

# MINUTES

## City of Guadalupe

### Regular Meeting of the Guadalupe City Council

Tuesday, September 28, 2021, at 6:00 pm

City Hall, 918 Obispo Street, Council Chambers

#### 1. ROLL CALL:

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

*All council members were present. (Note: The abbreviation "CM" is being used for "Council Member" in these minutes.)*

#### 2. MOMENT OF SILENCE

*Mayor Julian mentioned Mr. Greg San Diego who grew up in Guadalupe. He was a Vietnam Veteran, and his children will hold a memorial service on Sunday, October 3<sup>rd</sup>, at the Veterans Memorial Building.*

#### 3. PLEDGE OF ALLEGIANCE

#### 4. AGENDA REVIEW

*There were no requests to change the agenda.*

#### 5. CEREMONIAL CALENDAR

- Swearing in Michael Kuhbander, Police Officer

*Chief Cash spoke saying, "Officer Kuhbander is from the Sheriffs' Department where he worked as a sergeant. He is the second officer to be hired and assigned to the Santa Maria Airport duty. Officer was with me when there was an emergency at Mary Buren School. A child in 2<sup>nd</sup> grade was not breathing. Officer Kuhbander was with me when the call came in and he assisted the child and the school staff. I saw then that we made the right decision on his hire with us."*

Then Officer Kuhbender briefly spoke saying he was retired from the Sheriffs' Department, having spent 26.5 years there. He said he had worked from Santa Maria to Carpinteria during those years. He is familiar with the Guadalupe PD as he had worked with the officers on various occasions before.

## 6. PRESENTATION

- Santa Barbara County Department of Public Health – Tobacco Prevention Program

*In Community Participation on this subject, Ms. Anna Marie Michaud spoke prior to the presentation. She said, "When this ordinance was passed, I really wasn't paying close attention. The consideration of Main Street Market was on the agenda when this was done. I don't smoke. My lease for tenants that I have says they're not to smoke on the premises. If they want to smoke, they'll go outside. I don't know how someone can tell me what I can do with my own property. City and County of Santa Barbara Health Department don't pay my mortgage. They don't pay my property taxes. Can citizens do anything to change the ordinance if they want? Thank you."*

*Ms. Renata Valladares said that the ordinance that Guadalupe passed makes the City a showcase, not only in our jurisdiction, but across the state. She further said, "While other jurisdictions are grappling with this issue, piece-meal, Guadalupe has shown that it is possible to move forward with tobacco control and prevention in a comprehensive way." She then began the presentation with a brief history on the Tobacco Prevention Program stating that after four (4) City Council meetings, the ordinance was passed on July 28, 2020, and included the following: 1) Smoke-free Multiunit Housing; 2) Smoke-free Air; 3) Flavored Tobacco Ban, and f4) Tobacco Retail License (TRL). She emphasized that there was strong youth participation fighting back smoking, specifically around flavored tobacco.*

*Ms. Valladares then broke down the City's Ordinance No. 2020-489, starting with regulating smoking in multi-unit housing and public spaces, Chapter 8.70. A multiunit residence is property containing two (2) or more units, like apartment buildings, condominium complexes, senior and assisted living facilities, hotels/motels. Smoking is no longer allowed inside your apartment, townhouse, condominium, duplex, etc. or even outside on a balcony, porch, deck, etc. She said, "If there are shared entry ways and someone is smoking in one unit, that smoke can come through windows, and doorways for second-hand and even third-hand smoke."*

*She spoke briefly about "buffer zones". She said, "Smoking is prohibited in outdoor property located within 20 feet in any direction of any doorway, window, opening, or other vent into a multiunit residence. Ms. Valladares gave some examples of notices and signage required after January 28, 2021, by every seller of a multiunit residence stating where smoking is prohibited. She also emphasized that this smoke-free prohibition relates to cannabis, too.*

*She also mentioned penalties for violations. She said, "Each incident of prohibitive smoking carries a \$100 fine. Other violations may be subject to civil action with fines from \$250 to \$1,000. These violations are considered public nuisances, such as noise."*

*Ms. Valladares then spoke on "enforcement tips" for building managers and staff. She said, "Always start with education. People need to understand how this is going to affect businesses, property managers and tenants. I believe there's going to be a flier going out with the utility bills." She talked about a multi-step that went from initially sending a letter to all residents regarding non-smoking*

rules, to posting notices and signs, to documenting reported violations, up through encouraging community compliance. She did emphasize that property managers are supportive because of the amount of time and expense on property where smoking was permitted.

She then shifted to “no smoking in public spaces”. Areas where smoking is prohibited would include places like city facilities, places of employment, dining areas, recreational areas, general public places, etc. Ms. Valladares clarified the prohibition in outdoor areas. She said, “Smoking in any outdoor area must be at a reasonable distance (20 feet) away from open entryways into an indoor area and outdoor area where smoking is prohibited. The City of Santa Barbara is smoke-free, even outdoors, with no complaints on the outdoor prohibition.”

