco said, "I'm less concerned now. My concern may be unwarranted, but if I have the extra time, I'll look into this. So, my assignment is to look at two (2) things: 1) the parking sign/pass and limiting to onsite parking, and 2) the ability to revoke this without any Administrative Use Permits having any vesting rights." (City Attorney Sinco had also previously mentioned checking further into whether a person can be told to leave if they don't comply.)

CM Ramirez asked, "I remember one of the concerns we had was the number of short-term rentals someone could have. Was that addressed before?" City Attorney Sinco said, "Yes, that was addressed with previous direction. A property owner could only have one short-term rental. The mayor pointed out in the last meeting that if a husband and wife own two (2) pieces of property, that means they could have two short-term rentals. We won't be able to get around that, depending on how title is shown. But it was basically intended to limit the number so someone couldn't have half a dozen short-term rentals."

Motion was made by Council Member Ramirez and seconded by Council Member Costa, Jr. to continue to the January 11, 2022 City Council meeting for first reading. 5-0 Passed.

14. FUTURE AGENDA ITEMS

CM Cardenas: TOT (Transient Occupancy Tax) – no specific date given; possibly February. City Attorney Sinco added, “We’re definitely going to have to do that. If you remember, we’ll start the process in March as the Council needs to approve no later than June. That goes to the County in July, so it gets on the ballot for the November election.”

CM Ramirez: Rent Control – no specific date given. City Administrator added, “Yes, Philip and I have talked about this. We’re planning on having someone come in to give a presentation on both sides. We’re in the process of searching for those groups now that can give a balanced approach to the subject.” CM Ramirez then said, “You can probably contact the City of Santa Barbara as they just went through this.” City Attorney Sinco commented, “My concern, council member, is that’s not an area of expertise for me. I don’t want to be charged with drafting an ordinance based on just the words ‘rent control’. I’d like to have a presentation where you receive information, make a considered opinion, and then give direction to me on what type of ordinance.” CM Ramirez then said, “No, I’m just talking about knowing both sides. They probably heard at every meeting for the last six (6) months.” City Attorney Sinco agreed that that’s what is needed.

Todd Bodem: For the January 11th meeting, an MOU Agreement re negotiations between the City of Guadalupe and Guadalupe Center for Visual and Performing Arts (“GCVPA”) for operation/management of the Royal Theatre. We will still go out with an RFP even though we have an interested group. It will help bolster our getting grant money having that done.

Mayor Julian asked for additional details and clarification on this issue. City Attorney Sinco said, “This group had sent to you, Mr. Mayor, an MOU saying that it would help the City’ grant prospects if someone has been identified to operate the theatre. I read the MOU, and it says that it’s non-binding on both parties. There’s a period of time, like two (2) years, that it can be extended or maybe shorter, for the City to negotiate in good faith on the terms of a lease. It is very clear that the City has no obligation to enter into a lease with this group and the City can go a different way. I was very comfortable with the MOU and recommend that it be brought to you at the January 11th meeting. I was under the assumption that the grant application deadline was January 31st. It may not be necessary to bring this if the grant application deadline is before January 11th.” The mayor asked that the MOU be sent to all council members. He also said, “When I read it, it looked like it didn’t hold any water. (City Attorney Sinco said, “That’s what we want.”) It doesn’t say we have to do this or that...but for the purpose of getting the grant, it says that to the grant reviewers that there’s somebody in the wings, but not necessarily them.” City Attorney Sinco agreed saying, “And that’s why I was comfortable with how the MOU was written. It was exactly how we needed it, not committing us. We want to go through the RFP process. If no one comes forward, then we have them identified. But if someone else comes along with a better deal, then we’re free to go with them and not be bound to this group.”

CM Costa, Jr.: Bring back and review the ordinance on trailers and cars that are parked on streets and aren’t moved – no specific date given.

The mayor asked if there was a problem and CM Costa, Jr. said that there was. Mayor Julian thought that this issue then should go through Code Enforcement. CM Costa, Jr. said that people are playing

games moving their cars/trailers slightly forward, then backwards, every three (3) days causing people to park their vehicles elsewhere. City Attorney Sinco added, "There's very little, if anything, that can be done about the 72-hour rule. I've looked at it many times." CM Costa, Jr. then asked, "Can we put in the ordinance that a trailer can't be parked in the street and has to be parked in the driveway?" City Attorney Sinco responded, "I don't think we can. It would be preempted under the Vehicle Code. We can't prohibit parking on the streets. We can make sure the trailer/car is in good condition. We can only be vigilant in our enforcement. I've tried putting a distance requirement but it's difficult to enforce. I'm happy to bring this item for a presentation and look at ways to address this issue. This is a tough one." Mayor Julian then added, "It's worth bringing the issue back to Council for further discussion."

15. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

CM Ramirez: "It was already covered in the Mayor's Report – Restorative Partners." Mayor Julian said that property is being looked at over by Olivera and 10th Streets and property owned by the Buddhists. We haven't heard back from them."

CM Robles: I went to Atherton for the CIF State Championship game between Righetti High and Sacred Heart Prep. This is the first time in history that Righetti was going for the State Championship. Although we came in runner-up for the State, Righetti is the CIF Sectional Champions. This was Sacred Heart's third try at the State finals. Sacred Heart, established in 1898, has an annual tuition cost of \$48,000 and \$28,000 annual daycare cost. There were six (6) players on Righetti's team that started out as Guadalupe Bulldogs. There were Guadalupe coaches on the squad, too.

Mayor Julian:

- Cal Vans Board meeting on 12/9. Lawsuits in closed session.
- Online meeting with CA Natural Resources Agency, Secretary Crowfoot, Undersecretary Angela Barranco and CA Dept. of Parks & Recreation Director, Armando Quintero – request to participate in virtual meeting on 12/8 to discuss monies received re collective efforts to improve equitable outdoor access.
- 12/7 – 20 new member ceremony for the Guadalupe LEO Club. LEO Clubs are a youth organization of Lions Clubs International. 'LEO' stands for 'L-Leadership; E-Experience; O-Opportunity'. Youths are encouraged to develop leadership qualities by participating in social service activities.
- Food Bank Statistics: Year 2020= 12,900 families and over 50,000 individual family members within those families were served. For 2021=in July, distribution was cut back to one-a-month. 9,300 families and over 36,708 individual families served within those families.
- 12/2 – Mary Buren and McKenzie School Food Drive: hundreds of pounds of non-perishable canned goods for Food Bank Distribution. "Thank you."
- 12/16- SBCAG and APCD meetings.

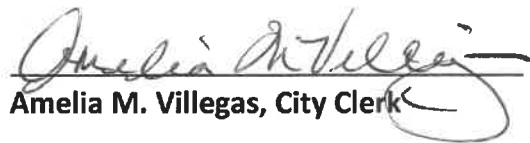
CM Ramirez added, "The Redistricting Commission is finally done. I attended all the meetings held during the last 1.5 months. We are going with the Northwest side of Santa Maria – District 5." The

mayor said, "According to Supervisor Lavagnino, the cut-off is on the northside of Stowell Road which makes it District 5. They made a good decision with all the input from various groups."

16. ADJOURNMENT

Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to adjourn meeting. 5-0 Passed. Meeting was adjourned at 7:57p.m.

Prepared by:


Amelia M. Villegas, City Clerk

Approved by:


Ariston Julian, Mayor