

MINUTES

City of Guadalupe

Regular Meeting of the Guadalupe City Council

Tuesday, January 23, 2024, at 6:00 pm

City Hall, 918 Obispo Street, Council Chambers

1. ROLL CALL:

Council Member Christina Hernandez
Council Member Gilbert Robles
Council Member Megan Lizalde
Mayor Pro Tempore Eugene Costa Jr.
Mayor Ariston Julian

Mayor Julian called the meeting to order at 6:00 p.m. All members were present but CM Lizalde. (Note: The abbreviation, "CM", for "Council Member" will be used in these minutes.)

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF THANKS, APPRECIATION OR CONDOLENCES.

Mayor Julian offered condolences to the family of Darcy Oliveira. He said, "Her family are long-time members of the community. She was one of the biggest cheerleaders at Righetti High School."

CM Costa, Jr. said, "I want to give recognition to David Bonifacio for being named 'Firefighter of the Year'. He was not present at the awards dinner. Thank you, David, for being awarded as 'Elks Firefighter of the Year' for Guadalupe."

4. AGENDA REVIEW

There were no changes requested for the agenda.

5. CEREMONIAL CALENDAR

- Swearing in:
 - Luis Castellanos, Police Officer
 - Lia Welkom, Police Officer

After being sworn in at the same time, both new Police Officers were given the opportunity to say a few words. Prior to the new employees making any comments, Father Luis, Officer Castellanos' godfather, gave an overall blessing to keep Officer Castellanos, Officer Welkom and everyone else, physically safe. Father Luis pinned the badge on Officer Castellanos. Officer Welkom's mother, Wendy, was present to pin on her badge.

Chief Cash said, "I want to thank the police staff, background investigator and office staff. Everyone was putting things together. The work that went into making this happen....These officers are 'Blue Chippers'. Everyone was trying to pursue them. We're now adding two (2) to our staff."

Officer Welkom said, "It's an honor to be serving the City of Guadalupe." Officer Castellanos then said, "Thank you to the Police Department and City for the opportunity to serve this community." Mayor Julian added, "Thank you for choosing Guadalupe. We're glad to have you both on board."

- Proclamation – Human Trafficking Awareness Month – January 2024

Mayor Julian read the proclamation, which said, in part: "Human trafficking is a form of modern slavery that occurs in every state, including California...victims are forced to work in various forms of labor exploitation including, but not limited to, commercial sex acts and other services that are induced through force, fraud or coercion. It is a crime that can take many forms, and one that tears at our social fabric, debases our common humanity, and violates what we stand for as a country."

The Santa Barbara County Human Trafficking Task Force is committed to using all applicable laws and resources for investigating human trafficking and prosecuting those engaged in it...Human Trafficking Task Force has worked diligently to bring awareness to the fact that human trafficking occurs closer to home than one might think...Santa Barbara County is home to hundreds of survivors of trafficking and exploitation. Human Trafficking Awareness Month is an opportunity to recognize the critical role all Santa Barbara county resident pay in preventing, reporting, and adjudicating these heinous crimes."

Mayor Julian then added that the individual who was to receive this proclamation was unable to attend the meeting tonight.

6. PRESENTATION

- Free for the Weekend – Fighting Back Santa Maria Valley

Gina Cortez and Brenda Pena from 'Fighting Back Santa Maria Valley' (FBSMV) attended the meeting to present their program to the City Council. FBSMV was founded in 2003. The theme then was to address methamphetamine, drinking and marijuana use by the youth. The new initiative is fentanyl and underage drinking with 7th and 8th grade junior high school students. This is when students begin to experiment. Some statistics given were: During their lifetime, 11 percent of 7th graders use alcohol; 7 percent use marijuana, vape and/or smoke, and 11% of 7th graders use one or more.

"Free for the Weekend" – grant for events for 7th and 8th grade students in the Santa Maria Valley, Santa Mara, Orcutt and Guadalupe at Abel Maldonado Center. Hard for Guadalupe students to attend. The goal is to show them that they could have a good time without being under the influence. Problem now we're now facing is violence and drugs, fentanyl and vaping. We want to bring the event to Guadalupe. If you don't play sports here, there are limited things to do.

