



**MINUTES
SOLVANG CITY COUNCIL
SPECIAL CLOSED SESSION AND REGULAR MEETING**

July 11, 2022
Monday
5:30 p.m.

5:30 PM CITY COUNCIL SPECIAL CLOSED SESSION

1. CALL TO ORDER

Mayor pro tem Infanti called the meeting to order at 5:30 p.m.

2. ROLL CALL

Present: Mayor Charlie Uhrig (via Zoom); Mayor pro tem Mark Infanti; Councilmembers Robert Clarke, Claudia Orona, Jim Thomas

Staff: City Manager Xenia Bradford (via Zoom), City Attorney David Fleishman (via Zoom), City Clerk Annamarie Porter

3. PLEDGE OF ALLEGIANCE

Led by Councilmember Orona

4. PUBLIC COMMUNICATIONS ON CLOSED SESSION

There were no public communications on Closed Session items.

5. RECESS TO CLOSED SESSION

Mayor pro tem Infanti recessed to Closed Session at 5:32 p.m.

- a. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION - Initiation of litigation pursuant to Gov. Code §54956.9(d)(4)

One potential Case

RECONVENE TO OPEN SESSION

Mayor pro tem Infanti reconvened from Closed Session at 6:21 p.m.

6. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

City Attorney David Fleishman reported City Council met in Closed Session to discuss the item under the Closed Session Agenda and there was no reportable action.

7. ADJOURNMENT

Mayor pro tem Infanti adjourned the meeting at 6:22 p.m.

6:30 PM OPEN SESSION – REGULAR MEETING

CALL TO ORDER

Mayor pro tem Infanti called the meeting to order at 6:31 p.m.

ROLL CALL

Present: Mayor Charlie Uhrig (via Zoom); Mayor pro tem Mark Infanti; Councilmembers Robert Clarke, Claudia Orona and Jim Thomas

Staff: City Manager Xenia Bradford (via Zoom), City Attorney David Fleishman (via Zoom), Public Works Director Rodger Olds, Utilities Director Jose Acosta, Planning Consultant Laurie Tamura, City Clerk Annamarie Porter

PLEDGE OF ALLEGIANCE

Led by Councilmember Clarke

CEREMONIAL ITEMS/COMMENDATIONS - None

PRESENTATIONS - None

PROCLAMATIONS - None

1. PUBLIC COMMUNICATIONS – NON-AGENDA AND CONSENT ITEMS

Betty Wells referenced a letter sent to City Council; spoke about variances given by the Planning Commission to 1688 Oak Street and 393 Alisal not requiring off-street parking; objected to the action noting that she was required to have on-site parking spaces and urged City Council to study the matter and deny the variances.

Mayor pro tem Infanti directed her to contact the City Manager to place the item on a future agenda.

City Attorney David Fleishman reported this was a decision of the Planning Commission and noted that until such time as there is an appeal, there is nothing for City Council to address on this specific application.

Ms. Wells noted it costs a significant amount of money for her to file an appeal, as a citizen and stated that she was not properly notified about the matter.

Councilmember Clarke discussed the public comment process for items not on the agenda; noted there is no discussion and reported that topics brought up are non-actionable items as they are not on the agenda.

There were no other public comments and Mayor pro tem Infanti closed the public communications portion of the meeting.

2. CITY MANAGER REPORT AND ADVANCE CALENDAR

City Manager Bradford narrated a PowerPoint presentation addressing the upcoming Downtown European Plaza community workshop; announced the upcoming State of the City event; discussed items being considered by the Planning Commission, the Design Review Committee and the Tourism Advisory Committee and presented details of the Advance Calendar.

There were no public comments on this item.

3. COUNCIL COMMENTS AND REQUESTS

Councilmember Orona commented on several undeveloped properties in noticeable areas in the City that are unkept with debris and blighted and asked for Code Enforcement follow-up.

