

MINUTES

City of Guadalupe Regular Meeting of the Guadalupe City Council Tuesday, June 28, 2022, 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

The meeting was called 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. MOMENT OF SILENCE

Mayor Julian mentioned the recent passing of Victoria Reyes, a Guadalupe resident. He also asked for thoughts and prayers for the 50 people who perished in a trailer in Texas. Continued remembrance for the war in Ukraine and the many sufferings and deaths there. And to all those who are experiencing the negative impacts of our environment today.

3. PLEDGE OF ALLEGIANCE

4. AGENDA REVIEW

There were no requests to change the agenda.

5. 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.

Beverly Taylor: Ms. Taylor spoke in opposition of a recent bill in the California Assembly, AB 2223 and asked the Council or individual council members to also support opposing this bill. AB 2223

would add a new code section 123467 H&S code which states: "(a) Notwithstanding any other law, a person shall not be subject to civil or criminal liability or penalty, or otherwise deprived of their rights under this article, based on their actions or omissions with respect to their pregnancy or actual potential, or alleged pregnancy outcome, including miscarriage, stillbirth, or abortion, or perinatal death due to causes that occurred in utero."

She stressed the strong opposition made against the use of the language, 'perinatal death', as it includes the death of infants up to 28 days after birth with no inquiry related to infant's death. (She also noted that this bill deletes the requirement for a coroner to inquire into circumstances, of all deaths related to known or suspected self-induced or criminal abortion.) Amendments have been made and failed to correct the threat this bill poses to children born in California.

Without an amendment to delete perinatal language altogether, which doesn't appear to be the direction, this current bill with this language could effectively legalize infanticide up to 28 days after the baby is born, the perinatal period, "for any reason". As part of a legal analysis, it states "...including the death of a newborn for any reason during the 'perinatal' period after birth, including a cause of death which is not attributable to pregnancy complications."

Ms. Taylor gave final comments saying, "Senator Thomas Umberg is the chair of the Senate Judiciary committee. I urge you to oppose this bill. We don't need it. The law is clear in California that ending or losing pregnancy is not a crime. The law protects the pregnant individual. I am asking that we protect the child."

The bill has already passed the Assembly and is now in the Senate. Ms. Taylor said, "I don't know what, as a body, you can do but I just ask that this is something that you can look into. The weight that cities carry...mayors and city councils carry a lot of weight in our state. My main focus is on the language, 'perinatal', that's in this bill that isn't currently clearly defined...even the legal analyst for the judiciary made that clear. Again, it's Assembly Bill 2223.

Lupe Alvarez: Mr. Alvarez referred to the recent budget workshop and a letter he submitted regarding a missing part of the levy. It's missing about a mile and one-half to protect the sewer plant, the newly remodeled Le Roy Park, Apostolic Church and a few houses on lower Pioneer. He spoke with Thomas Brandeberry and found that there are grant monies available. He also spoke with Steve Lavagnino, new 5th District Supervisor, and Congressman Salud Carbajal and both are in support.

He said that to go forward, this needs to be agendized to, hopefully, get direction to tap into the grant monies still available. Mr. Alvarez ended saying, "This investment will even encourage a little bit more of a trail to the beach. Agendas have been long but maybe this can come forward at the next meeting or two. It's something that's needed, and it'll protect the Boys & Girls Club, as well."

6. CONSENT CALENDAR

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

- A. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Calendar will be adopted by the same vote cast as the first meeting, unless City Council indicates otherwise.
- B. Approve payment of warrants for the period ending June 21, 2022.
- C. Approve the Minutes of the City Council Regular Meeting of June 14, 2022, to be ordered filed.
- D. Adopt Resolution No. 2022-46 approving the Goal Statement for Fiscal Year 2022-23.
- E. Accept the May 2022 Financial Report.
- F. Adopt Resolution No. 2022-52 approving professional services agreement with Badawi & Associates for auditing services for fiscal years ending June 30, 2022, through 2024, with the option of extending the contract for two subsequent fiscal years.
- G. Adopt Second Reading of Ordinance No. 2022-502 of the City of Guadalupe, California, amending portions of the Chapter 3.20 of title 3 of the Guadalupe Municipal Code related to Transient Occupancy Tax to increase the tax rate from 6% to 10% as well as increase the types of occupancy categories subject to the tax.
- H. Transit Update – for informational only.
- I. Adopt Resolution No. 2022-53 directing staff to forward to the Auditor Controller’s Office of the County of Santa Barbara the water standby charges for vacant parcels within the City of Guadalupe for Fiscal Year 2022-23.
- J. Adopt Resolution No. 2022-54 authorizing the City to enter into an agreement for professional building inspector services with David R. Rose.
- K. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
 - 1. Public Safety Department:
 - a. Police Department report for May 2022
 - b. Fire Department report for May 2022
 - c. Code Compliance report for May 2022
 - 2. City Treasurer’s report for May 2022
 - 3. Recreation & Parks report for May 2022

No items were pulled. Motion was made by Council Member Ramirez and seconded by Council Member Costa, Jr. to approve the full Consent Calendar. 5-0 Motion passed.

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

- *West Main Street Waterline Replacement Project is currently underway on West Main Street from Guadalupe Street to Pioneer Street. This is the replacement of almost a thousand feet of 4-inch pipeline with 12-inch pipe. Project is scheduled to be completed July 15th. Project is approximately \$400,0000.*
- *2022 Pavement Rehabilitation Project is currently in design. Engineers estimate project is \$1.4 million.*
- *A structural assessment of the City Hall has been completed. A building committee meeting is scheduled for July 14th to discuss results and options.*
- *On July 1st the City's transit system will change to two fixed routes instead of one fixed route and one on-demand shuttle. Upgrades have been made to several bus stops including shelters, signs, and lighting.*
- *On June 23rd, the City received a Letter of Intent from 3CE of up to \$250,000 for procurement of an electric bus. The City needs to issue a PO or request an extension within 30 days of that date to secure these funds.*
- *On June 27th, the City finalized the details of the CalFire grant, which is \$170,000 for the preparation of an urban tree plan and inventory of existing trees. The City has until March 30, 2026 to expend these funds.*

