

MINUTES

**GUADALUPE CITY COUNCIL
Regular Meeting Tuesday, October 28, 2014**

**CLOSED SESSION 5:00 P.M.
REGULAR SESSION 6:00 P.M.**

**City Hall, Council Chambers
918 Obispo Street, Guadalupe, California 93434**

1. MOMENT OF SILENCE.

2. PLEDGE OF ALLEGIANCE.

3. ROLL CALL. Council Members John Sabedra, John Lizalde, Gina Rubalcaba and Mayor Frances A. Romero. **All Present**

4. COMMUNITY PARTICIPATION FORUM.

Ken Chamness emphasized the need to upgrade the City's broadcast system. Despite the financial crises, it's vital the public be well informed. The antiquated system prevents that from happening.

George Alvarez felt that lack of leadership has brought the City to the position it is in. He urged all citizens to vote for the three initiatives on the ballot.

5. CLOSED SESSION.

a. THREAT TO PUBLIC SERVICES OR FACILITIES

Pursuant to Government Code Section 54957, Consultation with:
Andrew Carter, City Administrator
Gary Hoving, Director of Public Safety
Annette Muñoz, Finance Director

CLOSED SESSION ANNOUNCEMENT.

No reportable action.

6. COMMUNITY PARTICIPATION FORUM.

See above.

7. CONSENT CALENDAR. The following items are presented for 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. Payment of Warrants for the period ending October 22, 2014 to be approved for payment by the City Council. Subject to having been certified as being in conformity with the budget by the Finance Director.
- b. Minutes of the City Council of the Regular Meeting of October 14, 2014 to be ordered filed.
- c. Monthly Reports from Department Heads:
 - i. Police Department report for the month of August & September 2014.
 - ii. Fire Department report for the month of September 2014.
 - iii. Building Department report for the month of September 2014.
 - iv. City Treasurer's Report for the month of September 2014.
 - v. City Engineer's report for the month of September 2014.
 - vi. Parks and Recreation Update.
- d. American Legion Hall Remediation & Seismic Improvement Project – Notice of Completion and Final Payment.
- e. Acceptance of Parcel Map 29,500 – Resolution No. 2014-64.
- f. Appointment of Amelia Villegas as the City Representative on the Santa Barbara County Library Advisory Committee.
- g. Cancellation of December 23, 2014 City Council Meeting.
- h. Annual Kiwanis Club of Guadalupe Christmas Parade, Saturday, December 13, 2014.
- i. Second Reading Ordinance No. 2014-424, entitled “An Ordinance of the City Council of the City of Guadalupe, California, approving Development Agreement No. 2014-001 between the City of Guadalupe and Cabrillo Economic Development Corporation.

Mayor Romero thanked **City Administrator Carter** for his leadership on American Legion project. **Mr. Carter** replied that the credit is due to the City's building inspector, **John McMillan**.

Motion made by Councilman Sabedra, 2nd by Councilwoman Rubacalba to approve all items on the Consent Calendar. Passed, 4/0.

8. APPOINTMENT OF AN ELIGIBLE CITY RESIDENT TO FULFILL THE REMAINDER OF JERRY TUCKER'S TERM.

- a. Written Staff Report (Andrew Carter, City Administrator)

- b. City Council discussion and consideration.
- c. It is recommended that the City Council decide whether to make an appointment to fulfill the remainder of Jerry Tucker's Council term.

City Administrator Carter introduced the five city residents who applied to fill the remainder of Councilman Tucker's term. They are **Jerry Beatty, Eugene Costa, Jr., Joshua Peterson, Alejandro Ahumada, and Ken Chamness**. Each candidate introduced himself to Council and explained why he is interested in serving on Council. Council asked questions of the applicants.

Councilwoman Rubalcaba made the motion to appoint Jerry Beatty to fill the open seat on Council. Second by Councilman Sabedra. Passed, 3/1. Ayes: Rubalcaba, Sabedra, Romero. Nays: Lizalde.

Mr. Beatty was sworn in by **Mr. Carter**, acting in his role as Deputy City Clerk. **Mr. Beatty** then took his place on the dais.

