

MINUTES

City of Guadalupe

Regular Meeting of the Guadalupe City Council

Tuesday, May 10, 2022, at 6:00 pm

City Hall, 918 Obispo Street, Council Chambers

1. ROLL CALL:

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

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

2. MOMENT OF SILENCE

Prior to the "Moment of Silence", Mayor Julian asked that we continue to offer thoughts and prayers for those in Ukraine living and fighting in the undeclared war. He also mentioned those who are suffering with the high cost of gasoline and everything else that's hitting the pocketbooks of our residents.

3. PLEDGE OF ALLEGIANCE

4. AGENDA REVIEW

5. CEREMONIAL CALENDAR

- Recognizing Terry Bauer- Proclamation

Mayor Julian read the proclamation which highlighted Mr. Bauer's career as a teacher and coach at McKenzie Middle School. In 2001, he started and continued coaching the McKenzie Cross Country Invitational. As a physical education teacher, Mr. Bauer provided healthy opportunities for all students and athletes. Equally important was his volunteerism making O'Connell Park an area safe for all who use the facility for walking, relaxing and sporting events. His commitment and contributions to the students of Guadalupe Union School District, to the residents, and to all in our community are very much appreciated. "Terry's" dedication and guidance will be sorely missed.

Mr. Bauer made a few comments: "I'm not officially retired yet...20+ days left. I am both honored and humbled by this recognition. The track meet has been a success because of the volunteers, the

City and the schools. It's been my pleasure for 21 years doing the meets. I'll be retiring someday. I wanted to be involved in fostering good healthy activities for the students of Guadalupe...I will always be a friend to Guadalupe, and I hope Guadalupe will always be a friend to me."

Mayor Julian added, "It's been a pleasure working with you. He didn't want to come here. He didn't want the recognition." Mr. Bauer then said, "I've gotten more from students than they have gotten from me."

CM Cardenas said, "I didn't have you as a teacher, but I had a lot of friends who did. I saw your impact on those fellow students." CM Ramirez then said, "Here's one that did have you as a teacher. You are one of the most impactful people in my education. You were always there. When in trouble...you motivate people...it's bittersweet that you're leaving. There's one word missing (in the proclamation), 'mentor'."

6. COMMUNITY PARTICIPATION FORUM

Mayor Julian asked City Attorney to read the following: "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."

George Alvarez

Two of you weren't here at the last meeting. Embarrassing. Community needs to know you're here to support them. Missed the lynching of staff. Tried to take down flyers in businesses. Attorney, Mayor, union – Fire. Fire plastered flyers all over. Violated the sign clause. In 2014, there was the public safety initiative. \$1.0M in funds in the General Fund. We voted for "public safety", not General Fund. That's why Fire has concerns. Council, it's your responsibility to take care of public safety. Accusations were aired. Sad. Fire violated policy. Can't have both sides. Fire broke the law.

Albert Nunez, Jr.

I'm a resident and homeowner. We've been in our home since 1972. My family has been in this town and area for over 120 years. My dad was the assistant Fire Chief for a number of years and my brothers served as firefighters. But I'm not here because of some sentimental nostalgia.

I'm here because after all I've lived through in my lifetime with Guadalupe, and I'm talking about the gang element, union-organizing that included firebombing Hobo Alley, an FBI raid, prostitution, gambling halls, and more bars than we had gas stations. After growing up with all of that and more around us...Today in 2022, I feel unsafe living in Guadalupe. I'm worried about the safety of my family, my neighbors, and the rest of our community. All because funding and support for our fire department seems to be in question. When did support and funding for our fire department become an expendable line item?

Firefighters can make the difference between your home being saved from a fire or surrendered to one. These first responders could make a difference in the life of someone I love, someone you love, all because of their immediate presence and quick actions. During an emergency, the clock starts ticking. People can and will die without the quick response of a well-trained and well-equipped team of firefighting professionals. And not for nothing, but well-trained doesn't mean a few hours of a CPR class at Hancock. Firefighting isn't just an entry on a job board. It's a profession, almost a calling. Because not everyone can do it and those that can, they learn soon enough your training starts day one and doesn't stop.

Now in a world of fiscal responsibilities and limitations, we can't have everything, can we? When did public safety become a line item that can be argued away in lieu of funding something else? For a city that's separated in half by railroad tracks with over 8,000+ residents, a 20% increase since 2010 by the way, we need our first line of defense to be down the street. We need firefighters to be enroute, planning their deployment based on their extreme familiarity of the city and the landscape. Talk to any first responder, and I'm sure most would say, "Knowing where you're headed can't always come from an app and time is not on your side.

I'm here not because I've been pressured by anyone to speak. I'm here because I'm terrified that if I ever have to call 911, help will be 20minutes out and I may have to watch someone die needlessly. I implore you. Hire a Fire Chief and keep our firefighters trained and well-equipped. Our safety is not a line item.

Ryan Mack

Since the last time I stood at this podium, the public has become increasingly aware and supportive of the Fire Department and my guys. That being said, the public is speaking loud and clearly. They support fair wages. They support a Fire Chief. They support increasing staff to match. I simply request the council hear the public and do the right thing. I implore you to think of the future of this community and not the now. Thank you for your time.

