

# MINUTES

## City of Guadalupe

Regular Meeting of the Guadalupe City Council

Tuesday, May 9, 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", will be used for "Council Member" in these minutes.)*

### 2. PLEDGE OF ALLEGIANCE

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

*Mayor Julian said, "In the past two weeks, there have been so many deaths. Our hearts go out to all those suffering under these difficult situations."*

### 4. AGENDA REVIEW

*Mayor Julian requested the following change to the agenda:*

- *Item #15 becomes Item #11: Appeal of Hearing Officer's Decision on Compliance Order re: 866 Guadalupe Street. Original Items #11 through #14 remain in sequence with Item #11 becoming #12, etc.*

### 5. CEREMONIAL CALENDAR

- Proclamation – Asian American and Native Hawaiian/Pacific Islander Heritage Month – May 2023

*Mayor Julian said, "In the past, what we've done is those individuals, council individuals, that want to do a proclamation for something, or a community member wants to proclaim something, if it is approved by the City Council, it's okay to do. Also, I'll make a few comments after this proclamation is read."*

CM Robles read the proclamation which, in part, said: "This May, during Asian American and Native Hawaiian/Pacific Islander Heritage month, we recognize the history and achievements of Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPI), across our nation...AANHPI communities make our nation more vibrant through diversity of cultures, languages, and religions...there is no single AANHPI experience...the American story, as we know it, would be impossible without the strength, contributions, and legacies of AANHPIs who helped build and unite this country in each successive generation, from laying railroad tracks, tilling fields and starting businesses, to caring for our loved ones and honorably serving our Nation in uniform...the City of Guadalupe also celebrates and honors the invaluable contributions the AANHPI communities have made to our Nation's culture and the arts, law, science and technology, sports, and public service – including the courageous AANHPIs who served on the front lines during the COVID-19 pandemic as health care providers, first responders, teachers, and other essential workers...[the City of Guadalupe does] hereby proclaim May 2023 as Asian American and Native Hawaiian/Pacific Islander Heritage Month."

Mayor Julian then added, "May is a busy month, also with the following: 1) National Nursing Week, from May 8-14. The theme this year is 'Our Nurses, Our Future'. This theme showcases the many roles that nurses play in a patient's health-care journey; 2) Public Service Recognition Week – every year since 1985, the first week of May has been set aside as Public Service Recognition Week, a time to thank dedicated public servants from federal, state, and local governments across the country, and 3) Military Appreciation Month – the month of May recognizes those who served and are serving in all of our military forces, here at home and abroad.

## **6. COMMUNITY PARTICIPATION FORUM**

*There were two (2) Requests to Speak:*

*Albert Nunez, Jr. – Rancho de Guadalupe will be installing a display here at City Hall for Asian American, Native Hawaiian and Pacific Islander Month. We're doing this to honor the month and the long-time residents and their rich legacy here in Guadalupe. If you don't find names that you would expect there, we look forward to telling more stories throughout the year and next year, as well. One of those stories is Mr. Makato Yoshiharo. A lot of people may not know that name. He was born in 1920 and graduated in 1939 from Santa Maria High School. A few years later, he and his family were taken to an internment camp in Arizona where they remained for three (3) years. After much pleading to his parents to join the Army, Mr. Yoshiharo joined the Army in 1944. Just three (3) months later, he was killed in Germany by a sniper. His remains were buried 6,000 miles away but were repatriated to our cemetery here in Guadalupe. That's just one of the stories that make up this beautiful tapestry we call home.*

*The other thing I want to talk about is the recently approved Social Media Policy. As someone who's crafted many a social media policy for many universities across this country, one thing that's always missing is when an organization or legal entity like this puts together a policy on how to govern what you put out on social media, that's appropriate...because social media is powerful. But it's also easy to forget that your entity is made up of people. On your social media sites, it's okay to photograph and post city workers doing their jobs keeping the City going. It's okay to photograph and post events of people participating in these City events and telling why they're there. That just brings social media back to its true meaning, which is to create a digital community that you can connect with other people."*