City Attorney Fleishman referenced the Municipal Code relative to maintenance abatement on personal property through Code Enforcement.

Mayor pro tem Infanti reported attending the Danish Ambassador event; commented on an error in the budget table relative to Marketing, noting the \$600,000 allocation was wrong when presented on June 27, was corrected verbally, but was not corrected in what was verbally reported to the Tourism Advisory Committee and requested that the new budget be presented to City Council on the July 25th City Council meeting including all of the grants.

There was consensus by Council to place a review of the final budget, including allocation of grants on the July 25, 2022 City Council agenda.

Mayor pro tem Infanti requested a procedure that presents the annual budget and contract extensions at least two meetings before the end of a contract or the budget, at least thirty days before the end of the fiscal year.

City Manager Bradford reported the correction to the Marketing budget was made during the final financial report and review and was reflected in the final published budget; stated it would be highly unusual for jurisdictions to have the budget done thirty days in advance; noted the preliminary budget is done ahead of time and gives her an opportunity to provide direction to staff in order to bring it to City Council for final adoption and stated she would be happy to continue discussions with City Council regarding this item.

Mayor Uhrig commented on the July 4th Parade and events; addressed increased costs by the Rotary Club and suggested that City Council consider the possibility of contributing; spoke about meeting the Danish Ambassador and the possibility of reconnecting with Solvang's Sister City and provided updated statistics on food distribution efforts.

4. CONSENT AGENDA

- a. Approve Order of Agenda as Presented
- b. Approve the City Council meeting Minutes June 27, 2022
- c. Adopt Resolution 22-1184, a Resolution of the City Council of the City of Solvang, California Authorizing Remote Teleconference Meetings of the Solvang Meeting Bodies
- d. Approve Warrants Register for June 2022
- e. This Item was pulled from the Consent Agenda by Mayor pro tem Infanti for separate discussion.
- f. Adopt Ordinance No. 22-0358 amending Title 11 of the Solvang Municipal Code to address food trucks and other vending on private property in the City of Solvang and make a determination of exemption under the California Environmental Quality Act (CEQA) For Second Reading
- g. This item was pulled from the Consent Agenda by Mayor Uhrig for separate discussion.
- h. This Item was pulled from the Consent Agenda by Mayor pro tem Infanti for separate discussion.

- i. Approve the agreement with MNS Engineers Inc for Stormwater Program Assistance and implementation for the not to exceed amount of \$106,950 for the term of July 1, 2022 – June 30, 2023, and authorize the City Manager to execute on behalf of the City.
- j. This Item was pulled from the Consent Agenda by Mayor pro tem Infanti for separate discussion.
- k. Approve Amendment 3 to the Agreement with ZWorld LLC for annual Geographic Information Systems (GIS) Services for the additional amount not to exceed \$24,000, to extend the term to June 30, 2023, and authorize the City Manager to execute on behalf of the City.
- l. Approve Amendment 1 to the Agreement with Willdan Engineering for Building Inspection and Plan Review Services in the amount not to exceed \$200,000 and extending the term to June 30, 2023, and authorize the City Manager to execute on behalf of the City.
- m. Approve the Agreement with Eddie Hsueh, Independent Contractor for Code Enforcement Services in the amount not to exceed \$40,000 for the term August 1, 2022 – June 30, 2023, and authorize the City Manager to execute on behalf of the City.
- n. Approve the First Amendment to the Agreement with Urban Planning Concepts Inc for continued Planning Services not to exceed \$60,000 and extending the term to June 30, 2023, and authorize the City Manager to execute on behalf of the City.
- o. This Item was pulled from the Consent Agenda by Mayor pro tem Infanti for separate discussion.

Motion by Councilmember Clarke, to approve the Consent Agenda as presented, except for Items No. 4e, 4g, 4h and 4j which were pulled from the Consent Agenda for separate discussion and action, and deny Item No. 4.o, seconded by Mayor Uhrig, and carried 5-0, except for Item No. 4f, which carried 4-1, with Councilmember Orona, abstaining.