Ms. Valladares then spoke about Chapter 5.53, “Flavored Tobacco Ban and Tobacco Retail License”. She said that stores will no longer be able to sell flavored tobacco products (including menthol) or paraphernalia. She said, “Within the past three (3) weeks, flavored tobacco was denied marketing approval by the FDA. Contrary to what people think, flavored tobacco is not safe or help to quit smoking.” She then shifted her focus to “Tobacco Retail License”, or TRL. Ms. Valladares emphasized, “All retailers that sell tobacco will need to apply for and receive an annual local retail tobacco license.”

Ms. Valladares ended her presentation by showing the six (6) provisions of the ordinance: 1) All tobacco retailers in the City must obtain and maintain a valid Tobacco Retailer’s License; 2) Sale of Flavored tobacco products is prohibited; 3) Large cigars must be sold in a pack of at least six (6) cigars and sold for a price of at least \$5 per cigar; 4) Little cigars, or cigarillos, must be sold in a pack of at least twenty (20) little cigars and sold for a price of at least \$10 per package; 5) Pack of cigarettes (2) must be priced at \$10 or more, and 6) Retailers may not use coupons, discounts or deals.” Ms. Valladares also said that it’s been proven that the youth will buy when the price is low.

Mayor Julian asked if Chief Cash had any comments on this subject. Chief said, “The City already has a TRL Program. The license costs \$418. There are 11 different facilities here. About once every 2-3 weeks, we do a check. We’re hoping to get a grant that we didn’t get last year. We applied and are waiting to hear. There are three things we look for: 1) are locations adhering to code; 2) making sure our kids aren’t buying and 3) are the fees being paid. This has been very successful for the City.”

Mayor Julian said, “Several years ago, we were rated an F.” Ms. Valladares responded, “Yes, but now you’re an A+.” The mayor continued saying, “Our population is 30% under age 18. We need to set a standard for our youth in our community, and I feel we’re on the right path. We appreciate giving your support. Thank you.” Ms. Valladares said, “I can see that your program is well underway. Congratulations on the implementation of your TRL here in Guadalupe.”

## **7. COMMUNITY PARTICIPATION FORUM**

Each person will be limited to a discussion of three (3) minutes or as directed by the Mayor. Pursuant to provisions of the Brown Act, no action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. City Council may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting.

*Ms. Martha Pulido spoke regarding continued disagreement on the amount of refund due her. She said, "I've been a community member for close to 60 years. I was at a council meeting a couple of months ago. The issue is on the deposits for the Veterans' Hall. On June 24<sup>th</sup> I rented the Veterans' Hall for a funeral. I've never been treated like this. A lot of my family members are active for the past 40 years. The mayor and some of the Council can attest to that."*

*Ms. Pulido then explained the specifics of her issue. She said, "Chief of Police was in charge of the rental agreement. (She held up a copy of that agreement.) There's nothing to show about the additional costs that were never agreed upon until I was told of them. I gave the City a check for \$1,300 for a 3-hour period. The Chief has now given me a \$550 refund. He billed me \$300 and I got \$150 back because he decided to check on things. Our agreement was that if the police had to be called, we'd be charged. There were no issues, no one called the police, so why was I charged \$150? Cleaning deposit, \$500. I was refunded \$250 because of 'Covid cleaning'. That was never mentioned in the agreement. Chief never mentioned that before, only after. I'm okay with fees. \$90 per hour to rent but not fair to be charged for additional fees that I didn't agree to. The contract doesn't show 'Covid cleaning'. When we rented the facility, there had been a meeting that same day. That place had not been cleaned."*

*She continued by saying, "I met with the Chief. The appointment was set up at 3:30p.m. He gave me his draft showing what the account looked like. Chief said he was doing this in good faith and then told me he had another meeting at 3:30 p.m. I didn't have a chance to speak to him. I guess my time wasn't important to him since he had scheduled another appointment at the same time. I'm requesting \$150 he previously said would be refunded and \$250 be returned to me for a total of \$400 and together with \$550 already paid, total would be \$950 returned to me." Mayor Julian then said, "Your request will go to staff and then to legal for review."*

*Mr. John Velasquez then spoke on the same matter. He said, "I was surprised that this situation has not been resolved. The Pulido family has been renting the American Legion for the last twenty years. They always left it nice and clean. Mr. Pulido was not a veteran but helped out at the Veterans' Hall with upkeep of the roses there. I'm surprised they didn't get the cooperation they expected, but those things happen." He then shifted to another subject and said, "I want to invite the City Council and City staff on Saturday, October 9<sup>th</sup> from 11a.m. to 2:00p.m. We're having a chicken barbecue. Come and have lunch with us. You'll all be American Legion guests. Thank you."*

