



**MINUTES
SOLVANG CITY COUNCIL
5:30 PM SPECIAL CLOSED SESSION, AND
6:30 PM SPECIAL MEETING**

January 12, 2023
Thursday

5:30 PM CITY COUNCIL SPECIAL CLOSED SESSION

CALL TO ORDER

Mayor Infanti called the meeting to order at 5:30 p.m. in the City Hall Council Chamber, 1644 Oak Street, Solvang, California.

ROLL CALL

Present: Mayor Mark Infanti; Councilmembers David Brown, Claudia Orona, Elizabeth Orona
Staff: Interim City Manager Bradley Vidro, City Attorney David Fleishman, City Clerk Annamarie Porter

PLEDGE OF ALLEGIANCE

Councilmember Brown led in the Salute to the Flag.

1. PUBLIC COMMUNICATIONS ON CLOSED SESSION

Denise El Amin commented on the cost of the litigations that the City is involved in.

2. RECESS TO CLOSED SESSION

a. CONFERENCE WITH LEGAL COUNSEL—Existing Litigation - pursuant to Gov. Code §54956.9(d)(1)

Name of Case:
Martin v. City of Solvang, Santa Barbara County Superior Court
Case No. 21CV00883.

RECONVENE TO OPEN SESSION

3. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

City Attorney Fleishman stated there was no reportable action.

4. ADJOURNMENT

The Special Closed Session was adjourned at 6:19 p.m.

6:30 PM CITY COUNCIL SPECIAL MEETING

CALL TO ORDER

Mayor Infanti called the meeting to order at 6:30 p.m. in the City Hall Council Chamber, 1644 Oak Street, Solvang, California.

ROLL CALL

Present: Mayor Mark Infanti; Mayor pro tem Elizabeth Orona, Councilmembers David Brown, Claudia Orona

Staff: Interim City Manager Bradley Vidro, City Attorney David Fleishman, City Clerk Annamarie Porter, Utility Director Jose Acosta, Administrative Services Director Wendy Berry

PLEDGE OF ALLEGIANCE

Mayor pro tem E. Orona led in the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS AND CEREMONIAL ITEMS

a. Human Trafficking Awareness Month

Mayor Infanti presented a proclamation declaring the month of January 2023 as Human Trafficking Awareness Month.

Ann McCarty, Executive Director, North County Rape Crisis & Child Protection Center and Member of Human Trafficking Taskforce, spoke about human trafficking; discussed formation of the Human Trafficking Taskforce as well as its services; addressed statistics; thanked City Council for the proclamation; urged its continued support and announced an upcoming vigil.

PRESENTATIONS – None

1. PUBLIC COMMUNICATIONS ON NON-AGENDA AND CONSENT ITEMS

Mayor Infanti wished everyone a Happy New Year; commended and thanked City staff for their support of Solvang residents and provided an overview of Council procedures.

Dennis Beebe spoke about the passing of James Axtel who was 103 years old.

Tracy Beard, Solvang Chamber of Commerce, spoke about certification business certificates and requested extending the deadline to January 17, 2023.

There being no further comments, Mayor Infanti closed the public comment.

2. CITY MANAGER REPORT AND ADVANCE CALENDAR

Interim City Manager Vidro thanked City staff for its work during the recent storm; provided a status update on specific areas that were affected by the storm; discussed distribution of sandbags; addressed damage assessments; spoke about the business community acknowledging the kindness of residents in the area; talked about setting up processes to help businesses deal with their losses; commented on hiring part time Community Services Officers, public review of the Housing Element and upcoming items for City Council's consideration. Additionally, he disclosed the winners of the Christmas decorating contest.

Brief discussion followed regarding the Cachuma spill.

3. COUNCIL COMMENTS AND REQUESTS

Councilmember Claudia Orona thanked staff for their work in supporting residents after the storm; asked that staff look into providing refillable water stations; wished Tracy Beard a Happy Birthday and thanked residents for following instructions for keeping safe during the storm.

Councilmember Brown spoke about receiving compliments regarding the light show performance and the park during the holiday season.