We're looking for a large space to hold this event here. Food donations, money, sponsors, etc. are needed. Christina (CM Hernandez) is part of the coalition effort. Community assessment is needed...asking for support. Brenda Pena said that the two dates they're looking at for this event are 7/28/24 and 8/2/24, depending on availabilities...series of events. Our kids won't have to worry about transportation.

Mayor Julian asked, "How large a space are you looking at for this event?" Ms. Cortez said, "Le Roy Park or O'Connell Park...large outdoor area." The mayor asked if they've connected with the Boys & Girls Club. Ms. Pena said, "No, Hannah said that there are no spaces available." Mayor Julian said, "This is a no-brainer. Connect with us and the school. Getting to Santa Maria is tough." CM Hernandez said, "Questions can go through Hannah."

CM Robles asked, "Have you reached out to the School District?" Ms. Cortez said, "That would be a next step but want community-wide event. We'll coordinate with Hannah and Christina."

7. COMMUNITY PARTICIPATION FORUM

Request to Speak:

Belinda Popovich: I'm the new Marketing Director for the Santa Maria Valley Railroad. We are seeking your support for our bid on a Federal Railroad Administration grant called "The Consolidated Rail Infrastructure & Safety Improvement Grant", or "CRISI" for short.

Currently, we are operating with two(2) older locomotives that hold a Tier 0 rating from the EPA and FRA. This tier is designated for older locomotives that lack the current energy efficiencies that modern Tier 4 locomotives have. Currently, the Tier 4 designation is the highest and cleanest tier for locomotives on the market and it is our hope to replace ours with two (2) new Tier 4 locomotives.

Railroads have always been cleaner and greener than other modes of transportation and since 2006, our freight traffic has been in a steady rate of increase that is continuing to this day. We are proud of the service we offer our clients and we are currently working to re-open the public excursion rides between Santa Maria and Guadalupe. These new Tier 4's will help our reliability and efficiency for any years to come.

We hope we can count on the city for your support through this letter and if the city is also able to provide a donation towards our matching funds drive, we would also greatly appreciate that. A draft of this letter with all the information was emailed to the City Administrator. Thank you for your consideration.

Mayor Julian asked about the cost. Ms. Popovich said, "\$4M for one...going for two. We're seeking additional funds through Volkswagen." Mr. Bodem asked when the letter needed to be sent in. Ms. Popovich said, "In the next few weeks."

8. CONSENT CALENDAR (A-F)

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. Ratify payment of warrants for the period ending January 1, 2024.
- C. Approve the Minutes of the City Council regular meeting of January 9, 2024.
- D. Adopt Resolution No. 2024-05 approving the Public Works Director job description and salary range.
- E. Adopt Resolution No. 2024-06 extending the Santa Maria Organization of Transportation Helpers Inc. (SMOOTH) transit contract for an additional year, with a rate adjustment of 12.0%.
- F. Adopt Resolution No. 2024-07 accepting the grant award of \$17,715.42 to the Guadalupe Fire Department from the Firehouse Sub Public Safety Foundation toward the purchase of four (4) Zoll AED's (Automated External Defibrillator).

No items were pulled. Motion was made by Council Member Robles and seconded by Council Member Costa, Jr. to approve the full Consent Calendar. 4-0 Absent: Lizalde Motion passed.

MANAGEMENT REPORTS

9. CITY ADMINISTRATOR REPORT: (Information Only)

- A. City Administrator's report for January 23, 2024

Mr. Bodem mentioned that Shannon Sweeney left in June 2023. The City has hired the Eikhof Design Group to perform the City Engineer functions. He introduced Mr. Jeff van den Eikhof who said, "I was with the City from 2014 to 2019 before the position was brought in-house. There's a lot happening in this community. I'm happy to be back to help the City." Mayor Julian said, "We had a meeting with SBCAG staff. Your name was mentioned there." CM Hernandez added a thank you for working with us again.

Mr. Bodem did not give his report as Mayor Julian went on to Chief Cash to give his report.

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

- A. Director of Public Safety report for January 23, 2024

- [2023 RIPA Board Annual Report – Racial and Identity Profiling Advisory Board – California Department of Justice \(223-page document\)](#)

B. Police Department report for December 2023: *Now we have two (2) police officers added to our staff...to be EMT trained which will give additional medical response to our community.*

C. Fire Department report for December 2023: *There is a Fire Engineer vacancy in the department.*

D. Code Compliance report for December 2023: *Josue Meraz, Code Compliance Officer, is in the last phase in the Emergency Preparedness Academy. He will come back as a graduate.*

We also have the Emergency Plan. The Council asked to add the railroad derailment aspect to the plan which is now being completed. We'll be able to put that online on our web page as soon as possible.