*Mayor Julian requested the City Attorney Sinco address Ms. Pulido's issue from the legal standpoint and what needs to be done. City Attorney Sinco responded, "The proper procedure is to file a claim. The City has the form. It's either on the City website or we can give you a form. That starts the process. We'll review and determine the merits of the claim. That's the official way if you haven't been able to resolve it previously. Todd Bodem, City Administrator, will provide you with that form." (Mr. Bodem requested contact information from Ms. Pulido.)*

## **8. CONSENT CALENDAR**

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

- A. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Calendar will be adopted by the same vote cast as the first meeting unless City Council indicates otherwise.
- B. Approve payment of warrants for the period ending September 23, 2021.
- C. Approve the Minutes of the City Council special meeting of August 26, 2021, to be ordered filed.
- D. Approve the Minutes of the City Council regular meeting of September 14, 2021, to be ordered filed.
- E. Approve the amended scope of work and budget for agreement with Los Amigos de Guadalupe (LADG).
- F. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
  - 1. Department of Public Safety Reports – August 2021
    - a. Police Department Report
    - b. Fire Department Report
    - c. Code Compliance Report
  - 2. Human Resources Report for August 2021
  - 3. City Treasurer’s Report for August 2021

*No items were pulled for further discussion from the Consent Calendar. Motion was made by Council Member Robles and seconded by Council Member Costa, Jr. to approve the Consent Calendar. 5-0 Passed.*

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

*Mr. Bodem gave a brief report on a visit the prior Tuesday to a cannabis facility in King City. Accompanying him were Mayor Julian, Chief Cash and CM Robles. They met with King City’s Mayor, City Manager, Police Chief and some planning representatives of a cannabis consultant to tour a 450,000 sq. ft. manufacturing cultivation facility. Mr. Bodem said, “It was a very high tech, climate-controlled facility. Their equipment was from Italy. They had their own power system. It was just an amazing tour and facility to see.”*

*Mr. Bodem then said that our website, the application has been posted for our commercial cannabis entries for those who want to apply. The actual form and guidelines are there.” CM Ramirez asked about how many applications have been received. Mr. Bodem said, “None at this time. It was just posted. The application process starts October 1<sup>st</sup>.”*

*Mayor Julian said, “At that facility, you see the process, from the growth to getting out the door. The product can get out in eight (8) weeks. They haven’t started to move it out yet. There were 140 inside cameras. A hundred employees there. Closed to the public. They built their own heating and*

*power plant for \$18M. This was an impressive and secure operation. King City's City Manager, Mayor, Police Chief and consultants all said to make sure Guadalupe has the latest standard for manufacturing and production. There are no indoor or outdoor growth in Guadalupe."*

*The mayor further said, "The people involved in this industry are scientists, basically. There are several ways to pull out the oils, one being with volatile chemicals. However, they don't do that but rather use machines purchased in Israel. Very high tech. I don't see that happening here, but, at least, it gives us an idea what we can look for and details of what's going on in the industry."*

*CM Robles added, "There's a lot of science behind it. A lot of detail. It was very interesting to see, close up, something at that level. Pharmaceutical grade. Their power source and their water were amazing. Every detail is there."*

*Chief Cash then gave his comments about the tour. He said, "I spoke with their Chief. I recognized the parks and trees and got a visual of what could be appearing here. The population looks like us. We saw jobs that were created. I'd never been to King City before. King City's really our sister city. The PD is almost the same as ours. Guadalupe's City Council, City staff, public works, our overall structure, is better than King City's, as far as our Council, staff and everything else. I saw their downtown. That's what we could be. Everything was so similar so I could see what we could be with our infrastructure and what we're doing. So, I see that we're better situated to be more successful. King City has community cameras, but Guadalupe doesn't. The visit to King City was very eye opening. For Public Safety, I saw what we can do regarding infrastructure."*

*Mayor Julian added, "One of the community camera's facing the facility, the facility paid for it. The crime rate has gone down." Mr. Bodem then said, "Every employee going in the facility gets scanned and gets checked when leaving the facility."*

*CM Ramirez said, "So, what I get from this is that we are adequately staffed, public safety-wise, to handle things." Chief clarified, "We are more prepared to implement. King City Chief will come to Guadalupe. Their camera system expands their 'reach and eyes' which we don't have. But we're prepared more, as far as our infrastructure, with our staff to meet some of those challenges. The biggest challenge that they don't have that we already have is a code compliance program. So, we're already ahead in some areas. We're already training information between cities." Mayor Julian said, "King City has an all-volunteer fire department. Their population is around 14,000."*

*The mayor also said, "The manufacturing facility was a garlic factory – five football fields long and one football field wide. Different firms will be contacting us to visit other cities to look at those facilities. Some scrupulous people will try to take advantage of us, but we're making sure we're doing everything by the book."*

*At this point, City Attorney Since said that the discussion was getting off topic. Mr. Bodem had no further items for the City Administrator's report.*

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

Chief Cash said that he had already spoken about the King City trip and had no further report to give.

