

City of Guadalupe

MINUTES

Regular Meeting of the Guadalupe City Council

Tuesday, July 13, 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

Council Member Costa, Jr. was absent. All others were present.

(Note: The abbreviation "CM" is being used for "Council Member" in these minutes.)

2. **MOMENT OF SILENCE**

3. **PLEDGE OF ALLEGIANCE**

4. **AGENDA REVIEW**

There were no requests to make any changes to the agenda.

5. **COMMUNITY PARTICIPATION FORUM**

Each person will be limited to a discussion of three (3) minutes or as directed by the Mayor. This time is reserved to accept comments from the public on Consent Calendar items, Ceremonial Calendar items, Closed Session items, or matters not otherwise scheduled on this agenda. 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.

Mayor Julian commented on this section of the agenda. He said, "Item #5...this was brought up last meeting by Ms. Boydston. It mentions that this section is reserved for the public to comment on items on the Consent Calendar, Ceremonial Calendar, Closed Session, or other matters outside and not on the agenda. I don't know if that's been changed. When we went to the consent items, if someone had comments, the public, on the Consent Calendar, then that's when they'd come in. As opposed to my thought was that Community Participation would be on anything that was outside the agenda, including the Consent Calendar.

City Attorney Sinco said, "Yes, for proclamations, the Community Participation Forum is the correct place for comments. One of the reasons was that prior Council Member Rubalcaba said that the public had a right to comment on proclamations and that there was no other time to do that except during Community Participation. For the Consent Calendar, if the Council wishes to let the public comment on a consent agenda item and pull them, that's fine. But if someone doesn't do it at Community Participation time but waits for a council member to pull an item and they don't, then the Consent Calendar is voted on, and the person doesn't have a chance to comment. That's why we did that. If you'd like to go back to the old way, remember to ask people if they want to talk before the Consent Calendar is discussed."

Mayor Julian commented, "It's always been our practice that if anybody wanted to say anything on any of these items, if it's on the Consent Calendar, they have the ability to do that. We're not talking about closing that off. Just on Community Participation, you mentioned that the proclamation was an issue. If this is good with everybody, I don't have a problem with it. I corrected Shirley and forgive me. That item should have been delayed until Consent Calendar. Did we receive any communication regarding anything on the agenda or not on the agenda? (There was none.) There are three (3) requests to speak on different items on the agenda so moving on to Item #6. Consent Calendar."

6. CONSENT CALENDAR

The following items are presented for City Council approval without discussion as a single agenda items 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 July 7, 2021 and ratify payment of warrants for the period ending June 30, 2021.
- C. Approve the Minutes of the City Council regular meeting of June 22, 2021, to be ordered filed.
- D. Adopt Resolution No. 2021-51 approving a Cost-of-Living Adjustment (COLA) for Unrepresented City Employees.
- E. Adopt Resolution No. 2021-52 approving an agreement with Andrew Goodwin Designs to complete all architecture and engineering design work for the historic renovation of the Royal Theater in amount not to exceed \$286,870.00.
- F. Adopt Resolution No. 2021-53 approving the "Guadalupe to Beach Multi-Use Trail Feasibility Study".
- G. Adopt Resolution No. 2021-54 authorizing Mayor Julian to execute a construction contract with W.M. Lyles Company for the Wastewater Effluent Irrigation Pump Station

Rehabilitation Project on behalf of the City, and authorizes the City to enter into a contract with Wallace Group for inspection services on this project.

H. Adopt Resolution No. 2021-55 Notice of Completion of Improvements and Conditions for Phase 4.B. of Tract 29,027 Point Sal Dunes.

I. **MONTHLY REPORTS FROM DEPARTMENT HEADS**

1. Planning Department Report for June 2021
2. Building Department Report for June 2021
3. Public Works/Engineering Report for June 2021

Items #6.E., #6.F. and #6.I.3. were pulled.

Motion was made by Council Member Cardenas and seconded by CM Ramirez to approve the remainder of the Consent Calendar. 4-0 Passed. Absent: Costa, Jr.

Item #6.E. – Adopt Resolution No. 2021-52 approving an agreement with Andrew Goodwin Designs to complete all architecture and engineering design work for the historic renovation of the Royal Theatre in an amount not to exceed \$286,870.00.

Ms. Shirley Boydston commented on this item. She said, "Many residents wish to see the Royal Theatre retained as a historical step in Guadalupe's development of this 30s, 40s and into the early 50s. After that time, regrettably, the building went downhill, going from owner to owner, and finally ending with the RDA. At age 82 now, major funds are to be spent on resurrecting it, but with no destination in sight. One hopes that this will not be like the delaying of LeRoy Park Renovation."

Ms. Boydston further said, "In review of the initial phase costs (Attachment B), I question the \$24,000 for Historical Consultant since Ms. Denardo was already tasked and, I trust, paid for her historical assessment report. As the Auditors and Finance Director have repeatedly reminded Staff and Council, City finances are precarious, especially when the recommended 15% reserve funds are not yet being met, and critical major infrastructure projects are in progress."

Mayor Julian said that RDA monies could only be spent on that item. Mr. Todd Bodem, City Administrator, added, "The amount from the bond residue is \$658,000. Those funds are for the purpose of the Royal Theatre for civil design and all aspects related to that, to get shovel ready and to go for a grant for the construction-side of it. Without those plans in place, we don't have a strong application."

Mr. Bodem added, "We're also going for a grant for \$230,00 to pay for a large portion of the planning effort. If we don't get the grant for \$286,000, I'm still recommending the City Council move forward with the civil engineering and architectural design so that we can go for the larger construction grant. As far as the historical consultant included here, this consultant would be dealing with the historical construction and design features of the building which would give credence to apply to the

Historical Registry. It is not intended to replace work previously done which assessed a different aspect of the Royal Theatre's historical background."

CM Ramirez asked, "This isn't hitting the General Fund, right? The RDA monies?" Mr. Bodem said, "If we get the grant, we can use the monies for things like street lighting, but we can't use the monies for hiring officers or things like that." CM Ramirez further said, "People just get confused about the various pockets of monies the City has." Mr. Bodem added, "In fact, the monies would sit idle if we don't use for this purpose."