*Mayor Julian said, "Al's grandfather, Eddie San Diego, and a group of Filipinos were instrumental in putting together the Senior Center. So, there's a lot of history with folks like your grandfather and other Asian Americans here in town." Mr. Nunez added, "This display won't contain any Filipinos because we have the month of October for them to be recognized and a lot of stories will be told then."*

*George Alvarez – I'd like to add one of the most important elements of Guadalupe is the Mexican population and the history during the Mexican Bracero Program. That's lacking here. Three (3) restaurants came from the same village: my dad (Jesse's Café), La Simpatia, Guadalajara, now the Guadalupe. At the center of the Bracero Program, we had 3,000-4,000 people here every week. I experienced it...it was beautiful. I hope in the future we can recognize these people who came here and helped the City.*

*What I came to talk about is my favorite subject, the levee in Guadalupe that doesn't exist. Every 20 years or so, we get flooded out. I don't have much trust in government because it runs show. It took 23 years to figure out we didn't do the right thing. Now they're scrambling to figure out if they're going to buy the property or not...working with the Feds...working with the Army Corps of Engineers. I like to be simplistic with solving problems. Has the City done a survey to see the cost of having a permanent band-aid...not so much a levee, we can't afford \$30M. Twenty-three years ago, it was \$5M. Surely, we have buildings that need to be protected. The Boys & Girls Club & Community Center is a #1 priority. Put a moratorium on any form of building on that land. How shameful is it that we don't have our school built? Twenty+ years and we're still waiting? Because of lack of competency with the School Board. I was here when you had the joint meeting. They told the City that they wanted more land. So, what did the City do? They worked a deal with the school to buy our property that was supposed to be for City parks. Thank you.*

## **7. CONSENT CALENDAR**

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

- A. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Calendar will be adopted by the same vote cast as the first meeting unless City Council indicates otherwise.
- B. Approve payment of warrants for the period ending May 1, 2023.
- C. Approve the Minutes of the City Council regular meeting of April 25, 2023.
- D. Accept the April 2023 City of Guadalupe Pioneer Street Flooding Incident After-Action Report.
- E. Adopt Resolution No. 2023-32 accepting the donation of a Simpson pressure washer valued at \$856.13 to the Guadalupe Police Department from the Guadalupe Hardware Company.

- F. Adopt Resolution No. 2023-33 filing of a Notice of Completion for the 2022 Pavement Rehabilitation project and authorizing the City Clerk to file it with the County Recorder.
- G. Adopt Resolution No. 2023-34 approving an agreement for professional services with the law firm of Bocarsly Emden Cowan Esmail & Arndt LLP for assistance on tax credits for the Royal Theater project.
- H. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
  - 1. Planning Department report for April 2023
  - 2. Building Department report for April 2023
  - 3. Public Works/Engineering Department report for April 2023

**Motion was made by Council Member Lizalde and seconded by Council Member Robles to approve the complete Consent Calendar. 5-0 Motion passed.**

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

*Mr. Bodem said that, in addition to his written report, when he was not in the office last Thursday and Friday, the internet went down. He said that he discussed an improvement plan with ITECH, the City's outside IT consultants, and then read a summary of their proposal, which, in part, said the following: "Due to the frequency of the City's power issues affecting the Network, ITECH has discovered a need for better control of its Networking Infrastructure. This issue has highlighted a barrier with our Vendor that prevents us from remoting in to reset the devices. ITECH has suggested a proposal project to the COG.*

*Solution: ITECH has purchased a completely new line of Networking equipment to replace the current Networking equipment. A project has been put together to purchase/replace/deploy...at no cost to the City. [All monies have been paid] as a show of good faith and our relationship with the City. Total savings of \$7,313. This project...will result in the Network being down during deployment. We ask that the City work with us during this time...to make this as smooth and fast as possible."*

*Mr. Bodem has designated himself as the immediate individual for ITECH to contact in the event of another power outage. This project may be deployed in 2-3 weeks' time. A long-term solution to enhance the speed and reliability of the Network was also discussed with ITECH that dealt with cable runs.*