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

- *Attended the Air Fest committee meeting at the Santa Maria Airport. The event will be held in September and they're looking to make sure Guadalupe is represented and some Guadalupe dignitaries attend.*
- *For the recent rash of vandalism, the Police have identified all vandals. Some have already been arrested. With the help of Public Works, they're giving me some of the projects that some of these vandals can paint over or do. We've already spoken to some of the parents and things are being worked through now.*
- *Have had discussions with two (2) major cities for a possible fire engine. I met with one (1) of our fire captains and was given detailed specifications of what the needs and wants are. Most of these large agencies rotate these vehicles out and donate to other cities. We're in the process of determining how this will work out and trying to now to get on their list.*
- *4th of July – PD has already sent out flyers to the community about enforcement. An aerial drone was just procured that will be used for 4th of July and also for the Fire Department. This gives us "eyes in the sky" for better enforcement.*
- *Graffiti Task Force – I've spoken with our Guadalupe Business Association. We want to make this a community-driven type of enforcement and not from strictly the Police Department. Things are being worked out now. Mr. Garret Matsuura has worked with us to update the complaint form which is now online. We're making sure the program is set...then we'll put together the community meeting to make this more citizen-driven to report. We'll be working with the Police and Fire Departments to then address these complaints.*

- CCW Permits – the California Attorney General just came out with their directive. The Supreme Court upheld the 2nd Amendment regarding carrying a concealed weapon. We now need to get more clarification on what the state process would be. Currently, each jurisdiction will have the responsibility to issue CCW permits. Currently, we only have two (2) citizens requesting. We want to make sure everything is legal, so our city attorney is also sending that determination from our State Attorney General's office. If we have any questions, we'll be working with the city attorney's office on that.

9. MAYOR'S REPORT- UPDATES

The mayor encouraged reading the report to see all that is happening in the City here. CM Cardenas said, "On #14, the ribbon cutting for Jack O'Connell Park has already happened." Mayor Julian added that Masatani Market donated ice cream for the ribbon cutting event.

PUBLIC HEARING

- 10. Public hearing to consider TrusPro addition and Solar Project, 2022-095-DR, to approve two additions to the shop building totaling 1705 square feet and approve a roof-mounted photovoltaic system totaling 38.48 kW (370 modules).**

Written report: Larry Appel, Planning Director

Recommendation: That the City Council:

- a. Receive a presentation from staff;
- b. Conduct a public hearing, including: 1) an opportunity for the applicant to present the proposed project, and 2) receive any comments from the public; and
- c. Adopt Resolution No. 2022-55 approving 2022-042-DR, including DR Findings, CEQA Class 32 Exemption and Conditions of Approval.

Mr. Steve Herring, President of TrusPro and owner of the property initially spoke on this issue giving some background. The key point is that two additions were made to a building without the appropriate permits. City Attorney Sinco added that this would have been a minor design review except for the un-permitted addition which was discovered at a later date. Staff is fine with this request and the applicant is fully cooperating.

Public hearing opened at 6:19 p.m. There were no requests to speak or additional comments. Public hearing closed at 6:20 p.m. Motion was made by Council Member Robles and seconded by Council Member Costa, Jr. to approve Resolution No. 2022-55. Roll Call: All Ayes 5-0 Motion passed.

- 11. Pasadera Landscaping and Lighting District (FY 2022-23) – Public Hearing.**

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

Recommendation: That the City Council conduct a public hearing to provide all present with the opportunity to speak regarding the assessment for the Pasadera Landscaping and Lighting District and adopt Resolution No. 2022-56 confirming the Engineer's Report, Assessment Diagram, and assessments related thereto for Fiscal Year 2022-2023.

(Note: CM Ramirez recused himself.) Ms. Sweeney said that this is an annual exercise to pay amenities for the lighting and landscaping in the Pasadera development. At the Council meeting on June 14th, the City Council adopted a resolution, setting a public hearing date to adopt the resolution which approves the Engineer's Report and orders the levy and collection of assessments on the County tax rolls for FY 2022-23.

Public hearing opened at 6:22 p.m. There were no speaker requests or additional comments. Public hearing closed at 6:23 p.m. Motion was made by Council Member Costa, Jr. and seconded by Council Member Cardenas to adopt Resolution No. 2022-56. Roll Call: Ayes: 4 Recused: 1 Motion passed.

12. Guadalupe Benefit Assessment District (FY 2022-23) – Public Hearing.

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

Recommendation: That the City Council conduct the public hearing to provide all present with an opportunity to speak regarding the assessments for the Guadalupe Benefit Lighting District No. 1 and adopt Resolution No. 2022-57 setting the proposed assessments.

(Note: Mayor Julian and CM Robles recused themselves. Mayor Pro Temp Ramirez presided.) Ms. Sweeney said that this is the second of three benefits. This benefit assessment district is for lighting and landscaping in the Point Sal Dunes and Riverview subdivisions. The parcel assessments are the same as last year.

Public hearing opened at 6:25 p.m. There were no speaker requests or additional comments. Public hearing closed at 6:26 p.m. Motion was made by Council Member Cardenas and seconded by Council Member Costa, Jr. to adopt Resolution No. 2022-57. Ayes: 3 Recused: 2 3-0 Motion passed.

13. Guadalupe Lighting District (FY 2022-23) – Public Hearing

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

Recommendation: That the City Council conduct a public hearing to provide all present with an opportunity to speak regarding the assessments for the Guadalupe Lighting District and adopt Resolution No. 2022-58 setting the proposed assessments.

Ms. Sweeney said that this is the third of three benefit districts. This is for the annual cost of street lighting, the Katayama clock, city parking lot (Veterans Memorial Plaza), and Amtrak depot. (Property tax is subtracted.) Rates are unchanged from last year.

Public hearing opened at 6:28 p.m. *There were no speaker requests or additional comments.*
Public hearing closed at 6:29 p.m. Motion was made by Council Member Ramirez and seconded by Council Member Robles to adopt Resolution No. 2022-58. Roll Call: All Ayes 5-0 Motion passed.