9. CAC SENIOR CENTER LEASE.

- a. Written Staff Report (Andrew Carter, City Administrator)
- b. City Council discussion and consideration.
- c. It is recommended that the City Council provide staff with final direction on what to do about the Senior Center lease.

City Administrator Carter gave the staff report, summarizing the impasse between the City and CAC. For five years, CAC has not complied with the terms of the current lease. CAC has not allowed the City to put utilities (water, sewer, electricity, and natural gas) in CAC's name and CAC has paid nothing for those utilities. The City has offered to renegotiate the lease, reducing rent from \$2400/year to \$1/year if CAC will put the utilities in its name and pay those utilities. (Utilities in 2013/14 were \$4100.) CAC has made a counter-offer to increase the annual rent to \$4000/year with utilities to remain the responsibility of the City.

Shirley Boydston expressed her disappointment with CAC and spoke in favor of turning off utilities at the Senior Center. **Charlotte Douglas** stated that the biggest problem the Senior Center faces is that there is no one to write grants.

Fran Forman, Executive Director of CAC, expressed her disappointment with the City's "ultimatum," especially now that the holidays are coming. She would like the City to "pause" until after the holidays. **Alma Wilson, employee of CAC** and part-time program director for the Center, said it is difficult for the Center to thrive without full-time staff and only twenty seniors participating.

George Alvarez believes the utilities should be in CAC's name. That's what CAC agreed to in the lease.

Significant Council discussion ensued. Some Council members expressed their strong desire to keep the Center open. Others expressed their frustration that CAC is not complying with the terms of the current lease.

Motion made by Councilman Lizalde, 2nd by Councilman Sabedra, to accept CAC's proposal to pay \$4,000/year in rent with the utilities to remain the responsibility of the City with no change to the current term length. Passed, 4/1. Ayes: Lizalde, Sabedra, Beatty, Romero. Nays: Rubalcaba.

Mayor Romero noted that she vote yes with many reservations. Direction was given to **City Attorney Fleishman** to draft an amendment to the lease and submit it to CAC.

10. VIETNAM VETERANS MEMORIAL.

- a. Written Staff Report (Andrew Carter, City Administrator)
- b. City Council discussion and consideration.
- c. It is recommended that the City Council allow the Central Coast Chapter of the Vietnam Veterans of America to relocate the current Vietnam Veterans Memorial (flagpole and pedestal) from the Santa Florita parking lot to the pedestrian plaza and seating in the adjacent to downtown parking lot and establish a memorial brick area around the flagpole to commemorate local veterans.

City Administrator Carter provided the staff report. The local chapter of Vietnam Veterans of America would like to move the Vietnam Veterans memorial (flagpole, pedestal, and plaques) from the Santa Florita Hotel parking lot to the pedestrian plaza in the Downtown parking lot. The chapter is seeking the City's okay to do this. The chapter is proposing to pay all direct construction costs, but would like the City to waive plan check, permitting, and inspection fees. The City would be responsible for on-going electrical costs to light the flagpole. The chapter would assist in on-going maintenance although the City would be ultimately responsible for this. The City Administrator supports the chapter's request except with respect to plan check, permitting, and inspection costs. Since the City uses outside contractors for these tasks, this is a net extra cost for the City.

Richard Segovia spoke on behalf of the Vietnam Veterans chapter. **Shirley Boydston** and **George Alvarez** expressed disapprovingly their assumption that the owners of the Santa Florita are forcing the chapter to move the flagpole. **Mr. Segovia** made it clear that the owners of the Santa Florita did not ask the chapter to move the flagpole. The chapter is concerned that a future owner might want the chapter to move the flagpole. It is safer over the long term to be on public property. In response to Council questions, **Mr. Segovia** said the chapter has not made a final decision on the cost it will charge the planned engraved bricks. The original thought was \$50 per brick, but the veterans group in Atascadero charged \$100 per brick for their memorial.

Council asked the **City Administrator Carter** how much the plan check, permitting, and inspection cost would be. **Mr. Carter** said \$270. **Councilman Lizalde and Councilman Sabedra** offered to donate \$50 each toward this cost. **Mr. Segovia** offered to donate \$100.