Motion was made by Council Member Ramirez and seconded by Council Member Robles to approve Resolution No. 2021-52. 4-0 Passed. Absent: Costa, Jr.

Item #6.F. – Adopt Resolution No. 2021-53 approving the “Guadalupe to Beach Multi-Use Trail Feasibility Study”.

Mayor Julian said, "This was a very difficult process involving a lot of different entities, a lot of landowners and a lot of community participation. What it does is give us a blueprint of where we should go in the way of traffic modality. One of the plans is going along the levy on the Santa Maria River side bringing folks along that levy to Guadalupe and to bring other visitors. I just wanted to make sure that you do read this. The document is quite expensive and involves a lot of elements that we'll continue to use as a base for our planning."

Motion was made by Council Member Cardenas and seconded by Council Member Robles to approve Resolution No. 2021-53. 4-0 Passed. Absent: Costa, Jr.

Item #6.I.3. – Public Works/Engineering Report for June 2021

Ms. Boydston said, "I commend the very active Public Works/Engineering report and again, recommend placement of a red beacon atop the tank when repairs are made on the elevated tank. In foggy conditions the light can act as a homing beacon and as a hazard warning to occasional low flying aircraft. Would really love to see that."

Mayor Julian asked, "Doesn't there have to be a regulation regarding height. Maybe Shannon knows." Ms. Boydston said, "150' mandated. I'm told that it is 150' and at the time it was placed, they put in brackets up there. In the monthly report, the ladder was damaged. If we had been able to use that ladder, problems could be recognized. Maybe we don't have to replace the whole thing. Would love to have Shannon look into the cost of that."

Motion was made by Council Member Cardenas and seconded by Council Member Robles to approve Item 6.I.3. 4-0 Passed. Absent: Costa, Jr.

CM Ramirez had a general question regarding work being done on Hwy 1 and Hwy 135. He asked, "What is the estimate of timing as to when the repairs will be completed." Ms. Sweeney said she didn't know but knew who to ask and would do so.

7. CITY ADMINISTRATOR REPORT: (Information Only)

The following was reported by Mr. Bodem:

Waste Management sent an email/letter regarding a 1.27% rate increase. This is an annual rate adjustment and not something that needs to be brought to Council in a resolution,

One-half of the American Rescue Plan funds were received today for specific purposes. Not something for us to just build up our reserves. Those funds amounted to \$930,000. The second half of the funds, also \$930,000, will be received in mid-July 2022. Our total amount is \$1.8M. Transit related funds are also available that Shannon can use and other opportunities outside that bulk of money.

At the next Council meeting, there will be a staff report asking Council to review a spreadsheet on how to use these funds. Council can add, change, or whatever on the spreadsheet. We can finalize and come back with a resolution to approve usage of those funds. CM Ramirez said, "Cities have been able to leverage funds to get creative, like for mental health." Mr. Bodem said that that was on the list, on the spreadsheet. CM Ramirez added, "Also, like for the County homeless project, we should get creative and maximize use of those funds."

Mayor Julian added, "Santa Maria's getting \$40M. Lompoc's getting \$12M. Mr. Bodem said, "There was an increase of 27% for us. Originally, it was \$1.4M and now it's \$1.8M which we will be receiving. The mayor said "I believe they have different parameters on how they can use the monies. Lompoc was talking about police, recreation, etc. They advertised that." Mr. Bodem added, "We're going to be careful in terms of how we use the funds. There are 6-8 categories for use of these funds. We want to make sure we follow the strict guidelines. There will be value added."

Cal Trans put a rush on the street closure request for our 75th Anniversary Festival. It went to two different divisions: Management and Traffic Operations. It got the "OK" on one side. Now waiting on the "OK" from the other. Mayor Julian said, "SBCAG, we're part of a team that involves Cal Trans. The Director of SBCAG submitted our request to push our application along."

Mr. Bodem then gave the microphone to Ms. Sweeney. She said, "The Governor has asked for a voluntary 15% decrease in water use and announced drought conditions for many counties throughout California. Santa Barbara is one of those counties. The Santa Barbara County Board of Supervisors also discussed putting together a drought announcement for County of Santa Barbara. If you remember in a staff report a couple of meetings ago, I said that the City's water supplies are in good shape. The staff report had a list of items I encouraged those in the community to consider. It did mention a voluntary reduction in water use. California water is one of our precious commodities so please consider how it's being used."

CM Ramirez asked, "Can we put something in the water bill regarding water issues?" Ms. Sweeney said she had just asked the Finance Department if there were any open dates in the water bills. So, I'll include that."

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

- Guadalupe Police Department Response to Individuals in Crisis due to Mental Health Issues
- Contracted Supplemental Law Enforcement Services between the City of Guadalupe and Santa Maria Public Airport District
- Focusing on Children Under Stress - Video

Chief Cash reported the following:

I want to mention two Citizen Commendations that our police officers received. One was regarding a recent death in Guadalupe. The deceased did not have any family. We notified the neighbors who had looked after and cared for him. They were thankful that we went door-to-door so they would be able to handle the affairs of the deceased.

The other commendation involved an arrest that was made on Main Street. It seems there were citizens who witnessed the arrest. They commented, "I want to report that this afternoon, I witnessed two very brave young officers take down a crazed individual on Main Street. The professionalism with which they acted is to be commended. Please pass along to whomever was on duty that afternoon. My husband and I are thankful for all that the Police do to keep us safe."

The 4th of July holiday was not as bad as Santa Maria this year as far as fireworks go. We had undercover officers out on the streets. A hotline number was given out. We didn't receive a lot of phone calls, but this year we gave out 10 citations, 10 arrests. The City Attorney will help us process this properly. We're looking at \$1,000 per violation."

Mental Health Issues/Report: (This report is on the City's website for the public's review.) Chief said, "Mental illness is not a crime. Just like homelessness is not a crime. People get upset when they call us to help with someone who may be in mental crisis. No crime has been committed if PD receives the call. That's been a huge issue for law enforcement expecting a police officer to handle a mental crisis when they've not been trained on that type of complication. Sometimes we use force when other means of handling a situation could be used."

