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Guadalupe City Council Meeting, 4-28-2020, Agenda item 9. Proposed sign ordinance.

1 message

Stew Jenkins <info@stewjenkins.com>

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Guadalupe City Council Meeting, 4-28-2020, Agenda item 9. Proposed sign ordinance.

Comment from Stewart D. Jenkins,
Andres Realty Company Secretary & General Counsel;
Andres Realty Company - Owner 333 & 363 Guadalupe Street, Guadalupe; Commercial-Industrial

Honorable Mayor & Council Members,

While I join in Mr. Bodem's suggestion that the Council continue consideration of a new sign ordinance to the May 26 meeting; permit me to suggest that in the interim the Council, the City Administrator, and the City Attorney consider adding three simple but important provisions to proposed Section 18.51.11 of the proposed ordinance entitled "Exempt Signs, Flags, and Devices."

Please add 18.51.11 "F. Available For Lease, For Rent, or For Sale signs."

Please add 18.51.11 "G. Public Art."

Please add 18.51.11 "H. Political and Religious advocacy."

No owner of property, whether it be an industrial site like ours, or a residential condominium, should be required to obtain a "Zoning Clearance for Signs" as required by proposed Section 18.51.04, B. (which includes "temporary" signs) simply to display a sign letting the public know their structure is available for lease, rent, or sale. Such would be burdensome and delay the ability of residents, industrialists and businesspersons from being able to lease, rent or buy within this broad-shouldered City. Failure to add suggested 18.51.11, F., above would impede Guadalupe's progress.

Suggested 18.51.11, G. needs to be added to prevent the proposed sign ordinance from undermining the unique, joyful and whimsical character of the City. One of the truly attractive circumstances when residents and visitors drive or walk along Guadalupe Street or Obispo Street is the number and variety of colorful and uniquely sculpted public art pieces that dot private as well as public parcels. Destroying the public art of Guadalupe is, perhaps, the unintended consequent of replacing a 4-paragraph sign ordinance with a 21-page ordinance.

The public art that is such an attractive feature of the City will – if not exempted – fall prey to proposed Section 18.51.03, HH. Which defines a "Sign", among many other things, as "Any device, fixture ... or structure ... which draws attention to an object, ..., activity, opinion, person ... which can be viewed from any public street" Each item of public art at City Hall, or on Guadalupe Street would fall to such broad definitions without adding the suggested exemption "G."

Finally, failure to exempt signs from the requirement of obtaining a "Zoning Clearance for Signs" as required by proposed Section 18.51.04, B. (which includes "temporary" signs) simply to display a sign promoting or opposing a political candidate or measure, or promoting a religious faith or precept will unduly burden residents and property owners of the broad shouldered City of Guadalupe. The proposed ordinance is so all-inclusive that if adopted as proposed, it would require obtaining a permit – a Zoning Clearance for Signs – simply to post a yard sign to support a

candidate for President, Governor, or Mayor or to invite people to a religious church service. In essence, without adding provision "H." to the exemptions, the ordinance will become overbroad; impairing fundamental rights under Article I of the California Constitution and under the First Amendment of the U.S. Constitution.

While there are many beneficial provisions in the proposed ordinance, correcting these few deficiencies are critical to making the ordinance beneficial. I am sure that those drafting the proposed ordinance intend none of the impairments identified above. But, without adding the three suggested provisions to proposed Section 18.51.11 exempting religious, political and for lease/rent/sale signs, as well as public art, from the permit requirement imposed by new Section 18.51.04, the proposal will backfire on the City, the Council, the Residents and the Property Owners of Guadalupe.

Respectfully,
Andres Realty Company
Stew Jenkins, Secretary & General Counsel

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[PROPOSED REVISION FOR PAGE G-7]**Open Market Contract, *continued*:****Contracts of more than \$5,000 but less than \$50,000, *continued*:**

Typically, these request for quotes are mailed to the vendors or emailed/faxed if delivery time is a major factor. The following information should be documented and on file with the department:

- Date of request for quote;
- Exact request for quote;
- Vendor information (contact information);
- Vendor's written response to request for quote; and
- Justification for selection of vendor.

The Department conducts interviews (if necessary). Selection requires department head approval. The award of bid is completed by either issuing a purchase order or a contract is signed by the department head.

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[PROPOSED REVISION FOR PAGE G-10]**Formal Process Contract:**

Purchases of \$50,000 or more: Contracts for professional services of \$50,000 or more should have at least three competitive quotations. Depending on the nature of the request, a request for proposal process may be issued, evaluated, and funds encumbered by either a contract or purchase order. This process is deemed to be the formal bidding process.

For items not identified or approved in the budget, departments are to gain approval to seek bids from the City Manager prior to soliciting bids. Thereafter, the City Council is to make the award to the successful bidder. After the selection process has been completed, the City Council is to make the award to the successful contractor.

Appeal of award of bid: An unsuccessful respondent to a City request for proposal may appeal the award of bid. The bidder is required to file a formal protest of the award of bid with the Finance Department and the issuing department. The department, in conjunction with Finance Department's staff, will appoint a three member board to hear the appeal, review the bid documents, and issue an opinion on the award of bid.

