

# MINUTES

## City of Guadalupe Regular Meeting of the Guadalupe City Council Tuesday, March 14, 2023, at 6:00 pm City Hall, 918 Obispo Street, Council Chambers

### 1. ROLL CALL:

Council Member Christina Hernandez  
Council Member Gilbert Robles  
Council Member Megan Lizalde  
Mayor Pro Tempore Eugene Costa Jr.  
Mayor Ariston Julian

*Mayor Julian called the meeting to order at 6:00 p.m. CM Costa, Jr. was absent with all others present. (Note: The abbreviation "CM for "Council Member" will be used in these minutes.)*

### 2. PLEDGE OF ALLEGIANCE

### 3. MOMENT OF THANKS, APPRECIATION OR CONDOLENCES.

*CM Lizalde: "I wanted to thank City staff and our first responders. I think we, like other surrounding cities, are feeling the pinch from this extreme weather. Just a reminder that staff is going above and beyond checking emails and coordinating with other agencies. The community appreciates that. Also, thank you to Coast Hills and Chumash of Santa Ynez who recently made donations to our Guadalupe Youth Football League. There were monetary donations to help pay for registration fees and equipment. I just wanted to take a moment to thank those groups for donating to our community."*

*CM Hernandez: "This is International Women's Month and I just wanted to acknowledge and show appreciation to the women that are here...to those women who came before us...and those women who are yet to come. Let's continue to lift them up." On this subject, Mayor Julian added, "In the display case in the hallway here, there are a number of photos of women and their history here in Guadalupe. One of the women mentioned is my sister, Rosanne Tesoro. There are a lot of women in our community's history. If it weren't for the women, we wouldn't be here."*

*Mayor Julian: Condolences to the Solis family. Ron Solis was a long-time resident of the community. He passed away on March 9<sup>th</sup>. I didn't realize that he was a maintenance worker at the Boys & Girls Club in Santa Maria for over seventeen years. Condolences to his wife, June, and his family.*

*Several weeks ago, we mentioned that on February 12<sup>th</sup>, Pastor Leon's wife, Esther, passed away. Condolences to Paster and his family.*

*Also, condolences to the community of Pajaro which is similar to Guadalupe. That community of some 15,000 residents also suffered the consequences of the result of one of the levee's being broken. A lot of residents were displaced there.*

#### **4. AGENDA REVIEW**

*There were no changes to the agenda.*

#### **5. CEREMONIAL CALENDAR**

- Swearing-in Josue Ramirez, Police Officer

*Officer Ramirez gave some brief comments: "I'd like to take the opportunity to thank you all for having me here. It's a whole different environment, a different change. I'm from Kern County, up in Tehachapi. Instead of the rain, I have tons of snow up there. It's a big change but I'm glad to be here. I'm eager to meet more people from the community. I'm proactive I'm approachable. Stop and ask me questions. I'm here to serve. Thank you again for welcoming me." His family was present, and pictures were taken after he was sworn in.*

#### **6. COMMUNITY PARTICIPATION FORUM**

*There were no requests on an item not on the agenda.*

#### **7. CONSENT CALENDAR**

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

- A. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Calendar will be adopted by the same vote cast as the first meeting unless City Council indicates otherwise.
- B. Approve payment of warrants for the period ending March 6, 2023.
- C. Approve the Minutes of the City Council regular meeting of February 28, 2023.
- D. Adopt, on the second reading, Ordinance No. 2023-507 regarding vacant commercial property registration and property maintenance.
- E. Adopt Resolution No. 2023-16 approving the increase in contingency for the 2022 Pavement Rehabilitation Project inspection services from the previously approved 15% to 30%.
- F. Adopt Resolution No. 2023-17 approving an amendment to La Guardia Townhomes Conditions of Approval.