Mayor pro tem E. Orona reported that Monday night was very stressful at Alisal Ranch; spoke about traffic and the crush experienced during the holidays; discussed the excellent work from City staff, the community and the county, during and after the storm; noted PG&E was very proactive and wished those in Alisal Ranch a quick recovery and all the help the City can offer.

Mayor Infanti encouraged residents to apply for seats on various boards and commissions; spoke about updating the City's Emergency Management Plan, notifying residents and making evacuation plans; suggested making the plan available to residents and commented on a request by a medical cannabis permittee to change to adult recreation and the possibility of placing the matter on a future agenda.

By a majority poll, City Council agreed to place the matter on a future agenda.

4. CONSENT ITEMS

- a. Approve Order of Agenda as Presented
- b. Adopt Resolution No. 22-1204 a Resolution of the City Council of the City of Solvang, California, Authorizing Remote Teleconference Meetings of the Solvang Meeting Bodies
- c. Approve City Council Minutes of December 12, 2022
- d. Approve December Warrants
- e. Receive and file Visit SYV 2nd & 3rd quarter 2022 reports
- f. Receive and file Santa Barbara County Sheriffs Statistics thru November 2022
- g. Adopt Resolution 23-1205, a Resolution of the City Council of the City of Solvang, California setting forth Findings in support of Amendments to the 2022 California Building Code, Residential Code, existing Building Code, Electrical Code, Mechanical Code, and Plumbing Code Based on Local Climactic, Topographic and/or Geological Conditions.

Motion by Councilmember Brown, to approve the Consent Agenda as presented, seconded by Mayor pro tem E. Orona, and carried 4-0.

5. PUBLIC HEARINGS – None

6. DISCUSSION ITEMS

- a. **Discussion and possible action regarding Modifications to Regulations during Drought Conditions**

Utility Director Acosta presented details of the staff report.

Discussion followed regarding water use, per capita, the multi-family residential classification, getting an average increase/decrease on water usage for the second half of the years being measures and understanding whether the user community, at large, responds to the penalties and drought conditions and how many people respond to penalties.

Mayor Infanti invited public comments.

Dennis Beebe spoke about the importance of water and water conservation; noted that negative

incentives (penalties) do not work; urged City Council to consider other parts of the structure and suggested prorating the single-family resident structure according to the size and usage.

Vern Madsen noted that one huge rainfall will not solve the City's problem; addressed the inequity of commercial penalties; urged City Council to develop a fair and equitable system for determining what customers will pay.

Julie Glendinning, via Zoom, spoke about developing a structure for properties with ADUs and asked that City Council consider the issue on a future agenda.

There were no other public comments and Mayor Infanti closed public comments for this item.

Discussion followed regarding basing the allowance on the amount of people living in a residence rather than the type of residence, informing and encouraging people to conserve water, implementing a reward system for conserving rather than a penalty system for not conserving water, the need for additional information and consideration, getting a new perspective on the City's approach, the need to revisit how to address issues such as the commercial structure, developing an online ability for residents to determine their water usage, reducing water usage for landscaping and City incentives for residents to replace their landscaping to water-tolerant plants.

Mayor Infanti suggested directing staff to return to City Council with a report addressing the issues discussed, individually.

Interim City Manager Vidro suggested forming an ad hoc subcommittee to develop the changes City Council may want to consider.

Motion by Mayor pro tem E. Orona, to continue waiving the penalties and create an ad hoc subcommittee to work with staff, comprised of two Council Members to revisit and reestablish water classifications, future treatments and plan for education and incentives for continued water conservation and direct staff to return with a report to City Council within 90 days, seconded by Councilmember Claudia Orona, and carried 4-0.

Councilmember Brown and Mayor pro tem E. Orona volunteered to serve on the ad hoc subcommittee.

b. Discussion and possible action regarding the Award of a construction contract with Specialty Construction Inc. for the Fredensborg Canyon Waterline Replacement Project No. PW 171 for the amount not to exceed \$762,408, and authorize the Mayor to execute on behalf of the City

Utility Director Acosta presented details of the staff report.

