



**MINUTES
SOLVANG CITY COUNCIL
REGULAR MEETING**

October 24, 2022
Monday
Closed Session 6:00 p.m.
Open Session 6:30 p.m.

6:00 PM CITY COUNCIL SPECIAL CLOSED SESSION

1. CALL TO ORDER

Mayor Uhrig called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present: Mayor Charlie Uhrig; Mayor pro tem Mark Infanti; Councilmembers Robert Clarke, Claudia Orona (arrived at 6:02 p.m.), Jim Thomas

Staff: Interim City Manager Bradley Vidro, City Attorney David Fleishman, City Clerk Annamarie Porter

3. PLEDGE OF ALLEGIANCE

Mayor Uhrig led in the Pledge of Allegiance.

4. PUBLIC COMMUNICATIONS ON CLOSED SESSION

Michael Miller spoke about a lawsuit and the City Manager resigning; referenced the City Council Code 147 where the public could be allowed more than three minutes to speak; commented on his work to establish a world-wide citizens organization to address things going on around the world; talked about a document he submitted regarding his mental health and the situation with the music industry and expressed concerns he has been unable to include items on the agenda.

There were no other public comments on Closed Session Items.

5. RECESS TO CLOSED SESSION – 6:06 p.m.

City Attorney David Fleishman announced City Council will meet in Closed Session to discuss the following items:

- a. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):

One potential case

RECONVENE TO OPEN SESSION – 6:29 p.m.

ANNOUNCEMENT OF CLOSED SESSION ACTIONS

City Attorney David Fleishman announced there was no reportable action.

ADJOURNMENT – 6:30 p.m.

6:30 PM OPEN SESSION – REGULAR MEETING

CALL TO ORDER

Mayor Uhrig 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 Charlie Uhrig, Mayor pro tem Mark Infanti; Councilmembers Robert Clarke, Claudia Orona, Jim Thomas

Staff: Interim City Manager Bradley Vidro, City Attorney David Fleishman, City Clerk Annamarie Porter, Utilities Director Jose Acosta, Marketing Manager Cheryl Shallanberger, Acting Planning Manager, Sophia Checa.

PLEDGE TO THE FLAG

Mayor pro tem Infanti led in the Salute to the Flag.

PROCLAMATIONS, COMMENDATIONS AND CEREMONIAL ITEMS - None

PRESENTATIONS - None

1. PUBLIC COMMUNICATIONS – NON- AGENDA AND CONSENT ITEMS

Lieutenant Mark Valencia, City of Solvang Santa Barbara County Sheriff representative presented an update on crime statistics in the City of Solvang.

Discussion followed regarding statistics from comparable cities.

Denise El Amin spoke about increased water rates; noted it is higher than it has ever been and commented on Measure U raising taxes by 1%.

Erik Vasquez, representing Dark Star Development, commented on the status of two of their development projects; referenced City Council's consideration of a construction moratorium and asked that an exemption be made for the projects.

Michael Miller spoke about online viewers and posts; discussed the appointment of a new police chief and local media corruption; commented on problems with the City Clerk and requested that Council schedule a study session to address his issues.

There were no other public comments on this item.

2. CITY MANAGER REPORT AND ADVANCE CALENDAR

Interim City Manager Vidro discussed recent communications regarding Measure U; noted it is a 1% increase in sales tax; announced upcoming events including the Halloween Haunted House and reported he is working on items for future agenda development.

Discussion followed regarding the Salute to Veterans event in Santa Ynez.

Mayor Uhrig referenced a Special City Council meeting on December 5th and reported two

Councilmembers will not be able to attend and neither will the City Manager.

Interim City Manager Vidro stated that he would review the matter and reschedule the meeting if necessary.

3. COUNCIL COMMENTS AND REQUESTS

Councilmember Thomas asked for clarification of the election process for a vacant council seat.

City Attorney David Fleishman reported that Council can either appoint or call for a special election once a vacancy occurs.

Mayor Uhrig announced Red Ribbon Week and thanked organizations working to keep people off drugs.

4. CONSENT ITEMS

- a. Approve order of Agenda
- b. Approve the City Council Meeting Minutes of August 31, 2022 and October 10, 2022
- c. Adopt Resolution No. 22-1197 Amending City Officer Titles as they pertain to access to the Local Agency Investment Fund (LAIF)

Mayor Uhrig made a typographical correction to the agenda.