Charlie Martinez

I am a resident of Guadalupe. I am the Vice-President of the 5th District of California Professional Firefighters. Stats: Santa Maria Fire is 15 minutes away. Santa Barbara County is 15 minutes away. Nipomo CalFire is 20 minutes away. AMR is 12-15 minutes away. SLO ambulance services is 20 minutes away.

The residents and constituents of Guadalupe should be scared with the situation with our public safety right now. The City has two non-ALS engines protecting and supporting your community, your families, those that you love. Guadalupe has been growing. There's housing going on the outside of town. I see everything going up. Why aren't you supporting public safety the way it should be? Why is there no Fire Chief who is an expert in fire and emergency services for the Fire Department? This is where your focus should be. You're getting monies...you're getting taxes. You need to support the people who support you guys.

I've seen other small cities that are left in the dust because of the dollar. You have dedicated professionals that work that ride on your Guadalupe engines. Proud firefighters in this community. But we don't have a council that supports them and more important, that supports growing, the way your city's growing. That's something you should be looking at very intensely for the next few years.

Figure out a way. You're elected officials. You know the game. You know how to run this stuff. It's time we figure out how we're going to support the people that support you on your worst possible day...when there's a fire, a heart attack. God forbid something happened to your family and you're waiting 15-20 minutes for help. Those are facts. Fact checking. Thank you very much for your time.

The following are two (2) emails that were sent in for Community Participation:

Travis Asmus-dated May 9, 2022

Hello, City Council of Guadalupe: I am writing in support of continuing the current operations of the Guadalupe Fire Department. Turning the fire department into an all-volunteer agency would be a travesty. The Fire Department has such a deep vested interest in the growth and support for the City of Guadalupe. Guadalupe deserves a real Fire Department and a real Fire Chief. Sincerely...

Gregory Sparkes- dated May 10, 2022

Hello, City Council of Guadalupe: I am writing in support of continuing the current operations of the Guadalupe Fire Department. Turning the fire department into an all-volunteer agency would be a travesty. The Fire Department has such a deep vested interest in the growth and support for the City of Guadalupe. Guadalupe deserves a real Fire department and a real Fire Chief! Sincerely...

7. CONSENT CALENDAR

The following items are presented for City Council approval without discussion as a single agenda items 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 May 3, 2022.
- C.** Approve the Minutes of the City Council Regular Meeting of April 26, 2022, to be ordered filed.
- D.** Adopt Resolution No. 2022-34 authorizing the Public Works Director to execute applications, certifications and assurances, authorized agent forms, requests for reimbursement, and any other documents required to receive financial assistance through the US Department of Transportation (administered by the California Department of Transportation) associated with the 5311 and 5339 programs.

- E. Adopt Resolution No. 2022-35 approving a list of projects funded by Senate Bill 1 (SB 1): The Road Repair and Accountability Act.
- F. Adopt Resolution No. 2022-36 approving a contract with Eikhof Design Group, Inc. (EDG) in the amount of \$103,834.00 for preparation of a pavement rehabilitation report, plans and specifications, and engineer's estimate for rehabilitation of selected streets in the City of Guadalupe.
- G. Approve a request by Sam Duarte, Director of The Little House by the Park, to use the Veterans Memorial Plaza (aka Downtown Parking Lot) for a "Safe and Sane" Fireworks Sale Fundraiser.
- H. Adopt Second Reading of Ordinance No. 2022-500 to repeal the existing sign ordinance (Sections 18.52.140-18.52.160) and add Chapter 18.51 (Signs).
- I. Adopt Resolution No. 2022-37 approving of Amelia M. Villegas as Interim Human Resources Manager pursuant to Government Code Section 21221(h).
- J. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
 - 1. Planning Department Report for April 2022
 - 2. Building Department Report for April 2022
 - 3. Public Works/Engineering Report for April 2022

Item #7.G. and 7.H. were pulled. Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to approve the remainder of the Consent Calendar. 5-0 Motion passed.

Item #7.G. Approve a request by Sam Duarte, Director of the Little House by the Park, to use the Veterans Memorial Plaza (aka Downtown Parking Lot) for a "Safe and Sane" Fireworks Sale Fundraiser.

Mireya Pina, from the Little House by the Park, and a member of the Guadalupe Changers, asked that the City Council approve this request to sell fireworks. Ms. Pina said, "This is our big fundraiser for the year. Some examples of how the funds from these fireworks sales are used: sewing classes, parent workshops, father workshops, clean-ups, Earth Day, cultural events, etc.

Motion was made by Council Member Ramirez and seconded by Council Member Costa, Jr. to approve Item #7.G. on the Consent Calendar. 5-0 Motion passed.

Item #7.H. Adopt Second Reading of Ordinance No. 2022-500 to repeal the existing sign ordinance (Sections 18.52.140-18.52.160) and add Chapter 18.51 (Signs).

Mr. Gustavo Alvarez gave his comments regarding vinyl signs. Mr. Alvarez said, "Vinyl plastic lettering...a lot of addresses are vinyl plastic. All of the letters on the Post Office, on the King Falafel restaurant. You should re-look 'vinyl'. This will be a detriment to businesses." Mr. Appel commented, "We have included 'plastic' in the language. It is appropriate using vinyl only for temporary signs. Vinyl is different than plastic. Not affected.

