

MINUTES

City of Guadalupe

Regular Meeting of the Guadalupe City Council
Tuesday, May 23, 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. All members were 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.**

Mayor Julian asked Mr. Todd Bodem to read the plaque that the City recently received. The inscription read as follows:

*California Chapter of the American Planning Association –
Central Coast Section
2023 Award of Excellence
City of Guadalupe 2042 General Plan
Ariston Julian, Mayor
Todd Bodem, City Manager
Larry Appel, Planning Director
And
EMC Planning Group
Comprehensive Plan – Small Jurisdiction Award*

Mr. Bodem added that we have just applied for the State of California award, which will be similar, but on a larger scale. There were two identical plaques given to the City, and it was appropriate to present one to Mr. Larry Appel.

On another matter, Mayor Julian said, "Juan [Esparza] did a lot of cleaning up by West Main Street and Point Sal Dunes. He did an excellent job with all of that."

CM Lizalde said, "Thank you to CM Christina Hernandez for the Viva el Arte concert this past Saturday with the band, Las Cafeteras. It was a nice show and great opportunity for the community to come together. I also would like to thank the teachers in our community who will be wrapping up the school year soon, here and elsewhere. So, thank you for another year teaching our youth and for helping students reach their educational goals."

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.

5. COMMUNITY PARTICIPATION FORUM

Mayor Julian read an email from Shirley Boydston which, in part, said that she was inviting the City Staff, those at the meeting, those viewing the council meeting, and any others to help celebrate her 95th birthday on Sunday, June 4th, from 1:00 p.m. to 3:00 p.m. in the City Hall auditorium.

6. CONSENT CALENDAR

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

- A.** Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Calendar will be adopted by the same vote cast as the first meeting unless City Council indicates otherwise.
- B.** Approve payment of warrants for the period ending May 15, 2023, and ratify payment of warrants for the period ending May 1, 2023.
- C.** Approve the Minutes of the City Council regular meeting of May 9, 2023.
- D.** Adopt on the second reading, Ordinance No. 2023-510 amending Chapter 10.24 of the Guadalupe Municipal Code regarding stopping, standing, and parking concerning parking restrictions at City Hall.
- E.** Adopt Resolution No. 2023-38 approving the reclassification of the Permit Technician position to the Permit and Planning Technician position and new salary schedule.
- F. MONTHLY REPORTS FROM DEPARTMENT HEADS**
 - 1. Public Safety Department:
 - a. Police Department report for April 2023
 - b. Fire Department report for April 2023
 - c. Code Compliance report for April 2023
 - 2. Human Resources report for April 2023

Motion was made by Council Member Lizalde and seconded by Council Member Costa, Jr. to approve the full Consent Calendar. 5-0 Motion passed.

7. CITY ADMINISTRATOR REPORT: (Information Only)

Aside from what is in Mr. Bodem's written report, he said the following: I sent an email today, maybe prematurely, to the City Council regarding a joint meeting with the Recreation & Parks Commission and the City Council to go over the fee schedule for facilities and parks. I thought it might be better if we went by committee, two (2) members from the Commission and two (2) from the Council. That way it would give us more time to gather some more facts and information as it pertains to actual costs.

Mayor Julian added, "We should also have Janice Davis, Finance Director, present, too. We're close to our budget processing for next year, and it would be good to have the fee schedule known. We can determine later who will be at the joint meeting. Todd can work on that."

There was a brief comment made regarding looking further into a "Mello Roos" Community Service Facilities District. There's a group that's going to present next week on another matter of unfunded liability in PERS. They also work with "Mello Roos" and special assessment districts. Maybe something to bring forward and I can work with the city attorney to look at assessment districts as a way to generate revenue for the City for public safety and recreation.

Department heads will be given their budget worksheets for the group to present next week. Then a budget workshop will be scheduled.

Mayor Julian said that a meeting with SBCAG and Cal Trans will be next week, May 30th, from 3:30 p.m. to 5:00 p.m. to discuss Highways 1 and 166.

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

"Operation Night Tow" is continuing. It's all over Facebook. The majority of the towed vehicles are for expired registration. Chief Cash said, "We don't tow if the registration is under one year expired." CM Robles asked for further explanation. Chief Cash then said, "Technically, we can cite for a day, or at least a month after the registration has expired. The CHP will cite if less than three (3) months expired. Other police agencies will cite if more than six (6) months. But we push it back and don't cite unless the registration is over one (1) year. We try to give everyone an opportunity to get their vehicles taken care of. A lot of people don't understand that there is a provision with the DMV that if you cannot pay in full, you can pay in payments. But you have to show hardship. We're sharing that information both ways and to give them an out for those who may be caught in a financial hardship."

Chief also added that there is a school safety committee meeting tomorrow, May 24th.

