

# MINUTES

## City of Guadalupe

### Regular Meeting of the Guadalupe City Council

Tuesday, November 26, 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 Whitney Furness  
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. (Note: the abbreviation, "CM" for "Council Member", will be used in these minutes.)*

2. **PLEDGE OF ALLEGIANCE**

3. **MOMENT OF THANKS, APPRECIATION OR CONDOLENCES.**

*CM Robles mentioned that Jacob Herrera, a coach for the Bulldogs football team, recently passed away at age 54. He also mentioned the passing of a long-time Guadalupe resident, John (Johnny) Maretti.*

*Mayor Julian said that Willie Galvan passed away. He was a community activist, G.I. Forum State President, etc. His wife is Helen Rivas, who was raised in Guadalupe. That same day her brother, Robert (Bobby) Rivas also recently passed away. Mr. Rivas attended local schools, was a coach, teacher and principal at Fillmore, retiring in Lodi, California as a superintendent. They both come from farm-working families. It's a testament to them working hard to do what they needed to do. Our condolences to both the Galvan and Rivas families.*

4. **AGENDA REVIEW**

*There were no changes made to the agenda.*

5. **COMMUNITY PARTICIPATION FORUM**

*There were no requests to speak or written comments/questions sent in.*

6. **CEREMONIAL CALENDAR**

A. National Native American Heritage Month – Proclamation.

*Mayor Julian read the proclamation which, in part, said: "...National Native American Heritage Month is celebrated in November to honor the culture, traditions, and achievements of the original inhabitants of the United States and their descendants. Native American Awareness Week began in 1976....was expanded by President George H. W. Bush in August 1990, designating the month of November as National American Indian heritage Month...[they] have contributed significantly to the history and culture of the United States and continue to be important leaders....it is important to recognize the contributions of Native Americans who serve in the Armed Forces....City Council would like to recognize and honor Michael Pagaling, a local Native American Veteran who served in the Vietnam conflict and was killed in action in 1969...."*

*National Native American Heritage Month is a time to celebrate the traditions, languages, and stories of Native American, Alaska Native, Native Hawaiian, and affiliated island communities and ensure their rich histories and contributions continue to thrive with each passing generation....recognize November 2024 as 'National Native American Heritage Month'....and ask all residents to observe this month...and to learn more about the indigenous tribes who lived in the region."*

7. **CONSENT CALENDAR** (A-H)

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

- A. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Calendar will be adopted by the same vote cast as the first meeting unless City Council indicates otherwise.
- B. Approve payment of warrants for the period ending November 15, 2024.
- C. Approve the Minutes of the City Council regular meeting of November 12, 2024.
- D. Approve the cancellation of December 24, 2024, City Council regular meeting.
- E. Adopt on the second reading, Ordinance No. 2024-521 amending Chapter 18.53 of the Guadalupe Municipal Code regarding Accessory Dwelling Units and other amendments from Title 18.
- F. Adopt Resolution No. 2024-67 authorizing the Police Department to execute the agreement between the City of Guadalupe and the State of California, Office of Traffic Safety for the Selective Traffic Enforcement Program (STEP) grant in the amount of \$57,000 dollars for DUI equipment, supplies, training, and community education.
- G. Adopt Resolution No. 2024-68 approving the fiscal year 2023-2024 Cost Allocation Plan.
- H. Adopt Resolution No. 2024-69 approving the fiscal year 2024-2025 Cost Allocation Plan.

No items were pulled. Motion was made by Council Member Robles and seconded by Council Member Furness to approve the full Consent Calendar. 5-0 Motion passed.

## **MANAGEMENT REPORTS**

### **8. CITY ADMINISTRATOR: (Information Only)**

A. City Administrator's report for November 26, 2024

*Mr. Bodem reported on the following items:*

- *The City Administrator is working with Al Correale, the Project Specialist from USDA Rural Development, on letters of conditions for a Community Facilities Grant to build Phase 2 of the Le Roy Park Center that will be funded by \$1.7million grant. This essentially shows that the project funding is close to being given to the City for construction of the building addition to Le Roy Park Phase II.*
- *According to Bob Havlicek, Executive Director for the Housing Authority of the County of Santa Barbara, they hope to start occupying (Certificate of Occupancy) the Escalante Meadows project units near the middle of January 2025. The City Administrator is setting up a meeting with the Escalante Meadows TEAM, Mayor, Chief, and School Superintendent (possibly others) to get ahead of any concerns or potential issues that may arise from the 80-unit housing development. There can be as many as five (5) people living in one (1) unit...possibly 400 people and a lot of traffic on 11<sup>th</sup> Street.*
- *The City Administrator passed out a flyer from the "Wreath Across America" showing/helping Girl Scout Troop 50310 to Honor Heroes where one can sponsor a wreath to be placed on a veteran's grave on December 14, 2024, at 11:00 a.m. at the Guadalupe Cemetery. This is "National Wreaths Across America Day".*