## 11. MAYOR'S REPORT- UPDATES

Mayor Julian said, "There's a lot happening. For many years, we've been pushing this boulder up a hill. Now, we're at the top of that hill, in terms of developments here in Guadalupe." He reported the following which he said was listed on the City's website:

1. Broadband: this is moving forward with efforts to bring broadband here. There was a recent zoom meeting.
2. Bike Challenge: Project Hero "California Challenge" – scheduled October 21<sup>st</sup> & 22<sup>nd</sup> beginning in Pismo and ending on October 21<sup>st</sup>; then beginning in Solvang and ending in Santa Barbara on October 22<sup>nd</sup>. Benefit for injured veterans and first responders. Bikers will be coming through Guadalupe and stopping at McKenzie Middle School.
3. Pasadera Veterans Street Naming Committee: Mayor Julian said that there are at least 20 streets that will be named for veterans. He said, "On the website is the 'Veterans Street Naming Program'. There's a nomination form and information on how to submit. There's a list of those who are committee members for this program. We've yet to meet but we wanted to bring this to the City to make sure we have an appropriate process for this program."

CM Ramirez asked, "Is this going to be a separate agenda item where we can talk about this more?" Mayor Julian said, "Yes. The process is that the nomination forms will first go to the City Administrator. Then to the naming committee for review, discussion and approval of recommended names. Then that approved list of recommended names will go to the City Administrator which will then go before the City Council for approval. Council's approved list will go to Pasadera/Developers for final approval."

CM Ramirez made reference to a statement in the guidelines for this program which read: '...street names shall be of English language original and shall be easy to spell and pronounce...'. He questioned that guideline and felt it should be removed. He said, "There's a lot of rich heritage here. We could be missing out on some great names. I think we can just strike that section." The mayor responded saying, "This is cut-and-paste. This is a draft. I appreciate your feedback. There are a couple of names that are Filipino from WWII. "Laging Una" was their motto which means 'Always First'. They were stationed at Camp Cooke. So, your recommendation makes sense for our community."

Mayor Julian mentioned that two names are already committed for street names: Carrasco and Guerrero. He also said, "There is no deadline date yet on applying. Citizens can find the application packet online. One family had a POW. Another has four brothers who were in the military. There are 14 people just on Birch Street who were in Vietnam."

4. Regional Park Zoom Meeting - October 6<sup>th</sup>: Purpose of the meeting: Vision for Guadalupe area recreation and open space. The Nature Conservancy has funds and is looking at the Rodeo-site here as possible camping area, RV park, etc.

5. Food Bank: next distribution will be Thursday, October 7<sup>th</sup>, from 11:30 a.m. through 1:00 p.m. Distribution may be increased to two times per month. Miguel Jiminez, "Dough Boy", gave \$150 gift certificate for the Guadalupe Café for the volunteers at the Food Bank.
6. Central Coast Community Energy – Battery Storage/Microgrids: the City expressed interest in being involved in a battery operation. If our power goes out, we'll have the ability use some back-up power."

## **REGULAR BUSINESS**

### **12. Temporary Appointments of Councilmember, Committee, Commission or Community Representative to Ad hoc groups.**

Written Report: Todd Bodem, City Administrator

Recommendation: That the Mayor and City Council nominate temporary appointments from the City Council and various committees/commissions/community/staff to the following ad hoc committees:

- City Hall Auditorium Renovation Ad hoc Committee
- T-Mobile Hometown Techover Program \$50,000 Grant Ad hoc Committee

*Mayor Julian talked about two efforts that are coming to fruition: 1) City Hall Renovation and 2) T-Mobile Hometown Techover Program \$50K Grant. He said, "This grant could enhance funds for O'Connell playground equipment. At one point, the Lion's Club looked at redoing that whole area. That was about \$200K. CM Cardenas and staff have information on what can go there." The mayor then said, "Next Tuesday is the American Rescue Plan Act Workshop combined with the Recreation and Parks Commission. I asked CM Cardenas to chair the ad hoc committee for the T-Mobile grant." Mr. Bodem then mentioned that Ms. Shannon Sweeney, Public Works Director, has already budgeted monies for playground equipment and suggested CM Cardenas and Ms. Sweeney work together. The mayor then said, "CM Cardenas suggested inviting the people from Riverview. They're right across the street. Ask the parents what the kids want; what do they need there at the park. Hearing from the public is the way to go, especially from the Spanish-speaking side." CM Cardenas said, "There's already an established group there of a couple mothers and other residents."*