EXCLUDED CONSENT AGENDA ITEMS (4)

- e. Approve the 3rd Amendment to the agreement with West Coast Arborists Inc for annual street tree maintenance in the amount not to exceed \$120,000 and to extend the term to June 30, 2023, and authorize the City Manager to execute on behalf of the City.

Mayor pro tem Infanti reported the contract amount was increased from \$70,000 to \$120,000; felt it needs further review and requested placing it on the July 25, 2022 City Council meeting agenda.

Mayor Uhrig commented on the increased contract amount and requested an updated list of trees.

- g. Approve Amendment 1 to the Agreement with California Concrete Grinding LLC, Inc for City Sidewalk Inspection Grinding and Repair for the additional amount not to exceed \$46,000 and to extend the term to December 31, 2022, and authorize the City Manager to execute on behalf of the City.

Mayor Uhrig noted changes in the contract amount noting originally it was for \$40,000 for one year and now it is \$46,000 for the remainder of this year; commented on changes in the working hours and requested clarification. Additionally, he pointed out the City Council was to receive quarterly reports and asked for verification they are being provided.

Public Works Director Olds reported meeting with California Concrete Grinding representatives who explained they have done the survey but have not done any of the grinding; noted they are willing to work on the backlog under the current contract pricing and suggested it would total \$46,000. After six months, the City may consider issuing an RFP or renegotiating the contract.

Mayor Uhrig asked to continue the Item to the City Council meeting of July 25, 2022.

- h. Approve Amendment 3 to the Agreement with Mintier Harnish LP for General Plan Update consulting services to extend the term to June 30, 2023 and authorize the City Manager to execute on behalf of the City.

Mayor pro tem Infanti asked about why some of the subcontractors are contracting directly with the City and some are contracting with Mintier Harnish LP and requested placing it on the June 25, 2022 City Council meeting agenda.

- j. Approve the Agreement with MNS Engineers Inc for the City Facilities Program Assessment and Master Plan for the amount not to exceed \$84,937 for the Term July 1, 2022 – June 30, 2023, and authorize the City Manager to Execute on Behalf of the City.

Mayor pro tem Infanti felt this matter needs further discussion; requested updated details and asked for it to be placed on the July 25, 2022 City Council meeting agenda.

Mayor Uhrig concurred with Mayor pro tem Infanti's comments and requests.

City Council concurred to continue Items No. 4e, 4g, 4h and 4j to the City Council meeting of July 25, 2022.

- o. Approve Resolution 22-1188 cancelling City Council regular meeting on July 25, 2022. Council unanimously agreed not to approve this resolution, and to have a meeting on July 25, 2022.

PUBLIC HEARINGS

5. PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTION NO. 22-1185 AMENDING THE APPROPRIATION LIMIT FOR FISCAL YEAR 2022-23 PURSUANT TO ARTICLE XIII OF THE CALIFORNIA CONSTITUTION

Open the Public Hearing, receive Public Comments, Close the Public Hearing, and Adopt Resolution No. 22-1185.

Mayor pro tem Infanti opened the public hearing.

City Manager Bradford provided details of the staff report.

There were no public comments on this Item and Mayor pro tem Infanti closed the public hearing.

Discussion followed regarding consequences if the City goes above the limit in appropriations.

City Attorney Fleishman reported it is an opportunity to ensure that the City stays within its means.

Motion by Councilmember Thomas, to adopt Resolution No. 22-1185 amending the appropriation limit for Fiscal Year 2022-23 pursuant to Article XIII of the California Constitution, seconded by Mayor Uhrig, and carried 5-0.

BUSINESS ITEMS

6. JUNETEENTH SYV SPECIAL EVENT FUNDING REQUEST

Discuss and consider course of action to address the Juneteenth special event funding request of \$5,000 for 2022 event which already occurred and provide staff with policy direction.