*CM Lizalde asked, "On #10 of your report, do you have an update for the meeting with Cal Trans and SBCAG?" Mr. Bodem deferred to Mayor Julian who said, "All of the top echelon were at this meeting. There were eight (8) people...people who make decisions. It was a positive meeting. Cal Trans is taking the lead on projects, including the railroad issue. They're moving forward to get control. In the next two (2) years, they said that they want Guadalupe to shine." The mayor then asked if Ms. Sweeney wanted to add anything." She said, "You summarized things really well. The area at 166 is complicated. There are five (5) stakeholders. Cal Tans wants to consolidate...looking for economy of costs. Cal Trans has reason to proceed. The funding has an end date, so they need*

to get the project done. At the end of May, there'll be another meeting to see how the project can be funded." Mr. Bodem said, "Meg Henry, Cal Trans District 5 Project Manager, is pushing the project." Then the mayor said, "Taylor Farms was there...Pasadera developer, Craig Smith, was there. Everybody who has any skin on the table attended."

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

Chief Cash said that he had nothing to report at this time.

Request to Speak

George Alvarez – Over the years, there have been many Grand Jury nods. One of the things is lack of security to have enough police officers out on the streets. It's U-turn Central here. Because of lack of officers, there's more theft. I've had three (3) burglaries myself. We have beautiful Pasadera. We need protection there and in other areas, too. It takes three (3) of the City Council to discuss to see if we need federal funding. Right now, nothing's being done.

**REGULAR BUSINESS**

**10. Fee Waiver Request for Use of City Auditorium (Kids Come First Foundation).**

Written report: Philip F. Sinco, City Attorney

Recommendation: That the City Council waive or reduce the fees for Kids Come First Foundation to use the City Auditorium for its May 11, 2023, event.

City Attorney Sinco gave a brief explanation of the issue on this fee waiver request. He said, "I've been an observer of what proper policy should be for City facility rentals. Staff is recommending the fee be waived and request further guidance on this issue." He further said that the fee waiver request is due to lack of clarity and cited issues with the Facilities Master Fee Schedule that is on the City's website. For example, he said that there is a \$500 cleaning deposit that could be completely refundable with all provisions met, but the actual refund amount is only \$250. He then said there are issues with the non-refundable fee or 'lock-in fee' as well as the fee for a building attendant for events not serving alcohol. He suggested those issues be discussed when there is the proposed combined meeting with the City Council and the Recreation & Parks Commission.

Mayor Julian said, "We're getting into the weeds here. We need to have Recreation & Parks and the public's input. This is a waiver of a fee tonight. We have a JPA (Joint Powers Authority) with the school district, a sharing of city and school property."

Request to Speak

Dr. Emilio Handall – First, congratulations on painting the building. It'll make it nicer to come to work each day and see the building. Also, construction will start in June on the new Junior High School, gym, and early learning center. We expect the early learning center to be completed by June 2024 and the Junior High School by Fall 2025.

*Regarding the waiver and JPA, it behooves both the school district and the City to re-enter into that agreement. The financial cost to host an event seems counter to what the City is all about. I encourage the fee waiver and encourage the City Council to reach reciprocation through the JPA. Mayor Julian added that the Royal Theatre connects the school and the community to the theatre.*

*George Alvarez – When you do activities in the auditorium, like I’ve done for the census fair, we paid for liability insurance. I hope we have liability insurance for that event. It’s there to protect the wellbeing of the participants.*

*CM Hernandez said that there is a facilities workshop coming with both City Council and Recreation & Parks Commission.*

*CM Lizalde said the fee for this event was less than \$1,000. The mayor said, “There’s a cost to provide power and certain other things that need to be covered. Fees and JPA...has to be worked in regardless of entity.” CM Lizalde then said, “I don’t agree with this amount for non-profit, but we need to be fiscally safe.”*

