

MINUTES

City of Guadalupe

Regular Meeting of the Guadalupe City Council

Tuesday, September 13, 2022, at 6:00 pm

at

City Hall, 918 Obispo Street, Council Chambers

and

Beach Retreat & Lodge

3411 Lake Tahoe Blvd.

South Lake Tahoe, CA 96150

(room number will be available at the front desk upon request)

1. ROLL CALL:

Council Member Liliana Cardenas
Council Member Gilbert Robles
Council Member Eugene Costa Jr.
Mayor Pro Tempore Tony Ramirez
Mayor Ariston Julian

The meeting was called to order at 6:00 p.m. All were in attendance with CM Ramirez on zoom. (The abbreviation, "CM", will be used for "Council Member" in these minutes.)

2. PLEDGE OF ALLEGIANCE

3. AGENDA REVIEW

There were no requests to change the agenda.

4. PRESENTATION

- North SB County FRESA (Food Resilience, Equity, Sustainability, and Action)

Mr. Alhan Diaz-Correa, from Community Environmental Council, lead the discussion. Also involved in the presentation was Dennis Tivey who spoke about the EBT (Electronic Benefit Transfer) and CalFresh, Mireya Pina, Coordinator at Family Service Agency, and Shelby Wild who is the co-market manager for Route One Farmers' Market in Lompoc.

FRESA is a proactive coalition of CalFresh advocates advancing food access in North County. A main initiative is for food insecure families and low-income families, hopefully, CalFresh families, to use those dollars for local farm growers. Their first meeting was in July 2020, and they are ready to

advocate for a new market and needed policy changes in 2022. Volunteers have spent over 1,000 hours. They have raised over \$30,000 in joint-funded donations. Every meeting has Spanish interpretation.

Mr. Dennis Tivey from the Department of Social Services in Santa Barbara County explained that one in five kids are living below the poverty level which equals hunger and a direct impact on physical and academic abilities. With an EBT card, families can buy foods at store, farmers' markets, etc. There are about 20,000 households receiving CalFresh aid in Santa Barbara County with the largest number in North County (about 40%). (People may know CalFresh as "food stamps" although there aren't stamps anymore.)

For those households getting CalFresh benefits, the EBT card is like a debit card. There is about an average of \$2,000 a month in EBT card use at farmers' markets. The monies stay locally. About 2,000 households in the County have EBT cards. There are 10 year-round farmers markets in the County. Seven accept the EBT card and provide the healthy food incentive program, Market Match, but there are none in the Santa Maria/Orcutt/Guadalupe areas. There's lack of funding in North County.

Mireya Pina, Family Service Agency, spoke about a recent survey. There were over 500 surveys collected by volunteers in Santa Maria and Guadalupe. People would go to the farmers' market if they had access to them in Santa Maria and Guadalupe. There are transportation barriers. People would go if the farmers' market was downtown, about 37.3%, or close to their home, about 35.4%. The survey showed that 71.4% would visit a new farmers market in/near Santa Maria Valley, 13.3% would not, and 15.3% were unsure. About 37.2% surveyed felt the food products were expensive while 10.8% felt uncomfortable going. There are language barriers, as well. Some people feel there is a stigma around EBT benefits or they're not aware of eligibility criteria.

Ms. Shelby Wild, Executive Director of Route One, gave a brief summary of the Route One farmers' market in Vandenberg Village in Lompoc. She's been there for over three years. It's open four (4) hours a week. For 2.5 years they have accepted EBT cards and double matched with Market Match. There are over \$25,000 distributed in incentives to support our local farmers.

Mr. Diaz-Correa spoke about the monthly community meetings. He mentioned that Mayor Julian had attended the last monthly meeting. Spanish and Mixteco participants are needed. FRESA is non-profit and can't hold this business. There is a farmer and vendor survey asking farmers what they sell, where and what their availability is to have them in Guadalupe, etc. Continued outreach and food in North County is needed. He emphasized, "We want to help the City partner and coordinate with us now to make this happen."

Mayor Julian asked, "What do you need from Guadalupe?" Ms. Wild said, "Depends on what the City wants. You can run the farmers' market yourself, in-house, and we can guide the City, or you can run it under our non-profit umbrella. There's no funding right now to start one in Guadalupe. Funds would be needed for a market manager as focal point for Guadalupe and start-up costs." Mr. Diaz-Correa added, "What's needed is location, funding and community members who want to participate and lead this effort."