### **9. DIRECTOR OF PUBLIC SAFETY: (Information Only)**

A. Director of Public Safety report for November 26, 2024

*Chief Cash reported on the following:*

- *Todd Bodem and I are working, hopefully we're at the very end, on the FEMA reimbursements. He's come back with signatures, and so forth. It's been an arduous journey since the flooding, but we're almost at the end. We should be seeing a large amount of money coming in. This is really good.*
- *On the SB County Probation Department, they're going through funding for next year for programs for treatment and re-entry. We want to make sure that Guadalupe's voice is going to be heard on that.*

- *Tomorrow, Wednesday, 11/27/24, there will be a meeting of the Santa Barbara Police Chiefs and Sheriff Association. On the agenda will be the discussion of the immigration deportation rhetoric that's kind of going around right now. People have a lot of questions, and we will be talking about that to see where everyone stands on that. That's my report.*

*Mayor Julian asked, "The meeting you're having tomorrow where you will be discussing.... the Immigration and Nationality Act Section 287 (g)....briefly, can you explain, or can you give us an idea of our Police Department's position on this issue? It's not set in concrete, but I think people need to know where we are with all of this. What's the police's take on this so far? Nothing's happened yet that I know of. There's a lot of fear in the air regarding deportation, and how that sits well...how that doesn't sit well with the community here in Guadalupe which is a majority of Latinos and a good portion are undocumented. We talked briefly about that. Can you share a little bit about where police, where you stand now and where the department stands?"*

*Chief Cash said, "First and foremost, we're going to protect our citizens. We deal in state law, and that currently is federal law. We are not immigration officers. So, we're going to enforce the law as we've always enforced the law, and we're going to protect our citizens as we've always have protected our citizens. The thing that makes this even more interesting....we seem to just think about people that may be undocumented, but it really hit home when we had our managers meeting. We had City employees who are citizens...they are worried about themselves and their families. So, people need to look at this as a broader situation. We're always going to do....follow the law, follow the direction of our City Council and follow the direction of community of what their wants and needs are."*

*The mayor then said, "And you'll have more to report after your meeting?" Chief Cash said, "Yes, because, this section here that we've talked about so far as immigration, the Sheriff Departments, they have to....there is an MOU between usually Sheriff Departments or detention facilities with federal government to hold ICE agents within their facilities to process. So, it's something that a Sheriff can decide or decide not to participate in. Then with the local municipalities, it's the same whether that local municipality decides to participate in or not participate in. You can see across the country a lot of municipal police agencies are not participating."*

*(Note: go to the City website at [www.cityofguadalupe.org](http://www.cityofguadalupe.org) to view the following statistical reports)*

- B. Police Department report for October 2024
- C. Fire Department report for October 2024
- D. Code Compliance report for October 2024

*Prior to going to "Regular Business", Mayor Julian asked Ms. Annis Barajas, Recreation Services Manager, to report on current and upcoming events/activities. Flyers for all events/activities can be found on the bulletin board outside the Recreation Department at City Hall and on the City website. She reported on the following:*