CM Robles asked, "Once a vehicle is impounded, where does it go?" Chief said, "In Santa Maria. There are only two (2) companies doing towing in Santa Maria. We worked out a really good plan. The vehicle owners have to come here to the PD to pay their citation fees to get their vehicle released. Then they go to the tow companies to retrieve their car. The towing companies like this process we have in place as there's less confrontation with them. If there is any confrontation, it's with us at the PD."

The mayor, Todd and I, as well as other council members were at the wrestling meets here recently. I spoke with Hannah ([Sanchez] today about the lack of medical attention there. A 6th grade student hit his head on the floor. That incident highlighted the lack of medical help available. There should be medical help available for any potential injuries. We'll be working with Recreation & Parks on this. I'll be speaking with the School Superintendent tomorrow and will let him that if there is a school event, medical help should be on standby.

PUBLIC HEARING

- 9. Public Hearing to consider Conditional Use Permit (2022-048-CUP), Design Review (2022-069 DR), and CEQA Notice of Exemption for Element 7 Guadalupe, LLC, a retail cannabis dispensary at 859 Obispo Street, Guadalupe APN 115-092-016.**

Written report: Bill Scott, Contract City Planner

Recommendation: That the City Council:

- a. Receive a presentation from staff; and
- b. Conduct a public hearing, including: 1) an opportunity for the applicant to present the proposed project; and 2) receive any comments from the public; and
- c. Adopt Resolution No. 2023-39 approving Conditional Use Permit 2022-048-CUP, and Design Review 2022-069-DR, including CUP and DR Findings, a CEQA Class 1 Exemption, and the Conditions of Approval.

(Note: Due to initial technical difficulties with Mr. Bill Scott presenting via zoom, this item was deferred to occur after Item #10.)

Mr. Scott gave a brief background on this item: The applicant, Element 7 Guadalupe, LLC, was a finalist selected through the City's retail competitive process. As the next steps, the process to obtain a City Commercial Cannabis Business Permit (CCD Permit) requires the following: a) Conditional Use Permit (CUP) approval; b) Community Benefit Agreement, and c) Approved Building Permit.

The project site is a three-level building with a basement located at 859 Guadalupe Street on the west side of the street. (There are three (3) upper floor apartments which are not associated with the dispensary.) The building is located in the Downtown Mix-Use zoning district. The ground floor will be the 2,500 sq. ft. retail cannabis dispensary as well as a 558 sq. ft. covered patio to be used for special events. Iron gates face the front of the building which has the only entrance for customers into the retail sales area. The basement will only be used for product delivery.

The applicant is requesting a Type 10 license which is for retail sales, and it establishes the types of parameters, the types of things that would be sold at this retail dispensary. The State Department of Cannabis Control (DCC) regulates the license and will not issue a state license until the City approves a Conditional Use Permit. The overarching and main code that applies to cannabis sales in the City is Municipal Code Chapter 9.22. Some requirements in that code are the following: a) Valid City Cannabis Business Permit; b) State Cannabis License; c) Coordination and reporting to the City; d) Community Benefit Agreement; e) Community Contact Person, and f) Sensitive land use evaluation. The sensitive land use evaluation would involve schools and daycare centers. A survey/evaluation was done and there were no sensitive land uses in proximity, so that test was passed. Municipal Code Chapter 9.22 establishes and sets overarching rules in terms of applications, rules, procedures, regulations that involve how a retail cannabis facility can operate. All of those requirements in MC Chapter 9.22 are in line and in partner with the Conditional Use Permit...one re-enforces the other.

Regarding the zoning ordinance, all CUPs are reviewed in conformance with the zoning ordinance. There's no real new development in this particular case. The facility will occupy existing tenant space. There are no improvements. The parking lot is existing. The code says for a 2,500 sq. foot retail space, 12 parking spaces are needed. There are no improvements needed for parking compliance as there are 12 spaces in a parking lot behind the dispensary. (That parking lot is shared.) There is plenty of on-street parking, which is encouraged. The project meets code for onsite and off-street parking. There will be one or two delivery vehicles which will be parked on the street during deliveries. Otherwise, the vehicles will be stored in designated off-street storage area.

Some environmental consultant conditions, which may be called 'industry standards', include: a) Camera plan; b) Product delivery and path of travel specifications; c) Product storage standards, and) Door and window security plan.

The next topic discussed was "Neighborhood Compatibility". How does the conditional use, especially for this one that caters to adults, fit in with the neighborhood? There were several conditions of approval cited, such as a) One entrance, customer identification and monitoring plan; b) Security patrols to be available 30 minutes before and after closing and during open hours; c) Outdoor lighting from dusk to dawn; d) 24/7 property monitoring, and e) Site maintenance to include the patio area. Anticipating a flow of customers and monitoring of same was emphasized.

In summary, the dispensary is strongly conditioned to be harmonious with the downtown neighborhood. The facility incorporates industry standards as noted by expert cannabis consultants. Standards of the Municipal Code Chapter 9.22 and the Zoning Ordinance all will be met. The facility will confirm to state law and all required regulations. Element 7's retail dispensary will support economic development objectives of the City's General Plan. Because this facility is a re-use of tenant space, it has a Class 1 CEQA exemption. It was previously a sports bar, and we are just replacing it with retail use.