*CM Lizalde then asked, “Can we allow to have a reduction in fees or is it just to waive the fees?” City Attorney Sinco said, “If the City Council felt that a reduction rather than waiver of fees is something the Council wants to consider, the Council has that option.” Mayor Julian then said, “It could be worked out between the City and the Foundation. On the basic fee, eliminate/reduce to be affordable.”*

*A motion was being made when City Attorney Sinco asked, “Reduce by how much? There’s a master fee schedule with all of the fees.” Mr. Bodem said, “We’ll work with Hannah (Recreation Services Manager).*

**Motion was made by Council Member Lizalde and seconded by Mayor Julian to direct staff to negotiate with the Kids Come First Foundation on a reduced fee that is mutually agreeable to parties involved, and staff will report back what those fees will be. 5-0 Motion passed.**

## **11. Elevated Tank Painting.**

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

Recommendation: That the City Council provide direction to staff on next steps for the elevated tank painting.

*Ms. Sweeney gave a brief explanation of the process she followed, and the direction needed from the City Council. She said, “With the water tank at 303 Obispo Street, the old tank on 10<sup>th</sup> Street really is no longer needed for water storage. Back in June 2020, bids to complete this work came in at a range high, and the City Council rejected all such bids as funding was not available and not programmed into the water rates. \$200,000 has since been programmed into the rate study.”*

*The artwork is same as on the City’s buses. Ms. Sweeney said, “I asked the grant manager what constitutes public art? Does the public need to give input?”*

*Then the question is the removal of the antennas. Ms. Sweeney said, The City is likely responsible for moving the antennas off in order to paint the tower. The lease is under one cell phone provider that has equipment mounted on the tower structure. It will cost an estimated \$350,000 to relocate the antennas. \$924,000 is already in the project budget. Water funds and grant funds can be used for the base coating of the tower, the public art and the costs to temporarily move the antennas to do the work. If the Council is interested to go forward, we would do the painting, etc. now before bidding out for the Central Park project in September."*

*Mayor Julian asked Ms. Sweeney what was needed from the Council. She said, "I've drafted a letter to the owner of the cell tower agreement regarding temporary movement of the antennas. I'd need the Council's approval to go forward with sending the letter and approval on the design." Mr. Bodem added, "In the past, the City sold the franchises to one provider for a particular sum which, in the long run, probably proved not to be beneficial. Also, why can't they paint around the antennas?" Ms. Sweeney responded by saying, "Unfortunately, that's been checked, and it can't be done."*

*CM Lizalde said, "I'm okay with the financials as well as beautifying the park. It's an opportunity to maximize dollars." CM Hernandez then asked, "On the grant, does it have to be specific to the water tower?" Ms. Sweeney said the grant is specific to the tower.*

*The mayor then asked the council members if there was any further discussion which there wasn't. He then asked if there was consensus on going forward with Ms. Sweeney sending the letter and consensus on the design. Consensus was reached by the Council for both sending the letter and the design.*

**12. Approve contact with Roesling Nakamura Terada (RNT) Architects in the amount of \$272,592.90 for the development of the City of Guadalupe Facilities Master Plan.**

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

Recommendation: That the City Council adopt Resolution No. 2023-35 approving a contract with Roesling Nakamura Terada (RNT) Architects in the amount of \$272,592.90 for the development of the City of Guadalupe Facilities Master Plan.

*Ms. Sweeney initially said that she struggled with this item...waffled back and forth and didn't make decisions on this item lightly. She explained, "It will cost \$272,592 to develop a Facilities Master Plan. It actually is in our City goals to address facilities. Since I've been here, I've had to revise, update, etc. existing plans, but I've never had to do a facilities master plan from scratch. I googled and saw that schools have similar situations as a city. Schools have many buildings as a city does."*

*Ms. Sweeney said, "The proposal accepted was not from one we mailed out. I spoke with Todd, Janice and Hannah, who all agreed to go forward. \$90,000 was budgeted in this current budget to complete this task. We can pull other funds to augment total dollars needed. Monies were budgeted for paving Le Roy Park parking lot, but we will be getting monies from FEMA for that. And there's also ARPA funding. There was a grant that could have been used for the library, but we don't have a site or building yet. \$30,000 ARPA funding was budgeted for the library."*

Mayor Julian said, "We're close to looking at the 23/24 budget. Looks like ARPA monies are moving around. Without knowing what our economic future looks like, I'd rather not move any ARPA monies. Let's wait until we see what the new budget will be. I'm not comfortable with this before knowing our budget."