- *Holiday Home Decoration Contest runs from Nov. 22<sup>nd</sup> to Dec. 13<sup>th</sup> at 12:00 p.m. There are three (3) categories: (1) Home Spun Holiday-depiction of a traditional holiday; (2) California Dreaming-lights, music, motion, and (3) Simple Christmas-something that envelopes the Christmas spirit. Applicants are available in the Recreation Department and on the website.*
- *Last event of the month: Craft Day – Wednesday, Nov. 27<sup>th</sup>, 1:15 p.m. to 3:00 p.m. Kids get out of school early. Free popcorn will be available.*
- *December Activities – All at City Hall: (1) Snow Globe making, Dec. 7<sup>th</sup>, 10:00 a.m. to 12:00 p.m.; (2) Fall Festival, Saturday, Dec. 7<sup>th</sup>, 4:30 p.m. to 8:30 p.m.; (3) Ornament making, Dec. 4<sup>th</sup>, 1:15 p.m. to 3:00 p.m. and (4) Gift Bag making, Dec. 11<sup>th</sup>, 1:15 p.m. to 3:00 p.m. Movie Night is scheduled for Friday, Dec. 13<sup>th</sup> at 6:00 p.m., Le Roy Park.*
- *Zumba – Mondays and Tuesdays, 6:00 p.m. to 7:00 p.m., with exception of school activities. There are about 25-29 in attendance.*

*CM Hernandez had a question of Chief Cash. She asked, “For the 2024-67 STEP grant-DUI, I would like to get an update to give to the community...a progress report. Pro-active approach to keep community safe.” Chief Cash said he would do that.*

*Mr. Bodem said, “I forgot to add that Clay Septic...they do annual jetting...to keep things clear.”*

## **REGULAR BUSINESS**

### **10. Granting of Easements to City-owned properties to Caltrans for ADA Compliance and Pedestrian Infrastructure Improvement Project on Hwy 1 and Hwy 166.**

Written report: Philip F. Sinco, City Attorney

**Recommendation:** That the City Council adopt Resolution No. 2024-70 approving a request from Caltrans to acquire from the City one (1) permanent easement, six (6) temporary easements, and six (6) permits to enter and construct, as part of its project for ADA compliance and to improve pedestrian infrastructure on Hwy 1 and Hwy 166.

*City Attorney Sinco started by saying, “Why is the City Attorney giving a report that the City Engineer should be doing? The City Engineer is currently out of the country. He was going to do the report at the last meeting. However, CalTrans didn’t give him all the information needed to complete his report.”*

*City Attorney Sinco then continued on with this item giving a brief background. CalTrans is engaged in a project to improve pedestrian infrastructure on Hwy 1 and Hwy 166 to make the path of pedestrian travel accessible and ADA-compliant. This is a good idea and long overdue. This is a joint effort on behalf of the City and CalTrans. The City owns property and in order for CalTrans to complete this project, they must acquire the following easement: (a) one (1) permanent (Highway) easement; (b) six (6) temporary construction easements, and (c) six (6) permits to enter and construct.*

*The differences between a permanent (or highway) easement, a temporary construction easement, and a permit to enter and construct are as follows:*

- 1. Highway Easement (E): Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, policy power, and escheat.*
- 2. Temporary Construction Easement (TCE): An easement granted for a specified purpose applicable for a specific frame of time. A TCE terminates after project completion at which point the encumbered fee interest in the land reverts to the owner.*
- 3. Permit to Enter & Construct (T): Expressed permission to enter the grantor's remainder property to perform construction contract work in improvements for owner's use (such as a driveway). Construction work that falls under this category is not required for the project, rather it is simply performed as a convenience to the property owner. This type of permit and the time associated with the work is not appraised, valued, and/or compensable to the property owner. (The permits to enter and construct requested by CalTrans for this project are to ensure that the new public improvements (e.g. sidewalks) conform to privately owned improvements (e.g., other existing sidewalk, landscaped areas, etc.) for purposes of aesthetics and safety.*

*City Attorney Sinco then listed out the specific properties that CalTrans must obtain "acquisitions" (i.e., the permanent easement, temporary easements, and permits to enter and construct) for City-owned properties. Those addresses are listed below:*

- 1. 836 & 848 Guadalupe Street (Royal Theatre) – Permanent (highway) easement and two (2) temporary easements. The permanent easement was appraised at \$7,368.54. The two (2) temporary easements were appraised at \$374.36 and \$264.64. The appraisal also included the replacement cost of a fence and gate on the property which was valued at \$1,428.95. This brought the total valuation for the permanent and two (2) temporary construction easements to \$10,900. CalTrans has offered another \$1,090 in compensation as an incentive if easements are granted by the City by November 27, 2024.*
- 2. 330 Guadalupe Street (Amtrak Station property) – Temporary construction easement was appraised at \$700. An incentive payment of \$1,000 + the appraised value of \$700 will be given to the City by CalTrans if this easement is accepted by November 27, 2024.*
- 3. 884 Guadalupe Street (Vietnam Veteran Veterans Memorial Plaza) – One temporary easement and two (2) permits. The easement area was appraised at \$900. If easement is granted before December 9, 2024, an incentive of \$1,000 + the \$900 will be offered by CalTrans. The two (2) permits are non-compensable.*
- 4. 4646 10<sup>th</sup> Street (former Al's Union property) – One (1) temporary easement and one (1) permit. Temporary easement area was appraised at \$500. If easement is granted before December 9, 2024, CalTrans will pay the City an incentive of \$1,000, for a total of \$1,500.*