City Manager Bradford presented details of the report.

Councilmember Orona spoke about the process for funding requests for non-profits should be clear; felt that in this case, the process was unclear; acknowledged that generally, the City does not fund events;

noted the City already grants money to Fourth of July events and Danish Days; stated this event is about promoting Solvang as an inclusive community and opined that going forward, everyone should have the same opportunity to apply for grants.

Councilmember Clarke spoke favorably about residents taking the time to do things that help other people but felt it is not the City's responsibility of fund everything that comes before Council; offered to contribute \$200 of his own funds but spoke against giving tax money away to everyone that asks for it.

Mayor Uhrig agreed with Councilmember Orona but expressed concerns regarding adhering to application requirements; noted the City has not contributed any money to the Fourth of July Parade; questioned whether the amount requested should be funded but indicated a willingness to waive any associated fees.

Councilmember Thomas commented positively about the organization; expressed concerns that expenses are unknown and felt an itemization of expenses would be helpful.

Mayor pro tem Infanti agreed with the Mayor in terms of waiving fees; felt that funding the event after the fact and without an explanation of the expenses would set a bad precedent and offered to match Councilmember Clarke's personal donation.

Councilmember Orona offered to match Mayor pro tem Infanti's donation.

Mayor pro tem Infanti invited public comments.

Vashti Wilson reported she sent an email last year asking about the process; stated she was told that only Danish Days was funded; noted she reached out to City Manager Bradford, four different times, without receiving a response; spoke about meeting with her and being instructed to send a letter, which she did; added she was directed to present to the TAC, which she did and then to present to City Council which she did. Ms. Wilson talked about the time she spent on making the request through various forms and at various times; stated she was never instructed to provide an itemized list; noted the event has cost far more than the amount requested and listed the benefits the organization and event have provided to the City in terms of marketing and tourism. She asked that the process be clear for all non-profits, going forward, so there is no appearance of impropriety.

There were no other public comments on this item.

Motion by Councilmember Clarke, to deny the request to fund \$5000 for the Juneteenth event. The motion failed for lack of a second.

Motion by Councilmember Thomas, to approve funding of \$2,500 for the Juneteenth event and ask that actual costs going towards the event, be made available, in the future, seconded by Councilmember Orona, and carried 4-1, with Councilmember Clarke, opposed.

7. THERAPUTIC RIDING PROGAM FUNDING REQUEST

Consider approving a funding request in the amount of \$5,000 for Therapeutic Riding Program which is consistent with overall Council approved grant request guideline for humanitarian services and focus on senior services.

City Manager Bradford presented the staff report.

Discussion followed regarding previous grant amounts.

There were no public comments on this item.

Councilmember Orona understood they had a change in management; noted City Council just denied the full grant request to another organization for not following procedures and stated she is not

comfortable with granting the full amount at this time.

Councilmember Thomas reported they followed the procedure, but he failed to request their inclusion. He added this is not an event and noted the benefits of the program to Solvang residents.

Mayor pro tem Infanti discussed the cost evaluation and the organization's submittal of their profit and loss statement, noting that is what he would like to see when someone has a funding request.

Motion by Councilmember Thomas, to approve funding of \$5,000 for the Therapeutic Riding Program, seconded by Mayor pro tem Infanti, and failed 2-3, with Councilmembers Clarke, Orona, Mayor Uhrig, opposed.

Motion by Mayor Uhrig, to approve funding of \$2,500 for the Therapeutic Riding Program, seconded by Councilmember Orona, and carried 5-0.

8. CHAMBER OF COMMERCE CONTRACT FUNDING REQUEST

Per Council direction consider Chamber of Commerce funding request to perform additional contract services on behalf of the City.

Councilmember Orona reported her picture is on the Chamber's presentation; noted her business is a member of the Chamber and collaborates on many activities; stated she is recusing herself from this item in order to avoid the perception of impropriety and left the Chamber.