REGULAR BUSINESS

14. Fiscal Year 2022-2023 Proposed Budget.

Written report: Lorena Zarate, Finance Director

Recommendation: That the City Council adopt Resolution No. 2022-59 accepting the proposed budget for the fiscal year 2022-2023, along with the Capital Improvement Projects Budget, Capital Facilities Program of Projects, and American Rescue Plan Act (ARPA) allocation of funds.

Ms. Zarate stated that at the budget workshop held on June 15, 2022, the Council recommended items to be deferred, eliminated, revised, etc. She went through the revised proposed budget for FY 2022-23 highlighting what was initially proposed in the June 15th workshop versus the proposed revised budget as follows:

General Fund Summary:

Revised revenues of \$6,923,013 vs \$6,761,712, an increase of \$161,300. Revised expenditures of \$6,855,696, a decrease of \$891,200.

All departments had expenditures cut, with the more significant ones being: 1) Police, 13% decrease or \$370,000; 2) Fire, 12% decrease or \$166,700; 3) Building & Safety, 15% decrease or \$43,300, and 4) Non-Departmental, 28% decrease or \$190,000, and 5) Building Maintenance, 15% decrease or \$49,396. Administration, Finance, and Parks & Recreation Departments also had expenditures cut, 7%, 3% and 7%, respectively.

Some examples of these expenditure cuts:

- Administration: *eliminated 20% increase for City Administrator*
- Building Maintenance: *eliminated turf replacement for city facilities*
- Building & Permit: *defer hiring Associate Planner for six (6) months with review of budget at that time*
- Finance: *eliminated temporary for Tyler implementation*
- Fire: *eliminated Battalion Chief position*
- Non-Departmental: *eliminated rubberization of O'Connell Park and Tognazzini Park improvements*
- Police: *defer hiring two (2) police officers and one (2) Emergency Preparedness Coordinator for six (6) months with review of budget at that time*

The difference between budgeted revenues and budgeted expenditures per this proposed draft is \$67,317. As revenues are expected to exceed expenditures by \$67,000, the estimated fund balance for the general fund is expected to be approximately \$890,00 in the black for fiscal year 2022-23. One of the City Council's main goals is a balanced budget. This revised proposed budget does reflect a balanced budget.

Some examples of changes to other funds:

Streets Special Funds:

- Measure A: decrease of \$7,550 in overall budget, which includes update to the transfer to General Fund, which decreased by \$4,650*

Enterprise Funds:

- Water Operating: increase of \$60,700, which includes a transfer to the General Fund and \$60,000 for cost of turf replacement*
- Wastewater Operating: increase of \$50,000 for grit system replacement cost*
- Transit: revenues in the amount of \$2,960,305*

Miscellaneous Special Funds:

- Library Fund: decrease of \$4,000 for rent, due to donation from Friends of the Guadalupe Library*

Capital Improvement Projects: *the City plans on completing \$20,053,162 in FY 2022-23 for public improvements*

ARPA: *changes were made to reflect the funding for Recreation Services Manager and Facilities/Parks Maintenance Lead positions; transfer of \$166,200 to General Fund; \$30,806 for Los Amigos de Guadalupe, and \$707,000 for capital projects.*

CM Cardenas asked about the Animal Services contract's increase and whether the City looked at other services. Mr. Bodem explained, "Chief Cash had looked at the option to have service in-house before. City of Santa Maria may sign into a 5-year term, with a 60-day out and Guadalupe may want to do the same. By City Code, we must have this service. The current fee is \$61,900 and will go up about 4.5% to \$64,000 for FY 2022-23. We're looking to have the contract brought before Council at the July 12th meeting for a 5-year term, with the 60-day out provision. It might be best to work with Santa Maria." CM Ramirez said this has been a 'hot topic' with the County Board of Supervisors and that they're looking at rejection of this contract by cities because of the 5-year term. CM Ramirez felt that the City shouldn't agree with a 5-year term, but Mr. Bodem said that this is the way the contract is set up, with that 60-day out.

There was further discussion of projections/estimates and whether we saw anything beyond May. Ms. Zarate said, "The estimates are for trends through April 2022, which includes estimates of property tax, sales tax, etc. from HdL. I'm confident in those estimated figures and that revenues up through September will be included in FY 2021-22."

Other discussion involved importance to keeping the temporary worker for the Tyler accounting software implementation. CM Ramirez cited the benefits of that system for both staff, residents and public in conducting business efficiently. Also, Fund 76, People Self-Help Housing, and possibility of moving some funds for non-urgent budgeted items to another department where cuts occurred. Mr. Bodem stated that elimination of step increases, though, approved is under review.

Mayor Julian said it's been discussed before that a number of homes were anticipated to be built but that's now hit about a 47% or so reduction in revenue that we thought we'd be getting. He cited the following facts on surrounding cities, showing population and FY 2022-23 budget compared to Guadalupe:

<u>City</u>	<u>Population</u>	<u>Budget</u>
Santa Maria	107,000	\$258,000,000
Goleta	32,000	56,899,301
Carpinteria	14,000	41,678,735
Buellton	6,000	\$ 10,000,000
Lompoc	47,800	\$ 45,756,355
Santa Barbara	92,000	\$184,100,000
Guadalupe	8,500	\$ 6,855,700

They mayor said that about 10% of Santa Maria's budget goes to public safety, with Police at \$12.4M and Fire at \$14.2M. Lompoc's budget for Police is \$13.1M and for Fire, \$7.6M. Santa Barbara's budget for Police is \$51.4M and for Fire, \$29.0M. For the City's total budget, about \$2.8M is for Police and \$1.2M for Fire. Other cities have TOT. We lose monies to Santa Maria in sales tax. COVID hit and hurt all over. We received ARPA funds in the amount of \$1.8M. ARPA allocations for Santa Maria are \$50M and for Lompoc, \$15M, due to their higher populations.