Chief continued by saying, "In a 14-month period, there was a total of 224 family and/or mental health crisis calls for service. That amounts to 4.8% of 4,663 total calls for police service during that same period. People talk about defunding the police. I look at this as putting resources in proper channels to handle things that are occurring."

Chief then went on to discuss procedures to de-escalate. He talked about 3-level of criteria to allow an officer to have a 72-hour hold/commit in a facility. When, as a result of mental disorder, the individual is 1) a danger to others; 2) a danger to himself/herself, and 3) and/or gravely disabled. In

Santa Barbara County, there is a psychiatric emergency mobile team that will come out on a police officer's call and assist the officer to determine crisis through evaluation. That could take between 4-5 hours to complete the process which takes the officer out of the field. There are circumstances that would allow a police officer to expedite the commitment by taking the individual directly to Marian Hospital. The mobile crisis team will respond as soon as possible. (People under the age of 20 should be referred to Safe Alternative for Treating Youth (S.A.F.T.Y.)."

Chief switched focus to policies and procedures. He said, "The PD contracts with Lexipol which has procedures regarding mental health crisis responses. I've looked at our policies and procedures and they're sound. These are updated on a regular basis and officers need to test on those procedures. Supervisors review processes and procedures for my final review and approval. I've looked at Lompoc, Santa Maria, Sherrif's and Santa Barbara. All policies and procedures are the same. Same type of training."

Chief further said, "One thing that Guadalupe doesn't have is a resource present as other cities have social services storefronts. We need to have someone here to be able to refer to social services for follow-up. This would free up our officers. There are family issues, childcare issues, sometimes domestic violence, which school age children witness, etc. that need follow-up. This would be my recommendation. We could work with that civilian. Go out with them because they need our access. They can't do it with a phone call and show up the next day. Because of HIPAA laws, they won't get information that Public Safety has. So, working with Fire and Police when we respond to those type of calls, we give them access. Like a follow-up at school. The civilian knows who they are, knows what their background is, and would be able to craft a package that is specific to what their needs are."

CM Ramirez said, "We had talked about this position in our 'ad hoc' group. This report helps and frames what is needed. There'd be safety checks and welfare calls. Having a voluntary patrol to check up on their neighbors. We can start looking at our future budget talks prioritizing things like this. These statistics are for people who reached out for services. It doesn't capture everybody going through things but not really knowing where to turn to. Some people may not want to call the police based on their history or some other reason."

Chief said, "This is something we started at the Senior Center. This was pre-COVID. I want to include Fire and Police. We can do medical checks and family checks. We get calls from out-of-town people to have the PD check on their mom or aunt. It helps us keep a running record of who they are, how they're doing, and what their needs are. CM Ramirez added, "With the scaled down food distribution, maybe MariaElena (Garcia) could do this: Look at that position. She can help start up a class to create a volunteer pool of people who would be able to help on the check-ups." Chief said, "This position would provide officers additional options and resources to not only de-escalate potentially dangerous situations but provide better customer service."

Mayor Julian said, "With the COVID pandemic over and things opening up, a lot of organizations want to meet here in Guadalupe again. Like Communitify, Partners in Caring, etc." They want to support the City and that's going to happen in the next month or so."

Santa Maria Airport Contract: Chief started off by giving a bit of history on the contract with the Santa Maria Airport. He said, "This is a five-year contract that started in 2017. It was done to generate revenue by the prior Police Chief. (Santa Maria's Police Department previously had the contract but they chose not to renew it.) When Guadalupe took things over at the airport, it was a 'last minute kind of thing'. Additional police officers weren't hired to handle the airport. Rather, the prior Chief took two police officers out of the field to go to airport duty."

The contract is written to cover all expenses associated with the police officer, including benefits and operating costs. The City also receives a 37% administrative fee, of which 30% goes to the PD and 7% goes to the General Fund. By TSA standards, Santa Maria Airport must have law enforcement working with TSA for security purposes. Chief said, "It was somewhat cloudy when I first started. We had half of our department trying to make money in other places. We kept sending our officers here causing an excessive amount of overtime. Two officers have now been hired. One is in the queue. They are retired from the San Luis Obispo Sheriff's Office. There's no impact on PERS. They will only work at the airport. Once the contract ends, their employment ends. Again, there's no cost, as in the past, as all expenses are reimbursed by the Santa Maria Airport."

Chief also talked about overtime already incurred. He said "Fiscal impact for the first five months of the year was about \$6,000. There's been about 12 hours of overtime this whole month because now we have that one officer. Monthly expenses for an officer are about \$12,000. Benefits are around \$3,300. Operational expenses around \$110. So, approximate costs for one officer totals \$15,400. On a monthly basis, City revenue from this contract would then be about \$5,702 (37%) Yearly, that revenue would be \$68,424." (Double those amounts for two officers on duty.)

He further said, "United Airlines would be expanding October 2021 to a 7-day-a-week flight schedule. Two officers at \$11,000 per month results in approximately \$136,000 coming back to the City. The airport has high limit liability coverage on the staff and the City for anything that might occur." The mayor asked, "Did the airport let you know that United was dropping out?" Chief said, "I had not been advised of that decision." He then said that the airport now wants to charge for parking in their lot which is now free. This would add additional responsibility of monitoring illegal parking, issuing tickets, etc. and the City would get a portion of that."

Chief ended his discussion of the airport contract by saying, "The current contract expires August 31, 2022. The program will be evaluated for continuation and a follow-up report provided to City Council for Review."

CM Ramirez asked, "So, all expenses are covered by the airport and the 37% is on top of all of that?" Chief said, "Yes, the 37% administrative fee is in addition to the reimbursable expenses."

CM Cardenas asked, "The contract is for two officers. If United isn't coming, do we still need to have two officers?" Chief said, "Yes, we still need the two. If one officer goes on vacation, etc., there's backup. If that second officer isn't needed, that officer just stays home." CM Cardenas asked a follow-up question, "If they the airport does expand, do we need two more officers?" Chief said,

"No, one officer has to be at the screening with TSA, and the other officer would be patrolling outside the facility."