City Manager Bradford introduced the item; noted the Chamber of Commerce is seeking an additional \$200,000 for specific tasks and deferred to a Chamber representative for additional information.

Kevin Walther, Superintendent/President, Allen Hancock College and Chamber Board Member, narrated a PowerPoint presentation with details about the Solvang Chamber of Commerce and how it has promoted local businesses; listed sponsored events and discussed advertising and marketing efforts. He listed proposed services to the City by the Chamber; noted only 13% of the funding would go to Chamber operations and provided detailed cost estimates for a 2022 contract.

Discussion followed regarding potential duplication of services between The Abbi Agency and the Chamber of Commerce.

David Heffernan, Marketing Specialist, MPG, California, spoke about duplication of services; noted The Abbi Agency targets drive markets in Southern California and the Bay Area but do not include local markets; discussed marketing to streamers; commented on ROIs and spoke in support of the investments the Chamber is asking the City to make.

Mayor pro tem Infanti commented on the item having inconsistent, erroneous and unexplained information including the comparison of budgeting numbers from one city to another; noted the Chamber's request for \$50,000 for maps; stated he has never seen an annual report from the Chamber and stressed that he needs to see exactly what the Chamber wants to do.

Mr. Heffernan explained the Chamber is not asking for operational money and reported the cost estimates includes things the City asked the Chamber to do.

Councilmember Clarke commented on considering item by item, specifically; noted the City does not have the money for every great group and mentioned there will be hard times ahead.

Mr. Heffernan hoped the City will allow the Chamber to help and offered to return to Council with a more concise presentation.

Mayor pro tem Infanti invited public comments.

Susie Sorenson, Board Member, Chamber of Commerce, commented on Solvang being a tourist town; noted none of the money requested will go towards Chamber operations but rather towards events and talked about the need to look at the tourism dollars the Chamber is helping to bring to Solvang.

There were no other public comments.

City Attorney Fleishman stated he would not recommend approving a formal contract as presented.

Mayor pro tem Infanti stated he will not support the item and commented on the need to carefully review the matter.

City Attorney Fleishman suggested forming a subcommittee to negotiate a possible contract and return to the full City Council with a proposal.

Mayor pro tem Infanti stated he would like to see a formal request from the Chamber with details of the individual items.

Mayor Uhrig and Councilmember Thomas volunteered to serve on the subcommittee to meet with Chamber representatives to work on a detailed proposal to present to City Council at a future meeting.

9. RESOLUTION NO. 22-1187 PARKING IN-LIEU FEE WAIVER REQUEST FOR HIGH ROLLER TIKI LOUNGE AT 433 ALISAL ROAD

Approve waiver of parking in-lieu fee for one parking space in accordance with Planning Commission recommendations

City Manager Bradford presented details of the staff report.

Discussion followed regarding the start of the specific project review process and issues of concern related to changing the use from retail to a bar.

Michael Cobb, Applicant, stated he was not made aware of the details in requirements; reported it was hard to get information from the City; discussed review by ABC and the Planning Commission; commented on issues that were resolved; addressed his request for a full waiver (not just one parking space); listed other businesses that were not made to pay parking fees; noted the delays are causing him a financial hardship and commented on the availability of parking in the area. He added that he was not made aware of the parking issues until recently; noted there is a lot of inconsistency and a lot of non-compliance in town and spoke in favor of metered street parking.

Councilmember Clarke noted the item on the agenda is not the applicant's request.

City Attorney Fleishman reported the applicant was informed about parking issues in January; noted City Council is the only body that has the ability to waive in-lieu parking fees; stated the item agendized was the recommendation of the Planning Commission; talked about City Council's ability to refer the item back to staff for additional work and recommended that City Council focus on the issue that is before it at this time. He added that City Council would need to make a finding that there is no reasonable relationship with the impacts of the development and the amount of the fee in order to approve the waiver of all parking in-lieu fees.