CM Cardenas asked, "How does EBT dollars work on the market?" Ms. Wild said, "The market manager would apply to accept EBT funds. There's a simple application for that. You have to be qualified to accept federal funds, so there's a background check. EBT cards are swiped, and tokens are distributed to have people shop. A bank account would be needed. Farmers are reimbursed at the end of the day."

Mayor Julian said, "One option would be your group." Ms. Wild said that funding would be needed. The mayor then asked what the budget was for the Root One market. Ms. Wild said, "10 hours per week for new market manager to run and promote market. About \$5,000 for start-up costs, outside of staff costs. Public Health permit with the County and ag permit with the County Weights & Measures would be needed, in addition to general materials and equipment."

CM Robles said, "This would be a big benefit in our community. It's a concept now. There are a lot of things to be finalized." Mr. Diaz-Correa said, "At the beginning of the year, we were introduced to GBA. Now we're fully ready to open a market. We'd need to coordinate what an agreement and a budget would look like, but it would be a sustainable project." Mayor Julian added, "Several months ago, I received a phone call saying that in the past, the City wasn't open to a farmers' market. That was in the past. There are five (5) different food banks here in town. The need is here. I support a farmers' market here in Guadalupe."

Hannah Sanchez asked about locations; have any sites been identified. Mr. Diaz-Correa said, "Yes, a couple so far, but discussions haven't been held on ADA compliance. One is the gazebo area downtown. Another might be near where the Senior Center is or maybe the Community Center at Le Roy Park. Residents need a location they can walk to. We want to work with GBA, restaurants, local vendors, etc. We want to make Guadalupe a food hub not a food desert. We don't think that food discrepancy in North County is by accident. There is a major discrepancy between North and South Counties."

Requests to speak:

Megan Lizalde: She was not in attendance but asked that it be said that she was fully supportive of this project and feels Guadalupe needs this type of program/community options.

Dennis Apel: My wife and I live in Guadalupe in the "white house". I told the mayor that I tried this under a different administration, and it was flatly denied. I've been feeding families for 27 years. Food at farmers' market should be on families' tables. There are some obstacles but I'm happy to remove some of them, like permit and other fees, etc. I'm willing to front monies for this project. I will be an initial market manager without compensation. We need a decision on who takes the lead on this. The best part would be to set up to accept EBT cards. There's nowhere else in North County for this.

Belinda Popovich: I'm a Guadalupe Business Association (GBA) member, Los Amigos de Guadalupe (LADG) board member and the current acting kitchen manager at the Senior Center. We are trying every way to stretch our budget. If our businesses know they can get fresher produce on these farmers' market days, they can partner up with various farmers to discuss their specific needs. Excess produce could be donated to the Senior Center, brown bag program, etc. The GBA and LADG support a farmers' market in Guadalupe and offer our help in anyway needed.

At this point, Mayor Julian asked CM Ramirez if he said any questions or comments. CM Ramirez said, "I'm definitely in support of all of this. It's very much needed."

Stephanie Krouse: I've lived in California for 25 years. I've participated in the food bank for 1.5 years and help deliver meals. Everyone should get healthy food. Ag workers are the ones who can't get fresh produce. A farmers' market could bring people of all income levels together. I would really appreciate the City's support for this.

There was consensus by the City Council to support this program. Mayor Julian said, "The City is limited in what we can do. Hannah (Sanchez) or Chief Cash can work with the community on this. I'll leave it to Todd to have Hannah work on this. Farm workers harvest produce that they can't buy." Ms. Sanchez asked if she was to be the point person for the City to find a location, permit, etc. Mr. Diaz-Correa said whatever she has time to participate in this project. Ms. Sanchez did say she'd attend the upcoming Friday FRESA meeting.

5. COMMUNITY PARTICIPATION FORUM

Dr. Emilio Handal, Superintendent of Guadalupe School District, spoke on upcoming bond measures on the ballot in November. Before Dr. Handal spoke on the measures, he said, "I want to voice my support for a farmers' market here. The discrepancy between North and South Counties is so vast. Whatever the schools and I can do to help, we will. This is sorely needed here. Throw in the element of the EBT card and the access our families need to healthy fresh food is beyond description. He then continued speaking about the bond measures. These measures are two general obligation (G.O.) bond programs, each for \$8.5M. They are intended to construct a new junior high school, complete funding for the community gymnasium and modernize and renovate projects at the District's two older schools and raise \$17M in State funds to help pay for these projects.