FOCUS Program: Chief Cash had sent a video to the Council regarding children under stress and the program one school district instituted. He said, "I was contacted by District Attorney Joyce Dudley. She talked about starting a pilot program, a child and protection program, for Guadalupe. It's a special program focusing on a child's needs. She wants to schedule a zoom meeting to see who wants to participate. Initially started in Virginia, law enforcement and officials from Stanislaus County were alerted to this program. They were the first in California to adopt it. Santa Barbara County wants to try a pilot program here in the City."

Chief further said, "This program ties schools together with law enforcement. Looking at the needs of the child and what may or may not be happening in the home that impacts the child at school. If the first responders say 'Focus', the school knows that the child may need special attention or social services resources. This completes the child's needs and doesn't just let them fall through the cracks." CM Ramirez said, "We do that at Hancock already. It's called 'CAST', Campus Assessment and Support Team. Referral forms get sent to the CAST team, who are school, health and counseling professionals. The team looks to see if more and more people are bringing something to light on a student. It works well. The emphasis is on coordinating information and developing support plans for people of concern."

Chief said he told the District Attorney that he wants to see if schools, council members, etc. want to be involved in the zoom meeting. CM Cardenas volunteered to participate in that meeting. CM Ramirez said that he can definitely commit to helping people connect to where they need to be.

Parks & Recreation: Chief Cash reported that the City Administrator and HR Manager asked him to work as a team and assist Parks & Recreation as that is a priority. Charlie Guzman, Recreation Coordinator, will now temporarily report to Public Safety, and we will try and use our resources and coordination to help during the summer months. (A memo was then handed out titled "Summary and Recommendations-Park and Recreation Department-Establishing and Defining the Facility Rental, Financial Sustainability and Facility Restoration Project".)

Chief said, "For the prior and current fiscal year, the City Council approved city-wide goals which included: 1) Improve the City's financial stability, and 2) Re-establish Parks and Recreation as City priority. Some things have already taken place such as establishing a Recreation Commission and hiring a Recreation Coordinator. When COVID hit, that shut down a lot of things. That didn't detour the Council as far as recreation and our kids being #1 focus. Our rentals need attention. Our parks really need attention. Lack of funding for maintenance occurred in the past." He referred to page two of the memo to show a plan on dealing with facility rentals, facility restoration and financial sustainability. This memo showed specific due dates for documentation and projects for these three areas of concern.

Chief further said, "Charlie and I will be more focused. I'll use our resources in Public Safety so that we can start to address these issues. Policies, procedures, inspection checklists, attendant usage,

rental application form, non-refundable fee schedule, etc. will all be updated. I'll be the final sign-off on all rental applications." Also, Shannon (Sweeney) has agreed to help with changes to occur and subsequent timelines." He said that he's used to police means of resolving issues and developing plans.

Mr. Guzman added, "There's the possibility of having a Central Park renovation. We're looking at MOUs with school district, Boys & Girls Club, etc. Things are moving in a positive direction." Mr. Bodem added, "This is really good. Chief has a lot of resources. We're looking at moving to a full-time Recreation Coordinator possibly over the next three to five months. Part of the Measure N monies was there for recreation development and other items. We want to push this into a robust system." CM Ramirez said, "It's exciting to see the efficiencies and all that comes along with that. What I think is missing, though, is the Master Plan approved for facilities. I don't know if there's a way through this report or working with Public Works that could help with the prioritization of these facilities if we identify things we need to tackle. I think that would be a really good addition to this report."

Chief mentioned, "I'm setting up with the Finance Department non-refundable monies going into facility rentals and turning back to Parks and Recreation. These monies will help with maintenance of recreational facilities, support recreational programming and support Event Attendant, cleaning and supplies and security concerns. Bottomline: How can we help them be self-sustaining and stay out of the pocket of General Fund as much as possible? "

At this point in the meeting, Mayor Julian said, "We have quite a few items in front of us. The next three items should move rather quickly. One of the items involves Pasadera. We have an individual, a council member, and I don't know if it impacts him." (CM Ramirez said he was recusing himself from Agenda Item #9.) The mayor continued saying, "The second item is on Point Sal Dunes/Riverview that might impact two of us." City Attorney Sinco said that that issue would be addressed at the time of the public hearing on that item. The mayor then went on with Agenda Item #9 and the public hearing.

PUBLIC HEARING

9. Pasadera Landscaping and Lighting District for Fiscal Year 2021/2022.

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 assessments for the Pasadera Landscaping and Lighting District and adopt Resolution No. 2021-56 confirming the Engineer's Report, Assessment Diagram, and assessments related thereto for fiscal year 2021/2022.

On October 10, 2017, the City Council formed the Pasadera Landscaping and Lighting District ("District") pursuant to the provisions of the Landscaping and Lighting Act of 1972. The District was formed to establish a dedicated revenue source to fund the expenses related to the specific benefit to properties in the District for the ongoing maintenance, operation and servicing of the local parks,

landscaping, and street lighting improvements established in connection with development of those properties (planned commercial and residential developments) in the DJ Farms Specific Plan (commonly referred to as the Pasadera development).

Ms. Sweeney reiterated the intent of the Pasadera Landscaping and Lighting District. She said, "This is a special district comprised of all the homes and properties in the Pasadera area. It's for the payment of landscaping and lighting within that development, so it doesn't hit the City, in general. Attached to the staff report is an engineering report that shows calculations of those fees based on the allocation of the developments as well as the acreage of the property.

Public Hearing opened at 7:03 p.m. Public Hearing closed at 7:04 p.m.