Mayor Julian said, "There was an incident at the Senior Center." Chief said, "Our (police) staff doesn't dispatch. There's a number for Santa Maria/Guadalupe dispatch." The mayor said, "It's important to know. People need to understand...people need to know to call the Santa Maria phone number, not the City police staff at 343-2112. People need to know the number, for whatever reason." CM Robles said, "Add the number to the water bill." At this point, Janice Davis said, "The number in Santa Maria is 805-928-3781, ext. 2277, for non-emergency calls. That number would contact Guadalupe PD. But for an emergency, call 911."

Jeannie Mello spoke saying, "At 12:45 a.m. on a weekend, there was a really loud party. I called the Police Department here at 343-2112, and someone answered. The issue got resolved. Mayor Julian reiterated, "People need that number to keep on hand."

11. **HUMAN RESOURCES MANAGER:** (Information Only)

A. Human Resources report for December 2023

Ms. Villegas gave a brief summary of her report:

- *The two (2) police officers sworn in tonight were those mentioned in the report.*
- *Two (2) Operator-in-Training candidates were going through pre-employment processes.*
- *The Recreation Services Manager position was reposted due to the increase in salary with the 5% COLA granted at the 12/12/23 City Council meeting. (Interviews are scheduled for 1/25/24.)*
- *The HR Manager position was put on "pause" pending the approval of a salary range increase request targeted for the 1/09/24 meeting, which was approved.*
- *All necessary retroactive salary actions and health insurance premium changes, per the SEIU MOU, were completed. The union and City agreed to defer one other change for "Standby Pay" to be effective in January rather than the 12/29/23 effective date for all other salary actions.*

- A new job description being developed for an attendant/coordinator for the Senior Center is targeted for the 2/13/24 City Council meeting for approval.

CM Hernandez asked where job postings are placed. Ms. Villegas said, "On the City's website, Indeed website, City Hall main bulletin board and department bulletin boards. When there is a specialized position, we look for specialized websites to post, as well."

PUBLIC HEARING

12. Public Safety Facilities Development Impact Fee Nexus Study.

Written report: Philip F. Sinco, City Attorney and Wendy Stockton, Assistant City Attorney

Recommendation: That the City Council:

1. Hold a combined public hearing for the Study and Ordinance. Consider all evidence including testimony, evidence, staff report, and the "City of Guadalupe Public Safety Facilities Development Impact Fee Nexus Study Dated October 6, 2023"; and
2. Adopt Resolution No. 2024-08, "A Resolution of the City Council of the City of Guadalupe, approving the City of Guadalupe Public Safety Facilities Development Impact Fee Nexus Study Dated October 6, 2023"; and
3. Introduce and conduct the first reading by title only, waiving further reading, of Ordinance No. 2024-514, amending Title 13 of the Guadalupe Municipal Code to establish a Public Safety Facilities Development Impact Fee; and
4. Make the finding that the approval of the Study and the Ordinance are exempt from CEQA.

Philip Sinco, City Attorney, deferred to Ms. Wendy Stockton, Assistant City Attorney, to present this item. Ms. Stockton said, "I'm the Assistant City Attorney. When Philip is not here, I'm his backup. I'm here to present the Public Safety Facilities Impact Fee ordinance. It's proposed that Guadalupe adopt its first development impact fee. The groundwork for this fee was begun by Chief Cash, and also, Carlos Villareal and a company called 'Willdan Financial Services'.

Chief Cash envisions the situation where development, when it's new, comes to Guadalupe. Those developers would pay a per square footage fee which would help to build and equip new public safety facilities. These proposed fees are in the study that was prepared by Willdan Financial Services, based on a large amount of data from Guadalupe that they considered the role which is to keep Guadalupe in the same situation it is now for public safety facilities when new development comes in.

The State does allow cities to charge developers impact fees. Sacramento requires cities to give different quotes, before, during and after starting impact fees. Before the City can charge a fee, a detailed study needs to occur, and the basis of the fee should be a square footage fee. And that has to be stated clearly in the report. Tonight, we asked to combine the public hearings on the study and the fee. After the hearing, you'd approve the study and approve the fee by resolution and ordinance."