Mr. Garret Matsuura also commented saying, "At the past GBA meeting, new members had some concerns such as: 1) Vinyl Signs – old, weathered signs can add to blight. Stringent application or ordinance on businesses can affect economic stability, and 2) How quickly will the ordinance take effect. Ramp up time where fines would be levied against businesses. Businesses need to learn. Education?"

CM Cardenas added, "We did request to have a 6-month leeway in order to have permanent signs. Education through GBA or micro enterprise classes. Incorporate that into language." The mayor said that six (6) months isn't long enough. Mr. Matsuura said, "Different businesses have different needs. Time for any business to get back on its feet after Covid varies. Six months? Okay, or let's review moving into compliance."

Mr. Appel then said, "In each jurisdiction, we've put education over penalty. We go out of our way to help people with their signs. If we have to enforce the sign ordinance, we'll go with education, but six (6) months is a good number. I've not seen use of vinyl as permanent signs anywhere." Mayor Julian asked, "Is there language with six (6) months with education element to that?" Mr. Appel said, "No, but just been our practice."

City Attorney Sinco added, "Code enforcement is complaint driven. Fines would be issued right away." CM Costa, Jr. asked, "What's the average cost of a sign that goes on a building? Some of these buildings are old, before an ordinance was in place." Mr. Appel said, "There's a wide range of costs and is dependent on materials, size, etc. Should be between the landowner and renter...sign can be changed."

Mr. Matsuura added, "There are a lot of factors that go into a sign. Thousands of dollars. There's design, materials, etc. GBA isn't saying vinyl signs only. We're looking at the financial burden when businesses are trying to see if they will succeed." Mayor Julian said, "Let's extend for a couple of months. More discussion for ordinance."

Mr. Matsuura said that GBA didn't have timeframe. CM Robles suggested, "Double timeframe? Will that work?" Mr. Matsuura then said, "Making things better...approximately 6-12 months will allow a business to budget better....." CM Cardenas asked, "More than six (6) months?"

Mr. Appel commented, "You didn't want feather and sandwich signs. Those cause clutter. If we start really well with the economy, there will be a lot of vinyl signs...negative look of town. I think six (6) months is fair. Complaint driven system. Recommend leaving it as is."

CM Ramirez said, "A new person getting a business license can be told then about timeframe. I'm okay with six (6) months with education piece and the complaint side. If nobody complains, okay."

Motion was made by Council Member Ramirez and seconded by Major Julian to approve Item #7.H. on the Consent Calendar. Ayes: 4 Noes: 1, Costa, Jr. 4-1 Motion passed.

CM Ramirez commented that appreciation is shown to GBA for their comments and collaboration.

8. CITY ADMINISTRATOR REPORT: (Information Only)

Wednesday, May 11th, at 6:00 p.m. there will be a "goal setting" workshop – open to the public as it is a special City Council meeting.

On September 15th, there will be 200 bicyclists riding for the Arthritis Foundation coming to town. No street closures required.

Mayor Julian mentioned that there were several emails that came in for tonight's meeting that will be put on the City's website.

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

Chief Cash reported on the following numerous items:

- *Police are developing the City of Guadalupe CCW, (Concealed Carry Weapon) Permit Process, working with DoJ on this. Sherrif's Office will be dealing with the unincorporated areas.*
- *Public Safety is restriping the parking at City Hall to include "20-minute parking".*
- *Public Safety conducted "First Aid Training" for 36 participants from Wish Farms and 11 city employees.*
- *Fire provided EMT assistance for three (3) days at Santa Maria Strawberry Festival in April. Mobile command time.*
- *California Coast Classic Bike Race will go through Guadalupe in September this year. Bicyclists will come down Hwy 1, turned east on 11th Street to Simas Road and turn back toward Hwy 1. No permit needed or services required.*
- *Police are investigating a vandalism that occurred on May 9th; video obtained of suspect breaking window with rock at Mary Buren School; part of other vandalism on Guadalupe Street. Will put out "Crime Stopper" notice...have spoken with School District Superintendent.*
- *Fire addressed citizen's complaint of weed abatement at Snowy Plover Street. Letter was mailed regarding need to cut down weeds. If person doesn't comply, issue will go to City Attorney Sinco.*
- *Police handled traffic accident that occurred on May 7th involving five (5) cars. The driver, who suffered a medical condition that caused the accident, was air lifted out with moderate injuries.*

- *Public Safety will assist with the raising of the veterans' flagpole at the "Little Yellow House" opening ceremony at 1055 Guadalupe Street on Saturday, May 14th at 2:00 p.m.*
- *Public Safety is handling the hiring of a new Police Officer and new Emergency Preparedness Coordinator.*
- *County Police Chiefs are discussing forming a County-wide task force to combat narcotics.*
- *County Fire Chiefs are looking at how to deal with AMR's contract. They're working on a proposal to handle all medical calls for service in the county. Guadalupe will be connected to the system for dispatch.*
- *Police purchased two (2) new police vehicles; one (1) is a hybrid-Ford.*
- *Public Safety hired its third Fire Intern. We're hiring Guadalupe youth. Two (2) have been here for six (6) months and are getting ready to go to the Fire Academy.*
- *Fire is spending \$20,000 to retrofit the Wildland Fire truck to expand storage and equipment space.*
- *Public Safety personnel worked the Guadalupe Cinco de Mayo Festival in downtown.*

10. MAYOR'S REPORT- UPDATES

Mayor Julian briefly spoke about Item #8, "Guadalupe City Food Bank" in this report. He said, "Although we wanted to have a second food distribution each month, we will be staying with one (1) on the first Thursday of each month. Unfortunately, we don't have enough volunteers for a second distribution. There are five (5) food distribution sites in Guadalupe, and we want to publicize all of them."