- G. Adopt Resolution No. 2023-18 approving City staff to submit an application package to California Arts Council (CAC) which will allow CAC to release \$8,000,000 in project funds, \$5,000,000 of which will be used for the Royal Theater renovation project, and the remaining \$3,000,000 will be disbursed to the Housing Authority of Santa Barbara County for the community center as Escalante Meadows.
- H. Approve, by motion, the submission of an application to voluntarily merge three separate lots owned by the City that are part of the proposed Royal Theater renovation project into one lot and authorize the Mayor to sign the application on behalf of the City.
- I. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
  - 1. Planning Department report for February 2023
  - 2. Building Department report for February 2023
  - 3. Public Works /Engineering report for February 2023

*No items were pulled.*

*There was an email from Shirley Boydston on Item #7.B, Warrants, which read: "I noted heavy use of credit cards this period. These are Amazon, Home Depot, and cardmembers services plus the implied cards for Eagle Energy and Guadalupe Hardware Company which add up to a good percentage of spending. To meet the goals of the City Council Rank Priorities of June 2022 to meet the General Fund Reserve Goal of 15%, spending must be better controlled by each department head."*

**Motion was made by Council Member Lizalde and seconded by Council Member Hernandez to approve the full Consent Calendar. 4-0 Absent: 1 Costa, Jr. Motion passed.**

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

*This Friday, March 17<sup>th</sup>, there will be a meeting with Mayor Julian, Shannon Sweeney and City Administrator Todd Bodem. From the County will be Supervisor Steve Lavagnino, Public Works Director, Scott McGolpin, and Public Works Deputy Director for Water Resources, Walter Rubalcava, who oversees the Flood Control division. The meeting is to look at possible ways to find funds for mitigation measures regarding the rain and storms. We will be discussing current conditions and responsibilities and exploring options to see what may or may not be feasible as well as what assistance the City and County need to seek from our state and federal partners.*

*The City Council is requested to come at 4:30 p.m. prior to the 6:00 p.m. council meeting on Tuesday, March 28<sup>th</sup> to take photos for the website. The Council was also requested to prepare a brief bio. The website is projected to up in May or June.*

Mayor Julian asked whether a meeting with Chevron was still on. Mr. Bodem said it was postponed until possibly sometime next week.

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

Chief Cash gave a brief update on the recent storm and its effects. There were evacuation warnings given to residents on Pioneer Street. Flyers were handed out by door-to-door distribution. Bags of sand were brought; housing prepared; cars removed. The city was in contact with the Red Cross. The trailer was refurbished and prepared for possibility of providing another shelter, should one be needed. Things were put in place. Per Shannon Sweeney, PW Director, drains and gutters were all cleaned out. South Santa Barbara County will lift mandatory evacuation tonight, but Guadalupe will do so tomorrow.

A drone was taken out to take pictures to show effects of the recent storm, such as areas of the Santa Maria River, Le Roy Park, etc. Chief stated that it would probably only take an inch or two before the water would “go over” and potentially impact 8<sup>th</sup> & Pioneer Streets. Fire Captain Schmitz talked about projected levels of the Santa Maria River and Mayor Julian had some questions about Twitchell Dam and how much water might be released. Fire Captain Schmitz addressed the amount of water that was already released, and that amount(s) would later be readjusted.

The mayor then talked a bit about the levee saying, “People say that ‘the levee broke’ but the levee ends right to the left of Hwy 1. It doesn’t go all the way down west. It ends just east of the bridge. What barrier there is going west after that is berm, or artificial ridge.” (The drone pictures showed the area after the level and how the rainwater runs into property and farmland.)

CM Lizalde and PW Director Sweeney also discussed the impact of the storm on the City’s wastewater treatment plant, if any. CM Lizalde said, “The wastewater treatment plant was impacted by the first storm in January.” Ms. Sweeney stated, “The plant is on higher ground. Holding ponds are held until ground can be sprayed.” She then gave a brief explanation that a pump station cannot pump out of holding ponds but can do so once the river recedes.

CM Hernandez said, “The City doesn’t have a climate action plan. In speaking with CEC (Community Environmental Council), they may be interested in supporting this action for the City.” Ms. Sweeney commented that she would be very interested in speaking with CEC.

Chief Cash then spoke about “Operation Night Tow”. He mentioned that this procedure was written in response to residents’ complaints to address large vehicles/utility trailers parked for more than 72 hours. He cited the California Vehicle Code which authorizes the removal of a vehicle (automobile) if parked or left standing upon a highway for 72 or more consecutive hours, which is a violation.