Prior to concluding his presentation, Mr. Scott noted two corrections. One involved the description change of the outdoor patio from the “west” side of the building to the “east” side of the building. The other correction involved Condition 21, potential odor. Mr. Scott then asked to add Condition 21.e), to read as follows: “If the above-cited measures do not adequately address odor complaints as determined by the City Administrator or the City Administrator’s designee, the project will be required to comply with the odor control provisions set forth in the Guadalupe Municipal Code section 9.22.380.I.”

The presentation was turned over to Mr. Scott Bruce, cannabis consultant. He works with HdL providing comments and conditions to city staff. He explained that no new floor area was being created. These are all tenant improvements. No one under the age of 18 without medical documentation will be allowed in. Otherwise, you must be 21 years of age to enter. He gave some details about the entrance way, delivery, storage, types of products, etc. There will be one-to-two delivery vehicles per day. Most traffic will be foot traffic coming off of Guadalupe Street. Security plan is in place. They have security for the roll-downs for the covers on the windows. He summarized saying, “We and HdL feel that the applicant has done its due diligence and see no serious issues to be addressed.”

City Attorney Sinco said, “I just have two (2) comments. I mentioned the addition of the condition of the odor to the applicant just before the meeting and explained that it’s just confirming that the Guadalupe Municipal Code applies whether it’s in conditions or not. But I wanted that in the Conditions of Approvals stated so that it was clear that it applied. Also, I think the staff report indicated that Mr. Bruce had determined that the odor wouldn’t necessarily pose a problem. That’s not exactly what he said. He believed it wouldn’t. So, it was stated a little bit too strongly in the staff report. We won’t know until it actually starts operations. But we don’t anticipate any problems.”

Public Hearing opened at 7:14 p.m.

Mr. Greg Moreno, Community Development with Element 7, spoke on their odor control system. He said, “It is standard in the industry. If you looked at some of our other locations, we have filtration systems in place inside our stores. There are sealed bags that go in and out. We try our best to mitigate. There are never any products that are open in the store. It’s just not allowed...it’s not practiced. Odor control is something we pride ourselves on that which was in our initial presentation. We have neighbors and will do everything to mitigate.”

Mayor Julian said, “The floor plan...in the entry way. The check-in site is a portable counter. How does that work?” Mr. Moreno said, “Because we’ll have two (2) layers of security, we’ll check in and some people may have to wait...it really depends on the day. We only want a certain amount of people on the floor at one time. It’s on a lap top...we interact with the folks and try to establish relationships and keep them out of the elements.”

The mayor said, "We have an email from Lupe [Alvarez] concerning the covered patio area and the wrought iron gates. I don't have a problem with that. To me, one of the issues we have is...if you look at the Vets Building and the restroom area. There's no fencing...no doors. People use that as a restroom. For years we've had problems with that. My opinion is to keep the iron gates up. We need safety measures." Mr. Moreno agreed.

CM Hernandez said, "I support keeping the iron gates, considering there will be special events in the patio area. The gates would potentially eliminate underage people from 'sneaking in'." Mr. Moreno made a side comment saying, "At our grand opening, tacos will be given in the patio area, but there won't be any product in the patio area. We'll be doing fundraising events, too."

CM Lizalde was also in support of keeping the wrought iron bars saying, "It's a nice waiting area vs. open to the public walking by. At night, it would be safer but also, I'm so used to seeing the building like that. It would be strange not to see it that way. The staff report said that, aesthetically, it didn't match. But it matches the neighboring buildings on the same side of the block, starting two doors down. We should keep the wrought iron gate. I like the added safety feature because we don't know what the foot traffic is going to look like." Mayor Julian asked Chief Cash if he had any comments, but he did not.

CM Lizalde further commented, "There are various viewpoints on this type of industry. We're one of the last to get a retail cannabis dispensary which is good. There are thorough checks and balances in place now. Because a lot is already in place, we don't have to go and reinvent the wheel, after the fact."

Mr. Bodem said, "I did some qualitative research with other city managers in the Five Cities area. The managers said that the cannabis business operations were more secure, properties better kept and safer than any other store types. And that there was no increase in crime. Also, when someone is checked in, are they held there, then buzzed in, or do they just walk on to the floor?" Mr. Moreno said, "They need to get buzzed in. There are two (2) security doors to go through before getting on the floor."