PUBLIC HEARING

11. Public hearing to consider subdivision Tract 29,065, (Planning Fire No. 2021-098-TTM) a Vesting Tentative Tract Map to allow future development on Lots 1 and 2 of Parcel Map 29,063.

Written report: Bill Scott, Contract City Planner

Recommendation: That the City Council:

- Receive a presentation from staff;
- Conduct a public hearing, including: a) an opportunity for the applicant to present the proposed project, and b) receive any comments from the public; and
- Adopt Resolution No. 2022-38 to conditionally approve the Tentative Tract Map 29,065.

Mr. Bill Scott gave a brief background stating that on November 13, 2012, a revised version of the DJ Farms Specific Plan was adopted by the City Council. This Specific Plan area covers 209-acres and establishes the development parameters for a mixed-use community consisting of up to 802 residential dwelling units, 250000 square feet of commercial uses, 12.5-acres for a school site and 15.9-adres for neighborhood serving parks and recreational facilities.

Tentative Tract Map 29,065 allows for the next phase of the DJ Farms Specific Plan Development aka: Pasadera South. This involves Lots 1 and 2 of the Master Parcel Map 29,063 which was approved by the City Council on June 8, 2021. Lot 1 site allows for 104 total lots 21.8-acres, 98 single-

family residential lots and six (6) lots for common public facilities and open space use. Lot 2 site establishes a stormwater basic 9.16 acres.

The tentative tract map establishes a 60-foot-wide railroad setback between the SMVRR railroad tracks and the Lots 1 – 25 homesites on the north side of the subdivision. The tract map shows minimum 6-foot-high masonry walls along the northeasterly, southeasterly, and westerly perimeters of the subdivision. These walls provide both noise reduction and privacy for homes along the perimeters of the subdivision.

The Pasadera South subdivision will recognize names from the “Sons of Guadalupe”. “Kurokawa Drive”, after fallen local soldier, Ben Kurokawa and “Rico Drive”, after Raymond Rico, another fallen local hero. Other heroes from the “Sons of the Guadalupe” list will be used for additional streets in Pasadera South.

The Land Use, Circulation and Infrastructure element of the DJ Farms Specific Plan establish virtually all the development parameters for this subdivision. The tract map was found to meet all the applicable standards stipulated by the Guadalupe Subdivision Ordinance. The 98-single-family lots proposed under Tract 29,065 are zoned R-1-5000, have a minimum size of 5,000 square-feet. They range in size from slightly over 5,000 square-feet to over 10,000 square-feet.

The Final EIR was certified by Council in November 2012. The current subdivision is essentially the same project evaluated by the EIR so no further review is required. Map Permit 2021-098-TTM contains 86 conditions, both regular and special conditions. The applicant requests to delete Condition #56, “Build perimeter walls adjacent to the railroad prior to issuing the first certificate of occupancy in Lot 1 South”, and Condition #73, “Walls: All required perimeter walls and fences shall be installed or constructed by the Project Developer prior to issuance of the occupancy permit for each phase of development.” The applicant requests to add Condition #72, which reads in part, “...Pasadera South subdivision depicts a minimum six-foot solid masonry wall shall be constructed along Union Pacific/Santa Maria Valley Railroad tracks along the northeasterly perimeter of the Lot 1 South Subdivision”.

The applicant has requested to construct the sound attenuation wall in two phases: the first phase of the wall is proposed to be constructed along the southeastern portion of the subdivision to shield those 50 homes, to be constructed and occupied as a first phase of construction with the northwesterly remainder of the wall proposed to be constructed within 18 months of the first occupancy clearance of the Lot 1 Subdivision, or prior to occupancy of the 51st home. A sound study will be conducted. If the conclusions are not found to be satisfactory by the Planning Department, the applicant will construct the wall in its entirety, prior to the first residential occupancy clearance in Lot 1 South. But if the phased wall is found to be acceptable, each segment of the wall will be shown on the Grading Plan submitted for approval by the City.

The project site is separated by the Union Railroad tracks. An agreement to use Brown Road was obtained by the developer after negotiating with farm landowners. The Fire Department has said

that the length and condition of this roadway is not acceptable to handle emergency/fire trucks. Temporary construction would be limited to activities such as grading, installation of underground utilities, streets and other surface improvements. The Fire Department has stated that any activity involving combustible materials (e.g., vertical home construction) is not permitted "until suitable emergency access to the site(s) is provided to the satisfaction of the City of Guadalupe Public Safety Director and the Fire Department". But if no satisfactory temporary emergency access is established, "no building construction shall commence until the Obispo Street Bridge is constructed and operational". This allows for maximum of construction flexibility for the developer.