Dr. Handal said, "We have almost 800 students at the Mary Buren site. This creates a serious problem with impact on parking and the students. Costs for the junior high and gym have gone beyond what was initially priced due to the pandemic. The State has allocated \$17M to the school district which would go to build the junior high school but that only goes for one-half the costs. We've already broken ground in hopes that a junior high school can be built but we are far from completing the project. There's been no ribbon cutting or groundbreaking ceremony. All of this is contingent on these two bonds passing. Without the bonds, the \$17M will go back to the State." Mayor Julian commented that this is much needed.

Dr. Handal said, "With the mandated expansion of transitional kindergarten, we'll have to be housing more students. All 4-year-olds will be coming to school, too. We're leveraging state funding and appropriations through federal government. Hoping to build a care center for pre-school with a grant of over \$750,000 for 3-4-year-olds. Our kids and families deserve better." He urged residents to vote for Measures V2022 and W2022 to support the need for improved educational facilities for the children in our community.

6. CONSENT CALENDAR

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

- A. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Calendar will be adopted by the same vote cast as the first meeting unless City Council indicates otherwise.
- B. Approve payment of warrants for the period ending September 6, 2022
- C. Approve the Minutes of the City Council regular meeting of August 23, 2022, to be ordered filed.
- D. Approve the Minutes of the City Council special meeting of August 16, 2022, to be ordered filed.
- E. Approve the annual "Peace, Love, and Hope Around the World" holiday season parade scheduled for Saturday, December 10, 2022, by Kiwanis Club of Guadalupe.
- F. Accept the revised Master Fee Schedule annual CPI update.
- G. Adopt Resolution No. 2022-80 approving the Co-Ed Adult Basketball League.
- H. **MONTHLY REPORTS FROM DEPARTMENT HEADS**
 - 1. Planning Department report for August 2022
 - 2. Building Department report for August 2022
 - 3. Public Works/Engineering report for August 2022

CM Cardenas pulled Item #6.H.3. -Public Works. Motion was made by Council Member Costa, Jr and seconded by Council Member Cardenas to approve the balance of the Consent Calendar. 5-0 Motion passed.

CM Cardenas asked about SB1826 on solid waste and whether additional bins were needed for commercial properties. Ms. Sweeney said, "Yes, additional bins that meet the new requirements. Letters were sent out to potential customers. Waiver request applications must be received by October 1st."

CM Cardenas also asked about the EV buses and potential funding for them. Ms. Sweeney said that she's submitted a purchase order in the amount of \$1,049,977.40 - this is 14 months away. \$550K from the LCTOP program is used towards the first electric bus. To qualify for a \$250K rebate, the purchase order was sent to 3CE. There's also an application to receive \$146K from a voucher program. The City was notified that we were awarded an additional \$957,211 for the purchase of a third electric bus through the Affordable Housing and sustainable Communities grant through the

Escalante Meadows project. There is \$750K out of the Affordable Housing grant for a charging station at 303 Obispo Street, the City yard. We have time to build as all of this is 14 months away.”

CM Cardenas asked about the current bus routes and how people were responding to the changes. Ms. Sweeney said, “I plan on providing information in the October report. There’ve been some complaints...one written letter of complaint which has been responded to already. People didn’t understand use of tokens so there were transfer issues. But all-in-all, things look good.”

Motion was made by Council Member Cardenas and seconded by Council Member Robles to approve Item #6.H.3. on the Consent Calendar. 5-0 Motion passed.

7. CITY ADMINISTRATOR REPORT: (Information Only)

Mr. Bodem had several items:

- *Asked if the City Council wanted to keep open the November 22nd City Council meeting which is the week of Thanksgiving. Consensus from the Council was to keep that date open.*
- *The Royal Theatre project received an EDA grant and official award of just under \$5M in funding with a contract to be signed by the mayor. This adds to the State funding of another \$5M that will be administered by the CA Arts Council for a total of around \$10M which will probably cover the construction costs estimated by Andrew Goodwin Design Architects. The City is applying for an additional amount of \$1.5M in tax credits. This will help cover any of the anticipated cost over-runs and inflationary increases that are inevitable.*
- *A production crew was at City Hall looking over the area. They are developing a film called “Breaking Through” about a family that crossed the border to start a new life here. They will be filming in Guadalupe, City Hall, a part of the Vets Hall and in open field areas. (Information is also in the Mayor’s Report.)*

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

Chief Cash spoke on the following:

- *Traffic Survey: last two (2) weeks, we’ve directed traffic at Mary Buren in the mornings and afternoons, working with the Superintendent Handal. At first, it was thought that this was a City issue but Chief showed them that we don’t have a traffic problem...it’s school related. Mr. Handal is now willing to work with me to come up with some solutions. Chief sent over some information to have their traffic control people go through some training. Chief will attend the school board meeting tomorrow to get more support. Mr. Handal asked Chief for a cost analysis for having traffic control to be able to work in that area.*