Mr. Scott said, "As a part of the design review, a finding was looking at removing the iron bars and not being part of the CUP. The point was to find a harmonious design to the surrounding area and appeal to new visitors. Our feeling is that if the majority of the buildings have bars, we're losing something. Other than that, we're not passionate about it, and whatever the City Council finds, we'll go with, but we suggest the bars be removed. Again, the security measures are stringent. We talked about 24/7 monitoring. Again, this facility has stringent security measures that minimize the need for the bars. The place will be policed as an occupied space daily. With that said, we suggest removing the bars, but whatever the Council's wish will be is fine with us." Mr. Bruce said, "I would add that the bars are not required. There will be roll down metal covers over the windows and pulled down at night. So, the windows are protected without the bars. So, they are not required for security. Bill is correct...there are lots of other security measures."

City Attorney Sinco asked, "If the City Council allows bars, I wanted to ask the planner how to modify the condition...whether to strike it altogether or to specifically say they should be allowed to remain. I'll let you make that decision first, but I did want to ask that question."

The mayor then asked if there was consensus on keeping the wrought iron bars. CM Costa, Jr. said, "The bars have been there since the building was created, so leave them there. It's extra added security. We don't have a big homeless problem, but we do have homeless people who try to find spots that are sheltered. This would keep them from staying there." CM Hernandez added that she was good at leaving the bars there. CM Robles said, "I agree with keeping the bars. They were in the original concept. They'll be the first barrier and can control movement, especially if you're having events." CM Lizalde added, " I'm for it, especially, for the flow of traffic. I'm okay with keeping the bars because it honors the way it was approved in original concept."

City Attorney Sinco asked, "Mr. Scott, on Condition 18.c, it reads: 'Existing metal gates/bars at the front of the building entry shall be removed prior to facility operations.' Is it your recommendation to delete that entirely, or just specifically say that they may be allowed to stay?" Mr. Scott said to strike the statement entirely.

Mayor Julian asked about the community benefit piece and where does that go through for approval? Mr. Bodem said, "For 151 Obispo's community benefit package, that will be on the next agenda. And once you approve that, in the meantime, we will start negotiations immediately on this one. I think we have until September on all of the community benefit agreements." The mayor asked, "Then they'll come back to us?" Mr. Bodem said that yes, all community benefit agreements would come back before the City Council.

Witten Comments:

Mr. Lupe Alvarez: Honorable Mayor Julian and Honorable Council Members. I respectfully ask that this be read into the record during the Public Comment segment for the CUP of Element 7, item #9. I write in support of the CUP for Rlement 7, located at 859 Guadalupe Street, Guadalupe, CA.

I support all the conditions with the exception of removing the custom ornate powder coated wrought iron. It is an accepted and approved safety deterrent that was approved when the building was built approximately 12 years ago by the Guadalupe City Council.

The building blocks the wind, if the custom ornate wrought iron is required to be removed, it opens up the entire patio area to an increased use of homelessness, public urination, graffiti, and other issues in the downtown corridor. The City of Guadalupe is already receiving an increase of homelessness and other issues with the city-owned buildings. For example, at the American Legion and at the Amtrak Train Station.

Honorable Mayor and Council Members, I respectfully request that you allow the custom wrought iron, that was previously approved by a previous Guadalupe City Council be kept for existing and future safety measures of the Guadalupe downtown corridor. Respectfully, Lupe Alvarez

Public Hearing closed at 7:31 p.m.

Motion was made by Council Member Costa, Jr. and seconded by Council Member Lizalde to approve Resolution No. 2023-39 with revisions discussed. Roll Call: Ayes: 5 Nos: 0 Abstain: 0 5-0 Motion passed.

- 10. Public Hearing to consider Conditional Use Permit (2023-022-CUP), Lopez H-2A employee housing project for 40 agricultural workers located at 4575 & 4581 Tenth Street, APNs 115-052-009 and 115-052-010.**

Written report: Larry Appel, Contract Planning Director

Recommendation: That the City Council:

- a. Receive a presentation from staff; and
- b. Conduct a public hearing, including: 1) an opportunity for the applicant to present the proposed project, and 2) receive any comments from the public; and
- c. Adopt Resolution No. 2023-40 approving 2023-022-CUP, including a parking modification per Section 18.75.050.B.

Mr. Appel gave a brief background on this item: The request is to modify two (2) existing buildings and convert them into H-2A living quarters. These buildings have been vacant or underutilized for over ten years. In the past the buildings were the local clinic for CHC and a pharmacy.

The property was sold around the end of 2022 to Daniel Lopez and his wife, Rosio Ibarra, for the purpose of converting the structures into housing for nonimmigrant agricultural employees pursuant to the H-2A visa program. Over the past 5-6 years, there have been a number of different types of projects for this property brought to the Planning Department for consideration, such as a B&B, motel, daycare and fitness center. No formal applications were ever submitted.

A formal application was submitted on April 6th and was deemed completed for processing on April 27th and is now being considered for approval on May 23rd. Their plan is to convert the building into employee housing and then contract out the buildings with a farming company. There are two (2) existing buildings on the property. There will be space to house 32 employees in one building and eight (8) employees in the other, for a total of 40 employees. The owners don't have a contract for any H-2A services, but under the CUP, the owners are going to require a food and catering truck to provide breakfast and dinner at the property with lunch delivered out in the fields.