Mayor Julian asked, "On the third page of the handout, about 50% is shown in bold. If the City's noise standard is met, then all should be okay?" Mr. Scott said, "If the sound report is satisfactory with the Planning Department, they can go ahead with a partial wall." The mayor then asked about a fertilizer company nearby. Mr. Craig Smith, developer said, "We had to find a place where we could cross meeting normal needs of the railroad. We found Brown Road and negotiated with three (3) farmers. It's near the fertilizer plant. It's about 1.5 miles long."

City Attorney Sinco advised Mr. Scott of the following, "The entire permit will be renumbered. When adding new conditions, the permit will be renumbered.

Public Hearing opened at 7:11 p.m. Public Hearing closed at 7:12 p.m.

CM Ramirez asked, "What's the status of marketing and advertising? The signs that were to be changed that referenced Pasadera as 'South of Guadalupe'." Mr. Smith said that he thought that had all been taken care of already. CM Ramirez added that there still is an old sign coming down from the grade on Hwy 101. Mr. Smith said that he will look into that.

Motion was made by Council Member Ramirez and seconded by Council Member to approve and adopt Resolution No. 2022-38 with minor changes, deleting Conditions #56 and #73 and adding Condition #72. Roll Call: All Ayes Noes: 0 Motion passed.

REGULAR BUSINESS

- 12. Cannon Corporation and Labor Consultants of California request to add services due to continued need for inspection/labor compliance work, and authorize use of up to \$150,000 for cost overages for the Le Roy park and Community Center Project from the Park Development Fund.**

Written report: Tom Brandeberry, Los Amigos de Guadalupe

Recommendation: That the City Council adopt Resolution No. 2022-39 authorizing the use of the Park Development Fund to pay for cost overages for the Le Roy Park and Community Center Project.

Mr. Brandeberry explained that due to change orders and additional days, the Le Roy Park and Community Center Project was extended through April 2022. The contractor, Quincon, had not reached the "substantial completion" requirements in their contract. As long as Quincon is on-site

completing their remaining scope of work, Cannon, representing the City, must also be on-site as the construction inspector to ensure that Quincon meets substantial completion requirements. Labor Consultants of California also must continue their prevailing wage oversight until final payrolls are submitted and approved. While the scope of work is unchanged, the timeframe for doing the inspection work has lengthened by an additional two months. There are no remaining funds available for the Le Roy Park project that can cover these additional amounts.

Because of a financial error, there is a shortfall of approximately \$150,000 for the project. This amount does include the additional costs required for Cannon Corporation and Labor Consultants of California. Mr. Brandeberry said, "The amount of \$30,065 should be included in the staff report and resolution but it doesn't change the total \$150,000 overage." As CEO, Mr. Brandeberry said that he accepts full responsibility for this error.

An interfund loan was approved between the Park Development Fund and the CDBG Grant Fund. The Park Development Fund currently has \$744,736. These funds were lent to the CDBG Grant Fund to cover costs related to the Le Roy Park project, as CDBG grant funds are given the City on a reimbursement basis which a lengthy lag time from request to receipt of funds.

Request now is to have the City Council authorize use of the Park Development Fund to cover the excess expenses over the available grant funds and donations to complete the park project, up to a maximum of \$150,000, and not impact the General Fund. If approved, \$594,736 will remain in the Park Development Fund for other recreation and parks purposes.

Mayor Julian asked, "The staff report says \$594,736?" Ms. Zarate, Finance Director, said, "That \$594,736 is ending up in the Park Development fund to be used for other park purposes."

CM Cardenas said, "CDBG. There's the interfund loan...\$744,000 loaned to CDBG to fund Le Roy Park due to the lag in processing reimbursements. \$594,736 will be coming back, but the \$150,000 won't be coming back." The mayor said that he hates to see those monies going away. Mr. Bodem added, "There's \$1.7M coming to do Phase II for the Le Roy Park project. Might have the City reduce something in Phase II to make up for this."

CM asked, "Speaking of money...Oso Flaco Lake fundraising to help with the park development. Did we get any monies from their fundraising?" Mr. Brandeberry said, "Yes, they're on the donation list along with \$250,000 anonymous donation."

City Attorney Sinco interjected saying, "I need some clarification from Thomas as I'm revising the resolution now which will be posted on the website. The resolution will add \$30,065 but leaving the \$150,000." CM Cardenas said, "\$16,000, \$3,000, \$30,000." Mr. Brandeberry clarified, "Those are maximum amounts."

Mayor Julian asked, "What does the punch list for Le Roy Park look like now?" Ms. Sweeney said, "I've been in communication with Quincon. Equipment is coming in tomorrow. Should be able to get the Notice of Completion at the next meeting."

The mayor said when he was last there at the park with Rep. Carbajal that it looked like things were about 99% done. He then asked, "Does Alejandra (Medina) have keys to the building?" Mr. Brandeberry said, "Yes, we wanted temporary access. We asked Quincon to bring keys and Alejandra has them." Mayor Julian said, "We're working with different groups. Hannah (Fuentes) doesn't have access to it. Have Alejandra give her keys."

CM Cardenas mentioned that Sonia Rios-Ventura's name is still on the agreement. Mr. Brandeberry responded, "Should be City staff name, not Sonia's. Change wasn't made on the agreement. Should be the mayor's name there." City Attorney Sinco made changes to Resolution No. 2022-39 to reflect 1) Contract increases of \$45,545 for Cannon Corporation and \$3,750 for Labor Consultants of California, and 2) language showing request that the City Council approve Additional Service Agreement No. 2 and Additional Service Agreement No. 3.