Motion was made by Council Member Cardenas and seconded by Council Member Robles to approve Resolution No. 2021-56 confirming the Engineer's Report, Assessment Diagram, and assessments related thereto for fiscal year 2021/2022. 3-0 Passed. Absent: Costa, Jr. Recused: Ramirez

10. Guadalupe Benefit Assessment District No. 1 (Point Sal Dunes/Riverview) for Fiscal Year 2021/2022.

NOTE: Because Mayor Julian and Council Member Robles both reside in the Guadalupe Benefit Assessment District No. 1 (Point Sal Dunes/Riverview) and are required to pay the assessment, both were required to recuse themselves from participating in this matter. However, since Council Member Costa, Jr. was absent, only two Council Members were able to vote on the matter. City Attorney Sinco advised the Council that it was necessary to invoke the "rule of necessity" and that one of the two Council Members required to recuse themselves would need to be selected at random to participate and vote on the matter. City Attorney Sinco suggested flipping a coin to make this determination. Mayor Julian was offered the call and called "heads". City Attorney Sinco flipped the coin, and City Administrator Bodem read it and announced it was "tails". City Attorney Sinco advised Mayor Julian that he would need to recuse himself and leave the room since he lost the toss, and that Council Member Robles would participate and vote on the matter.

With Mayor Julian having recused himself, Mayor Pro Tem Ramirez continued with the meeting.

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 assessments for the Guadalupe Benefit Lighting District No. 1 and adopt Resolution No. 2021-57 setting the proposed assessments for fiscal year 2021/2022.

City Council is responsible for levying assessments based upon prior year costs and estimated future costs for lighting and landscaping in the Point Sal Dunes and Riverview subdivisions of the Guadalupe Benefit Assessment District No. 1. Benefit assessments are established to cover the estimated annual costs for Fiscal Year 2021-2022.

Ms. Sweeney explained, "This benefit district is for Riverview which has 50 parcels and Point Sal Dunes which has 254 parcels. This is a landscape and lighting district, and it pays for the lighting, irrigation and landscaping for the area that is just north of West Main Street within the Riverview and Point Sal Dunes neighborhoods. I wrote the engineering report associated with this one that calculates out costs associated with the costs that we experienced last year."

She continued further saying, "I do want to bring out that one of the interesting things this year that I didn't experience the first year is the replacement of plants. Some are getting a little overgrown. In fact, I held off pulling out two trees that do need to be removed because of the funds that were needed. So, we're not changing costs from last year, but we're managing to keep them all the same. But we are starting to have costs with vegetation control in that area."

Public Hearing opened at 7:08 p.m. Public Hearing closed at 7:09 p.m.

Motion was made by Council Member Robles and seconded by Council Member Cardenas to approved Resolution No. 2021-57 setting the proposed assessments for fiscal year 2021/2022. 3-0 Passed. Absent: Costa, Jr. Recused: Julian

11. Guadalupe Lighting District for Fiscal Year 2021/2022.

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 assessments for the Guadalupe Lighting District and adopt Resolution No. 2021-58 setting the proposed assessments for fiscal year 2021/2022.

Benefit assessments are levied for the Guadalupe Lighting District to cover the annual costs of street lighting. The Guadalupe Lighting District is a subsidiary district of the City of Guadalupe. Administration of the district is the responsibility of the City.

Ms. Sweeney said, "The Guadalupe Lighting District is the oldest benefit district and involves streetlights that are not Pasadera or the other Benefit Districts. This one pays for electricity and associated costs for our lights. The rates are unchanged because we use LED lights. It's cheaper to run those. There are some funds there that I hope to be able to apply towards some updating of some street lighting fixtures, including the pedestrian bridge, alleyways, and other parks. This might provide us with opportunities for updating lighting in some of our parks. For example, Paco Park has some electrical work that needs to be done, as well. Those are things I hope to approach using these funds."

Public Hearing opened at 7:10 p.m. Public Hearing closed at 7:11 p.m.

Motion was made by Council Member Ramirez and seconded by Council Member Robles to approve Resolution No. 2021-58 setting the proposed assessments for fiscal year 2021/2022. 4-0 Passed. Absent: Costa, Jr.

REGUAR BUSINESS

12. Water Standby Charges for Fiscal Year 2021/2022

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

Recommendation: That the City Council adopt Resolution No. 2021-59 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 2021/2022.

In 1993, the City imposed water standby charges on vacant parcels. The most significant changes in the water standby charge list in the past year are due to the continuing development of Pasadera/DJ Farms. State law permits water standby charges to be set annually by resolution of the City Council if the rates are not changed from the previous year. The City's fees are not proposed to be increased from the previous year.

Ms. Sweeney stated this is similar to the Benefit Districts in that it's an item that is listed on property taxes. She said, "It applies only to people who have vacant land in the City. The reason for this is because when the City joined the Central Coast Water Authority (CCWA) to receive State water, there needed to be a way for all properties to help pay for the costs associated with the building of the State water system in order to get water here. The vacant properties pay this water standby charge in order to help support the infrastructure necessary to be able to develop those properties in the future and be able to connect to the system which benefits from the State water supply."

Ms. Sweeney added, "I went through every one of these properties and looked and verified either 1) it's listed as vacant property in the tax rolls, or 2) if it wasn't specifically listed as a vacant property, to check to see if there were no buildings on the site that would indicate it was a vacant property. These change over time. Although it looks very static, it's actually very dynamic in that it changes from year-to-year based on the development that's occurring in the City."

CM Cardenas asked, "Vacant lot? A lot or property without a structure?" Ms. Sweeney clarified, "No structure of value on the property." CM Ramirez then said, "The money from this goes straight to CCWA, right? Ms. Sweeney said, "This money goes into our water fund." CM Ramirez added, "Then we, in turn, pay it to the CCWA." Ms. Sweeney said, "Correct."

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to approve Resolution No. 2021-59 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 2021/2022. 4-0 Passed. Absent: Costa, Jr.

13. City of Guadalupe 75th Anniversary Celebration – Special Event Application (Waiver of Fees).

Written report: Todd Bodem, City Administrator

Recommendation: City Council discussion and consideration regarding a request of waiving fees for use of the Veterans Memorial Plaza in the amount of \$110.00.

The City of Guadalupe was incorporated in 1946. To recognize and celebrate this momentous occasion, City staff recommends the approval of the special events application and the waiver of

\$110 and any other city costs the City Council wishes to consider. (The tentative total costs for the City to support this special event is \$7,444.95.)