Other comments from the mayor: Fire Chief...Battalion Chief – seems to be a practical approach...not to belittle Chief Cash as it's a hard stretch to take care of both responsibilities; look at Lompoc and Santa Maria...a lot of shootings, we have a safe environment. Public Safety needs to be elevated...we don't want to lose our employees...Santa Maria needs 25+ police officers...we lack officers, too, but the monies just aren't there; cannabis can't do everything...we need more to move forward...additional monies for the Royal Theatre because "we're a poor community"...we received for Le Roy Park, \$1.7M, Central Park, \$4.9M and the Royal Theatre, about \$9M...the monies for the Royal Theatre will help with the second phase to help create jobs...we're locked in a kind of stalemate with Cal Trans, Highways 1 & 166, and Southern Pacific Railroad...the signalization project with Cal Trans is locked...would like to see the new school going up...we're leaning forward but COVID and Pasadera hurt us.

Mr. Deek Segovia gave a clarification that during the discussion of expenditures, a comment was made about work on various buildings. He said that the American Legion was cited. He wanted it

on the record that the American Legion doesn't have a building. We do have a Veterans Memorial Building.

CM Cardenas asked if ARPA funds could be used for the \$6,500 for temporary help for the Tyler accounting software implementation. Ms. Zarate said that an amendment would be made to the ARPA funds.

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to approve Resolution No. 2022-59 with amendment to add back \$6,500 for temporary position during Tyler accounting software implementation, using ARPA funds. Roll Call: All Ayes 5-0 Motion passed.

15. Approval of City Policy for Veterans Memorial Building.

Written report: Philip F. Sinco, City Attorney

Recommendation: That the City Council adopt Resolution No. 2022-60 approving a policy for the shared use of the Veterans' Memorial Building between veterans' group, the City, and the general public.

City Attorney Sinco said that the staff report was rather detailed but felt that it was important to show the full background for the public as well as the Council to understand why "we're here asking to approve this policy". He then highlighted some of the key dates and points:

November 22, 1994: Santa Barbara County managed the Veterans Memorial Building ("Building"), located at 1059 Guadalupe Street, until it granted it to the City.

April 21, 1997: On or about this date, City entered into a lease agreement with the American Legion Post 371 ("Post") for the 'leased premises' (which included the Building and property's exterior with City maintaining the property's exterior portions), for a five-year term, ending on April 30, 2002, with a month-to-month provision with lease terminated and American Legion still in possession of leased premises.

April 24, 2007: 'Lease Extension agreement' was entered into between Post and the City, extending the term of the lease, with same hold-over provision, ending April 30, 2012.

April 30, 2012: Lease extension ended, and lease was converted to a month-to-month lease, until February 10, 2021.

January 11, 2021: Todd Bodem, City Administrator, sent a letter giving the Post #371 thirty (30) days' notice of the termination of the lease with the City. The Post was asked to provide list of dates of Post's use of building and that the City intended to rent the facility and exterior barbecue when not in use for veterans' activities. It was stated in the letter that the reason for the rental would be to offset the annual cost of the building's maintenance, estimated at \$30,000 per year.

February 10, 2021: Lease was effectively terminated. Prior to the January 11, 2021 letter being send, Mr. Bodem received a quote of \$17,000 to fumigate a possible termite infestation. After a review of the lease agreement, it was discovered there was no evidence of any monthly or yearly financial accounting/reporting as required by the lease. The possible "last straw" was then Mr. Bodem discovered that the Vietnam Veterans had been meeting in the City's Senior Center for the last 4-5 years. They were meeting there because the Post made it difficult for them to meet at the Building. However, all veterans are entitled to use the Building. Post did not agree with the termination of the lease.

June 11, 2021: Mayor Julian, Mr. Bodem, Philip Sinco, some Post leadership members and Post's attorney, John Dorwin. met to try and negotiate a resolution and agreed that a Memorandum of Understanding ("MOU") for joint use would be necessary. The City agreed to draft the MOU with input from Mr. Dorwin.

City Attorney Sinco sent various drafts of the MOU on several occasions to Mr. Dorwin, and he came back each with the same objections: Post did not agree that City had the right to rent the BBQ area and/or to rent the bar/lounge area which had not been previously rented to the public. However, the City felt the need to rent for the increased revenue to offset maintenance costs of the Building.

January 4, 2022: The final draft of the MOU with the City's 'final offer' was sent to Mr. Dorwin. This draft included the City's demand that public rentals of the BBQ area and the bar/lounge area be permitted, with no fee required to be paid to the Post for use of the BBQ area or the Bar/Lounge area. Mr. Dorwin objected to the City's final offer.

The city attempted to work with Post and its attorney negotiate an MOU in good faith. With Post 371's refusal of the City's final draft MOU proposal, City Attorney Sinco said, "The City's on good ground and asserts ownership of the Building as intended as of February 2021. Staff has drafted a policy which has much that was in the MOU for shared use of the City's Veterans Memorial Building between all veterans' groups, the City and the general public. The main provisions of this policy are summarized as follows:

1. Veterans' groups will have exclusive use of the Lodge Room (military items) for meetings – there is a room between the main hall and bar/lounge area that can be used as a passageway.
2. The City will have exclusive use and control of areas used by the Fire Department, electrical closet and storage area above the kitchen/main hall areas.
3. All other spaces in the Building, like the kitchen, main hall, bar/ lounge area, and the external BBQ area will be shared. (The office space will still be able to be used by Post.)
4. One (1) room is currently being rented by Alcoholics Anonymous and three (3) rooms are being rented by the Rancho de Guadalupe Historical Society. These rentals will be allowed to continue at \$200 per month, paid to the City. (Note: on the schematic, two (2) spaces shown as 'storage')

but are part of Rancho de Guadalupe Historical Society. Also, the zip code is 93434. Both will be corrected on final copy of the policy.)

5. *Storage spaces – policy doesn't dictate primary use; both City and veterans' groups can use, as determined by City Administrator or designated staff.*
6. *No charge for veterans for shared spaces for event that is not open to the public; but if open to the public, rental fees would be charged but veterans would have priority over the public.*

(Note: City Attorney Sinco said that Mr. Dorwin requested that both deeds be shown on record. Both deeds say basically the same thing that the City owns the building primarily for use by veterans although reasonable incidental non-veteran uses are going to be allowed. The purpose of that is that the City or whoever receives the rent is responsible for the maintenance of the Building.)