Ms. Stockton further said, "There would be no environmental impact; there's an exemption. Consider fees very carefully. The laws are getting more explicit and onerous. It's important to follow all procedures." Ms. Stockton also cited a correction on page two of the ordinance, Section 1.D., it states, "City's police facilities" She said that it should say "public safety facility".

City Attorney Sinco said, "The firm that prepared the study is here and would like to say something." Chief Cash then introduced Carlos Villareal. Chief Cash said, "This came about as every city in Santa Barbara County have impact fees. We'll kind of be the last to get onboard. You can see that the City is growing. Currently, all of our police and fire resources are at the north end of the City. The southside is growing. We're looking at this to cover that portion of the City that don't currently have any police or fire facilities there."

Mr. Carlos Villareal, the project manager, then gave a presentation on the detailed study. The report summarized an analysis of the need for public safety facilities and capital improvements to support future development with the City of Guadalupe through 2050. It is the City's intent that the costs representing future development's share of these facilities and improvements be imposed on that development in the form of a development impact fee. The primary policy objective for a development impact fee program is to ensure that new development pays the capital costs associated with growth.

The primary purpose of the report is to document a comprehensive nexus analysis that identifies the maximum justified development impact fee levels to impose on new development to maintain the City's existing facilities standards for public safety facilities. This means that the City plans to expand facilities to add capacity to meet the needs of new development, as opposed to providing maintenance on existing facilities. The fees per square footage would vary depending on residential dwelling or nonresidential units.

The study identifies the maximum development fee levels for public safety facilities that can be justified, as explained in the study, are as follows:

<u>Land Use</u>	<u>Fee per Square Foot</u>
Residential Dwelling Units	\$2.92*
Non-Residential Commercial	\$3.80
Non-Residential Office	\$5.82
Non-Residential Industrial	\$2.07

*Fees for Accessory Dwelling Units are to be charged as a percentage of this fee.

(The full report can be read on the City's website at www.cityofguadalupe.org under Council Agenda for 1/23/24 meeting or viewed on YouTube.)

CM Hernandez asked, "Who would be overseeing the fees from the City-side?" Ms. Davis said, "Probably would go into the Master Fee Schedule; hitting developers – go through Planning." Mr. Bodem then asked, "In development phase or at point of building permit part? When would developer pay the fee? Pasadera has 400 homes approved." Mr. Villareal said, "If there's a development agreement, defer to that agreement. If a development agreement is not yet in place, each lot would pay fees at point of building permit." City Attorney Sinco said, "Pasadera does have a development agreement. So, as building permits come on, we're not going to be able to charge this fee. This just might reduce the projected revenue."

Ms. Stockton said, "Refer to the ordinance on page 4, subsection E. Fee Reduction. It talks about fee reduction. It says, 'The Planning Director may approve a partial or complete reduction of the fee when: 1. The applicant enters into a development agreement which obligated the developer to provide payments or install improvements for public safety facilities as identified in the most current capital facilities plan or City budget.'"

Public Hearing opened at 7:06 p.m.

Ms. Jeannie Mello said, "When Josue (Meraz) comes back, are we ever going to have like a collective class, demonstration or instruction on what to do when there's an emergency, like an earthquake or any kind of emergency?" CM Hernandez said, "On the next agenda item, we'll be speaking about that."

Garret Matsuura said, "Just a quick question on the impact fee study. I was wondering if there was a development agreement already for the Pasadera commercial properties. I understand there's one for the homes, but there's acreage for commercial." City Attorney Sinco said, "I don't know. But we'll report back on that at the next meeting, as well as the potential difference in the revenue projections for the homes."

Mayor Julian then asked if there were any further comments from the public.

Public Hearing closed at 7:08 p.m.

At this point, City Attorney Sinco referenced a late document which was received on this item. Mayor Julian said, "Yes, there is a document that was sent to the City which will be included in the minutes."

A citizen called in to voice opposition to this item stating this issue is similar to one before the U.S. Supreme Court. (Please see the article which is an attachment to these minutes.)