5. 1025 Guadalupe Street (Veterans Memorial Building) -One (1) temporary easement and one (1) permit. The easement area was appraised at \$1,350. An additional \$1,000 incentive payment for a total payment from CalTrans of \$2,350 will be paid if the easement is granted before December 17, 2024.

City Attorney Sinco explained that the fiscal impact to the City is an increase in the General Fund by \$18,350, if this item is approved tonight. Mr. Bodem added, "We will overnight the documents so CalTrans can receive on November 27, 2024, and the City can get the incentives."

Motion was made by Council Member Costa, Jr. and seconded by Council Member Robles to approve Resolution No. 2024-70 granting one (1) permanent (highway) easement, six (6) temporary construction easements, and six (6) permits to enter and construct to the State of California (CalTrans) and accepting the offered compensation. Roll Call: Ayes: 5 Nos: 0 5-0 Motion passed.

**11. New Employment Agreement between the City of Guadalupe and Todd Bodem as City Administrator.**

Written report: Sylvia Estrada, Human Resources Manager

Recommendation: That the City Council adopt Resolution No. 2024-71 approving a new employment agreement with Todd Bodem as City Administrator and authorizing the Mayor to sign the agreement on behalf of the City of Guadalupe.

*In Ms. Estrada's absence, City Attorney Sinco presented this item.*

*After the last closed session, the new terms of the employment agreement were agreed upon. City Attorney Sinco said, "State law requires a summary of an executive's employment agreement. Items must be discussed in open session. This was due to all the issues related to the City of Bell."*

*The employment agreement is based on the same terms as the prior agreement, with the following changes:*

- *A term of three (3) years, from November 12, 2024, through October 21, 2027.*
- *Base salary will be \$170,744.12, effective 11/2/24. A six percent (6%) salary increase may be granted on or after November 1, 2025, and a six percent (6%) salary increase on or after November 1, 2026, if a "satisfactory" performance evaluation is granted by the City Council.*
- *In addition to the standard City contribution, if health premiums increase during the term of this contract, the City will contribute up to a maximum of 10% of the increase toward the employee's out-of-pocket costs.*
- *Employee is eligible for other fringe benefits as follows:*
  - a. *Employee is eligible to participate in a deferred compensation program, IRS Code Section 9457(b). Should Employee choose to participate in this program, the City will not*

contribute any additional funds to Employee aside from the compensation stated in Section 3.A.

- b. The City will provide and pay the premiums for term life insurance in the amount of \$105,000 on Employee's life. With respect to this insurance benefit only, Employee may not elect to receive the cash equivalent of such benefit.
- c. Employee will be credited with vacation, holiday and sick leave in an amount equal to that of other non-safety employees of the City of equal tenure.
- d. Administrative Leave in the amount of 80 hours, to be given on January 1 of each calendar year. If the Employee has used more administrative leave than the prorated amount, such excess will be withheld from the Employee's final check.
- e. Employee's PERS retirement formula is set at 2% @ 62 (PEPRA).
- f. Eligible is eligible for a City-provided mobile phone so he is accessible to the City Council at all hours.
- g. Employee is eligible to use the City's electric vehicle plus receive \$150 per month for use of personal vehicle when the electric vehicle is not available, or the Employee elects to use personal vehicle for City business.