- *Residential home permit program: Council was given copy of what permit looks like. Putting finishing touches on program to get information out and get this program started.*
- *The Mexican Independence Day parade on Sunday, 9/11, went off extremely well. The traffic plan went well. Chief connected with the organizers and suggested that planning start earlier next year. Chief thanked Shannon Sweeney for her help in getting things organized.*
- *Over the recent holiday weekend, an Airbnb issue came up. Nothing was in place to enforce. Package was sent to the City Council to show steps being taken to rectify this. There are about 13 Airbnbs. Information will go out to the Airbnb people re permits, fees, etc. Process is in place with Fire and Code Compliance so that we can do enforcement.*
- *An elderly gentleman came to the PD and gave Chief \$100 cash. Chief went to Finance to get a receipt, but the man was gone when Chief returned to the PD. The man had said, "I want to donate to the Police Department...I like you guys. I don't want you to know who I am. I love my city...I love my department." We forget we touch a lot of people working here. Kids thank the Chief for helping them cross the street.*

9. MAYOR'S REPORT- UPDATES

Mayor Julian encouraged everyone to read the report which is on the website as there is a lot going on in Guadalupe.

PUBLIC HEARING

10. **To Consider Tract 29,066 (Planning File No. 2021-099-TTM), a Vesting Tentative Tract Map, to Allow Subdivision of a 26.82-acre Parcel into 113 lots for Future Development in Pasadera South.**

Written report: Bill Scott, City Planner

Recommendation: That the City Council:

- Receive a presentation from staff; and
- Conduct a public hearing to consider any comments from the applicant and the public.
- Adopt Resolution No. 2022-81 to approve the proposed subdivision of Tentative Tract Map 29,066

CM Ramirez, who was on zoom, asked if he could be a part of this discussion as he lives in the Pasadera area. Mr. Scott said that CM Ramirez lives more than 500' and should be alright for him to participate. City Attorney Sinco said, "Technically, up to 1,000' is okay. So, CM Ramirez is fine."

On November 13, 2012, the City Council adopted the revised version of the DJ Farms Specific Plan, a development of 802 single-family residential units, an area for commercial uses, a school and parks and recreational facilities. The applicant is proposing creation of a new Vesting Tentative Tract Map, Tract 29,066, for subdivision of 26.82-acres into a total of 113 lots. The subdivision includes 111

single-family home lots. Lot 112 would accommodate a small park and stormwater retention basin and Lot 113 will remain undeveloped as it is not a part of this subdivision.

After Mr. Scott concluded his report, he handed out a sheet showing the applicant's request for three (3) revisions. These revisions were regarding statements on the Obispo Street Bridge, park development and public facilities fees, and Lot 113, the area not designated as part of this subdivision.

Public Hearing opened at 7:15 p.m. Public Hearing closed at 7:16 p.m.

CM Cardenas asked about two (2) bridges. Mr. Craig Smith said, "Yes, the primary one is on Obispo Street. That's to be built as soon as possible. We've ordered parts...they're six (6) months out but we're prepping now. There are over 210 homes (Lot 1). Second bridge needs to be built, Arroyo Seco Bridge."

Motion was made by Council Member Cardenas and seconded by Council Member Costa, Jr. to approve Resolution 2022-81 with revisions. Roll Call: All Ayes Motion passed.

REGULAR BUSINESS

11. Le Roy Park Phase II Scope of Work and Budget.

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

Recommendation: That the City Council provide guidance to City staff on Le Roy Park Phase II Scope of Work and Budget.

Ms. Sweeney stated that we applied for and received earmarked funds, \$1.7M in federal funds, to proceed with phase II of Le Roy Park. The total project cost is \$2,117,043. It is now time to submit an application to have those funds applied to this project. She showed the breakdown of this total cost which would include the building, parking, BBQ, Amphitheatre and adult exercise area. With just the building portion to be done, less than 10% contingency will be available to complete the project.

She gave options to consider: 1) can the building be made a little cheaper; 2) redesign the project - design to available monies with no guarantee of saving cost but costs would be incurred to design, or 3) proceed to only go with the building and consider others when/if other funding comes up. Her recommendation was that an application be submitted for the multipurpose building addition itself, with the addition of other features as funding may allow. When bidding the project, City staff recommends that the project be bid as just the building as base bid, with the other features as additive alternates to be constructed if funds are available.

Mayor Julian said, "The Amphitheatre was third on request. We have several barbecues. We need the building built. Go with just the building, which is your recommendation."