CM Lizalde then said, "I agree. This is a big-ticket item for late in the fiscal year. It needs to be a priority, though. If not now, make this a priority moving forward. We need this type of documentation to be able to apply for possible grants." Mr. Bodem said, "In the next week, we will start with our budget worksheets. We will be looking at some movements on ARPA. In early June we will have our budget workshop."

CM Lizalde asked if the staff could look at this again next month. City Attorney Sinco said, "If you're not moving forward, you would need to pass a motion to reject now." A comment was made if it was rejected now, there's be the possibility that the accepted bidder won't be available. City Attorney said, "We'd have to continue the item and Shannon would have to ask..." Mayor Julian interrupted and said, "No, we need to see where we are before doing that."

Ms. Janice Davis, Finance Director, added, "I agree that something is needed for funding. We have an ARPA spreadsheet...looking at Le Roy Park and ARPA monies budgeted to pave the parking lot with FEMA now likely funding for that, which leaves \$30,000 not there. Those would come from ARPA funds originally intended for the library." Ms. Sweeney added, "ARPA funds need to be spent by June 2024. I'm not sure of a library location now." CM Lizalde said that it looks like all monies needed are there.

**Motion was made by Council Member Costa, Jr. and seconded by Mayor Julian to reject all proposals discussed during the City Council meeting. Roll Call: Ayes: 4 Nos: 0 Abstain: 1 Lizalde 4-0-1 Motion passed.**

### **13. City Hall Parking Restrictions.**

Written report: Philip F. Sinco, City Attorney

Recommendation: That the City Council:

1. Introduce on the first reading, and continue to its meeting of May 23, 2023, for second reading and adoption, Ordinance No. 2023-510 amending Chapter 10.24 of the Guadalupe Municipal Code to restrict twelve (12) designated parking spaces on the east side of Obispo Street between Ninth and Tenth Streets for the use of City of Guadalupe employees and to allow 20-minute limited public parking during hours and/or days of the week as specific by the City Council by resolution or by minute order; and
2. Adopt Resolution No. 2023-31 to establish preferential permit parking for City of Guadalupe employees for the twelve (12) designated parking spaces on the east side of Obispo Street between Ninth and Tenth Streets.

City Attorney Sinco briefly recapped what transpired in the prior City Council meeting regarding this matter. He said, "The resolution is unchanged. There will be 12 Employee parking spots, four (4) limited-time parking spots, and eight (8) public parking spots. To have the ability to issue fines,



*we need parking permits. There's a change to the ordinance to allow 20-minute parking. Also, hours for the 20-minute parking need to change in the ordinance."*

*Mayor Julian asked, "What's the cost of a citation?" Chief Cash said, "\$52.50. This amount is set by the courts." The mayor then said, "When we met with Cal Trans, they had to park a ways away from City Hall." City Attorney Sinco added, "We also need to change the wording, 'Twenty minute' to 'limited time' parking."*

*CM Costa, Jr. then said, "With Employee parking, all City staff will park in front of City Hall. Some people park in enclosed parking but not all." Chief Cash said, "I'm familiar with that situation. I can't mandate employees where to park. I can make parking available." CM Lizalde asked Human Resources, "Can we mandate where to park?" City Attorney Sinco said, "We can prevent employees from parking without a permit, but we can't mandate where to park." Mr. Teg Butler, Human Resources Manager, said, "We can only tell employees where to park if only on private property."*

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Lizalde to approve Resolution No. 2023-31 to establish preferential permit parking for City of Guadalupe employees for the twelve (2) designated parking spaces on the east side of Obispo Street between Ninth and Tenth Streets. Roll Call: Ayes: 5 Nos: 0 Abstain: 0 5-0 Motion passed.**

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Lizalde to introduce for First Reading Ordinance No. 2023-510 amending Chapter 10.24 of the Guadalupe Municipal Code regarding stopping, standing, and parking and continue to next meeting for Second Reading and adoption. 5-0 Motion passed.**

**14. Resolution terminating the existence of a Local State of Emergency.**

Written report: Todd Bodem, City Administrator

Recommendation: That the City Council adopt Resolution No. 2023-36 terminating the local state of emergency ratified and declared by the City Council at its meeting on January 17, 2023.