7. *If alcoholic beverages are sold, a one-day Alcoholic Beverages Control license is required as is approval from the City of Guadalupe Police Department consistent with the City policy for rental of city facilities. (Any veterans' event or activity held at the Building, not open to the public where alcohol is provided, with or without charge, requires approval by the City of Guadalupe Police Department.)*
8. *If food is sold, a caterer is required with all necessary food and health safety permits to be obtained by holder of event/activity. (If not open to the public and food is served, a caterer/health permit is not required.)*
9. *The City will pay for all utilities and be responsible maintenance for landscaping on the parcel where Building is located."*

City Attorney Sinco said that this is Phase 1 of the proposal. He said it's important to go forward, but that he expects Post 371 objections based communication received from their attorney. He explained, "There will be a dispute of personal property that belongs to the American Legion. The lease included some of that. The City advised the Post attorney on numerous occasions to remove the property. If it isn't removed, the City will negotiate to purchase it. The same request for the BBQ. A communication from Post said that Post would rather remove the equipment than let the City use it. The City is fine with that and will replace the equipment or purchase it from the Post. Equipment not willing to be shared should be removed so the City can replace and start renting the facility or sell to the City at a fair price."

Mayor Julian then commented that working through this effort to provide the Veterans Memorial Building as a home for veterans, that's been a priority, regardless of veterans' organization, branch of service, etc. He commented on the extensive research effort of City Attorney Sinco in trying to move this forward to benefit the veterans and the public. There are only two (2) facilities, besides the Veterans Building, for city functions – the City Auditorium and Senior Center, which is small. We

owe it to the veterans to be able to use this building and then the public. Details are in the staff report showing response to Post attorney. The mayor said, "This MOU is needed, and I appreciate both Mr. Sinco's and Mr. Dorwin's efforts. Emails on this topic that will be part of the record."

The mayor then opened the discussion to those requesting to speak. He said that there were numerous requests and reminded all that each had three (3) minutes to speak.

John Dorwin: Legal counsel for American Legion Post 371. "The legal test is this: 'is the resolution that is being proposed arbitrary and capricious or an abuse of discretion in adopting the resolution?' What the City staff proposes violates my clients' historic use and occupancy of Veterans Memorial based upon the 1931 deed, the 1994 deed and various cases he cited, sections of the Military and Veterans Code." He mentioned 90 years of occupancy and use of the facility in reliance of the original terms of the dedication in the 1931 deed.

"The City is going through great lengths to sabotage my clients to obtain a type 5 liquor license. The position the City Attorney has taken is that a lease is needed or some other evidence to occupy the premises. Only one deed is necessary – the veterans have two (2) deeds. All we want is what Post #56 has in Santa Maria which is a lounge open to all veterans."

He said that he was mistaken, did some more research and cited page 6 of the staff report. He said, "We can serve our members, our bona fide guests...members of other organizations, such as the Vietnam Veterans...reserve officers and active-duty personnel, and anybody who falls within the statutory definition of a veterans under the Government Code, somebody who served during a national emergency. So, we don't think it's unreasonable to ask for a Type 52 license for the benefit of all veterans instead of having to go to the ABC and pay \$75 for a daily permit. We also feel it's unreasonable, with all due respect, to have to go to the Chief of Police whenever we want to serve alcohol in a veterans' facility when it's common practice in all veterans' facilities throughout this state."

At this time, the three-minute mark was cited. Mr. Dorwin asked for one of his members to yield his time. Mayor Julian said "You'll have all the time you want. You had three minutes." He then called up the next speaker request, Mr. Peter Benedict. Mr. Dorwin said, "I want to offer proof that I was not allowed to present my statement completely as counsel for the veterans." The mayor told Mr. Dorwin to go ahead and finish.

Mr. Dorwin continued citing numerous amendments relating to his clients 'freedom to associate'. He said that the consumption of alcohol is not dictated by cities but rather by the State, arguing for a Type 52 license as a recognized veterans' organization and that the City's actions denying such license is an abuse of discretion, arbitrary and capricious and violation of State law as well as the 21st Amendment to the Constitution of the United States. He said, "Post should have been able to apply for a license with a zoning clearance and process a license with any conditions and input from the public and the City. That process has been denied. That is a denial of due process and equal

protection and his clients, as well as the other affected veterans, have standing to bring an action to correct that should the Council adopt the proposed resolution.”

Mr. Dorwin then talked about the lounge area and that if alcohol was to be there, Post could not allow the public to also be there without a Post member present to provide security. He alluded to a lot of functions that Post has that are sensitive matters that require security. He does not believe that the City can open up the lounge area to the public without a designated representative of the American Legion being present. The same for the BBQ. “They’ve had bad experiences when the public was allowed to use that facility...they wrecked it.”

Mr. Dorwin stated, “Council pointed out that the lease is gone...that it’s terminated.” He said that that his clients have their rights under State law, federal law, and other regulations and rulings. He also said that under the Military and Veterans Code, Post not being able to use the personal property, and the BBQ area, the City has a double obligation to pay just compensation, the fair market value of what is being taken for public use, re-dedicate it and open to the public. Citing some legal cases, he said then that the City has an obligation to provide Post with equivalent facilities if it takes over the facility and opens it up to the public. “The bar, the BBQ and the personal property fall into that category, citing the Military and Veterans Code, and that the City has to give Post a substitute location.”

He said the term, ‘rental’, for the Veterans Memorial Building, is inappropriate. He thinks you can ‘license’ spaces, but the City can’t rent out spaces...being rent implies a leasehold interest for a definite term which he thinks is contrary to the deed. He further said that the City needs to provide the Vietnam Veterans and other veterans groups with the same accommodations that historically have been provided to the American Legion...an office, exclusive meeting area and storage for amenities those groups have. He offered to sit down with the Vietnam Veterans and anyone else to determine ‘who gets what’. It’s not the City, as he cited case law, that is in a position to dictate to them ‘who gets what’.