Chief Cash then addressed Guadalupe’s Municipal Code, “10.24.190 Parking of large vehicles or utility trailers limited.” Section A. states: “No person shall park or let stand any large vehicle, whether or not attached to a trailer or other device, or any utility trailer, on a public street in a

residential district for more than 72 hours except while loading or unloading property.” He specified that the trailer “had to be in use”, such as loading and unloading. The Municipal Code also states that a permit can be obtained from the Police Department for 48 hours for large trailers.

The enforcement action of “Operation Night Tow” was explained in three (3) phases: 1) Education of Violators – over a two-weekend period, violators will be given written information on the law and correction needed; 2) Warning of Violators – violators will be issued an ‘orange sticker’, or a warning ‘to move the vehicle and/or trailer’ after two-week grace period, and 3) Citation and Towing of Violators – violations will be enforced, between 2:00 a.m. and 3:00 a.m. and vehicles and/or trailers will be towed.

There were three (3) requests to speak on this item.

Joslynn Flowers – “First, let me give congratulations to Megan Lizalde. She’s a great contribution to the City Council. I live at 313 Las Flores and am too familiar with complaints out of Pasadera. I’m not against ‘Operation Night Tow’....CC&Rs (Covenants, Conditions & Restrictions) are not enforced by the Police Department. The PD is understaffed. It’s a waste of time having them drive around putting orange stickers on vehicles. My suggestion is to have a handful of residents that call out houses in violation of CC&Rs...have them send information to the Police Department. The police would have 72 hours to send notice. The resident then has 48 hours to do something. That would save time for the Police Department.”

Allison Brockway – “I’ve lived here in Guadalupe for 3½ years. My husband started his own business. It’s been stressful with the towing warnings. The trailer we have is for his business, not for recreation. The trailer doesn’t block anything...it’s used for business only. We consider many Pasadera residents as our friends. We’re asking for permission to park our trailer in front of our home and to have a parking exemption.”

Melanie Backer – “I endorse ‘Operation Night Tow’. I don’t think residents turn in other neighbors. They’re just frustrated. Do what the Police Department needs to do. I’m happy the code is there. Also, I think it’s important to put a list of ordinances in our utility bill so that residents know what’s permissible. All sign CC&Rs...pass them on. They’re not followed. Not sure.”

Mayor Julian then said, “Point Sal Dunes has CC&Rs, but they’re not enforced. No HOA.” City Attorney Sinco added, “No HOA, the City’s not authorized to enforce. The people who sign the CC&Rs have the authority to enforce.”

CM Lizalde said, “Operation Night Tow is not a Pasadera only issue. By doing smaller enforcements, it won’t be so shocking. Code Enforcement Officer will be handling. The mayor said, “If you go through Guadalupe, you’ll see other violations, not just in Pasadera.” CM Hernandez added, “My family has had violations...but I know the procedure is for the public’s safety.”

## **PUBLIC HEARING**

**10. Amendments to the adopted 2042 General Plan Land Use Diagram.**

Written report: Larry Appel, Contract Planning Director

Recommendation: That the City Council:

- a. Receive a presentation from staff; and
- b. Conduct a public hearing; and
- c. Adopt Resolution No. 2023-15 approving amendments to the 2042 Guadalupe General Plan Land Use Diagram, Exhibit 1.

*Mr. Appel gave a brief explanation for these land use designations. This amendment to the adopted 2042 General Plan is necessary to correct the land use designations on eleven parcels within the city. An exhibit listed the addresses and the "amended General Plan designations. Mr. Appel clarified that the Veterans Building and Fire Department are public facilities.*

**Public Hearing opened at 6:52 p.m. and closed at 6:53 p.m.**

**Motion was made by Council Member Robles and seconded by Council Member Lizalde to adopt Resolution No. 2023-15 approving amendments to the 2042 Guadalupe General Plan Land Use Diagram. Roll Call: Ayes: 4 Absent: 1 Costa, Jr. 4-0 Motion passed.**

**11. Property rezones to achieve consistency with the adopted 2042 General Plan Land Use Diagram and other amendments to the zoning ordinance (Chapter 18).**

Written report: Larry Appel, Contract Planning Director

Recommendation: That the City Council:

- a. Receive a presentation from staff; and
- b. Conduct a public hearing; and
- c. Introduce first reading of Ordinance No. 2023-509 amending the zoning designations on various properties identified in Exhibit 1 and amending various sections of the zoning ordinance (Chapter 18).
- d. Continue to March 28, 2023, for second reading and adoption.