There was consensus by the City Council to go forward with just the building. Ms. Sweeney said that she wanted all to be on the same page with what needed to and could be done with the available monies.

12. Bonita Pacifica Land Transfer.

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

Recommendation: That the City Council adopt Resolution No. 2022-82 approving land transfers of City owned property (portions of APN 113-320-097 to adjacent property owners of APNs 115-201-004, 115-201-013, and 115-201-012).

Ms. Sweeney said that the recommendation is to have the City deed this property to three (3) landowners who want access to Tognazzini Street from Pioneer Street for ADUs. One (1) house is already built and two (2) are undeveloped.

Various alternatives for accommodating these requests were considered; 1) an encroachment agreement, but City Attorney Sinco said to deed the property to the property owners to reduce city liability. The City would have to hire a surveyor to develop a legal description of the land to be deeded; 2) City Council reject request to transfer these small portions of property to the three (2) adjacent property owners, and 3) City Council approve transferring the property to the private owners but require an appraisal be performed and that the property owners pay for the property they are receiving from the City, although doesn't recommend this option.

Mayor Julian asked about the house that was already built. Ms. Sweeney said that a lot line adjustment would be needed. She also said that she's been looking at this property and that area on the southern end doesn't do anything. The mayor then asked about how all of this would impact traffic. Chief Cash said, "Sanchez Street, Main Street Market. It would be a challenge but surmountable. Other areas have similar challenges. I'd recommend a 'No Parking' sign on the east side of the street."

The mayor asked about any parking requirement for ADUs. Ms. Belinda Popovich, representing two (2) of the property owners said, "The ADU has a pad where two (2) cars can park. There's no intention to fence in the far north lot. There are no plans right now to develop the two (2) lots that are vacant now."

Mayor Julian asked about the cost of an appraisal of this land. Ms. Sweeney gave an example of property at 287 Mahoney where the costs for buying an easement was \$10 per square foot...about \$4,000 last time she did an appraisal. Mr. Bodem mentioned that the City could develop the balance of the park and sell it.

A motion was asked to authorize grant deeds. CM Cardenas said, "1,020 square feet...\$10 per square foot...\$4,000 appraisal. I'm hesitant to give property away." City Attorney Sinco said, "That's why it's an alternative. This property is small. If we give it away, others may ask the same, but we have justification here."

CM Costa, Jr. said, "If we were to sell, we have to get an appraisal." City Attorney Sinco said, "Probably should. A good business practice if the owners were agreeable to buy. Okay, if parties agreed, but appraisal is wise to do. May cost less because of the odd size of the property."

Mayor Julian wanted to know who brought the issue forward. The property owners did. The mayor felt that at least appraise the property. Mr. Bodem asked, "If we appraise it, what happens if the owners don't want to accept?" CM Cardenas said, "Get agreement between the City and the property owners." City Attorney Sinco added, "We can look without an appraisal but need to research more. Recommendation to give away the smallest piece."

CM Robles said, "The land is oddly shaped. Maybe for development later on in the future. We'd need an agreement." City Attorney Sinco said, "It's unusual for a development agreement. Giving land but owners will provide parking for ADU but can't provide parking to build off-street parking." CM Robles said, "Make approach wide enough for ADU wide enough for two cars." Ms. Sweeney then said, "If the driveway is for wide of two cars rather than one car, if we can exchange land for requirements then the City is getting a benefit." CM Cardenas said, "Benefit for the City. Owners can help with some trade off."

Mayor Julian said, "Look at appraisal and develop an agreement. I've asked Chief to check out traffic." Ms. Sweeney asked, "Can I proceed with smaller lot line adjustment, 20 square feet?"

Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to approve the lot line adjustment transfer to property owner of APN 115-201-004. 5-0 Motion passed.

13. City Hall Structural Assessment.

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

Recommendation: That the City Council provide guidance to City staff on funding and schedule to address City Hall structural deficiencies.

A structural assessment of City Hall was commissioned and completed on April 12, 2022. The purpose of this assessment was to determine the building's structural deficiencies that should be coordinated with the roof replacement and completed at the same time for cost efficiency and to ensure that the building serves the long-term interests of the community. Ashley & Vance Engineering, Inc., who completed the assessment, met with the City staff on July 14, 2022 to discuss the assessment and options for addressing deficiencies. A final report, considering City staff's input, was given to the City on August 31, 2022.

The cost of addressing all deficiencies identified in the structural assessment is estimated at \$1,931,763. ARPA funding earmarked for this project is \$554,000. The City is anticipating receiving approximately \$1,828,492 in development fees from Pasadera earmarked to the City Hall building. However, those fees are anticipated to occur in 2027.