Ms. Stockton asked, "Mr. Mayor, would you like a response to that?" The mayor said to go ahead and respond. Ms. Stockton then said, "It is true that development impact fees can present a legal issue if not probably done. In our ordinance, there's an extra procedure if it's felt that the fee is

wrong. There can be an appeal that goes to staff, then to the City Council. We're a little different than that case."

Motion was made by Council Member Hernandez and seconded by Council Member Costa, Jr. to adopt Resolution No. 2024-08 approving the city of Guadalupe Public Safety Facilities Development Impact Fee Nexus Study dated October 6, 2023. Roll Call: Ayes: 4 Absent: Lizalde 4-0 Motion passed.

Motion was made by Council Member Hernandez and seconded by Council Member Robles to approve first reading of Ordinance No. 2024-514 amending Title 13 of the Guadalupe Municipal Code to establish a public safety facilities development impact fee. Roll Call: Ayes: 4 Absent: Lizalde 4-0 Motion passed.

REGULAR BUSINESS

13. Facility Use Agreement with Guadalupe Union School District for the City Gymnasium.

Written report: Hannah Sanchez, Recreation Services Manager

Recommendation: That the City Council adopt Resolution No. 2024-09 authorizing the City to enter into a facility use agreement with the Guadalupe Union School District.

Ms. Sanchez gave a brief background: The is a long overdue item. The Guadalupe Union School District (GUSD) doesn't have their own gym to use for their athletic program. The City has allowed the school district to use the auditorium/gymnasium for volleyball, basketball, for 7th and 8th grades, as well as wrestling. Volleyball season runs from August until October. Basketball is from October until March. GUSD will no longer need to use the City's gym once the new school is built, which will include a new gymnasium.

GUSD will pay for use of the facility: \$70 per practice days, and \$80 per game day. This payment will pay for the maintenance of the floor as well as a building attendant provided for game days. The cleaning service will clean twice a week for \$312.59 per month. The six (6) practices per month, at \$70 per practice, will cover this cost. It was determined that a building attendant isn't needed for practices. The fiscal impact was determined by how much an outside vendor would cost per day...clean two (2) days per week. If the City has a rental on the weekend, the City would be responsible for the cleaning. Remainder of monies will be saved and used to refinish the floor.

Ms. Sanchez said, "The coordination for the gym's use between the Recreation Department and GUSD has been good. The school sends the athletic schedule so, that's working well. The school has been flexible with changes to their athletic schedule if the City has need, providing the change doesn't affect game days. The Athletic Director and two (2) others have sets of keys for City Hall and the gym. Once basketball ends, March/April, we will collect those keys. Then when volleyball starts in August, the keys will be given back to them."

Mr. Bodem added, "If this Fee Use Agreement is approved tonight, an invoice for \$3,100, retroactive to August 2023, will be sent to GUSD."

CM Costa, Jr. said, "The building attendant will be there at the games for four (4) hours. \$80 is to cover toiletries, electricity and cost for attendant. GUSD has adequate staff to monitor things. Fee per game day should be raised...more than \$10 more than fee for practice." Ms. Sanchez said, "\$80 doesn't reflect that day. It averages out. We looked through the number of games, etc. It does cover the building attendant's cost. It would be more like two (2) hours rather than four (4) hours. I do understand about staffing...but they're spread thin."

CM Costa, Jr. said, "If you feel comfortable with the cost analysis, then okay. This (agreement) should be beneficial to the City." Mr. Bodem added, "For Superintendent Handall, it's 'hands-free'. The City takes care of things and they pay." Ms. Sanchez said, "GUSD is looking at this like straight rentals. It's a better way of doing things."

Ms. Davis (Finance Director) asked, "Safety position? GUSD having someone on staff for medical issues." Ms. Sanchez responded, "Other junior high schools don't have medical staff on site. If there's an emergency, they call 911. We have Fire and PD right here which should be called for non-emergency issues." Ms. Davis said, "Is there an injury waiver? Do we give to them?" Ms. Sanchez said that GUSD was given liability waivers for all students to sign.

Mayor Julian said, "There was a wrestler that got hurt and Fire had to attend to the issue. There should be some standby person." Ms. Sanchez said, "If there are multiple schools here, like for a tournament, Mr. Handall is okay having someone there who is trained in basic medical procedures." CM Robles said, "Last year a wrestler had a concussion. We may need to look into a standby person."