*The mayor then talked about the City Hall Auditorium Renovation. He said, "CM Robles will work with staff and residents to look at what's needed. The Recreation and Parks Commission had already suggested that \$100K of the ARP funds be used for this renovation. This will be brought out at next Tuesday's workshop." Mr. Bodem asked if a recreation person should be on both committees, and the mayor said, "Yes, there should be a representative on both committees." Mr. Bodem added, "In about ten (10) business days, T-Mobile will send the \$50k check to the City."*

*At this point, City Attorney Sinco said, "If you're nominating two council members, and these are official City committees, there needs to be a motion for each committee."*

**Motion was made by Council Member Robles and seconded by Council Member Ramirez to have Council Member Liliana Cardenas chair the T-Mobile Hometown Techover Program \$50,000 Grant Ad hoc Committee. There was some discussion about a recreation person for this committee. City Attorney Sinco suggested to let the committee nominate that individual. 5-0 Passed.**



Motion was made by Council Member Ramirez and seconded by Council Member Costa, Jr. to have Council Member Gilbert Robles chair the City hall Auditorium Renovation Ad hoc Committee. 5-0 Passed.

## PUBLIC HEARING

### 13. Short-Term Rentals Ordinance.

Written Report: Philip Sinco, City Attorney

Recommendation: That the City Council introduce on the first reading, and continue to its meeting on October 12, 2021, for second reading and adoption, an ordinance regulating short-term rentals in the City of Guadalupe and amending various provisions of Title 18 (Zoning) of the Guadalupe Municipal Code.

*City Attorney Sinco mentioned that there was only one (1) suggestion made by the City Council which was to limit a property owner one (1) short-term rental per property. He also said, "A deed, CCRs, HOA rule could have language written to prohibit short-term rentals. However, such prohibition could only be applied if property owner took title after the rule went into effect, not retroactively." He then said that there were two (2) votes to change the 120-days maximum for un-hosted short-term rentals. But that was not decided so that was left."*

*City Attorney Sinco said, "At the September 14, 2021 Council meeting, I had gone into much detail regarding the ordinance. I won't go into the same amount of detail but I will highlight portions of the ordinance if anyone missed the previous presentation." He then explained that the purpose of the short-term rentals ordinance is to:*

- *Allow limited short-term rental uses while preserving residential character.*
- *Establish operating standards to reduce potential noise, parking, traffic, property maintenance, safety, and other impacts on adjacent neighbors.*
- *Provide a process to track and enforce these requirements as needed and ensure appropriate collection of transient occupancy taxes.*

*He talked about 'hosted and un-hosted' short-term rentals. A hosted short-term rental is where the property owner lives or spends time and is there onsite while the rental is going on. The un-hosted is the property owner is not onsite and there is no supervision. The un-hosted short-term rentals had a limit of a maximum of 120 calendar days, and an administrative use permit (AUP) must be obtained prior to submitting an application. There is no limit imposed on hosted short-term rentals and they did not have to obtain an AUP. Another requirement for the un-hosted short-term rental must designate a local contact to respond to complaints about the rental within 60 minutes. Hosted short-term rentals are permitted uses throughout the City. Un-hosted short-term rentals are conditionally permitted and require the AUP. Both types of short-term rentals require an initial registration certificate which must be renewed annually thereafter. There will be a fee and the City Council will approve that later. The registration would be a ministerial process and would have to be granted if all the conditions were met in this ordinance. Another condition for an un-hosted short-term rental*

*is that an AUP must be obtained prior to applying for the registration. Otherwise, it couldn't be granted ministerially."*

*City Attorney Sinco then said that there are operating standards that must be followed after an approved registration for short-term rentals: 1) must obtain a business license; 2) property owner would only be able to register and operate only one short-term rental; 3) no special events such as weddings, corporate events, commercial functions or similar events creating traffic, parking, noise, or other problems won't be allowed; 4) TOT (transient occupancy tax) must be collected; 5) records documenting compliance with these requirements must be kept for a three-year period after each period of short-term rental, and 6) for an un-hosted short-term rental, a local contact person must be identified to neighbors and guests. That person must be available seven (7) days a week, 24 hours a day during un-hosted stay and respond to complaints within a 60-minute periods, as take remedial action."*

*The enforcement process was then explained by City Attorney Sinco. He said, "Mostly, the code enforcement tools would be available. If someone's in violation of either their operating requirements or their administrative use permit, any kind of nuisance could be handled through code enforcement. In addition, the Planning Department could revoke the certificate or the administrative use permit or both. That would then not allow them to operate at all. Once that was approved, they would then not be able to renew their registration for at least one (1) year." He mentioned an 'amnesty period' by saying, "We will allow for an amnesty period, the time to make property owners aware of these new requirements and let them handle any existing rentals on the books. This is recommended to be one (1) year after the effective date of the ordinance. If the short-term rental property is not legalized at that point, the property owner will be considered out of compliance." He then briefly spoke about having amended the code creating an administrative use permit process that has advantages to the applicant of a short-term rental.*