The consultant determined that deferring some of the work to a later date will cost the City an additional \$374,741 for a total estimated cost of \$2,306,504. Also, an additional \$60,000 was added to the cost to pay for plans and specifications for the second phase of work. Looking at the work that needed to be done and the available funding, as well as projected funding, two (2) options were available for the City to consider: 1) Repair 65% of the roof now, with redirected funds from Vets' Hall wood repair and Facilities Master Plan, and complete remaining work from Pasadera development fees received in 2027, or 2) Complete about \$270,000 in roof leakage and rot repairs now and defer all additional work upon receipt of Pasadera development fees. Redirect ARPA funds to other projects.

CM Costa, Jr. asked if there were any grants that the City could get for these repairs. Mr. Bodem said that grants don't typically go to City Hall/administration...generally for public safety.

Ms. Sweeney said, "Roof leak repairs, \$270,000. Just repairs, patching. CM Ramirez said, "Option 2 - \$270,000 in immediate roof leakage and rot repairs.

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to approve completing approximately \$270,000 in immediate roof leakage and rot repair now and defer all additional work until receipt of relevant Pasadera development fees and redirect approximately \$284,000 in ARPA funds to other projects. 5-0 Motion passed.

14. Feasibility of Establishing City of Guadalupe Public Safety Department Impact Fee Nexus Study.

Written report: Michael Cash, Public Safety Director

Recommendation: That the City Council:

- a. Receive presentation from staff; and
- b. Deliberate and file the report; or
- c. Direct staff to select a vendor to complete the study and return to Council when an impact fee study is ready for consideration; or
- d. Continue to another Council meeting for further discussion and deliberation.

A development impact fee is not a tax or special assessment; by its definition, the fee must be related to the impact(s) created by development or be reasonably related to the cost of the service provided by the local agency. Currently, the City does not have a formal adopted public safety impact fee process for new single-family housing, multi-family housing, retail/commercial, office, and industrial development respectively. The purpose of a Public Safety Impact Fee Nexus Study ("Nexus Study"), which would be prepared pursuant to the Mitigation Fee Act ("Act") is to establish the legal and policy basis for the collection of new public safety impact fees ("fees") on new residential and nonresidential development within the Department's service area. As the City grows, public safety impact fee revenue will be used to expand the Department's police and fire protection facilities and equipment to maintain its existing level of service. The Act does not allow for fee revenue to be used for Department staffing, maintenance, or other operational costs.

The “Nexus Study” will demonstrate that a reasonable relationship or “nexus” exists between new development and the need for public safety as a result of the new development. This study will present findings that will meet the procedural requirements of the “Act” regarding purpose of fee, reasonable relationship between the need for the public safety facilities and the type of development project the fee is imposed, or “impact relationship”, etc.

To determine the Department’s public safety impact fees, this “Nexus Study” utilizes an existing facility standards methodology. Existing development is determined based on the assumption that 50 percent of the need and demand for public safety service is related to the persons (residents or employees) and the other 50 percent of the need is related to the structural area (i.e., living area or nonresidential building area) in which they live or work. The value of the Department’s existing public safety system is determined using the replacement value of the Department’s existing inventory of public safety protection facilities, equipment, etc.

Staff recommends that funding for the “Nexus Study” come from the Public Safety Department’s restricted Funds 40 and 42 (Proposition 172 funding). The cost of the study would be between \$25,000 to \$50,000.

Chief Cash said that in Santa Barbara County, Guadalupe is the only city that doesn’t have public safety impact fees. CM Cardenas asked if this would apply to only new development or existing, as well. Mr. Bodem said, “Just new development. Because of the growth of the City, there’s more need for public safety.” CM Cardenas also asked, “Will this apply to ADUs, too?” City Attorney Sinco said, “There’s no change for impact fees for ADUs. We can impose fees as a condition of approval even without an ordinance...reasonably related to impact. Can’t have impact fees without “Nexus Study”. We don’t have total budget for other studies.”

City Attorney Sinco said, “This would be for future. Pasadera has this in their agreement.” Mr. Bodem said, “\$25,000 - \$50,000 investing for future development.” CM Cardenas asked, “Will there be a positive benefit -break even?” City Attorney Sinco said that there’d be a recalculation every 10 years.

Mayor Julian said, “I support this study. We need to look at the future.” City Attorney Sinco added, “For economic development, Royal Theatre, that may justify cost of the study.” Chief Cash asked the Council for direction to get vendor for study. There was consensus by the City Council to move forward with this study. City Attorney Sinco said, “We need to return to the Council with a motion as monies are involved.

Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to move forward with the Nexus Study and seek a vendor. 5-0 Motion passed.

15. Re-Classification for the Human Resources Manager Position.

Written report: Amelia M. Villegas, Interim Human Resources

Recommendation: That the City Council adopt Resolution No. 2022-83 approving the re-classification of the job description for the Human Resources Manager position.

Ms. Villegas gave a brief history on the human resources (HR) function and corresponding salary range. Prior to the summer of 2006, the City didn't have a dedicated human resources function. The City Administrator at the time created a temporary 90-day project-based assignment which eventually turned into a regular, part-time HR position with a job description and salary range, both approved by the City Council in the first quarter of 2007. In the fall of 2012, the interim City Administrator made drastic cost-cutting measures which impacted HR with an approximate 30 percent reduction in the salary range. There has not been a review or adjustment to the salary range in the last ten years.

The HR function is a single-incumbent function/position requiring an experienced individual with depth in a variety of disciplines under the overall "human resources umbrella". Mr. Bodem added that the HR Manager is a complex job with legal implications. If a wrong decision is made, the result could be costly for the City. To appropriately fill the current vacancy, an HR generalist is needed which our current salary range doesn't support.

This re-classification does not affect the current job description in terms of responsibilities, knowledge, skills and education. The labor market is the driving force in the request to reclassify the position. In a survey of comparable positions in surrounding cities on the Central Coast, which is considered our labor market, Guadalupe is the second lowest in the survey. A key factor to consider is that most other human resources positions in these other surveyed cities report to senior human resources positions which differs from Guadalupe.

The Human Resources Manager position was budgeted based on the prior incumbent's total compensation. The vacancy is currently filled by an interim HR Manager with a projected hire of a regular HR Manager by October/November. There would be a cost saving for this fiscal year as the interim manager is a retired annuitant and cannot receive any benefits.

It is recommended that the Human Resources Manager salary range be increased by six percent.

Motion was made by Council Member Costa, Jr. and seconded by Council Member Ramirez to approve Resolution No. 2022-83. Roll Call: All Ayes 5-0 Motion passed.

16. Denial of Unsuccessful Candidates for Commercial Cannabis Business (CCB) Permits.

Written report: Todd Bodem, City Administrator

Recommendation: That the City Council:

1. Receive a presentation from staff;
2. Receive public comments; and
 - a. Deny the applications of the three unsuccessful CCB permit candidates; and

- b. Authorize the establishment of an eligibility list for the unsuccessful candidates in the event one or both of the prevailing candidates are unable to meet the remaining requirements for obtaining a CCB permit.

City Attorney Sinco said, "Only one retail applicant was selected at the first meeting on April 12, 2022. We didn't deny the others. Due to a procedural irregularity that has been well documented and explained in prior staff reports, Element 7 which had been selected in an April 26, 2022 meeting was rescinded. The Roots Dispensary and Element 7 were invited back to a special meeting on August 16, 2022 where Element 7 was selected as the second prevailing retail candidates.

The Council had taken action to approve two of the applicants but had not taken specific action to deny any of the final candidates. Two (2) were not going to be successful but we were cautious. Now that the two "prevailing" candidates have been selected to continue with the process for obtaining a CCB permit, it is appropriate for the Council to take specific action to deny the applicants of the unsuccessful candidates. It is also recommended that the City Council confirm that an eligibility list be created for these three unsuccessful applicants in the event that one or both of the prevailing candidates ultimately fail to meet the remaining requirements for issuance of a CCB or obtain issuance of the required conditional use permit."

Mr. Bodem added, "Timelines...we need to come back to Council with those." City Attorney Sinco said, "Our ordinance requires CUPs issued. Twelve months to open and to add additional regulations. We'll bring regulations on times and process back to Council."

Request to speak:

Email received from Luis Castaneda, dated September 13, 2022, re: Establishment of an eligibility list- Dear Honorable Mayor and City Council: Before I share my thoughts on the City Council establishing an eligibility list, I want to express to your Council that the ownership and management of The Roots appreciated the opportunity to participate in the City's retail cannabis selection process. And while we, of course, were hoping to be selected to move forward and open a dispensary in the City, we acknowledge that the process your Council followed was fair and transparent and is ultimately accountable to the good people of Guadalupe.