The project provides enhanced landscaping, picnic tables and parking for 11, which are required carpools. Owners have asked for a modification for performance standards that would allow employee transportation vehicles to be larger than the 16-passenger size. Staff supports this modification for two (2) reasons: 1) the owners don't know who they're going to lease to and, therefore, don't know about their transportation vehicles, and 2) the property has tall solid wood fencing which would screen any large transportation vehicles.

The State of California, our new 2042 General Plan, and draft Housing Element encourage local agencies to make the processing of affordable housing a high priority. That has been done so with this project. This project is a reuse of two (2) existing buildings. With the conversions of these two (2) structures from one use to another, this project allows for a CEQA exemption, Class 3, where no possibility of significant environmental impact will occur. Resolution No. 2023-40 provides the CEQA exemption findings and draft Conditions of Approval.

To approve a project like this, compatibility with the neighborhood is critical to ensure that the project, and its proposed density of residents, will not impact the surrounding area. There are reasons why we believe there is compatibility: 1) Fencing is important to block the views of the facility; 2) the north and east of the site contain multi-family housing with the other two having single-family housing. With the facility previously having been considered for daycare, there would be more noise with that purpose than this current one for H-2A housing. People will be there overnight and gone all day. The applicant/owner has taken this issue to heart and has prepared a very detailed leasing contract that addresses many topics that could lead to problems. Staff believes that with the use of this lease contract along with required Conditions of Approval, the project could be compatible with the surrounding neighborhood.

Mayor Julian said, "There's an email from...I don't know the origin...it's in reference to this item on the H-2A housing. Normally, we don't read emails...it's in the record. I'm just going to highlight a few points. Maybe you know..." Mr. Appel suggested that the owner was present and could address any questions. The mayor said he would do so during the public hearing portion.

Public Hearing opened at 6:22 p.m.

The property owner said, "I am Daniel (Lopez) one of the owners, along with my wife, Rosio. We live in the City of Guadalupe in Pasadera. Six (6) years ago we came across this property. We've been working with Larry (Appel) since last year about making it into housing. He's given us a lot of good details, and we know we had to apply for a CUP. We've also consulted with an architect. We've done our due diligence with how this project would impact our neighbors, and how it is compatible. That's our number one priority for myself and my wife, as owners, that this makes sense to everybody. We want to work with anybody who brings up any concerns."

Mr. Lopez then went into more detail regarding this project. He said, "In Building A, there actually will be 32 employees. In Building B, we'll have 8 employees...combined for 40 employees. It could be for less. We don't know the lease and what kind of contract they would want. We assume that the State of California would allow us to make it for 40 employees. This is still all in the works. What's important to us in our neighbors. We want to make sure that our neighbors are taken care of. I did see the email that was brought up. One of the exemptions was for bus parking. We've asked for one (1) bus only, not multiple vans. From an insurance and liability standpoint, it would make sense to only have one (1) bus to park there. For the H-2A housing, employees would be contracted outside and come for seasonal work. There won't always be employees all year-round, but the buildings/property will be maintained when no one is there. Also, we'll have security there, too. There will be surveillance cameras all throughout the buildings. Employees that live there will

only stay in the facility...not roam around, etc. If there are two (2) complaints after proven fact, I'm making the lessor of the contracting company to provide security. That will set the standard really high and allow the companies to hold their employees accountable for any kind of negligence. If there are sexual misconduct allegations, alcohol use at the premises, etc. complaints, we will ask the lessor to expel that employee from the premises."

Mr. Lopez further explained that he currently works for an H-2A company which has about 350 employees. He said that there are more regulations than in years past, more organized, and are more mindful...there's more structure and it works the way it's supposed to work.

Mayor Julian then said, "In reference to the email, it talks about short notice and that there wasn't enough time to be reviewed." Mr. Appel responded, "Within the last year, we've changed our noticing procedures. We now have notice postings go up in three (3) locations because we don't have a newspaper with general circulation. However, we send notices to those neighboring within 300' of the property. If the people next to the property are renters, I don't know if they would have received notices. I think they use assessor's or recorder's list of names and addresses." The mayor then said, "I just want to make sure we abided by our notice procedures." Mr. Appel said that we followed the rules.

Mayor Julian then said, "The other thing is about CEQA." Mr. Appel said, "I've been here almost six (6) years...as for CEQA exemption, we've done three (3) negative declarations for all the development that's going on. You have to meet certain criteria to go forward and do more than an exemption. We found that most of the projects in the City have only required that exemption. Something as small as this where you have two (2) existing buildings, we saw no need to go forward with an initial study or negative declaration."

The mayor asked about the Buddhist Church, one of the neighbors of this property. He asked Mr. Lopez if he's had contact with them. Mr. Lopez said, "Yes, we've been in communication. We told them about the H-2A housing but that we were not sure if the CUP would be approved. There's been very little communication, but I know who they are. Our number one priority is that they feel comfortable with us being there."