*Mr. Bodem gave a brief background on this item. He said that because of heavy rains and flooding experienced in the County on January 9, 2023, the County of Santa Barbara Emergency Services issued a proclamation of a local emergency. At a special City Council meeting on January 17, 2023, the City Council adopted Resolution No. 2023-03 which ratified the City Administrator's proclamation of a local emergency.*

*Government Code requires the Council to review the need for continuing the local emergency at least once every 60 days until it decides to terminate the local emergency. With heavy rains, though not flooding as with the prior storm, which occurred on Friday, March 10, 2023, and continued into Saturday, March 11, 2023, the Council found that the existence of a local emergency should continue.*

*In the past 60 days, there have not been any significant rains. Staff does not believe that there is a threat to public health, safety or welfare from rains or floods at this time and recommends that the City Council should terminate the local emergency.*

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Robles to approve Resolution No. 2023-36 terminating the local state of emergency. Roll Call: Ayes: 5 Nos: 0 Abstain: 0 5-0 Motion passed.**

**15. Appeal of Hearing Officer's Decision on Compliance Order re: 866 Guadalupe Street.**

Written report: Philip F. Sinco, City Attorney

Recommendation: That the City Council deny, by resolution, the appeal filed by Jose Martinez and Ruben Dorado, the responsible party(ies), of a nuisance abatement order issued by the City's hearing officer (Jack Owen) on a compliance order for a property located at 866 Guadalupe Street.

*City Attorney Sinco explained that Wendy Stockton, Assistant City Attorney, who contracts through a different firm, is available via zoom for questions the City Council may have. He said, "I've been the attorney in this case, the prosecuting attorney. Fire Captain Patrick Schmitz is the Code Enforcement Officer. If I can't answer questions, go to Ms. Stockton."*

*City Attorney Sinco then gave a brief background: This is my first appeal in my career. The record is not complete as there are recordings missing...transcripts from hearings. It's important for the City Council to remember not to rely on any evidence that wasn't reasonably presented to hearing officers. The Council cannot make decisions on that information.*

*The City received a call of illegal work being done onsite. Tools were being washed with water going into the sewer. There was a fence and a retaining wall built. No permits were applied for this. There is a lot of concrete which could cause a problem. The wall is a problem for neighboring property...the height. The City met with the responsible party, gave information and requested plans to legalize things.*

*Multiple violation notices were sent out to the property owner beginning in December 2020. Because violations remained uncorrected, a Compliance Order was issued on May 6, 2021. There were seven (7) administrative hearings with the final order presented on February 28, 2023. All violations were to be correct and inspected on or before Monday, May 1, 2023 at 4:00 p.m. If not corrected, penalties would result. All violations were listed from the beginning.*

*There was a lot of resistance from the appellants saying that improvements to the property should not have to be made. The City tried to work with the appellants, but they thought the work was too expensive. They are before us today to deny the \$250 daily penalty.*

*Mr. Ruben Dorado, agent for the owner, and Mr. Matthew Goodwin, design consultant, were given the opportunity to speak. Mr. Goodwin said, "I'm a design consultant and very familiar with Guadalupe. Certain things are unreasonable. There is rebar used for the fence." At this point, City Attorney Sinco said, "I object because this information was not presented during hearings." Mr. Goodwin then said, "Code Compliance Officer, I can send you pictures to see if rebar is there. This*