Motion was made by Council Member Hernandez and seconded by Council Member Robles to approve Resolution No.2024-09 authorizing the City of Guadalupe to enter into a facility use agreement between the City of Guadalupe and the Guadalupe Union School District. Roll Call: Ayes: 4 Absent: Lizalde 4-0 Motion passed.

14. Approval for the implementation of the volunteer Guadalupe Safety Support Team (GSST).

Written report: Michael Cash, Director of Public Safety

Recommendation: That the City Council adopt Resolution No. 2024-10 approving the implementation of the volunteer Guadalupe Safety Support Team (GSST) and to equip and support the program with uniforms and training under the direction of the Department of Public Safety.

Chief Cash gave some background on this item. This is a project that came forward with the flooding that occurred last January 2023. Volunteers came out to help but there was no specific plan. This is community-driven project. Guadalupe Safety Support Team (GSST) wanted this to be a community first program, not just for police. They'll lend any assistance needed.

A volunteer GSST member is anyone trained and authorized by the Guadalupe Public Safety Department to assist city employees to aid citizens, to conduct assigned duties and to perform services during any declaration of a National Emergency, State of Emergency, or Local Emergency. GSST will work at the direction of the City.

*Some factors involving members eligibility are: 1) Age 16 and older; 2) No felony convictions; 3) Good moral character; 4) Pass background and fingerprint check; 5) Pass the GSST Academy; 6) Be physically and emotionally able to perform the duties of the position; 7) Volunteer a minimum of eight (8) hours a month, and 8) US Citizenship is **NOT** required.*

Members will go through training. Here are some of the training topics: 1) Leadership; 2) Cultural Competency; 3) Community Emergency Response Team (C.E.R.T.); 4) First Aid, AED, CPR; 5) Psychological First Aid; 6) Check the Welfare/Senior Assistance Program; 7) School Safety and Response; 8) Fire Safety and Fire Extinguisher Training; 9) Traffic Control, and 10) Active Shooter Procedures and Response. All information is in both English and Spanish.

The GSST Academy will consist of ten (10) total academy sessions, consisting of five two-hour classes, and a 36-hour C.E.R.T. training course in Community Emergency Response Training. Also looking at a junior program to prepare to be volunteers.

The GSST Board consists of four (4) people now but want to expand. Garret Matsuura, Administrative Coordinator of GSST, said, "Think as a community to organize this. We're seeing the response that it's apparent that the City needs to be resilient on its own. Guadalupe has minimal resources. Tom Brandeberry has done a lot with the Resiliency Plan. Other communities have groups that aren't cohesive. GSST is being done in conjunction with the City. It's open to all in the community – bilingual, etc. We're looking at starting youth at age 16. As youth grow, they become part of the community."

Mayor Julian said, "Spanish speaking is important. Mixteco was spoken on Pioneer Street. A list of individuals and groups – minimum of 42 individuals and groups – this is perfect to help. They need to know about GSST. You really need more than six (6) volunteers...need at least up to twelve."

Ms. Davis asked about the budget, academy, etc. Chief said, "Currently, a small budget is being covered with this small group. We want to make sure the 'bugs' are all out." Ms. Davis asked when the projected start time would be. Chief said, "Approval first tonight. Start sometime in March. Now, we're putting all paperwork together, training, etc. We're not looking at impacting this fiscal year's budget. Fire and PD would be looked at to train."

Chief then said, "The core group on the GSST Board are Garret Matsuura, Administrator; Grace Bubulka, Response Nurse and disaster preparedness trained; Mireya Peña, Overall Coordinator, and San Durate, Planning Group. This is a pilot program."

Mayor Julian said, "The issue here is that it has to come from here first. Boots on the ground." CM Robles said, "We saw a need last January. We had a core group. Challenge City Council and Parks and Recreation Commission – no problem to be a volunteer."

Ms. Davis asked, "Who will get training? City staff? Managers?" Chief said, "EOC (emergency operations center) training for City Council and managers." The mayor added that an organizational chart would be important to see." CM Robles said that it would be important to reach out to someone in the community who speaks Mixteco. CM Hernandez said, "You need to be cautious to have all information distributed in Spanish." Mr. Matsuura said, "The group wants to be all inclusive with members who don't speak English. In an emergency, need open lines of communication. When GSST gets training, we want to give that back." CM Robles said, "I'd like to see twelve volunteers, rather than six (6) now." The mayor added that they'll have a lot of people.