Motion was made by Council Member Cardenas and seconded by Council Member Robles to approve Resolution No. 2022-39 with corrected change to the resolution and to the Agreement signature page. Roll Call: Ayes: 5 Noes: 0 Motion Passed.

13. Informational report from Public Safety staff on the feasibility of establishing a downtown residential permit parking area in the 1000 block of Guadalupe Street.

Written report: Michael Cash, Director of Public Safety

Recommendation: That the City Council a) Accept the information and take no action; or b) Direct staff to return to Council when a draft ordinance is ready for consideration consistent with Council direction; or c) Continue to another Council meeting for further discussion and deliberation.

Chief Cash reported that the City does not have regulations in place that would prohibit or restrict the establishment of a resident permit parking area within the 1000 block of Guadalupe Street. The location has a mixed usage of residential units and businesses. Currently, there are six (6) businesses and/or community centers and eight (8) residential units in the area. There are 13 marked street parking spaces and two (2) off-street residential parking locations.

Public Safety staff had been enforcing the downtown posted, "No overnight Street Parking between the hours of 12 midnight and 6 a.m." parking regulation to allow for contracted street sweeping every Friday morning. Several residents, who said there are no available parking spaces for them, received parking citations for the illegal parking in the area after hours. Requests to City officials have been made to remedy this problem. Within the one-block area, 1000 Guadalupe Street, staff determined that only four (4) residential units do not have off-street parking. However, they do have two (2) marked public parking spaces directly in front of their addresses.

Chief Cash cited examples of residential parking programs in City of Santa Barbara and City of San Luis Obispo. He asked the Council for direction. There was much discussion between the Council and Chief Cash on the following: 1) how many apartments have this problem; 2) do all the apartments cited not have off-street parking; 3) does this issue affect both the west and east side of Guadalupe Street, and 4) how will any of this affect the Friday morning street sweeping?

Mayor Julian said, "So, this issue is only for a portion of the east side of Guadalupe Street and we're only talking about four (4) apartments." Ms. Sweeney added, "If cars are permitted to park on the street during the timeframe that Friday morning street sweeping occurs, the sweeper will have no choice but to go around the cars."

There were two (2) requests to speak:

Mr. Gustavo Alvarez

On the east side, it's 1000, 1048A and 1056A Guadalupe Street. There are homes that are over 100-year-old there that never had parking. 1085 and 1095 Guadalupe Street lost that parking. Potential solution might be to get rid of the bulb outs. They're full of dirt and trash. Make Al's Union property a community parking lot.

Mr. Hilario Najarra

I live at the 1048 unit. I've received two (2) tickets for \$104. That's no fair. I have two (2) cars. Nobody told me about this. I've lived there beyond one year. There's no garage, no personal parking...just the street. I was told I could park there temporarily. Someone tried to steal my car. It would be fair to have a parking lot.

There was one email sent on this item:

To: Guadalupe City Council meeting of May 10, 2022 - The City of Guadalupe has a surfeit of vehicles. Nearly all residences have carports or garages for vehicles. Rather than making storage rooms of said garages, they should be used to house at least one vehicle and the driveway for any other vehicles, rather than the streets. This would also seem to deter vehicle theft or vandalism.

The person with complains should work with their landlords (see above if THEY own their homes) to access a parking space during the prohibited parking hours to allow for street sweeping.

I disagree with beginning Residential Parking Permits in the city. Two will soon bloom to 40 necessitating a person to process the permit, Police or Code Enforcement to cite the abusers and subsequent citation processing. This opens a whole new "can of worms" for departments that are already overloaded. Shirley Boydston – Guadalupe resident

CM Costa, Jr. asked who owns the little cottages in the general area. Mr. Alvarez said, "We do and there is residential parking. The Buddhist Church owns the large lot." Mayor Julian said, "I'd like to see the bulb out gone." Ms. Sweeney added, "We submitted a letter to Cal Trans regarding ADA and requested that bulb out be removed." Then Mr. Alvarez said, "There's thirty feet painted out at every hydrant."

Mr. Najarra asked about the two tickets he had received. Chief Cash said he had spoken with the gentleman and said that this had to go to the City Council before anything before any resolution.

Ms. Anna Marie Michaud, City Treasurer asked to speak. She said, "Other cities have street sweepers. Put a sign that says "No Parking - Street sweeping, every Friday, midnight to 6:00 a.m." or something similar. For the other days, residents can have parking spaces. But if cars are parked during the "no parking" period, they will get a ticket." CM Costa, Jr. said, "Some businesses said that people were parking overnight in front of their businesses. That was a bit of a nuisance for them."

Mayor Julian asked, "What's needed now?" City Attorney Sinco said, "Direction is needed from the City Council. Need some ideas. In Santa Maria, there's "No Parking (this time)". Do you want no overnight parking in the downtown area? No overnight parking in other areas? Collaborate more with others?"

Both the mayor and CM Cardenas said that we want streets cleaned, weekly, Fridays between 4:00 a.m. and 6:00 a.m. Ms. Sweeney agreed to the day and time schedule. City Attorney Sinco said, "That's the main thing. Parking permit for residents." The mayor said that without permits, everyone will park there. City Attorney Sinco added, "There might be hardship issues that will allow for permits. I can come up with something."