*property has six+ units. The Municipal Code is required to mitigate noise, etc. If there's a parking lot, you're required to put in a fence. [Mr. Goodwin cited Municipal Code 1852.122 – multi-family projects]. Respectfully, allow us to apply with proper permits, so we can comply with what is needed. It's not unreasonable to show pictures and apply for a permit. We need conclusion on actual height of fence because there's a slope. Design sets are accurate. I want the opportunity to put these in plan check."*

*City Attorney Sinco said, "I'm stunned and dismayed. You had 1.5 years to take care of this. The City tried to work with them. Angry and these last minute...I'm more than happy to do what Mr. Goodwin is suggesting. The goal has never been to punish but to bring the property into compliance. The City will give support but because of time and energy spent on staff report, etc., I don't think fees should be waived. Maybe suspend until work is complete...maybe refer back to the Code Compliance Officer."*

*Mr. Goodwin said, "I agree. I hope you'll let us comply. I can get this into plan check by this Monday. I don't think that arrogance or ignorance should be held against them. Perhaps principles..."*

*Mayor Julian said, "The Guadalupe Café has been good for Guadalupe. We have code compliance experience in knowing what's needed. Pictures...you now say that rebar was used?" City Attorney Sinco said, "We didn't know there were photos. We just needed to know if there was rebar. We didn't ask to pull up the concrete wall." Mr. Goodwin responded, "I understand they didn't bring photos. They didn't know."*

*Mr. Jose Martinez, property owner, then said, "The city attorney said to do what needed to be done would cost \$20,000. We couldn't afford to satisfy request on the fence and wall." City Attorney said, "The solution wasn't dictated...it was suggested. We referred them to a person who was free. They were then referred to another person where the \$20,000 came up. This was rejected by Mr. Martinez. The City even offered a payment plan."*

*Mr. Bodem asked, "Did the appellant know what was needed? If so, why wouldn't you just say so?? Mr. Goodwin replied, "Like I said, they didn't know."*

*Mayor Julian then asked, "You have pictures of rebar?" Mr. Goodwin said, "Yes, I have pictures of the whole set. I'd like the opportunity...so the City can inspect...mitigating noise as per ordinance and have the City inspect."*

*CM Costa, Jr. asked, "How do you not know you need a permit? If it's a concrete cylinder wall, you need a permit. If Captain Schmitz said you needed a permit, why didn't the owner go to the Building Department to say that my project was stopped? If you don't know, why did you continue? They were never in compliance." Mr. Dorado said, "If it isn't above six feet, can't require permit at Building Department." CM Costa, Jr. then said, "You should have said to the Building Department that you needed it. Tell what you needed to the Building Department so they could give you information on a permit" Mr. Goodwin said, "I agree with what you said."*

*City Attorney Sinco added, "To CM Costa, Jr.'s comment, if a six feet fence is on top of a concrete fence, a permit is needed."*

Mr. Goodwin then said again, "We want an opportunity to correct all of this." CM Lizalde said, "Nobody enjoys this process. It's difficult to not support staff's efforts in trying to get things in compliance. I'm disappointed that this information wasn't presented to staff before. The staff's time needs to be recognized. Safety codes are there for a reason."

City Attorney Sinco added, "Depending on what the City Council wants to do, I'd recommend that this can be remanded back to the Code Enforcement Officer. Hold City's costs. Impose costs subject to appeal. We can negotiate as issue can be avoided."

Mayor Julian said, "There has to be some middle ground. We want it done right by Monday...has to go back..." City Attorney Sinco said, "We can rescind or amend the costs/fees to bring things into compliance. I encourage the Council to discuss with Ms. Stockton."

Ms. Stockton said, "Sounds like the City Council is interested in giving recognition to the City's efforts. If the City Council says go forward, progress will be made. The City Council may continue the item and with information on what happens, the City Council will be in a better position re: administrative penalties." Mayor Julian said, "I really support staff. There's the Guadalupe style of 'we don't need...', but we do need."