Mr. Dorwin said, “Every time we sit down to negotiate, we come back with less and less. That’s a problem. We think there needs to be everyone at the table. Ultimately, if this proceeds to litigation, we believe that not only should the County of Santa Barbara have been noticed under the 1994 deed, but we believe, before the resolution was considered, there should have been a notification to the California Council of Druids, who are still out there, who have residual rights under the 1931 deed. We think that’s a defect in the noticing of this resolution, not to notice people who have interests under the recorded instruments and residuary rights should the Council do something to violate the terms of the dedication.”

Mr. Deek Segovia asked, “I just want to ask how many three-minute sections that was?” Mayor Julian responded, “You can have more time.” City Attorney Sinco added, “Mr. Mayor, you’re obviously in charge, but I think in light of importance and the legal issues, it doesn’t really do us too good to enforce the three-minutes unless it starts to get really petty and then you’ll use your

discretion. That's just my take on this." The mayor said that he was setting the three-minute timer but if the speaker needs to go on, that's fine

Peter Benedict: I'm the current Board President of Chapter 982 of the Vietnam Veterans of America. My dad was drafted in World War II, 101st infantry. He was a greenhorn in Europe and when the Battle of the Bulge happened, he was in the middle of it. I asked him what the most common memory he had of World War II. He told me it was blood mixing in with mud. He lost control of his bodily functions twice during combat. He came home...his family owned bars...my dad owned a bar. He had a problem with drinking, and he committed suicide when I was 18 years old. Currently, most of us know that twenty-two vets commit suicide each week. I would propose that most of those veterans are either drunk or loaded at the time that they killed themselves. I'm a voice in the wilderness here saying that of the hundreds of places in Santa Barbara County that serves alcohol, I don't think a veteran's organization should be one of those. We have a problem with trauma, alcohol and drugs. Thank you."

John Velasquez: "I yield to our attorney". (At this point, the mayor asked if Mr. Dorwin wanted to speak further. Mr. Dorwin said, "I'm done.")

Marcelino Reynante: "I'm done"

Art Amarillas: "I yield to our attorney."

Ronald Stevens, Sr.: "I yield to my attorney."

Daniel Adams II: "I also yield to my attorney."

Deek Segovia: I'm a representative of Chapter 982 of the Vietnam Veterans of America. I've been here before so the City Council knows of the situation we have but there may be a lot of people who don't know.

Where this starts for me is when the Vietnam veterans first started coming home, we were not allowed ... because 'ours was not a war', as was told to us. It took some years to open up the doors to the Vietnam veterans. In the meantime, we created our own organization, 'Vietnam Veterans of America'. With that, many things happened...PTSD was determined, Agent Orange, many things we speak about. What happened to us then, back in the 60's and 70's, we thought it was all behind us until we started a chapter.

In 2006, 2007 – we were formal. Initially, we were meeting at the Cultural Center, Joe Talougan, but we got too big for that...we moved to the Simpatia...then got too big for that. Joe Battara, Commander of Post 371 at that time, invited us to that Building. He said, 'You are veterans, you belong here.' But then the 'powers that be' ousted Joe. After that, we came in on a Saturday for a regular meeting and the place was all decorated. The new commander, John Velasquez, said to us,

'Oh, you guys can't meet here today. If I can rent this building and make money, I'll do that over veterans.' That's the attitude from way back.

John Velasquez asked us then, 'Why do you have to be Vietnam Veterans of America? Why can't you be Legionnaires?' I am a Legionnaire with Post 66. A lot of our members are with American Legion, VFW, DAD, all mixed just like the American Legions are. We're all mixed but we were not welcomed here. In those days we had 70-80 people and we needed that large hall. But he (John Velasquez) said that we could use the bar area. That wasn't workable so we had to leave there because we didn't know enough at the time to approach the City. We didn't know that.

So, we left, and we met at the school. We paid them but they allowed us to meet there. In 2012, our chapter imploded, and we relocated to the VFW in Santa Maria until we were welcomed back. John Archuleta, one of our officers at the time, worked out a way to get back to Guadalupe, our home, using the Senior Center. We've been meeting there ever since for about four (4) years now.

We've never been invited to the Veterans Building. The gentleman spoke up here about the City of Paso Robles, the City of Santa Ynez, Santa Maria...we are not those cities. We are Guadalupe. The City of Guadalupe, the City Council and the community have always backed the veterans. At our first function at the city parking lot, now the Veterans Memorial Plaza, we served 1,500 people. A lot had never been here before because of the reputation we had. So, the community and the City have always been with us.

There have been some rumors since all of this started two (2) years ago. Rumors were out there that the City was 'anti-veterans'. Shirley Boydston, God bless her, I love her...she wrote an article about how the City was kicking the veterans out of the building and they would be homeless. I called her and we talked. I asked her why she wrote that? What were you thinking? She said, "This is what I was told." Who told her that? I have my guess...can I prove it? No, and I'm not going to ask her. Those kinds of rumors are hurting the City...they're hurting themselves, the American Legion. They're making an embarrassment of themselves.

That BBQ pit was made by Louie Navarro...it was on wheels. When his son-in-law, a highly decorated Vietnam veteran, passed away, the family was charged to use that building for this veteran. And they were going to be charged \$500 to use that BBQ pit which Louie Navarro made. It's just unjust.

I don't care about the facts and figures thrown out. We're from here...we're Guadalupe. We don't need a bar. They weren't making a lot of money on the bar. And what happened to their liquor license. Why do they have to apply for another liquor license? If they didn't have a liquor license, how were they selling liquor there before? And if they did have a liquor license, what happened to it? Who accounts for that? There are people to report this to, but who reports it? Who is the commander?

I started the American Legion Riders out of Post 371. But because of the issues dealing with the commander there, I told the guys, "I'm out of here. I have a better invitation to ride with an ALR in

San Luis Obispo where there's no oppression. The attorney should never mention 371 and 982 together again because we're not together. We've never been invited...we tried to set up an MOU with them years ago and was turned down. The City owns the building...the City wants to open up the building for all of us to use. 982 doesn't want to be under the thumb of 371.