*Mr. Appel gave the first reading of Ordinance No. 2023-509. The property rezones are needed to achieve consistency with the adopted 2042 General Plan Land Use Diagram and other amendments to the zoning ordinance. There were 175 parcels shown in an exhibit. Mr. Appel said, "The assessor parcels are correct. The new zoning designations are correct. However, the addresses may not be totally accurate. There's a new designation for 'Mixed Use'. There's an increase in densities in certain areas. The Conditional Use/Administrative Use and design sections have been clarified. In Chapter 18.60, 'Off-Street Parking', staff has crafted a possible exemption for parking within the Mix zone district. It still says that parking is required if space is available. But when space isn't available, there is a Finding that can be made to lessen or eliminate for the requirement for parking."*

*Mayor Julian commented, "Larry went deep into the parcels. What owners wanted to do with their properties. It sets a tone. In the downtown area, buildings with residential on top and businesses below...mixed use."*

**Public Hearing opened at 7:00 p.m. and closed at 7:01 p.m.**

**Motion was made by Council Member Lizalde and seconded by Council Member Robles to adopt first reading of Ordinance No. 2023-509, amending the zoning designations on various properties identified in Exhibit 1, and amending various sections of the zoning ordinance (Chapter 18).**

**Roll Call: Ayes: 4 Absent: 1 Costa, Jr. Motion passed.**

## **REGULAR BUSINESS**

### **12. Mid-year budget adjustments for fiscal year 2022-23.**

Written report: Robert Perrault, Interim Finance Director & Janice Davis, Finance Director  
Recommendation: That the City Council adopt Resolution No. 2023-19 appropriating funds from the General Fund reserve and adjusting the General Fund, Enterprise, Special Funds, and American Rescue Plan Act ARPA Fund.

*Mr. Perrault stated that he and Janice Davis, Finance Director, worked on this mid-year budget review. He explained that on February 28, 2023, the Mid-Year budget, for the period through January 31, 2023, was reviewed with the City Council giving staff direction on recommended changes to various funds. He also stated that the Police Department's budget is maintained at the same level.*

*The City Council directed that \$150,000 for storm-related costs be appropriated from the City's General Fund Reserve to Fund 4, Storm-related costs. With this appropriation, the General Fund Reserve has a balance of \$614,505, from a previous balance of \$764,505.*

*The recommended amendments for FY 2022-2023 were:*

- 1. Appropriation of \$150,00 in General Fund Reserves to Fund 4-Storm Related Costs*
- 2. Amendments to the General Fund*
- 3. Amendments to both the Enterprise and Special Funds*
- 4. Amendments to the ARPA allocation*

*Mayor Julian asked if there were any questions. M Lizalde commented, "The staff report was prepared so well that I have no questions."*

**Motion was made by Council Member Robles and seconded by Council Member Lizalde to adopt Resolution No. 2023-19 appropriating funds from the General Fund Reserve and adjusting the General Fund, Enterprise, Special Funds, and American Rescue Plan Act ARPA Fund. Roll Call: Ayes: 4 Absent: 1 Costa, Jr. Motion passed.**

**13. Resolution continuing the existence of a local state of emergency.**

Written report: Todd Bodem, City Administrator

Recommendation: That the City Council adopt Resolution No. 2023-20 continuing the local state of emergency ratified by the City Council at its meeting on January 17, 2023.