CM Lizalde asked, "Do we continue with any specific date?" Ms. Stockton said, "Another council meeting to have an overall update from the owner and the Code Enforcement Officer." City Attorney Sinco asked, "How long?" The mayor said a timeline was needed. Mr. Goodwin said, "Four to six weeks." Mr. Bodem said, "There's one dilemma. Mr. Greene, Building Official, is leaving this month." City Attorney Sinco said, "That shouldn't be a problem. We can give a 30-day continuance to monitor progress. If no delivery, the City Council can take action."

**Motion was made by Council Member Lizalde and seconded by Council Member Robles to continue the appeal of Hearing Officer's decision on Compliance Order re: 866 Guadalupe Street. 5-0 Motion passed.**

#### Request to Speak

George Alvarez: I have a concern. I'm an ex-Planning Commissioner with the City. There was a separate group to deal with this before it got to you. I attended one of these hearings...it got personal. How are we going to deal with these things without professionals?

Mayor Julian asked, "If we opened up the Planning Commission again, would you be interested in participating?" Mr. Alvarez said, "No, I'm too old."

Steve Olsen: I'm a neighbor of Jose's. I've lived six years in Pasadera. He's a hard-working fellow. Truth is in the building. It's a beautiful building. I'm frustrated at the tone here. He needs to be appreciated for what he's done.

Brian Kurokawa: My dad bought the building. In 1983, after the police raid, we didn't have funds to get it back. Jose bought it. He's hard-working and needs a little leeway.

Mayor Julian said, "We've given him leeway."

## 16. FUTURE AGENDA ITEMS

*There were no new items added.*

## 17. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

*CM Lizalde: Central Coast Water Authority - Ms. Sweeney attended the April meeting. CM Lizalde will attend the April meeting. May 24<sup>th</sup> is the meeting with the School District re: Parking.*

*CM Robles: The Bobcats Wrestling Group is going into their final two (2) games. This Friday is the last home match at City Hall. There will be five (5) duals. As a new program, it is doing really well. They will be competing against Mesa Middle School Hawks at 5:00 p.m. The weight categories range from 74 lbs. to heavyweights, beyond 225 lbs.*

*CM Costa, Jr.: This Friday, at the Guadalupe Social Club, is "Comedy Night", an event for the Elks Queen. On Saturday, there will be a pancake breakfast at McKenzie Middle School, at 7:00 a.m.*

*CH Hernandez: Attended the Twitchell Management Authority meeting. They are requesting someone from the community to be on their water board. On the 20<sup>th</sup> there will be a free Viva el Arte concert at City Hall.*

*Mayor Julian: I want to thank the Fire Department who were out at the Cinco de Mayo festivities this Sunday at Le Roy Park. Also, dog food may be back at our monthly Food Bank distribution.*

*CM Costa, Jr. asked, "When it's Food Bank time, can some signs be put up saying 'No Parking' on Obispo near Ninth Street so those parking in line for the food distribution can easily line up there."*

## 18. ADJOURNMENT TO CLOSED SESSION MEETING

*One item to be discussed in closed session is "Conference with Labor Negotiators".*

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Lizalde to adjourn to closed session. 5-0 Motion passed. Meeting was adjourned to closed session at 8:25 p.m.**

## CLOSED SESSION

### 19. **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)

**20. ADJOURNMENT TO OPEN SESSION MEETING**

Motion was made by Council Member Costa, Jr. and seconded by Council Member Lizalde to adjourn to open session. 5-0 Motion passed. Meeting adjourned to open session at 9:15 p.m.

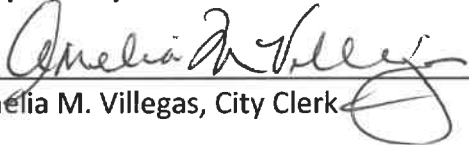
**21. CLOSED SESSION ANNOUNCEMENTS**

*"No reportable action".*

**22. ADJOURNMENT**

Motion was made by Council Member Costa, Jr. and seconded by Council Member Lizalde to adjourn the meeting. 5-0 Motion passed. Meeting adjourned at 9:16 p.m.

Prepared by:

  
Amelia M. Villegas, City Clerk

Approved by:

  
Ariston Julian, Mayor