Ms. Davis asked if there was any way for a grant for this program. Chief said, "Christine, the grant writer, contacted One805 which is preparing for a concert. We'll look into that."

Jeannie Mello then said "My question hasn't been answered. How do you plan to get citizens know who to contact?" Mayor Julian said that this is the first step. Ms. Mello said that a lot of citizens don't know how to access the website. Chief Cash said, "Information can be put in the monthly water bill. We're limited right now."

Motion was made by Council Member Robles and seconded by Council Member Hernandez to approve Resolution No. 2024-10 to approve the implementation of the Volunteer Guadalupe Safety Support Team (GSST) and to equip and support the program with uniforms and training under the direction of the Department of Public Safety. Roll Call: Ayes: 4 Absent: Lizalde 4-0 Motion passed.

15. Approving the startup funding of the City nonprofit and review some of the most important rules for creating the nonprofit Bylaws.

Written Report: Tom Brandeberry, Project Manager

Recommendation: That the City Council adopt Resolution No. 2024-11 approving the startup funding in the amount of \$10,000 for the City nonprofit corporation and appointments of the President, and Treasurer/Secretary for the purposes of the nonprofit incorporation process.

Mr. Brandeberry explained that at the last City Council meeting, there was discussion about what a non-profit would need, by-laws, etc. He listed the following:

- Start-Up Fund \$10,000
- Two members of the City Council to be nominated and approved by the City Council tonight
- By-Laws

- *Name of the Non-Profit (not included in staff report) – “Guadalupe Community Action Coalition”, proposed by Mayor Julian*
- *Mission Statement: “We serve the residents and businesses of Guadalupe through community support and economic development activities based on identified community needs and in partnership with the City of Guadalupe.”*
- *Board Composition: start out with just five (5), maximum seven (7); City can’t be in control of the non-profit; Board of Directors will also be officers, too. Others to consider would be Guadalupe Business Association, Guadalupe Unified School District and a non-profit that serves Guadalupe. All members must meet City Council’s approval. The request tonight is to approve Mayor Julian and Janice Davis. Once Council approves the three (3) positions, one of the three will hold the secretary position.*
- *Corporate Office’s official address will be 4545 10th Street, the Senior & Community Center.*
- *City staff is requesting an award of \$10,000 to support the non-profit startup. This \$10,000 can be reimbursed from HTC and NMTC. Costs would stay with the City.*

Mayor Julian said, “The three (3) members have been filled. They are Garret Matsuura, Michael Jimenez, SER Jobs and Dr. Emilio Handall. Can we approve them tonight?” City Attorney Sinco said, “No, this hasn’t been agendized.” Mr. Brandeberry added, “Two (2) directors would be appointed. They would find three (3) others to be approved by the City Council.” City Attorney then said, “The Council has to approve all three (3).”

Mayor Julian said, “Part of the Royal Theatre shortfall with construction. This non-profit can help with that.”

Ms. Davis asked, “The Senior Center? Isn’t the maintenance staff there? The mayor said there’s a big space over there.

CM Costa, Jr. asked, “Our budget is able to fund this \$10,000?” Ms. Davis said she’d have to look into that. Mr. Bodem said, “There’s funds in the RDA (Redevelopment Agency) monies.” City Attorney added, “Not sure RDA monies can be used.” The mayor said, “There’s monies out there for this.” Ms. Davis said that there are reserves.

Mr. Bodem said, “Approve on condition funds are available. If we don’t do this, we won’t get HTC or MTC for the shortfall.” Ms. Davis asked if these funds are restricted. Mr. Brandeberry said, “HTC has numerous flexibility in uses. NMTC requires startup. If we don’t get any tax credits, City pays permanently. Non-profit would be used beyond the Royal Theatre, etc.” City Attorney Sinco said, “Even if we couldn’t use the \$10,000, on-profit status could get other monies.”

CM Costa, Jr. asked, “With our current budget, can the \$10,000 impact other areas?” Ms. Davis again said that we do have reserves if we needed to use them. City Attorney Sinco said, “The corporation hasn’t been filed yet. No place to pay monies to. Will have time to determine monies. Delay before

monies to be spent.” Mayor Julian said, “We’ll have time. The question now is does the City Council want to approve the \$10,000 to fund seed monies? Approval tonight is to move forward.”