*With the effects of the storm of January 9, 2023, and continuing impacts, coupled with the County of Santa Barbara's declaration of a public health emergency, on January 10, 2023, City Administrator/Director of Emergency Services, Todd Bodem, issued a "Proclamation of Existence of a Local Emergency by the City Administrator/Director of Emergency Services of the City of Guadalupe". On January 17, 2023, the City Council ratified the existence of a local emergency. With that approval came the requirement of the Council to review the need for continuance of the local emergency every 60 days until it decides to terminate the local emergency.*

*Mr. Bodem indicated that more storms were anticipated but, perhaps, not to the extent of the January 9<sup>th</sup> storm. However, the request to approve the continuance is precautionary for the City to seek reimbursement should potentially significant costs be incurred if another storm results in flooding or other damage.*

**Motion was made by Council Member Hernandez and seconded by Council Member Lizalde to adopt Resolution No. 2023-20 continuing the local state of emergency ratified by the City Council at its meeting on January 17, 2023. Roll Call: Ayes: 4 Absent: 1 Costa, Jr. Motion passed.**

*After the motion, CM Lizalde said, "I just want to reiterate that the weather's changing and how we do business. We've been lucky. San Luis Obispo County and Santa Barbara County have asked for additional sandbags."*

**14. FUTURE AGENDA ITEMS**

CM Lizalde:

- *Social Media Policy – how the City is going to interact with the public online. The website is coming.*
- *Property at "Al's Union" site – developing the property; need more downtown parking.*

CM Robles:

- *Recognizing those who volunteer at the Food Bank distribution, once a month. Put on the Ceremonial Calendar. (Note: This item is already listed on the "Other Unscheduled Items".) No specific date was specified for this to occur.*

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



CM Hernandez:

- *Saturday, April 29<sup>th</sup>, is “Earth Day” in Santa Barbara. “They have asked me and, anyone I may know from the City interested, to talk on the panel and talk about flooding, Guadalupe, and the Dunes.”*
- *Saturday, March 18<sup>th</sup>, is a Viva el Arte free concert at the City Auditorium.*

CM Robles:

- *On March 9<sup>th</sup>, the Boys & Girls Club held a dedication for the opening of the Ron Estabillo Clubhouse. Ron was a lifelong resident of Guadalupe and devoted his time and energy to the youth and the overall community. The event was well attended by family and friends.*
- *On March 15<sup>th</sup>, the Boys & Girls Club will start being used in the evening for Bobcat Wrestling, a 6-week program which will introduce junior high students to collegiate wrestling.*

Mayor Julian:

- *On March 2<sup>nd</sup>, the Food Bank served over 200 individual family members.*
- *Pioneer Street – Five (5) families have moved to new places. There still is a need for food. Some families in apartments will be moving. All are doing well. Little House at the Park and Los Amigos de Guadalupe are working with these families on what continues to be needed.*

**16. ADJOURNMENT TO CLOSED SESSION MEETING**

*Two (2) items to be discussed in closed session: 1) Public Employment (Pursuant to Government Code Section 54857(b)), City Administrator, and 2) Public Employee Performance Evaluation (Pursuant to Government code Section 54957(b)), Director of Public Safety.*

**Motion was made by Council Member Robles and seconded by Council Member Hernandez to adjourn to closed session. 4-0 Absent: 1 Costa, Jr. Motion passed. Meeting adjourned to closed session at 7:13 p.m.**

**CLOSED SESSION**

**17. Public Employment**

**(Pursuant to Government Code Section 54957(b))**

**Title: City Administrator**

**18. Public Employee Performance Evaluation**  
(Pursuant to Government Code Section 54957(b))  
Title: Director of Public Safety

**19. ADJOURNMENT TO OPEN SESSION MEETING**

Motion was made by Council Member Lizalde and seconded by Council Member Hernandez to adjourn to open session. 4-0 Absent: 1 Costa, Jr. Motion passed. Meeting adjourned to open session at 7:46 p.m.

**20. CLOSED SESSION ANNOUNCEMENTS**


*Item #17. Public Employment: "The Council approved a pay for performance program for the City Administrator."*

*Item #18. Public Employee Performance Evaluation: "No reportable action."*

**21. ADJOURNMENT**

The meeting ended at 7:47 p.m. for a lack of a quorum without a motion being made.

**Prepared by:**

  
\_\_\_\_\_  
Amelia M. Villegas, City Clerk

**Approved by:**

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