Mayor Julian said, "Develop a parking permit process. No parking from 4:00 a.m. to 6:00 a.m. on Fridays for street sweeping. City Attorney Sinco said he will bring back for further discussion.

Chief Cash then said, "A small section discussed now for permit parking. Other groups may look at special parking for their areas. I have heard from some communities already. I'll work with Shannon and Philip on this."

14. Fiscal Year 2020-21 Audited Financial Statements and Single Audit Report.

Written report: Lorena Zarate, Finance Director

Recommendation: That the City Council receive and accept the City of Guadalupe Financial Statements for the Year ended June 30, 2021, along with the Independent Auditor's Report and accept the Single Audit Report for 2021.

Ms. Zarate stated that Badawi and Associates, Certified Public Accountants, had performed an audit of the City's accounting records for fiscal year 2020-21. The City received an unqualified audit opinion which indicates that the financial statements present fairly, in all material respects, the

respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City for the period under audit.

Ms. Zarate did not go through the full audited report and basic financial statements but rather highlighted various areas of importance for fiscal year 2020-21:

The total net position of the city, as a whole, increased approximately \$4 million as compared to fiscal year 2019-20.

- *Total assets increased about \$4.9 million*
- *Total liabilities increased about \$991,000*

Governmental funds provide information on near-term inflows, outflows and balances of spendable resources in a more detailed manner:

- *Total fund balance for governmental funds, including the General Fund, increased by \$453,000*
- *Total revenues for governmental funds increased \$1.5 million*
- *Total expenditures for governmental funds increased about \$3.1 million (mainly due to capital outlay)*

General Fund – Summary

- *Total revenues increased by about \$164,000 as compared to fiscal year 2019-20*
- *Increase in revenues from taxes were about \$434,000 (approximately \$207,000 are related to sales tax from the new measure)*
- *Decrease in revenues of about \$406,000 from licenses and permits (related to number of homes built in one year versus the other in the Pasadera development)*
- *Total expenditures saw an increase of about \$742,000 from prior year*
- *Increase in expenditures resulted from an increase in public safety of about 624,000*
- *Expenditures exceeded revenues in the amount of \$115,266 for fiscal year 2020-21 = positive fund balance of \$370,356 vs \$485,621 from fiscal year 2019-20*

- *From a budget standpoint, revenues exceeded expectations by about \$3,500. Revenues for building permit did not meet budget related to Pasadera and Escalante Meadows. Reimbursement of \$160,698.72 received for fire mutual aid. CARES funding of \$99,777 was not originally budgeted. In summary, Property, Sales, Utility Users taxes and transfers from other funds all exceeded budget, as did revenues from other agencies and franchises fees. Expenditures in comparison to budget, General Fund was over budget overall by \$363,979.*

General Fund Expenditures by Department

- Departments “under” budget: City Council 97%; Administration 97%; Finance 95% (and Non-Departmental 85%)
- Departments “over” budget:
 - City Attorney: 102%, due to labor negotiations
 - Building Maintenance: 112%, due to utilities, storm water permit and landscape and cleaning professional services
 - Police & Fire: 108% & 123%, respectively, due to personnel costs
 - Parks & Recreation: 112%, due to utilities
 - Building & Safety: 119% for Planning, due to personnel costs and professional services

Enterprise Funds – overall operating revenues increased by about \$556,000 and overall operating expenses decreased by about \$118,000, compared to fiscal year 2019-20.

Major Federal Programs – include CDBG, COVID CARES funding, and transit monies. An audit was performed on these programs and the City received an unqualified audit opinion, which means that the City complied, in all material respects, with the types of compliance requirements.

Auditor’s Schedule of Findings – the findings for fiscal year 2020-21 are the same as the findings in fiscal year 2019-20: two findings related to the audited financial statements and no finding related to the single audit

- First Finding is the insufficient fund balance in the General Fund and the ability of the City to continue as a going concern, due to the General Fund not maintaining a sufficient fund balance level to ensure the continuity of the operations. The General Fund balance of \$370,356 vs approximately \$115,000 from the prior fiscal year, represents only 28 days of operating revenues and expenditures. This is far from the target of 15% reserves. There were also two interfund loans from the Lighting & Assessment Fund, \$240,000, and the Water Fund, \$368,996, made to the General Fund to sustain its basic operation, as of June 30, 2021. The auditor recommends the City continue to analyze all potential cost cutting measures and revenue sources as well as options to increase the fund balance while providing continued financing for City operations.

Staff’s Response: Expected increase in City’s revenues relating to 1) the Pasadera and Escalante Meadows developments; 2) sales tax with new Measure N, and 3) cannabis bringing to City. American Rescue Plan fund were received in fiscal year 2022. The City recognizes the need to find stable revenue to maintain the services provided residents.

- Seconding Finding relates to internal controls in processes and segregation of duties among Finance Department staff.

- *Staff's Response: Current explanation of processes given. Improvement in Finance Department's controls and segregation of duties is expected with the new accounting software which has a go-live date of November 2022 and will accommodate workflows and authorization parameters.*

CM Cardenas asked, "Mutual aid. Does that go to the variance of the fund that was overspent?" Ms. Zarate responded, "We didn't budget this in, mutual aid and revenues. They offset each other."