Someone in the audience offered to donate \$50. **Councilwoman Rubalcaba** offered to donate \$20. These donations equal \$270.

Motion made by Councilman Sabedra, 2nd by Councilman Lizalde, to approve Resolution 2014-65, which authorizes the relocation of the Vietnam Veterans memorial to the pedestrian plaza in the Downtown parking lot. Passed, 5/0.

11. **CONTINUED PUBLIC HEARING TO CONSIDER ZONING ORDINANCE TEXT AMENDMENT NO. 2014-023-ZTA – AMENDMENT TO TITLE 18 (ZONING), CHAPTER 18.20.020 AND 18.60 OF THE CITY OF GUADALUPE MUNICIPAL CODE FOR THE PURPOSE OF ALLOWING RV PARKING ON THE SIDE YARDS OF RESIDENTIAL DWELLINGS IN THE R-1 ZONE.** That the City Council:

- 1) Receive Presentation from Staff;
- 2) Conduct a Public Hearing on the proposed Zoning Ordinance Text Amendment; and
- 3) Approve Ordinance No. 2014-425, entitled “An Ordinance of the City Council of the City of Guadalupe, California, Amending Chapter 18.20.020 and Chapter 18.60.035 of the City of Guadalupe Municipal Code.
 - a. Written Staff Report (Jasch Janowicz, Contract City Planner)
 - b. Written Communications.
 - c. Public Hearing.
 - d. City Council discussion and consideration.
 - e. It is recommended that the City Council concludes the public hearing and adopts first reading of Ordinance No. 2014-425.

City Planner Jasch Janowicz provided the staff report. The written report plus e-mail follow-up by **City Administrator Carter** provides comparisons of the recommended City ordinance to other California municipalities. Of note is that the recommended ordinance is similar to what exists in the cities of Santa Maria and San Luis Obispo.

In response to **Councilman Lizalde’s** question, **City Attorney Fleishman** noted that **Mayor Romero** does not have a conflict of interest since the ordinance applies to the entire City and not just the neighborhood where she lives. (Mayor Romero owns an RV.)

Ms. Diana Zavala supports the ordinance. She collected 68 signatures from other City residents who support the ordinance.

Mr. Ken Westall supports the ordinance. He noted that the ordinance is important to DJ Farms being able to sell the homes that will be built there. Mr. Westall also noted his support of two of the three tax measures. He does not support the business gross receipts tax.

George Alvarez supports the ordinance. **Craig Smith** noted that the proposed ordinance is similar to what exists in other cities.

Chief Hoving stated he is comfortable with the proposed ordinance. He noted the improvements made with the changes in wording since the last Council meeting.

Councilman Lizalde talked about the need for fencing to hide vehicles parked in the side yard. **City Attorney Fleishman** proposed minor changes to the ordinance to make it clear that “aesthetic impact” would be considered by staff in granting a Zoning Clearance.

Mayor Romero noted that the cost of a Zoning Clearance is \$150. Should the ordinance receive Council approval, anyone who wants to legally park an RV or trailer in their side yard must seek a Zoning Clearance.

Motion made by Councilwoman Rubalcaba, 2nd by Councilman Beatty, to adopt 1st reading of Ordinance No. 2014-425 with wording change proposed by the City Attorney. Passed, 5/0.

12. **EXTENSION OF URGENCY ORDINANCE TO PROHIBIT BOARDINGHOUSE USES DURING CONSIDERATION OF REGULAR ORDINANCE REGULATING BOARDINGHOUSE AND OTHER GROUP DWELLING USES, AND CONSIDERATION OF REGULAR ORDINANCE REGULATING BOARDINGHOUSE AND OTHER GROUP DWELLING USES.** That the City Council:

- 1) Receive Presentation from Staff;
- 2) Conduct Public Hearing and introduce by title only regular ordinance regulating boardinghouse and other group dwelling uses.
- 3) Conduct Public Hearing and adopt urgency ordinance extending current prohibition on new boardinghouse uses in any zone of the City until effective date of regular ordinance.
 - a. Written Staff Report (Dave Fleishman, City Attorney)
 - b. Written Communications.
 - c. Public Hearing.
 - d. City Council discussion and consideration.
 - e. It is recommended that the City Council concludes the public hearing and adopts first reading of Ordinance No. 2014-426 and Urgency Ordinance No. 2014-427.