Discussion followed regarding the location of Specialty Construction Inc., the City's prior experience working with Specialty Construction Inc., the starting and stopping location of the subject waterline, street encroachments and related traffic concerns, notifying Emergency Services and the possibility of including broadband infrastructure.

Mayor Infanti invited public comments.

Robert Clarke reported that Specialty Construction Inc. recently completed a PCPA project; noted they are good at being the low bidder and encouraged City Council to speak with Theater Fest representatives to determine the "extra" charges prior to making a decision on this item.

Interim City Manager Vidro reported he is on the Theater Fest Board and reported Specialty Construction Inc. completed the work, underbudget and on time.

There were no other public comments and Mayor Infanti closed public comments on this item.

Motion by Councilmember Brown, to award a construction contract to Specialty Construction Inc. for the Fredensborg Canyon Waterline Replacement Project No. PW 171 for the amount not to exceed \$762,408, and authorize the Mayor to execute on behalf of the City, seconded by Mayor pro tem E.Orona, and carried 4-0.

c. Discussion and possible action regarding City Council Vacancy appointment

Interim City Manager Vidro reported four people have submitted applications to serve on City Council and discussed the basic rules to follow on this item.

Mayor Infanti reported one person did not submit a resume or letter of intent.

Mayor Infanti invited the candidates to provide comments.

Robert Clarke spoke about the reason he did not submit a cover letter and resume; noted he has been on City Council for the last four years; listed his experience in the City and with various civic organizations; stressed that experience matters and stated the City cannot rely on the State but must rely on itself and reported he is fiscally conservative and that service is his passion.

Denise El Amin spoke about her qualifications and experience; discussed changes in terms to voting by district and allowing only Councilmembers to decide who the fifth and final member of City Council will be; noted District 1 is the only district that does not have a representative on Council and asked that City Council give top priority to candidates from District 1 to fill the vacant seat.

Louise Smith spoke about her desire to serve on City Council; noted she cares about water independence, affordable housing, responsible growth and listening to the citizens of Solvang and discussed her work experience.

Jack Williams addressed his training and experience; discussed his familiarity with regulations and policies and spoke about the importance of the General Plan update and hiring a new City Manager.

Mayor Infanti invited public comments.

Lee Rosenberg spoke in support of Council appointing Robert Clarke to the vacant City Council position; discussed his knowledge of the County and City; commented on his participation in the community and addressed the importance of experience.

Pete Thompson spoke in support of Council appointing Robert Clarke to the vacant City Council seat.

Dennis Beebe endorsed Robert Clarke for the vacant City Council seat; spoke about him being "stingy" with taxpayer monies and being fiscally conservative and stated he has demonstrated his abilities and experience.

Hank Hamburg spoke in support of Robert Clarke for the vacant City Council seat; noted he is a tool to get things done in the City and commented on his knowledge of policies and processes in the City.

David Brents spoke in support of Robert Clarke for the vacant City Council seat and discussed his experience in the City and his love of public service.

Robin Serritslev spoke in support of Robert Clarke for the vacant City Council seat; discussed his past service and fiscal conservatism and noted his heart for the community is huge.

Greg Ulrich spoke in support of Robert Clarke for the vacant City Council seat and believed he will be a great asset for the City.

Justin Rodriguez spoke in support of Robert Clarke for the vacant City Council seat.

Rebecca Gowing, via Zoom, spoke in support of Robert Clarke for the vacant City Council seat.

Jerry Rounds, via Zoom, spoke in support of Robert Clarke for the vacant City Council seat.

Bobbi McGinnis, Santa Barbara, via Zoom, spoke in support of Robert Clarke for the vacant City Council seat.

Sheila Benedict, via Zoom, spoke in support of Robert Clarke for the vacant City Council seat.

Jim Richardson, via Zoom, expressed concerns that current Councilmembers will select someone to fill the existing Council vacancy and noted Council may be appointing someone for six years instead of two.

Nilda Martin, Los Alamos, via Zoom, spoke in support of Robert Clarke for the vacant City Council seat.

There were no other public comments and Mayor Infanti closed public comments for this item.