Mayor Julian said, "I was director of health center there for about ten years. We had around 40-50 people going there each day, in addition to the pharmacy. This is going to be a reduction in that area now in terms of traffic. The email also mentioned the kids. As you know, these H-2As, they're out early by 7:00 a.m. and then back later...there's no impact there." Mr. Lopez said, "I'm a bus driver. I'm up at 4:45 a.m. to pick them up and then they're out at 5:30 a.m. in the field. There won't be an impact to the children or anyone crossing. We actually have a drawing of what streets we prefer to take to take to avoid any issues. We want to avoid the smaller streets."

The mayor then added, "I know there are fences there...six feet but the buses are 10 feet. To me, that seems obtrusive to the local residents. I know you have six-passenger vans. Are you familiar with Cal Vans? (Mr. Lopez said he was familiar.) There should be an increase in their use. SBCAG is concerned about the underuse of Cal Vans."

Mayor Julian then said, "This is for Larry. On your staff report, page 2, second paragraph, it says 'The State of California, our new 2042 General Plan, and draft Housing Element encourage local agencies to make the processing of affordable housing a high priority. This isn't connected to affordable housing, in my assumption.'" Mr. Appel said, "H-2A is accepted by the State as affordable...so, we'll get units for this. But it's only two (2) units." The mayor then said, "My thinking was that 'affordable' was for families. But if there's a law that says this meets those criteria, then it's fine."

Mayor Julian said, "The fencing needs to be cleaned up. I'm sure you're going to do that." Mr. Lopez said, "We will upgrade the fence, putting brand new fencing...trim up the trees on the side of the Buddhist Church parking lot. It's a priority to lift up the face of the property to make it more desirable and have it match up with the existing buildings." The mayor then asked how big is their passenger bus? Mr. Lopez said, "The buses I drive are like 10 feet or 11 feet tall. They're like school bus size but it all depends. Since I don't know what leasing company would use, but an average is more like 30 passenger-size bus."

The mayor then said, "In response to this email...we've had experience with the two (2) H-2A units on Pioneer Street...you can put 105 people in each unit. You can go by there most of the year...and they contract with different ag businesses, what I've found personally is that there haven't been any issues. In fact, it's the other way around. If they mess up, like with alcohol, etc., they're gone. They're pretty well kept. They're hard workers."

CM Lizalde asked, "Who monitors the buildings when they've vacant? Does a contract cover the period of vacancy?" Mr. Lopez said, "Farming companies like 3-5-year contracts. It's the responsibility of the landlord to make an agreement with the lessor to maintain the building and keep it well kept. I do the landscaping." CM Lizalde then asked, "As for quality of life for the workers, is that typically the bathroom, shower, kitchen ratio for the number that you're proposing for this?" Mr. Lopez said, "Typically, there's 32 in one so the law through OSHA and California Housing Authority...what's written is that you have to provide a bathroom for every 10 people. Stoves/ovens...I think the ratios will be there. But in the coming years, international standards will be changing so less people will be allowed to stay in these housings. We want everyone to have a sitting area to have dinner, televisions throughout the entire building. There will be smaller bedrooms for one person with a desk, online stations, Wifi, couches...better quality than hotel."

The mayor added, "The units on Pioneer Street were built specifically for H-2A housing. Each unit has a refrigerator, restroom, stove and dining room table. You can't do that here unless you tear it down and start all over. For about three (3) weeks, there were a number of people living there because of the recent flooding/storms. When the people left, everything was checked to make sure that if anyone from H-2A or the state, everything was left in good shape to pass standards required by law."

CM Robles asked, "About the vans, would some of the contractors rather use a 16-passenger van rather than the larger ones? Mr. Lopez didn't hear the question. CM Robles then asked when was

the building built? Mr. Lopez said, "In 1975, the building was made per public records". Mayor Julian said, "The building came from Santa Maria. The building was a long building...it was put on the lot and then cut in half and made into the 'L' shape. The little house was Dr. Stiles' office and then the other two (2) pieces were brought in to make what it is today.'

CM Robles asked, "When you came up with the numbers...are they normally what a work crew consists of?" Mr. Lopez said, "The fields are huge. The productions are major. Remember that twenty-two percent of the strawberries that get produced in the United States are from Santa Maria. We need to make sure the employees have adequate space for themselves. We could have modified and made available to 60 people. We don't want to do that. Larry brought up a good point to backtrack and make it more comfortable for them in the facility. That's how the numbers came up."

CM Robles asked about the capacity of the passenger vans. Mr. Lopez said, "The smallest vans these companies use are the 15-passenger vans. For buses, there are different classes. For Class 1, that's about a 42-44 passenger bus." CM Robles said that most employees wouldn't have cars. Mr. Lopez said that of the 350+ employees where he works, one (1) man has a car. Mayor Julian said, "That's what you see down there on Pioneer Street. You ask where the people are because there aren't any cars."