Mr. Bodem said, "On August 8th the City will be celebrating its 75th anniversary. The request tonight is to waive the special event application fee of \$110 for use of the Veterans' Memorial Plaza for these festivities. Also, the staff report shows additional City costs of approximately \$7,444.95 to support this special event, such as costs of Public Safety, Public Works, insurance, etc. The Council can review these costs which had not been previously budgeted. If you'd like to do a budget amendment and waive some of these fees, these are costs that staff is moving forward to have you review." CM Ramirez asked, "Is money from sponsors going to be used to cover these costs?" CM Cardenas, who is chairing this special event, said, "Yes, we're doing fundraising. We have different sponsors we've asked to cover costs. Hopefully, the fees will cover most of these costs." CM Ramirez then said, "So, this, effectively, could be cost neutral." The mayor said he heard and CM Cardenas confirmed that funds are coming in.

CM Cardenas explained more about the planning for this 75th anniversary. She said, "We've divided into committees. I am the chairperson for the festival. We have a large group of community members and agencies sponsoring this event, such as Vets from SLO, who are all Vietnam veterans, Friends of the Guadalupe Library (FOGL), etc. We also have a parade which will be from the Amtrak station to Olivera Street. The intention will be to have the festival with event participants down our streets there. It is an 'open street' event, so it is our intention to use all our streets to have our events for our community members able to enjoy. There is funding from SBCAG for an 'open streets' event and that is the reason why we're making sure we have that 'open streets' concept incorporated with our Guadalupe 75th celebration. Funds and costs are being handled by Los Amigos de Guadalupe, our fiscal agent. They're handling our sponsorship, grants, donors, and are also paying for costs related to this event."

CM Cardenas said, "There will be two stages at the Memorial Plaza so that we'll have some performances. Infinity Healing Ceremony for COVID, OBON, Folklorico, and youth groups will be participating. There will also be a run southbound from 11th Street to the Cemetery starting at 10:00 a.m. Booths will be open from 12:00 p.m. until 5:00 p.m. for residents and visitors to enjoy our city."

CM Robles said, "I want to ask Shannon (Sweeney) now if I could use 9th Street for our car show." Ms. Sweeney said, "The only concern I'd have is where it falls within the detours. CM Robles said, "It would be on Olivera and 9th Streets." Ms. Sweeney said that street closures and arranging signs might be an issue but that she'd look at the traffic control plan. She wanted to know specifically which part of the street he was asking to use. CM Robles said, "Guadalupe to Olivera Streets on 9th Street." Ms. Sweeney said that maybe Chief Cash had some comments or concerns about this. A comment was made that Chief was giving his "thumbs up" sign of approval.

Ms. Shirley Boydston said, "I'm waiting to hear back to get a radio spot on KUHL AM 1400. Also, I want to thank Liliana Cardenas for taking on the festival chair in addition to everything else she does. As part of the planning group for the August 8th festival, I thank the City for its participation by waiver of some fees and support in advertising in water bills. However, the amount of funds requested by Safety and Public Works severely impact the amount of working funds being raised through sponsorships, vendors, ads, and plain donations from people."

Mayor Julian commented, CM Cardenas signed the application and I think it could have been handled at a staff level. It would have made it a lot easier. Thank you, CM Cardenas for doing that."

CM Robles asked if there was any feedback on bands. CM Cardenas said, "No, we just want people to be able to walk down streets. This is an 'open streets' event. We have a focus on entertainment, but our other focus is to have people be able to walk down our open streets. There are currently 24 agencies signed up for booths and tables. Also, CHC will have a vaccine mobile unit. Arrangements for a second-shot appointment will be made for September 11th at the Senior Center."

CM Ramirez said, "To those who can help support, small donations are welcomed. We're reaching out to businesses. We want residents to support this special event and having this be like a 'homecoming'. Donations can be made on the Los Amigos de Guadalupe website."

CM Cardenas said, "There will also be a special event program with articles of the City's history which can be a keepsake. There will be pictures of Guadalupe where individuals or businesses can plug in ads, for a fee. Also, for out-of-town visitors, there will be special hotel rates. This information will be on our Facebook page. One last thing...we're looking for the oldest Guadalupean to be the parade's 'Grand Marshall'. Submit names to us. We already have one submission for someone older than 100."

Mayor Julian thanked CM Cardenas, Shirley Boydston and everyone else involved in planning this very special City event.

Motion was made by Council Member Ramirez and seconded by Council Member Robles to approve request to waive the \$110 special event application fee for use of the Veterans Memorial Plaza. 4-0 Passed. Absent: Costa, Jr.

14. Cannabis Business Permit Applications Procedure and Guidelines.

Written report: Todd Bodem, City Administrator

Recommendation: That the City Council review, comment, and provide input on the proposed Cannabis Business Permit Applications Procedures and Guidelines document.

At the City Council meeting of March 9, 2021, staff presented a report on the topic of possible legalization of cannabis uses in the city. Council gave staff direction to hire a cannabis consultant from Hinderliter, deLlamas & Associates (HdL) in creating and managing cannabis tax and regulatory permit programs. On April 13, 2021, the City Council, staff and public heard a presentation from HdL which led to Council directing staff to hold at least one community workshop for input from the community about possible cannabis legalization in the City. An educational and outreach workshop was held on May 12, 2021, attended by approximately 35-40 individuals. Discussion and comments from this workshop led to the development of the commercial cannabis ordinance.

On May 25, 2021, the City Council adopted Ordinance 494 with changes to the Guadalupe Municipal Code relating to Commercial Cannabis Businesses and Designating Zoning Districts for Commercial Cannabis Businesses. The ordinance details several components including the regulatory permit process, operating standards that must be met to be eligible for the regulatory permit to operate a

cannabis business, buffer zones, zoning requirements, types of businesses activities, and location to name a few.

Mr. Bodem said, "Just to let everyone know, David McPherson from HdL is on zoom. The adopted revised Ordinance 494 enforces rules and regulations consistent with state law. The regulations on the use of land to protect the residents, neighborhoods, and businesses are necessary to mitigate possible negative impacts that might arise from the legalization of commercial cultivation, processing, manufacturing, testing, sale, delivery, and distribution of cannabis and cannabis products. The ordinance does not allow for indoor or outdoor cultivation but does permit indoor cultivation processing with a permitted use."