*The discussion was then turned back to the Council. CM Robles again brought up for the possibility of having cameras onsite for un-hosted short-term rentals. City Attorney Sinco said, "That's not in the ordinance. I'll leave that to the discretion of the Planning Director to impose conditions. It's a case-by-case basis depending on location. It would probably be a standard condition for use of cameras for entry and exit. We would then ask them to retain that footage so if they were in violation, we could check it."*

*Mayor Julian said, "There's one Airbnb next door to me. In the summer, property owner stays there. For the last two (2) weekends, they've had visitors. I emailed City Attorney Sinco and other staff. One owner of the property. That's fine. You're not going to stop. If I have a daughter and I buy another property, that's still legal. They could do that. That's not gonna stop them. They have their own deed. So, they'll do that." City Attorney said, "The property must be in the daughter's name. That's taking a risk. Yes, there's a way around this, especially in a husband-and-wife situation."*

*The mayor then referenced the woman from Pasadera who spoke at a prior Council meeting regarding period of time. He had charted out the number of weekends, Friday thru Sunday, in a year's time. He said, "There are 11 months with 12 weekend days or 132 days, starting in July. The*

*other month has 15 weekend days. The total weekend days per year is 147 days. If we go with 90 days maximum, the property could be rented out 7.5 months; 120 days maximum, 10 months, and 180 days maximum would equal every weekend for the year could be rented out. Also, if 180 days maximum, there would be an additional 33 weekdays to every weekend that could be rented out for the year."*

*The mayor continued saying, "In Pasadera, people are buying and just renting out. If we go with 180 days maximum, every weekend someone can be there. If the rent is \$250 per night, that would be \$45,000 if we used the 180 days maximum. I have an issue with both 120 days and 180 days. We must have parking availability since garages aren't available. The rate for my neighbor's short-term rental is \$400 per night. If there are four (4) people, there could be four (4) vehicles. The parking is terrible. We'd have to provide off-street parking." City Attorney Sinco said, "No additional parking is required. Onsite parking should be available meaning the garage would have to be available. The ordinance requires onsite parking." The mayor said that they won't provide the garage. City Attorney Sinco said, "The garage has to be empty to make parking available. AUP states this."*

*The mayor then asked, "What if there's no response within 60 minutes of complaint?" City Attorney Sinco responded saying, "Evidence would be needed. Investigate on basis to revoke permit. We'd have tools to address if done on a regular basis and we'd be able to shut it down." Mayor Julian said, "It's human nature that people won't call. They won't fall for fireworks now. Somewhere we have to put some teeth there. If they complain and nothing happens, they probably won't complain anymore." CM Robles asked if there could be a link to the City's code enforcement if they don't comply within 60 minutes. City Attorney Sinco said, "If there's no response within that 60-minute timeframe, you can report to the City. They couldn't report anonymously but we'd not release their name if it's confirmed independently by code enforcement. Would be a normal police operation. They're in violation. So, for a short-term un-hosted rental, nobody responded – call the police. If the police documented the complaint, we could revoke their permit."*

*CM Cardenas asked, "The 60-minute response time. Who tracks that?" City Attorney Sinco answered, "The neighbors. They know who to call. That's set forth in the ordinance. A condition of their AUP says must have local contact name given to neighbors and guests." Mayor Julian then asked again, "There's no response. Then what?" City Attorney Sinco said, "We'd initiate research. We'd issue a notice of violation or there'd be a potential hearing to revoke registration. We'd give them opportunity to tell their side of why there was no response within 60 minutes of call."*

*The mayor continued the discussion of the local contact person's responsibility to respond. He said, "It's human nature. That contact person won't go to the house and say, 'you can't do that'." City Attorney Sinco said, "It's a violation of the permit. The same tools used to enforce other planning-type violations would be used to shut down the rental."*

*Mayor Julian then shifted the discussion saying, "There are a lot of issues. I'm okay with going forward with this if we can come back if there are problems. What is the number of these types of units in Guadalupe? There are 10 in Pasadera and one in Point Sal Dunes. What about commercial areas?" City Attorney Sinco said, "This ordinance says short-term rentals only in residential areas."*

*Some commercial zone areas permit short-term rentals, like for hotels and motels but we don't have any. For a commercial area, still need a building permit. This ordinance only applies to residential areas. Nothing is being changed in the commercial zones. We want hotels, motels, Airbnbs that are licensed, registered commercial properties in the downtown. But an argument might be made that an upstairs single-family apartment in the downtown area could be considered residential for the purpose of using it for a short-term rental. If that's the case, the same enforcement tools would apply for an un-hosted rental."*

*The mayor had another question. He asked, "What if there's a rental without permission?" City Attorney Sinco said, "Address nuisance conduct. If the ordinance passes, and someone is supposed to have to have permit or registration and doesn't, not only do we have the code enforcement tools, but we could criminally process. But right now I wouldn't feel comfortable to criminally process."*