CM Hernandez asked, “At the next Council meeting, we vote for the three (3) names?” City Attorney Sinco said, “We don’t want to skip steps. City Council needs a review of full documents at the second meeting in February.” Mr. Brandeberry said, “Tonight is what is being proposed. By next meeting, we should have drafted by-laws completed.”

Motion was made by Council Member Costa, Jr. and seconded by Council Member Hernandez to approve Resolution 2024-11 for startup fundings in the amount of \$10,000 for the approved City Non-Profit Corporation and approve the appointment of the president and treasurer/secretary for the purposes of the non-profit incorporation process. Roll Call: Ayes: 4 Absent: Lizalde 4-0 Motion passed.

16. FUTURE AGENDA ITEMS

-February 27th meeting: Nomination and approval of by-laws for non-profit
-Senior & community Center Activities Coordinator Job Description

17. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

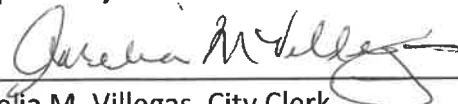
CM Hernandez: last Saturday, 1/20/24, I attended the Women’s March; attended the Fire Appreciation Dinner. “Chief, that was a great speech.”

Mayor Julian: last Thursday, 1/18/24, I attended meetings from 10:00 a.m. to 4:00 p.m., with SBCAG and APCD. On 1/22/24, met with SBCAG Directors where all programs were discussed, \$4 Billion, Measure A road structure.

18. ADJOURNMENT

Motion was made by Council Member Costa, Jr. and seconded by Council Member Robles to adjourn the meeting. 4-0 Absent: Lizalde Motion passed. The meeting adjourned at 8:17 p.m.

Prepared by:



Amelia M. Villegas, City Clerk

Approved by:



Ariston Julian, Mayor

ATTACHMENT 1

Supreme Court Hears Arguments in Landmark Impact Fees Case

The U.S. Supreme Court heard arguments Tuesday in a case brought by a California home owner regarding a \$23,000 traffic impact fee required to put a manufactured home on a small parcel of land. The case directly addresses jurisdictions trying to skirt the Takings Clause when seeking impact fees.

The case, *Sheetz v. El Dorado County*, involved George Sheetz, a California resident who in 2016 applied for a permit to build an 1,800-square-foot manufactured home on a residential-zoned lot he owned. The county imposed a \$23,420 “traffic mitigation fee” on the permit. Sheetz protested the fee but ultimately paid it, and then immediately sued the county arguing the fee was improper.

At state court, Sheetz argued that the fee was not closely connected to or proportional to the actual impact his new residence would have on the roads, key tests laid out by precedent in two prior Supreme Court cases (commonly called the *Nollan/Dolan* test). The county countered that the test does not apply because the impact fee was authorized by legislation — from the county council in this case — rather than by bureaucracy.

A small number of state courts, including California’s, have carved out legal exceptions to the proportionality test if the fees in question are authorized by a legislative body. The *Sheetz* case directly addresses the constitutionality of such carve outs.

California state courts agreed with the county in this case, writing that the *Nollan/Dolan* test only applies to fees imposed on an individual basis, rather than fees — such as the traffic impact mitigation fee — authorized by legislation.

Sheetz further appealed the decision to the Supreme Court, noting there was disagreement on the question across states. NAHB and the California Building Industry Association (CBIA) supported Sheetz with an amicus brief urging the Supreme Court to take the case. After the Court agreed to hear it, NAHB and CBIA submitted a second brief supporting Sheetz on the merits of the case.

At oral arguments Tuesday, the justices — and even defendant’s council — seemed to agree with NAHB and CBIA on the pertinent question of legislative action shielding a government from the Takings Clause. NAHB and CBIA wrote that the Supreme Court has an opportunity to “make clear that there is no such ‘loophole’ in the prohibition against governmental demands for unconstitutional conditions.”

Justice Gorsuch noted that with such uniform agreement on the question, the case should simply be remanded to the lower courts so they can determine if the traffic fee falls under the Takings Clause.

An opinion is expected this spring. NAHB VP of Legal Advocacy Tom Ward also discusses the case and the Supreme Court arguments in the latest episode of NAHB’s podcast, [Housing Developments](#).