Mr. Bodem further said, "So, how will the City run the program? The Application Procedures and Procedures Guidelines attached to the staff report does not put a definite number of retail businesses that the City can have. On page 2 of the staff report, there's a proposed three-phase application process:

- *Phase I will involve a preliminary determination of eligibility.*
- *Phase II will result in an initial ranking of applicants based on points earned for each of eight (8) defined criteria. Upon the completion of Phase II, the City Administrator or its designee(s) will present to the City Council the top Applicants which qualify under the established process which will be interviewed by the City Council to make a final determination as to who will be awarded a cannabis business permit(s).*
- *Phase III. As part of this phase each applicant should be prepared to conduct a brief presentation and to be interviewed by the City Council.*

It's anticipated the fees will range from \$8,500 to \$10,00 to cover the consulting costs. There will be other fees, such as for zoning, LiveScan, and background checks. We estimate \$200.00 for zoning (letter), \$73.00 for LiveScan, and \$300.00 for the background check. It's recommended to put those fees in the Application Procedures and Guidelines which the Council can review, and if the Council wants to bring back for approval, we can put it on the July 27th agenda."

At this point, Mayor Julian asked City Attorney Sinco for his input. Mr. Sinco said, "HdL provided procedures and guidelines. I was very satisfied and didn't make any revisions on it. One issue, though, came up after the agenda had already been published. These procedures were designed for a City that wanted a regulatory permit be the final stage of the approval process. We've adopted a procedure where the regulatory process is like the gate. You get through the gate, and you then have to get a Conditional Use Permit ("CUP"). Every applicant should know that there is the three-phase application process plus an additional step, after getting the permit, of applying to the Planning Department for a CUP. Even if they line up a location, we won't know if they can operate until they get the CUP. The Council definitely wants control of the process. We don't want the applicant to think that it's only the three-phase process. Staff will clear up that section. So, I thought it was well written and will meet our needs...other than the CUP phase before entitlement."

Mayor Julian asked about background information. He said, "Staff has been looking at other communities going through this process and their operations. A specific city asked Guadalupe to

look at what they're doing. As for criminal background checks, is our Police Department able to do that in detail?" Mr. Sinco responded, "We initially assumed the Guadalupe Police Department would, but Mr. McPherson from HdL thought our Police Department wouldn't be adequate for all that's needed for that. We may need to hire an outside specialized vendor to do these types of background checks. HdL is one of those vendors. We will comply with our Purchasing Guidelines to obtain a vendor. Chief Cash will have the final say."

On the need for a CUP, Mr. Bodem added, "Dave McPherson asked that I read the guidelines, page 4, second paragraph, 'Zoning Verification Letter (ZVL)'. That section of the "Application Procedures and Guidelines" reads: 'The issuance of a ZVL does not constitute written evidence of permission given by the City or any of its officials to operate a cannabis business, nor does it establish a 'permit' within the meaning of the Permit Streamlining Act, nor does it create an entitlement under the Zoning or Building Code. A regulatory permit for a CCB does not constitute a permit that runs with the land on which the cannabis business is established. Please note that the cannabis business will also require a discretionary, conditional use permit. This is a separate application that will be made only after the awarding of the permit at the conclusion of Phase III.'"

Mr. Sinco then said, "That is the only reference in there. It is there but it makes sense to add it elsewhere in the guidelines. We want to make sure of the full process. The revision of the document will show the need for a CUP. On page 4, it is stated, but we want to make it totally clear."

Mayor Juian said, "The application is still in the works. It's not on our website because it's not completed. I get contacted by different individuals about these regulations. What I will do is past any comments to all of you. I don't want to deny someone a comment. This is open to the public right now for comments."

CM Ramirez asked, "Are we planning to avoid the fiasco like in Lompoc regarding fixing the tax equity with their specific businesses. Mr. McPherson said, "We have provisions for that. Section G: Community Benefits and Investments Plan (of the Application Procedures and Guidelines) meets the revenue goal. The business will voluntarily provide to you. When and applicant is interviewed, they will have an understanding of the benefit fee or what the community expects. The Council is making the final decision. The applicant knows they should have a good package to get approved."

CM Ramirez questioned the point system. He asked, "All or nothing or criteria for gathering those points along the way?" Mr. McPherson said, "Once points get to 90%, that gets the applicant into the interview. Then the applicant needs to convince the City to select them to go further to go before the City Council." CM Ramirez continued, "In Phase II, is there criteria on how to score? Do you have a rubric for each of these categories for scoring to get to 90%? The more we can make things objective the better for the legality here." Mr. McPherson said, "Yes, there's criteria for the categories."

Another question asked from CM Ramirez was, "About Section B: Labor, Equity, Diversity & Inclusion Plan (of the Application Procedures and Guidelines), I would say to increase its merit, I'd also beef up the points to almost match that of the business plan there. To ensure that our residents are paid a living wage and it does have a plan to accommodate as much diversity as possible, I would recommend instead of 300 points, it be 400 points."

CM Cardenas asked, "On the Community Benefit section, meeting revenue goals established of the City Council, when do we establish these revenue goals? Is it prior to the applicant process or during?" Mr. McPherson said, "It will be part of Section G in Appendix A which provides each business a guideline but the flexibility to develop a strategic approach to respond to this question in order to score an accumulative score of 90% so that they can make it to the interview in front of the City Council. Then in Phase III of the application process, the City Council will have the opportunity to ask questions and hear directly from the Applicants so that they are satisfied with what they are offering in order to meet the revenue goals they are wishing to receive."

Another question from CM Cardenas was, "Who'll be participating in Phase I?" Mr. McPherson said that City staff would review applications for completion and make preliminary decision of eligibility. CM Cardenas further asked, "Could residents do part of the screening?" Mr. McPherson responded, "In the Guadalupe process it was determined that staff or any other Selection Committee such as a community member panel would be left out. It will now be the full discretion of the City Council to conduct the interviews. This will also be essential since they are not experts on the subject matter, and their input might make it more difficult to make the final recommendation."