Mayor Infanti explained the terms for the Councilmember to be appointed by City Council to fill the current vacancy.

Councilmember C. Orona noted she is currently serving at-large.

Councilmember Brown thanked all candidates for applying.

Mayor pro tem E. Orona thanked all candidates for applying and discussed community perspective on the recent election results.

Mayor Infanti commented on the recent districting efforts; believed the new Councilmember should represent voters in District 1 and thanked all candidates for applying.

City Attorney Fleishman discussed the appropriate process for nominations and appointing the new City Councilmember.

Mayor Infanti opened the floor for nominations to fill the existing Council vacancy.

Councilmember C. Orona nominated Robert Clarke for City Council.

Councilmember Brown seconded the nomination and explained his choice.

Mayor pro tem E. Orona nominated Jack Williams.

Mayor Infanti seconded the nomination; noted Mr. Williams would represent District 1.

There were no further nominations and Mayor Infanti closed nominations.

Motion by Mayor pro tem E. Orona, to appoint Jack Williams for the vacant City Council seat, seconded by Mayor Infanti, and failed 2-2.

Motion by Councilmember Brown, to appoint Robert Clarke for the vacant City Council seat, seconded by Councilmember C. Orona, and failed 2-2.

Motion by Mayor pro tem E. Orona, to table the item to the next City Council meeting to solicit additional public input. The motion failed for lack of a second.

Councilmember Claudia Orona spoke about the need to decide tonight and spoke about the support Mr. Clarke has received.

Councilmember Brown spoke about the need to appoint someone with experience and knowledge about City policies and processes.

Mayor pro tem E. Orona spoke about voter turnout and advocated for Mr. Williams as the new Councilmember.

Motion by Mayor pro tem E. Orona, to appoint Jack Williams for the vacant City Council seat, seconded by Mayor Infanti, and failed 2-2, by a roll call vote.

Motion by Mayor Infanti, to table the item to the next City Council meeting to solicit additional public input, seconded by Mayor pro tem E. Orona, and failed 2-2, by a roll call vote.

Councilmember C. Orona noted she feels uncomfortable appointing a Councilmember based on district results, when the position is an at-large position.

Discussion followed regarding special versus general elections, public support for Mr. Clarke and future opportunities for Councilmembers to represent districts.

City Attorney Fleishman noted no action has been taken and that Council may give staff direction to place the item on the next meeting agenda, otherwise, by default, there will be a special election.

Motion by Mayor Infanti, to appoint Robert Clarke to the fifth seat on City Council, seconded by Councilmember C. Orona, and carried 3-1.
RECESS/RECONVENE

Mayor Infanti called for a recess at 9:06 p.m. The meeting was reconvened at 9:14 p.m., with all Councilmembers, present.

City Clerk Porter administered the Oath of Office to Robert Clarke who took his seat on the dais.

- d. Discussion and possible action to Approve the Agreement with Ewing Consulting Inc. for the Classification and Compensation Study in the amount not to exceed \$13,500 for the term January 9, 2023 – June 30, 2023, and authorize Mayor to execute on behalf of the City.**

Approve a budget adjustment in the amount of \$13,500

Administrative Services Director Berry presented the staff report.

Mayor Infanti invited public comments.

There being no one wishing to address Council on this matter, Mayor Infanti closed public comments.

Motion by Councilmember Brown, to approve the Agreement with Ewing Consulting Inc. for the Classification and Compensation Study in the amount not to exceed \$13,500 for the term January 9, 2023 – June 30, 2023, and authorize Mayor to execute on behalf of the City, seconded by Mayor pro tem E. Orona, and carried 5-0, by a roll call vote.

7. AB1234 REPORT OUT AND COUNCIL CLOSING COMMENTS

Councilmember Brown reported he has been invited to the Tourism Board in Santa Barbara.

Councilmember Clarke thanked his supporters and hoped he can earn the trust of his detractors.

8. ADJOURNMENT

The meeting was adjourned at 9:25p.m.

Respectfully submitted:

DocuSigned by:
Annamarie Porter
2EFC6CE62C12406...

Annamarie Porter, City Clerk