The mayor then said, "One of the other things brought up in the email was trying to place H-2A within the community as opposed to what you're proposing. There's no place you can do that here unless a farmer bought a house. I assume some have done that. Given requirements that are placed on you to make sure the building is up to code, that's very important."

CM Hernandez said, "If I'm not mistaken, Rosio has grown up in Guadalupe as well. And you previously had a business here." Mr. Lopez said, "Yes, she grew up here. We had the white truck parked on Main Street that sold rolled ice cream. That's what pivoted us to this now."

Written Comments:

Cate (no last name): We are the owners of the property at 4589 10th Street, Guadalupe, CA 93434. Our property shares the westerly property line of 4581 10th Street. We submit the following concerns regarding the project with 2023-022-CUP.

1. The City of Guadalupe (City) dropped this notice of the public hearing of this 2023-022-CUP on May 23, 2023 and did not make the actual CUP available for public review until May 19, 2023. This is not sufficient time for the public, and most importantly the property adjacent to the property and the surrounding neighborhood, to adequately review and comment knowledgeably on the document and the impact of the project on our neighborhood. This importantly includes Guadalupe's elementary school and its children.

2. *Though this seems like “minor project” to the City, the potential impact on our neighborhood may not be minor. This neighborhood includes Guadalupe’s elementary school. The lack of a CEQA review leaves concerns unaddressed.*
 - A. *Will the air quality and traffic/congestion impacts be too high with the introduction of buses and private vehicles into the neighborhood? Besides the impact of the coming and going of the above referenced vehicles, will the buses be left idling making our neighborhood’s air and noise impacts even worse. Realistically, how many more vehicle trips a day will bring 40 additional people, some with their own vehicles, plus staff and buses bringing to the neighborhood? This neighborhood is not equipped to be a small bus terminal.*
 - B. *What impact will the project have on children attending the Mary Buren Elementary School? Tenth Street is a major route for children going to and from school. This presents a major safety issue for all concerned. Will additional crossing guards and traffic and other appropriate mitigation be introduced? At what cost and who will pay it? The City and the taxpayers/residents?*
 - C. *Will noise from the activities of workers going to and from work, especially in the early morning and late-night hours, affect the sleep quality of residents in the area, especially for children? This is a big difference between a few early morning workers coming and going; the inevitable noise does already exist, and it will suddenly be multiplied several times over. Busses are much louder than cars. There must be balance and careful thought put into the needs of the existing residents and the needs of workers. This may be too much in one spot at one time. Balance is a necessary imperative.*
 - D. *The structures in this project were never conceived as high occupancy in this area for good reason. What impact will it have on the utilities/water/sewage system? The sewage system at the intersection of Olivera Street and 10th Street is one of just a few in the City that have been problematic for handling the existing capacity and have been flagged for weekly inspection as a result. This will add to an already strained system. This does not even include mention of other utilities and infrastructure which we are all responsible for.*
3. *This is a largely residential neighborhood and has grown and populated as such. It is very difficult to multiply the residents by such a large increment. We need more mitigation. These mitigations mentioned do not deal with this in a realistic way that will allow existing residents to live realistically with their neighbors. This is for the good of all.*

While the workforce must be considered and provisions made, adding this instant density without enough planning and mitigation is not the way to go. The welfare of the individuals who are coming to work is not served by putting them into a situation where it is too dense, and the strain is too great and thus negatively impacts everyone.

The addition of workers needs to be carefully considered by the city and distributed more evenly throughout the city. For the good of the workers, the economy and the current residents and thus the overall well-being of the city.

Thank you for your consideration. We look forward to working with the City and the property owners to address our mutual concerns. (unsigned)

Public Hearing closed at 6:47 p.m.

Mayor Julian asked if there were any further comments. CM Robles re-emphasized his concerns with noise mitigation. Mr. Appel said, "A general overarching principle – when you have a use where there can be a noise situation, we try not to put stringent conditions on it. If complaints occur, that starts falling into the noise element of the General Plan. I believe we have policies with the Police Department that if there are a couple complaints, they're evaluated. At worst, the whole application for the CUP would come back to the City Council for future direction. Council would say that nothing needs to be done, conditions need to be modified or that the project can't go forward, giving the applicant a certain period of time before you revoke the permit. I think we can control it."

Motion was made by Council Member Costa, Jr. and seconded by Council Member Lizalde to approve Resolution No. 2023-40 with modifications. Roll Call: Ayes: Julian, Costa, Jr., Hernandez, Lizalde Nos: 0 Abstain: 1 Robles 4-0-1 Motion passed.

REGULAR BUSINESS

11. Options to address violations of two (2) hour limited time parking in the Downtown Business District.

Written report: Michael Cash, Director of Public Safety

Recommendation: That the City Council:

- a. Receive presentation from staff; and
- b. Accept public comments; and
- c. Deliberate and provide direction to City staff; or
- d. Continue to another Council meeting for further discussion and deliberation.