It's very upsetting to me because of what we had to go through back then. We have several members in this room who were there with me in the beginning who are still there. And we still have this issue with the American Legion. They want to be all welcoming now asking to get together. No, the talking stuff is over. Let's move on. We'd love to do functions with the American Legion here in town. We get invited to Atascadero to do functions with them...with Arroyo Grande...with Santa Maria, but we don't get invited by this commander of this Post.

I used to say it's one person...but not anymore. It's all of 371 because if you stand for this injustice, you're with him. You can't sit on the fence. It's just very disturbing to me when I walk into that building, after being treated the way we have by that commander, to have to go in there and see a life-size cut-out of himself up on the balcony, looking down at us. I don't know how you in the 371 can deal with a personality like that, but you do. No one says anything. We're veterans, too. And we have every right to use that building without being under the thumb of 371.

Mr. Marcelino Reynante then spoke. He said, "We let the group come into the building. We came in after the meeting and found our stuff removed. Right? They had taken down John's thing and stuck it back in the office. They took down the American Legion stuff and put it on a table. They put up their signs. And we went, 'This is what they want to do?' They put up their signs...this is our group...this is not the American Legion. That's just some of the things that happen. If that's what you're going to do when you come in...you don't remove the other peoples' stuff...you don't take down stuff and move your stuff in place. If you want to put stuff up, come in and let's discuss it. That's the proper thing to do. You don't just remove the stuff that the American Legion already has out there and put it on the table. Or take down John's cut-out and put it in the backroom. Is that reasonable? You come in and say, 'Here we are. We have the facility.' You have the facility, but you don't like the looks of it. "

Mr. Segovia responded to Mr. Reynante's comments. He said, "First of all, it's not an American Legion building. It's a city building. And are they the only ones who can decorate the hall? Put their stuff up? It seems to me like that control they want, is that everything there is done. You can't move anything. If you can have your sign there, I can have my sign here. Even with that cut-out, it was reported as being destroyed which it never was. That's not my property. I folded up things there. That's not an American Legion room. They have a room over there, but they want this room, too. So, it's a bit childish to think that 'this is mine and you can't move it'. If I clear it with the City and tell the City everything that we're doing in there, if they have an objection, then the City will object, and I'll listen to them. They're the owners of this building...you can't decorate every room in there and say, 'Oh, it has to stay because we're American Legion.' I'm American Legion, also..."

At this point, Mr. Reynante started to speak but was interrupted by Mr. Segovia. Mayor Julian then asked Mr. Reynante if he wanted to comment. Mr. Reynante said, "You want to talk about childish things. They come in the building, and they decide to remove some of our material that's already there. If you don't want the material there, let's sit down and have a discussion. Don't just remove it. Put it on the table. Take the signs down, fold them up and put it the office or something. But if you want to talk about childish, that's childish. If something's not the way you want it, let's sit down and have a discussion. We didn't have a discussion...they just decided to remove things themselves." Mayor Julian added, "Deek asked me if he could remove the sign. I approved and told them to turn it around. So, he wasn't at fault for that...he asked me."

The mayor had additional comments. "I belong to the American Legion, Post 371. Back in the late 60's, early 70's, our population was around 2,200-2,300. And 220 individuals served in the military, during the Vietnam era. At least 14 from one street served in Vietnam. People don't need to be treated like that. Mr. Dorwin brought it up and said why don't we meet. That's great, but we haven't been able to do that. To me, this will move it forward...this MOU. Any further comments?"

City Attorney Sinco said, "It's not an MOU, it's a policy. There may be a possibility to negotiate an MOU in the future, but we're ready to move forward and recommend adoption of the City policy. We can always enter into an MOU, in addition to that, and perhaps change some of the policy if it was agreed upon." He added, "Mr. Dorwin and I have exchanged numerous emails about the issues. I know the cases he cited. I have a different interpretation, otherwise I wouldn't have brought this item forward for your consideration. I don't think this document is arbitrary and capricious. If we have to litigate, I'm very comfortable and I want to say for the record that I'm prepared to defend the City's actions."

CM Ramirez said that, in the past, there were comments that the locks have been changed. City Attorney Sinco said that we have possession of the building and have access now, after the termination. It's not addressed in the policy, but it's somewhat implied.

CM Robles questioned the definition of the term, veteran, and asked if there was one specific definition. Mr. Dorwin asked to speak at this time. He said, "California has a definition in the Government Code. There are eligibility requirements to being considered a Vietnam veteran. The American Legion has the most inclusive and loosest standards. They allow anyone who was in a conflict, up to an including Vietnam and the Cold War. Anyone who served from 1941 on for American Legion membership. "

CM Robles had other comments. He spoke about his father coming here from the Philippines. He said "During WW II, if you ever look at the 'Day of Infamy' speech, President Roosevelt scratched out 'Guam and the Philippines' but both were attacked on that same date. The Filipinos, stateside, petitioned the government to go back and fight Japan's occupation. They were granted under a segregated unit. My father fought in the 2nd Filipino Battalion. He's interned in the Guadalupe Cemetery. Would he be considered a veteran?"

City Attorney Sinco responded that he believed so. He cited a definition from the California's Military & Veterans' Code a definition that would apply. Mr. Dorwin added, "If your father fought after 1941, he would be eligible for American Legion membership." Mr. Segovia said that there were 14 sets of brothers from Guadalupe who served in Vietnam. He also added a correction to what Mr. Dorwin said...Vietnam Veterans of America is the only group chartered by Congress.

The following emails were sent in on this item:

Shirley Boydston: A lot of history is involved in the MOU, most of it spot-on. Please see page 9 of 9. The RANCHO DE GUADALUPE Historical Society has not received notice to not pay rent to the American Legion Post #371. See also the OLD schematic of the building. The Museum of the Historical Society is in space designated as 12. Spaces 10 and 11 are contiguous with that main building and are not storage spaces. MANY years ago, the "city" had an office in space 11 with access from the outside corridor. That door is no longer operable. (Email received 6/25/22)

Shirley Boydston: Mrs. Pelton asked me to reiterate that space 10 and space 11 are part of the Rancho de Guadalupe Historical Society Museum, space 12 and are NOT storage spaces. We wish to avoid any confusion in future deliberations. Thank you. (Email received 6/26/22)

Todd Bodem: To Shirley Boydston: I sent a message over to you folks. It must have got lost in the 'shuffle'. This is an official notice telling you to hold off on paying rent until then this gets settled between both parties. Would you like your memo discussed tomorrow night? Thanks. (Email sent 6/27/22)

Penny Chamoussis: Concerns Regarding American Legion Post #371, Guadalupe, CA

Finances: First and foremost is my concern regarding the finances of Post 371 under the leadership of John Velasquez. It is my understanding that when asked for the Post's Federal Tax Identification Number for purposes of a charitable donation, Mr. Velasquez cited an invalid number and when pressed further, he did not have the information. Is the Post collecting funds utilizing an invalid tax exemption for non-profit organizations? Does the Post even have a valid Tax Identification Number? Have they been illegally collecting funds as a tax-exempt non-profit organization?