*Mayor Julian questioned the amnesty period. He asked, "Amnesty period for one (1) year. A short-term rental could come now. We'd have no control for one (1) year. Why one (1) year?" City Attorney Sinco said, "The one (1) year period was just a thought. It could be three (3) months or no amnesty period. It's really a policy decision."*

*CM Robles talked about waiving three (3) months TOT just to get the short-term renter on board. City Attorney Sinco said that by doing that, you're giving away something for nothing.*

*Mayor Julian went back to the amnesty period discussion. He said, "In my opinion, I'd go with a three (3) month amnesty period." City Attorney Sinco said, "Back in 2020, the Council gave me instructions. We had a meeting to bring issues forward. Some good points came from that and I'm capable of changing anything. This is a public hearing. We can make changes for first reading tonight."*

*The mayor cited a recent example of un-hosted short-term rental. He said, "This Saturday, there were four (4) cars at the rental. At 11:30p.m. they were still outside, with a fire pit, a heater, canopy, drinking, making a lot of noise. Is there something we can put in there about 9:00 p.m.? Is that for the owner? We need to have some teeth in the ordinance regarding stopping outside activities at a certain time." Chief Cash responded, "The existing noise ordinance is 10:00 p.m. There's been a lot of review here on enforcement. I'd like a little voice in that discussion. We need to look at this and be a little realistic. It took 3.5 years on the fireworks issues. We have a hotline for that but not everyone calls. We know that. We want to see teeth. If I come back again, people want action right away. I understand this but if PD is going to be the catalyst with enforcing this and going to people's home, we need to do this right. People (un-hosted rentals) will just 'wait us out'. We're talking about putting a lot of resources out there. We need to have our processes set regarding permits, fees, abiding by the permit, etc. Revoke permit or send to attorney, etc. Those are a lot of processes that need to be set."*

*CM Ramirez asked, "Can this be brought up in your managers meeting? Seems a lot needs to be worked out. Sounds like Chief has a whole list. I'm sure Shannon (Sweeney) has some input for how*

*this impacts public works. I'd table for now and turn over to managers' meeting. We also need to hear from the public. Then bring back to the Council."*

*At this point, Mayor Julian asked if the woman from Pasadera who spoke at a prior meeting was in the audience and wished to speak. Ms. Aniela Hoffman was present and said, "Thank you, everybody for the consideration of this issue. This is something I live with daily. It's not just weekends. From my standpoint, it's 24/7 and the number of cars on the street. At Pasadera, driveways can't fit cars, so cars are hanging on the sidewalk. I have to live there so I don't call and complain to the police. Thank you for taking the time to consider this. This topic is very near and dear to my heart. Thank you."*

**Public Hearing opened at 7:50 p.m.**

*City Attorney Sinco said, "Driveways. You don't want everything spelled out. You want to give some discretion on a case-by-case basis to the Planning Director who would be the one issuing the permit. We're talking about un-hosted rentals here. For Pasadera, you might want stricter parking requirements. You'd want to have a case-by-case ability to explain why you might want to treat one property different than another. Also, in the administrative use process, it allows people who are affected, they would receive notice of hearing to raise their concerns. Then the Planning Director could add conditions not previously known, e.g. Pasadera driveways don't allow for parking there so maybe the garage must be available, limit number of cars, etc."*

*Mayor Julian then said, "We have procedures but not the teeth. For staff, what's going to be required of each department impacted by this ordinance? There's a lot to discuss still."*

**Public Hearing closed at 7:54 p.m.**

*City Attorney Sinco commented, "It's fine to send this back to the staff. I don't think much will change but probably just an understanding what each role is. Let's continue this then."*

*CM Cardenas asked, "Our noise compliance, is it administrative?" City Attorney Sinco answered, "Criminal and administrative. Our code enforcement is very powerful, but it still is in the infancy stage. It has potential but it doesn't have the experience to take on a lot right now. This is something that will grow as Josue Meraz, the Code Compliance Officer, gains more experience and will be able to process issues more efficiently. That will come with time. All problems that are currently existing in the City, problems with short-terms rentals, and with the ordinance would be handled the same way through code enforcement processes. Ordinance will have more tools and not have everything fall on code enforcement."*

*CM Cardenas said, "That's why this has been written up and you having taken into account everything we've said. It's more of us discussing this and really understanding what you wrote and for all of us being on the same page of understanding this."*

*CM Cardenas also asked, "Are there rules outlined for Airbnbs?" City Attorney Sinco said, "I'd want the Planning Director to have discretion for case-by-case flexibility. But it might make sense to have a standard set of conditions that the Planning Director could come up with but not be limited by them. This set of conditions could be brought back with the ordinance."*