Mayor Julian said, "One of the cities we spoke with said that their city council wanted to be at arm's length from this process. Not here. Responsibility is with staff and the final decision is with the City Council." The mayor then commented that he didn't think that we're at the point of taxing the different entities that weren't taxed before. I don't think we're there yet." Mr. McPherson said, "That was Lompoc's decision. They wanted businesses to create jobs not revenues. Then they backtracked. Guadalupe can set some expectation from businesses. The City can come back later and look at taxing to be put on the ballot."

CM Cardenas asked for clarification. She said, "We're just talking about procedures, not the types of businesses, or how many, etc. Right?" Mr. Bodem said that was correct and not the fees either.

The mayor then opened it up to the audience if anyone had questions or comments. Lupe Alvarez asked, "If there are two applicants, can a property owner rent to both applicants, if approved?" Mr. McPherson began responding by referring to page 2 of the "Application Procedures and Guidelines" under "Limitations on Multiple Application". However, this section didn't address Mr. Alvarez's question. With the question restated, Mr. McPherson said, "Yes, you can rent to both, if approved." The mayor then added, "Guadalupe's not that big. I'm looking at two retail businesses. That's my thought for now. There are other entities like distribution, manufacturing, etc. where you could have 10."

There were no further questions or comments. Mr. Bodem then said, "On page 4 of the staff report, under 'Tentative Schedule', we will change the dates to adopt two resolutions on the guidelines and fees, items #1 and #2, from the July 27th meeting to the August 10th meeting. Philip Sinco won't be available for the 27th meeting." The Council suggested City Attorney Sinco attend via zoom. Mr. Sinco added, "I could do zoom but I hope the Council would want me to be here. A lot of time has been invested in this topic." The Council said they did prefer Mr. Sinco's attendance at a meeting where these discussions will continue. Mr. Sinco also said, "Staff is in negotiations and considering hiring a Land Use Planning consultant with experience in commercial cannabis businesses. Our Planning staff doesn't have the expertise to advise us on some of these complex issues." Mr. Bodem also added, "Application dates on the guidelines would need to be changed, too."

15. FUTURE AGENDA ITEMS

Move two items: 1) City Attorney Performance Evaluation – move from July 27th to August 10th meeting, and 2) Application Procedures Guidelines and Fees for Commercial Cannabis – Resolutions – move from July 27th to August 10th meeting. No other changes were made.

16. ANNOUNCEMENTS - COUNCIL ACTIVITY/COMMITTEE REPORTS

CM Cardenas talked about the progress on planning for the City's 75th Anniversary. She said, "Planning's in full force. We have a great team. We appreciate the community members who are helping. Normally, this would take probably one year to plan. We're doing it in 3-4 months. It's time to celebrate our 75 years. It is a milestone. It's the first time we're meeting as a community after COVID. We've had our struggles but are resilient and still going forward!"

CM Robles had previously mentioned attending the Infinity Healing Ceremony in Solvang on June 26th. He said, "There were about 75-80 people who attended. I expect there will be more attending here on August 8th."

CM Ramirez mentioned "Health Equity Needs of Guadalupe. He said that there will be several follow-up focus groups. He'll be attending the one next Thursday, July 22nd."

Mayor Julian had the following announcements: This Thursday, July 15th, at the Guadalupe Café, from 7:00 a.m. to 2:00 p.m., the café will be providing free coffee, breakfast and lunch. This is a prelude to an event that same day. He said, "We met with T-Mobile last Friday. Guadalupe is one of ten communities in the running for a \$3.0M grant for a technology makeover. We were asked not to push it too much before this Thursday. We had to do something quick."

Cal Vans had a 2.5-hour zoom meeting. There are big issues regarding funding that were discussed. More to come later.

Also, on July 10th, there were volunteers, Guadalupe Knights of Columbus group, working on the baseball field at O'Connell Park. There's a plan to get that field back in order. That same day, the Community Changers group were picking up trash, about 42 lbs. The mayor said he had spoken with a woman and her kids. She told him, "This is their community. They need to clean it up." This Saturday, the same thing will happen at O'Connell Park with the baseball field. Kudos to that group and the Knights of Columbus.

This past Sunday, a person at the Senior Center locked keys in their car and couldn't get ahold of anyone. The mayor said, "I called the '2112' number here which directed me to the Santa Maria dispatch. I told them what was happening and asked to contact one of our officers. I said that I was the mayor Guadalupe and they hung up. Then I sent a text to Chief Cash. He sent Police Officer Omar Garcia and Jacob Nuno and Patrick Schmitz from the Fire Department who then opened the car. This lady was volunteering her time. I appreciate everyone's efforts to get her help."

Next Tuesday, July 20th, Dianne Feinstein's staff will be here. There's a proposal on the federal side for \$1.7M for LeRoy Park. They're going to check out the park, O'Connell Park and several things. It's at 2:00 p.m. at Central Park but we might be meeting at LeRoy Park first. I'll get the information to everyone. It's nice that they're sending staff down. That's a nice chunk of money!"

17. ADJOURNMENT TO CLOSED SESSION MEETING

The meeting is being adjourned to closed session. Item to be discussed: Conference with Labor Negotiators (Subdivision (a) of Government Code Section 54957.6) Agency designated representatives: City Administrator, Human Resources Manager and Che Johnson, Partner, Liebert, Cassidy & Whitmore; Employee Organizations: International Association of Firefighters (IAFF)

Motion was made by Council Member Cardenas and seconded by Council Member Ramirez to adjourn to closed session. 4-0 Passed. Absent: Costa, Jr. Meeting adjourned to closed session at 8:13 p.m.

CLOSED SESSION

18. Conference with Labor Negotiators

(Subdivision (a) of Government Code Section 54957.6)

Agency designated representatives: City Administrator, Human Resources Manager and Che Johnson, Partner, Liebert, Cassidy & Whitmore; Employee Organizations: International Association of Firefighters (IAFF)

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to adjourn to open session. 4-0 Passed. Absent: Costa, Jr.


19. CLOSED SESSION ANNOUNCEMENTS

No reportable action.

20. ADJOURNMENT

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to adjourn. 4-0 Passed. Absent: Costa, Jr. Meeting adjourned at 9:03 p.m.

Prepared by:


Amelia M. Villegas, City Clerk

Approved by:


Ariston Julian, Mayor