Mr. Badawi, auditor, said, "I concur with Lorena's report. The City received two (2) comments. One was the condition of the General Fund, and the other was on internal processes and controls. Straightforward process."

Mayor Julian then said, "The audit report says all that we need to know. There was a comment about double checking..." Mr. Zarate explained, "The Finance Department has so few staff. I do the general entries, general ledger but there should be another level of review. That should be the City Administrator. The new software should notify the City Administrator."

The mayor added some comments saying, "In the audit six (6) years ago, we were in the red. We're slowly coming out of that. Our challenge is to remain and focus on the 15% in reserves. There's the Lighting Fund and the Water Fund...monies were loaned, and we owe them. We're still an issue of an 'ongoing concern'." The County will say that we're a 'going concern'. We know that." Question was asked when those loans began and their duration. Ms. Zarate said that the loans began in 2014 and were for 30 years.

CM Cardenas asked about the implementation of the Tyler System. Ms. Zarate said, "It's targeted to go-live in November. We have two (2) days blocked off to do billings."

The recommendation was that the City Council receive and accept the City of Guadalupe Financial Statements for the Year ended June 30, 2021, along with the Independent Auditor's Report and accept the Single Audit Report for 2021. The City Council received and accepted. No motion needed.

15. FUTURE AGENDA ITEMS

CM Costa, Jr. asked, "Two weeks ago, the firefighters came to us and we have to listen. Can we put the firefighters on the agenda to have some dialogue?" City Attorney Sinco responded, "Yes, we could put something on the agenda but there's a closed session on labor negotiations tonight. If it leads to resolution, there'll be an open session. Certainly, we could put something on the agenda with some direction or guidance on what the topic would be. We don't have a policy on how items are put on the agenda. Typically, the mayor or two (2) council members have the power to put items on the agenda." Mayor Julian said, "We can't say anything during 'Community Participation'. When we have an agreed upon document and the findings of that, we can report that out." CM Ramirez added, "Between negotiations and goal setting process, that's the perfect venue to have voices heard. If anyone who is listening out there, the goal setting meeting is tomorrow."

Ms. Sweeney: for the 5/24 meeting, water and drought conservation should be an item. Could be titled "Drought Response".

CM Cardenas: for the 5/24 meeting, the levee and Santa Maria trail. Board of Supervisors are discussing this, and the Council should discuss our support or non-support.

CM Ramirez asked about fireworks education – did letters go out? Chief Cash said they already had been sent out. He added that a former council member's comment was "Stop Fireworks".

Anna Marie Michaud, City Treasurer said, "When I was first elected in 2018, I was given a list of City Treasurer's responsibilities. (She handed out a copy to each council member.) I want to update these responsibilities to bring them current to 2022. Same responsibilities but report to 4th Tuesday." City Attorney Sinco said, "I'll look at the City code and work on it."

Prior to Item #16. Announcements, City Attorney Sinco said, "I'm advising the Council that in the closed session, it states that the Interim Human Resources Manager, Amelia Villegas, is one of the designated representatives. She will not be attending the closed session as her date of hire will be after today. The prior Human Resources Manager has resigned. Filling in will be the Finance Director and Public Safety Director."

16. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

CM Ramirez: The mayor and I attended the broadband meeting. It was pretty insightful with various stakeholders here. The broadband meeting in Spanish is tonight in the City auditorium. It started at 6:00 p.m. Also, as of yesterday, the White House released information on affordable internet. Go to "getinternet.gov" which will take you to the website with all the information.

CM Cardenas: The Leos organization is giving a "Senior Brunch" at the Senior Center on Saturday, May 21st. There are approximately 30 people who will be attending.

CM Robles: Changing of the Food Bank distribution. Mayor Julian said, "It's on the City website. People were volunteering because they weren't working due to COVID. But many are back to work and we're short on volunteers for a second distribution. So, we'll still have the first Thursday of each month for the Food Bank."

Mayor Julian: The Santa Barbara County Parks is looking at purchasing the land at the rodeo grounds. Also, looking at the sand company property...looking to turn into a campsite. The meeting is this Thursday at 9:00 a.m. at the rodeo grounds and then going to the sand company. The County owns property there. We'll also be looking at the levee.

17. ADJOURNMENT TO CLOSED SESSION MEETING

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to adjourn to closed session for conference with labor negotiators. 5-0 Motion passed. Meeting adjourned to closed session at 8:25 p.m.

CLOSED SESSION

18. CONFERENCE WITH LABOR NEGOTIATORS

(Subdivision (a) of Government Code Section 54957.6)

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

19. ADJOURNMENT TO OPEN SESSION MEETING

Motion was made by Council Member Cardenas and seconded by Council Member Ramirez to adjourn to open session. 5-0 Motion passed. Meeting adjourned to open session at 9:17 p.m.

20. CLOSED SESSION ANNOUNCEMENTS

No reportable action

21. ADJOURNMENT


Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to adjourn. 5-0 Motion passed. Meeting adjourned at 9:18 p.m.

Prepared by:



Amelia M. Villegas, City Clerk

Approved by:



Ariston Julian, Mayor