**Motion was made by Council Member Ramirez and seconded by Council Member Costa, Jr. to table further discussion on Short-Term Rentals Ordinance and send back to staff for further discussion. City Attorney Sinco asked, "Give me some idea when you want to bring this back." CM Cardenas said, "Whenever managers meeting next, and staff feels ready to bring back." 5-0 Passed.**

*Mayor Julian said, "We have an ordinance that says regardless of time, if the noise is in excess of 60 decibels, you can call the police."*

#### **14. FUTURE AGENDA ITEMS**

*CM Cardenas asked that the "Community Changers" be recognized by the Council. She said that this group has had a year-long clean-up program, from January 19<sup>th</sup> and will end December 11<sup>th</sup>. She suggested whenever the best time to do this; no specific date given.*

*CM Ramirez asked for a presentation to educate the residents on "redistricting". Mayor Julian said that there is an individual from the district who wants to come here to talk about just that. The mayor further said that Guadalupe will either be in the 4<sup>th</sup> or 5<sup>th</sup> district after redistricting.*

*Mayor Julian talked about State of the City: there are many projects occurring in the City: LeRoy Park, Royal Theatre, Pasadera Street Naming Program, City auditorium, street projects, Dunes Center, etc. He said that Council and department staff could go to River View or some other location and meet with residents to discuss all that is occurring in Guadalupe, as well as getting feedback from the residents. The meeting would be in both English and Spanish, with the possibility of also being in Mixteco. This wouldn't be a regular Council meeting. Mr. Bodem added that this would be good to get information for the Council's joint meeting with the School District.*

*CM Robles said, "After Covid, we should thank all the 30-35 volunteers who've worked for 17 months at the food distribution and MariaElena who has been there every other Wednesday. Everybody knows their job. The food moves and we have the process down. Give them a certificate or something to thank them."*

#### **15. ANNOUNCEMENTS - COUNCIL ACTIVITY/COMMITTEE REPORTS**

##### CM Cardenas

*The Alzheimer's Association contacted me and requested to do more outreach here in Guadalupe. For the Food Distribution, I've connected them with Mayor Julian and the "Little House" whose food distribution is the 4<sup>th</sup> Wednesday of the month. Those are locations where our community members*

are. It would be nice to have their materials out. They also want to do a workshop to explain in more detail all their services, but right now they're looking to have more outreach here.

The 'Taste of Guadalupe' runs from October 1<sup>st</sup> thru October 30<sup>th</sup>. Sponsored by the Guadalupe Business Association, you obtain a passport for the local restaurants. There are 10 restaurants, and your passport gets stamped when you eat at each of those restaurants. Once you have your passport fully stamped, you'll be entered into a raffle for a large screen TV. This project is to promote Guadalupe restaurants.

The car club, Touch of Style, will have their toy drive on Saturday, November 13<sup>th</sup>, at O'Connell Park.

### CM Robles

Food Bank distribution will be the first Thursday of the month, October 7<sup>th</sup>.

I've been working with Stephanie Krause on a mural at the old Dolcini house on the corner of Olivera and 9<sup>th</sup> Streets. We've worked on it last weekend and put in about six (6) hours yesterday. We hope to finish this off during incremental weekends. First of many murals for our beautification project, celebrating our cultural history. The theme is a panoramic view of the coast. You can see Muscle Rock, Avila, native fauna and flowers, full coastal view.

### Mayor Julian

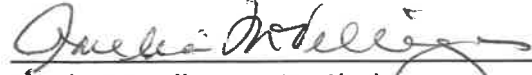
1. SBCAG meeting on Sept. 16<sup>th</sup>: general business and closed session.
2. Central Coast Water Authority meeting on Sept. 23<sup>rd</sup>: There was a general business update and a closed session on a lawsuit. Mayor Julian said that City Attorney Sinco would be contacted on this matter. City Attorney Sinco said that he is in regular communication with CCWA and would be prepared to update the mayor in possibly another month or so.
3. LeRoy Park update: work is starting on the outside of the building more.
4. McKenzie's 21<sup>st</sup> Cross Country Meet - scheduled for Saturday, October 9<sup>th</sup> at O'Connell Park.
5. Chevron Environmental Management Company: Chevron requested permission to treat the contaminated soil onsite. Waste discharge requirement. Instead of trucking the soil out, they're going to treat it onsite. City Council has been invited to view the process of treating contaminated soil onsite.

Mr. Bodem added that for the development review for the Royal Theatre, they're diving into the process. Mayor Julian added, "Goodwin Designs engineers are looking at the building. It's been recommended that nobody go into the building without a hardhat. Also, for a 5,000 sq. ft. building, there never was any parking. Now for the building in the back, they're looking at reciprocal parking, like the parking at the old Far Western building, Dunes Center." Mr. Bodem then said that there is an application for a grant for architectural drawings.

## **16. ADJOURNMENT**

**Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to adjourn meeting. 5-0 Passed. Meeting adjourned at 8:17 p.m.**

**Prepared by:**

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

**Approved by:**

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