Discussion followed regarding availability of parking in the area.

Mayor pro tem Infanti invited public comments

Tracy Beard, Solvang Chamber of Commerce, stated the Chamber is in favor of removing the parking fees; noted past inconsistencies in addressing parking; felt it is time for a change and asked City Council to help the applicant.

There were no other public comments.

Motion by Councilmember Orona, to direct staff to waive all in-lieu parking fees for the High Roller Tiki Lounge, finding there is no reasonable relationship between the impacts of the parking requirements and the particular business, seconded by Mayor pro tem Infanti, and carried 5-0.

10. TITLE 9 DROUGHT ORDINANCE MODIFICATIONS AND INTRODUCTION OF RESOLUTION SETTING BENCHMARKS FOR PENALTIES

- a. Adopt Ordinance 22-0359 Modifying City of Solvang Municipal Code, Title 9 Water and Sewer, Chapter 3 Water Code, Article D. Water Conservation Program, 9-3d-3 Regulations During Drought Conditions. For Second Reading; and
- b. Adopt Resolution No. 22-1186; Affirming the Stage Two Drought Conditions and Setting Benchmarks for Penalties

City Manager Bradford presented details of the report.

Mayor Uhrig noted this is the second reading of the resolution.

There were no public comments on this item.

Councilmember Clarke stepped out of the Chamber.

Motion by Mayor Uhrig, to adopt Ordinance 22-0359 Modifying City of Solvang Municipal Code, Title 9 Water and Sewer, Chapter 3 Water Code, Article D. Water Conservation Program, 9-3d-3 Regulations During Drought Conditions, for Second Reading; and adopt Resolution No. 22-1186; Affirming the Stage Two Drought Conditions and Setting Benchmarks for Penalties, seconded by Councilmember Thomas, and carried 4-0, with Councilmember Clarke absent.

11. SECOND STREET DRAINAGE AND PARKING LOT 5 IMPROVEMENTS PROJECT CONTRACT APPROVAL

- a. Award the Construction Contract to V. Lopez Jr. & Sons General Engineering Contractors, Inc for the Second Street Drainage and Lot 5 Improvements CP2022-01 in the Amount of \$912,593.00, and Authorize the City Manager to Execute any Change Orders if within a Contingency Amount of \$91,260; and
- b. Approve a Budget Adjustment for the amount of \$1,049,853

City Manager Bradford introduced the item and deferred to staff for a report.

Public Works Director Olds presented details of the report; discussed the RFP, responses and the low bidder; addressed cost-savings measures; stated the City will be issuing a deductive change order to reflect the savings and discussed recommendations.

Discussion followed regarding reducing the scope of the project, impacts relative to rejecting the bid and reissuing the RFP; the objectives of the project, the proposed Lot 5 improvements, the future appropriation of Lot 5 by the Fire Department and the City's ability to recuperate costs of Lot 5 improvements.

It was noted that storm water is not routed to the wastewater treatment plant.

There were no public comments on this item.

Motion by Councilmember Clarke, to award the Construction Contract to V. Lopez Jr. & Sons General

Engineering Contractors, Inc for the Second Street Drainage and Lot 5 Improvements CP2022-01 in the Amount of \$912,593.00, seconded by Councilmember Orona, and carried 5-0.


Motion by Mayor Uhrig, to authorize the City Manager to Execute any Change Orders if within a Contingency Amount of \$91,260, seconded by Councilmember Thomas, and carried 5-0.

Motion by Councilmember Clarke, to approve a Budget Adjustment for the amount of \$1,049,853, seconded by Mayor pro tem Infanti, and carried 5-0.

12. AB1234 REPORT OUT AND COUNCIL CLOSING COMMENTS - None

13. ADJOURNMENT- Mayor pro tem Infanti adjourned the meeting at 9:56 p.m.

Respectfully submitted:

DocuSigned by:

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Annamarie Porter, City Clerk