And we also believe that our cannabis retail operation and the City could still forge a productive relationship to provide legal, tested, and ethically sourced cannabis to residents and visitors in Guadalupe in the future. We hope that as circumstances in the City of Guadalupe change, as they always do, a door will open for the Council to consider a third dispensary. If that were to happen, we believe The Roots would be the logical choice.

Concerning your staff's recommendation that your Council authorizes the establishment of an "eligibility list" for the three applicants who were not successful in the City's selection process, we believe this is a prudent course by your Council especially in the event one or both of the candidates

already selected are unable to meet the City Council's requirements for obtaining a permit to operate.

We are also in support of your staff bringing a future agenda item to the Council to deal with other issues, including establishing timelines for operators to obtain the issuance of a conditional use permit. Indeed, we believe your Council should adopt a timeline for opening lest the City finds itself a year from now with no retail cannabis storefronts operating legally in the City.

As pointed out by your staff, failure by your Council to create an eligibility list and instead formally reject our application and the others would result in the City having to start the application process over. We believe that would be a mistake because it would require significant staff time and additional expenses to the City.

Thank you for considering my views on this matter. And please don't hesitate to contact me should you have any questions.

*Best regards,
Luis Castaneda
Director, Retail Operations
The Roots*

Motion was made by Council Member Ramirez and seconded by Council Member Cardenas to deny the applicants not selected and develop an eligibility list. 5-0 Motion passed.

17. FUTURE AGENDA ITEMS

No new agenda items added.

18. ANNOUNCEMENTS – COUNCIL ACTIVITY/COMMITTEE REPORTS

CM Cardenas: Saturday, 8/13, Lions Club had free eye examinations. There were 326 patients. 39 required no Rx. There were 242 recycled glasses turned in. Some patients were treated and referred for surgery. 73 patients were 18 years and younger. The optometrist said this event was very successful. Similar event in San Diego, however, was not successful. The optometrist wants to come back but said more optometrists and volunteers are needed.

CM Costa, Jr.: The Guadalupe Bulldogs will have their first home game. On Wednesday, 9/14, at 7:00 p.m. at Pioneer Valley HS, intermediate group will be playing. Game had been previously postponed.

Mayor Julian:

For Cal Vans vehicles, there are a total of 693 in the State; 593 are ag-related; 98 are non-age/prisons, non-ag businesses, etc. There are 116 vehicles in Santa Barbara County, of which 8 are in Guadalupe. A volunteer can be a driver with a Class "C" license. According to the CHP, anyone driving a 15-passenger van must have a Passenger, "P" endorsement. There are ongoing discussions with DMV/CHP Cal Vans staff to rectify the "P" requirement as this would be very difficult for some volunteer drivers to obtain.

Attended Law Enforcement Recognition Night on September 7, 2022. This event was attended by Todd and many, many city personnel. Officer Omar Ruiz was Guadalupe's officer recognized at this event.

On September 11, 2022, the Fiestas Patrias parade and festivities occurred. CM Cardenas backed me up.

On September 15, 2022, APCD and SBCAG meetings are scheduled with a special APCD meeting on September 19, 2022.

A meeting with the School District is scheduled for September 15, 2022 regarding a Joint Use Agreement with the City of Guadalupe.

19. ADJOURNMENT TO CLOSED SESSION MEETING

The meeting was adjourned to closed session. Items to be discussed: a. Public Employment (Pursuant to Government Code Section 54957(b)); Title: City Administrator, and b. Conference with Legal Counsel-Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4): 1 case.

Motion was made by Council Member Cardenas and seconded by Council Member Costa, Jr. to adjourned to closed session. 5-0 Motion passed. Meeting adjourned to closed session at 8:56 p.m.

CLOSED SESSION

20. Public Employment

(Pursuant to Government Code Section 54957(b));
Title: City Administrator

21. Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to Government Code section 54956.9(d)(4):
1 case

22. ADJOURNMENT TO OPEN SESSION MEETING

Motion was made by Council Member Costa, Jr. and seconded by Council Member Cardenas to adjourn to open session. 5-0 Motion passed. Meeting adjourned to open session at 9:27 p.m.

23. CLOSED SESSION ANNOUNCEMENTS

Public Employment: “No reportable action.”

Initiation of Litigation: “The Council gave direction to initiate a legal action, and that after the commencement of the action, the defendant(s) and the other particulars shall be disclosed to any person upon inquiry.”

24. ADJOURNMENT

Motion was made by Council Member Cardenas and seconded by Council Member Costa, Jr. to adjourn meeting. 5-0 Motion passed. Meeting adjourned at 9:28 p.m.

Prepared by:


Amelia M. Villegas, City Clerk

Approved by:


Ariston Julian, Mayor