I have personally witnessed Mr. Velasquez disbursing funds from an Auxiliary account without consent or authorization from the auxiliary for an event that was neither explained to nor authorized by the Auxiliary. The auxiliary was never reimbursed for these funds which amounted to over \$800. No explanation was ever offered to the auxiliary for this event.

Liquor License. Did the Post have a liquor license to operate the bar? If so, was the license sold and if so, was this sale authorized by the membership of the American Legion members? Was there a motion, what was the number, who proposed the motion, etc. What happened to these funds?

Mr. Velasquez controlled all activities that occurred at the Memorial Building, including all funds generated by rental of the building. Was any of this money ever accounted for or given to the City of Guadalupe since the building does belong to the city?

Post By Laws: It is also my understanding that all American Legion Posts maintain valid By Laws voted upon by the members of the Post. When asked for said by Laws Mr. Velasquez stated that Post 371 does not have any By Laws. Election of officers, meetings, membership/dues, collection and/or disbursements of funds, and/or any other operations that are governed by by laws.

Building Access: Mr. Velasquez has installed locks on every door in the building and maintains the only set of keys. Other Veteran Organizations are not allowed to access any storage space or other meeting rooms in spite of the fact that they are not being used by American Legion.

Given the fact that the Veterans Memorial Building is owned by the City of Guadalupe, allegedly for the use and benefit of all veterans, why are all veterans not allowed access to the building including all meeting rooms and equitable storage? Why aren't all veteran organizations allowed use of the facilities for fund raising as well? Where do all the funds from the events held by Mr. Velasquez go? Who are they benefitting and how are these funds accounted for? I believe this is a particularly important topic given the fact that the American Legion is a non-profit organization governed by both federal and state laws. Where is the accountability? (Email received 6/27/22)

Rob Doty: We are writing to you today to request fair treatment of our local Guadalupe Firefighters. It has come to my attention that an MOU offer from the City has demanded pay cuts, loss of incentives, and schedule changes unprecedented in the fire service. They are already the lowest paid department in the county, and inflation is hurting the average worker already. Remove this offer, and please consider treating these workers fairly. Other departments/numerous employees are being hired and receiving pay raises this year. We thank you for consideration on this matter. Thank you. Signed, Robert and Teresa Doty (Email received 6/28/22)

Cherri Robinson: I am writing to you today to request fair treatment of our local Guadalupe Firefighters. It has come to my attention that an MOU offer from the City has demanded pay cuts, lost of incentives, and schedule changes unprecedented in the fire service. They are already the lowest paid department in the county, and inflation is hurting the average worker already. Remove this offer, and please consider treating these workers fairly. Other departments/numerous employees are being hired and receiving pay raises this year. I thank you for consideration on this matter. Signed, A Concerned Citizen (Email received 6/28/22)

Note: Copies of the Deed, dated August 12, 1931 and the Deed, signed November 22, 1994 are on the City's website.

With no further discussion, the mayor asked if there was a motion. City Attorney Sinco said, "With correction to the zip code and the changes mentioned made to the policy itself."

Motion was made by Council Member Costa, Jr. and seconded by Council Member Robles to adopt Resolution No. 2022-60 with noted changes to the policy. Roll Call: All Ayes Motion passed.

Mayor Julian then said, "I had a friend, a Vietnam vet, who died about four (4) years ago from Agent Orange. He would come to the meetings here in Guadalupe, but he stopped coming. I asked him why he stopped coming. He said because they carry guns...because they get irritated...they get mad. This is the time to get mad and time to work to move forward and have that building available to all veterans and the community. Thank you all for being here."

16. FUTURE AGENDA ITEMS

Philip Sinco:

- a. *Downtown Residential Parking Permit: schedule for July 12th meeting (City Attorney)*
- b. *Cannabis Timeline: was for July 12th meeting - move to "Other Unscheduled Items" (City Attorney)*
- c. *Other Cannabis Item (no title given): schedule for July 12th meeting (City Attorney)*
- d. *Pasquini Lease Agreement: schedule for July 26th meeting (Public Works)*

Todd Bodem: *Approve GANN limits: schedule for July 12th meeting on Consent Calendar*

17. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

CM Ramirez:

Charter reached out regarding broadband. Looking to have a Broadband Advisory Council with Guadalupe Business Association, and others.

Microenterprise Program: on July 9th at 2:00 p.m. is the ending of the Microenterprise "folks". Unsure of festivities but Certificates of Completion will be handed out.

18. ADJOURNMENT TO CLOSED SESSION MEETING

The meeting is being adjourned to closed session. Item to be discussed: Public Employee Performance Evaluation (Subdivision (b) of Government Code section 54957) Title: City Attorney.

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to adjourn to closed session. 5-0 Motion passed. Meeting adjourned to closed session at 8:17 p.m.

CLOSED SESSION

- 19. Public Employee Performance Evaluation**
(Subdivision (b) of Government Code section 54957)
Title: City Attorney

20. ADJOURNMENT TO OPEN SESSION MEETING

Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to adjourn to open session. 5-0 Motion passed. Meeting adjourned to open session at 8:49 p.m.

21. CLOSED SESSION ANNOUNCEMENTS

No reportable action.

22. ADJOURNMENT

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

Prepared by:



Amelia M. Villegas, City Clerk

Approved by:



Ariston Julian, Mayor