*Ms. Villegas, City Clerk (and prior Interim Human Resources Manager) commented that the amount of term life insurance should be \$160,000, not \$105,000 as stated in the employment agreement. She said that the amount had been increased over a year ago. City Attorney Sinco said, "That's what was referenced in this agreement. I was going by the employment agreement attached to the staff report. Any motion will need to reflect that change. Thank you for catching that."*

**Motion was made by Council Member Hernandez and seconded by Council Member Furness to approve Resolution No. 2024-71, approving a new employment agreement with Todd Bodem as City Administrator, with the modification to the actual contract of the term life insurance in the amount of \$160,000, and authorizing the Mayor to sign the agreement on behalf of the City of Guadalupe. Roll Call: Ayes: 5 Nos: 0 5-0 Motion approved.**

*Mr. Bodem then said to the City Council, "Thank you. I appreciate it. I appreciate working here at the City."*

## **12. FUTURE AGENDA ITEMS**

*CM Hernandez asked about the item scheduled for the January 14, 2025 meeting on the "Royal Theatre Redesign Presentation – 50% complete". She asked, "Will there be a flyer for the community to see?" Mr. Bodem said, "There will be a slideshow and a handout." The mayor said to put a flyer on the City website. Mr. Bodem said he will have a flyer developed and sent to the City Council as well as posting it on the City website.*



City Attorney Sinco: For the 12/10/24 meeting, "Propose \$50 stipend for the Code Compliance Hearing Officer. Currently, the Hearing Officer receives no stipend. This ordinance will need to be changed.

Establish time limits for electric vehicle charging stations – no date of meeting mentioned.

Change hours at parks currently stated as "from sunrise to sunset" to more specific hours. – no date of meeting mentioned.

Mayor Julian: reiterated the need for the Food Truck ordinance – January 2025.

### 13. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

CM Hernandez: Attended the Mary Buren "Turkey Trot" and the "Touch of Style" car show. Both were great community events.

CM Robles: Attended he Viva el Arte de Santa Barbara – Mariachi Garibaldi free event in the City auditorium on Saturday, 11/23. The auditorium was about three-fourths full. Everyone seemed to be enjoying the music and atmosphere.

Mayor Julian:

Food Bank of SB County: A Memorandum of Understanding (MOU) between the City and the Food Bank was signed to provide services to Guadalupe during or after a disaster event. This MOU allows for the Guadalupe Senior Center to receive Food Bank of SB County food and resources in the event of a disaster.

Food Bank Update: The following statistics for items are for the period 3/01/2020 to 11/15/24:

- A total of 187 weeks of food bank services provided by the City.
- Total Pounds of USDA Packaged Goods Served: 1,250,931
- Total Pounds of Produce Served: 469,358
- Total Families Served: 11,742
- Total Individuals Served: 54,843

CalTrans Projects: In the next 1.5 years, \$47million will be coming to Guadalupe. Those projects include the following: 1) Hwy 166/1, Guadalupe ADA, for \$12.9M; 2) Hwy 166, Guadalupe to Santa Maria, for \$1.4million, and Hwy 1, SM River Bridge Replacement, for \$33million. And it's based on SBCAG. Every year there's a new Chair and a new Vice-Chair. Starting January 1, 2025, Supervisor Nelson will be the new Chair, and the mayor of Santa Barbara, Randy Rowse, will be the Vice-Chair. It's very important for us to be involved in that. If we weren't involved in that, South County would be sucking up all the resources. Based on the North County representation, we've received quite a bit of money, because we have a foot in the door. We need to continue that.

Newly Elected Council Member & City Clerk: Congratulations to Wendy and Amelia. (Addressing CM Robles, the mayor said, "Maybe in 2-3 years, you'll come back!) What I would ask those newly elected officials, plus existing officials, provide a little update of what they propose to do during their term. We actually have a mission statement and goals. We didn't have any debates because no one ran against us. We're so likable. We'd like to have an item to hear a little bit from the new ones on 12/10. We know what the current members...."


Mr. Bodem said, "We'll do the certification of the election. Then I'll do the oath of office for all new officials. Then they take their new seats." Mayor Julian said, "Once the new members take a seat, they can have a couple minutes or so to give the community an update what they can expect from each of them."

CM Costa, Jr.: Have a wonderful Thanksgiving. Be safe and enjoy the holiday! CM Robles added, "Cherish your family!"

#### 14. ADJOURNMENT

Motion was made by Council Member Costa, Jr. and seconded by Council Member Robles to adjourn the meeting. 5-0 Motion approved. Meeting adjourned at 6:40p.m.

Prepared by:

  
Amelia M. Villegas, City Clerk

Approved by:

  
Ariston Julian