Chief Cash gave a brief background stating that concerns were raised by the owner of Romo's Market regarding the issue of vehicles not complying with the two- hour limited time parking in front of his business located at 727 Guadalupe Street.

Two options were given to attempt to provide a remedy: (1) Install additional signage from 11th Street to 6th Street. Currently, the signage is from 11th Street to 8th Street, or (2) install parking meters which would need approval by Cal Trans.

Mayor Julian said, "I don't see problems in front of Romo's. If we put two-hour parking all the way to 6th Street or wherever, a lot of residents live there. In the downtown area, we don't abide by them anyway. And no meters...that's a waste of money."

CM Robles then said, "I don't think we have a parking problem either. Can we put a standard color on the curb for 20-minute parking?" City Attorney Sinco said, "State law dictates the colors. Red is for no parking. Yellow is for buses or loading. Green is for limited time parking, typically twenty minutes but could make it for two-hour parking." Ms. Janice Davis, Finance Director said, "I worked in Paso Robles. They have signage to pay through an app...you pay the app for the numbered parking space."

The mayor said, "Every business would want the green-colored curb, but staff would park there rather than customers. CM Robles said to just paint "20-minutes" right in the curb. City Attorney Sinco added, "State law, but Municipal Code...signage would have to be put not just painting of the curb in order to ticket."

Mayor Julian asked, "Are we creating a solution where there's no problem? Romo makes 1,500 meals a day...he does that in the back." City Attorney Sinco then said, "This is unique with the business in the middle of a residential area. We would have to put signage on both sides of the street." Chief Cash said, "What fits the area? There are moments where it's busy in the early morning. But for the rest of the day, there's parking turnover. There's no problem on the east side of Guadalupe street across from Romo's".

CM Costa, Jr. said, "On the weekends, there's a problem. People living in the apartments, they park overnight. You can put two-hour parking up to Romo's, but not by the blue house...similar to the east side...not impacting the residential area toward 6th Street." CM Hernandez said, "There's timed parking by the post office. No one adheres to that."

Mayor Julian then said, "Continue to the next Council meeting." CM Costa, Jr. added, "Check to see if there the problem is on the weekends." City Attorney Sinco then said, "The Council is tabling the item and directing staff to bring back if further complaints arise." (No further action was taken on this item.)

12. FUTURE AGENDA ITEMS

There were no additional future agenda items added.

13. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

Hannah Sanchez, Recreation Services Manager: Joe Harris, Chair of the Recreation & Parks Commission, was in the hospital this weekend. He has been released but is on best rest.

CM Lizalde: This past Sunday was McKenzie's last match, a tournament. It was excellent. The bus left at 6:15 a.m. and didn't return until around 7:00 p.m. – 8:00 p.m. The program has been successful. I saw kids be more confident. They came home with some "hardware". It was fun to watch. Coaches lead well and fueled that success. Overall, it was good.

CM Costa, Jr.: Opening game for adult softball will be next Thursday, June 1st. There will be seven (7) teams.

CM Hernandez: "Move Santa Barbara Move County"...I was at Mary Buren School spending time working with children, teaching them to learn how to ride a bike. They were third grade kids. "Move Santa Barbara County" is a non-profit group in Santa Maria. They're looking for a Guadalupe location.

Mayor Julian: Last Thursday, there was a meeting with SBCAG and APCD.

14. ADJOURNMENT TO CLOSED SESSION MEETING CLOSED SESSION

The one item to be discussed in closed session was "Conference with Labor Negotiators".

Motion was made by Council Member Costa, Jr. and seconded by Council Member Robles to adjourn to closed session. 5-0 Motion passed. Meeting was adjourned to closed session at 8:04 p.m.

15. Conference with Labor Negotiators

(Subdivision (a) of Gov. Code Section 54957.6)

Agency designated representatives: City Administrator and Human Resources Manager

Employee organizations: Service Employees International Union (SEIU), Local 620 and Guadalupe Police Officers Association (POA)

16. ADJOURNMENT TO OPEN SESSION MEETING

Motion was made by Council Member Hernandez and seconded by Council Member Costa, Jr. to adjourn to open session. 5-0 Motion passed.

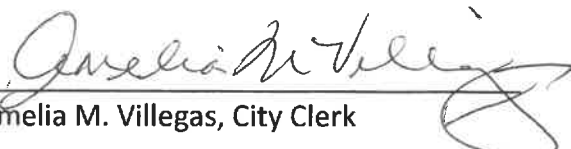
17. CLOSED SESSION ANNOUNCEMENTS

There was "no reportable action".

18. ADJOURNMENT

Motion was made by Council Member Lizalde and seconded by Council Member Costa, Jr. to adjourn the meeting. 5-0 Motion passed. Meeting adjourned at 8:50 p.m.

Prepared by:


Amelia M. Villegas, City Clerk

Approved by:


Ariston Julian, Mayor