City Attorney Fleishman stated that there are two ordinances before Council. Extension of the urgency ordinance (2014-427) requires a four-fifths vote. The proposed municipal code change requires a simple majority (2014-426).

Richard Quant of the Grower-Shipper Association recommended changes to the proposed change in the municipal code. In particular, he would like group dwellings of up to 36 occupants to be allowed by right in R-2 and R-3 zones.

Maureen McGuire of Rancho Harvest talked about the benefits of the H2A program.

Ken Chamness presented a petition with 309 signatures of residents who oppose conversion of La Plaza Villas to H2A use.

George Alvarez supports the proposed municipal code change to make Group Dwelling use a conditional use in R-3 zones.

Councilman Lizalde said he would like to extend the urgency ordinance, but would like to table the proposed municipal code change. **Councilwoman Rubalcaba, Councilman Beatty, and Mayor Romero** all voiced their support for both the urgency ordinance and the municipal code change.

Motion made by Councilman Lizalde, 2nd by Councilman Sabedra to adopt Urgency Ordinance No. 2014-427. Passed, 5/0.

Motion made by Councilman Lizalde, 2nd by Councilman Sabedra, to table Ordinance No. 2014-426. Failed, 2/3. Ayes: Sabedra, Lizalde. Nays: Romero, Rubalcaba, Beatty.

Motion made by Councilwoman Rubalcaba, 2nd by Councilman Beatty, to adopt 1st. reading of Ordinance No. 2014-426. Passed, 3-1-1. Ayes: Rubalcaba, Beatty, Romero. Nays: Sabedra. Abstain: Lizalde.

13. WASTEWATER MASTER PLAN.

- a. Written Staff Report (Andrew Carter, City Administrator)
- b. City Council discussion and consideration.
- c. It is recommended that the City Council receive the Wastewater Master Plan Administrative Draft and direct staff to prepare a Request for Proposal to hire an expert to conduct a water and wastewater rate study.

Consultant Jon Hanlon presented the Master Plan. It shows that the City has \$10.6 million in needed capital improvements for its wastewater system. \$6.6 million of that is for current needs.

City Administrator Carter talked of the need to conduct a water and wastewater rate study to propose increased rates which would allow the City to meet its capital improvement needs and utility staffing needs. **Mr. Carter** outlined some of the rate setting issues a consultant should review – different residential vs. industrial rates for water and sewer, multiple rate tiers for water usage to encourage conservation, variable rates for residential sewer use, etc.

The consultant discovered that the City is currently not using a safety harness system when employees are doing maintenance within the City's wastewater lift stations. This is a safety hazard. **Mayor Romero** asked **City Administrator Carter** to immediately correct this issue.

Motion made by Councilman Sabedra, 2nd by Councilwoman Rubalcaba, to receive the Wastewater Master Plan draft and authorize city staff to prepare a rate study Request for Proposal. Passed, 4-0-1. Ayes: Sabedra, Rubalcaba, Beatty, Romero. Abstain: Lizalde.

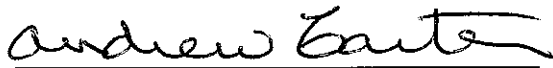
14. **CITY MANAGER REPORT/ FUTURE AGENDA ITEMS.**

Approval of DJ Farms Lot 5.

15. **ANNOUNCEMENTS / COUNCIL ACTIVITY REPORTS.**

Art exhibit at the Dunes Center. Dunes Center is seeking a \$50,000 grant from the Santa Barbara Foundation. Dunes Center has received worldwide publicity about on-going excavations of Ten Commandments artifacts. Historical Society museum about to reopen.

16. **ADJOURNMENT.**



Andrew Carter, Deputy City Clerk



Frances A. Romero, Mayor