Motion by Councilmember Clarke, to approve the Consent Agenda, as presented, seconded by Mayor pro tem Infanti, and carried 5-0.

PUBLIC HEARINGS - None

DISCUSSION ITEMS

5. **DISCUSSION AND POSSIBLE ACTION TO INTRODUCE FOR FIRST READING ORDINANCE NO. 22-0360 AMENDING TITLE 10 OF THE SOLVANG MUNICIPAL CODE AND ADOPTING BY REFERENCE: CODES COMPRISING THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1-12), INCLUDING THE CALIFORNIA BUILDING CODE VOLUMES 1 & 2 (2022 EDITION, INCORPORATING AND AMENDING THE 2021 INTERNATIONAL BUILDING CODE), THE CALIFORNIA RESIDENTIAL CODE (2022 EDITION, INCORPORATING AND AMENDING THE 2021 INTERNATIONAL RESIDENTIAL CODE), THE CALIFORNIA ELECTRICAL CODE (2022 EDITION, INCORPORATING AND AMENDING THE 2020 NATIONAL ELECTRICAL CODE), THE CALIFORNIA MECHANICAL CODE (2022 EDITION, INCORPORATING AND AMENDING THE 2021 UNIFORM MECHANICAL CODE), THE CALIFORNIA PLUMBING CODE (2022 EDITION, INCORPORATING AND AMENDING THE 2021 UNIFORM PLUMBING CODE), THE CALIFORNIA ENERGY CODE (2022 EDITION), THE CALIFORNIA FIRE CODE (2022 EDITION, INCORPORATING AND AMENDING THE 2021 INTERNATIONAL FIRE CODE), THE CALIFORNIA EXISTING BUILDING CODE (2022 EDITION), THE CALIFORNIA GREEN BUILDING STANDARDS CODE (2022 EDITION), AND THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH CERTAIN ADDITIONS, INSERTION, DELETIONS, AND CHANGES THERETO, AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Acting Planning Manager Checa presented details of the report; discussed modifications in the code due to minor changes at the local level and addressed next steps.

Discussion followed regarding periodic reviews.

Mayor Uhrig invited public comments.

There were no public comments on this item.

Motion by Mayor Uhrig, to introduce for first reading Ordinance No. 22-0360 amending Title 10 of the Solvang municipal code and adopting by reference: codes comprising the 2022 edition of the California building standards code (California code of regulations, title 24, parts 1-12), including the California building code volumes 1 & 2 (2022 edition, incorporating and amending the 2021 international building code), the California residential code (2022 edition, incorporating and amending the 2021 international residential code), the California electrical code (2022 edition, incorporating and amending the 2020 national electrical code), the California mechanical code (2022 edition, incorporating and amending the 2021 uniform mechanical code), the California plumbing code (2022 edition, incorporating and amending the 2021 uniform plumbing code), the California energy code (2022 edition), the California fire code (2022 edition, incorporating and amending the 2021 international fire code), the California existing building code (2022 edition), the California green building standards code (2022 edition), and the 2021 international property maintenance code, together with certain additions, insertion, deletions, and changes thereto, and making a determination of exemption under the California environmental quality act, as presented, seconded by Councilmember Clarke, and carried 5-0.

6. DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION MODIFYING DROUGHT REGULATIONS PENALTIES

Utility Director Acosta presented details of the staff report; responded to questions from City Council and the public; addressed possible modifications to the ordinance and options for Council's consideration; commented on penalties that have been assessed and spoke about a possible moratorium on new developments.

Discussion followed regarding cutting back on landscaping, water-use audits, increases in water use during the summer due to irrigation, obtaining Automated Meter Infrastructure (AMI), penalties, increased costs of purchasing water, how other cities are complying, limiting water usage and implementing fines, availability of data regarding water use, the percentage of users in the penalty phase and availability of grants to convert lawns into drought-tolerant landscaping.

Mayor Uhrig invited public comments.

Denise El Amin reported that she was gone from August to September and when she returned home, her water bill had increased substantially; stated she called the City where she was told there must be a leak and to receive a report, she needed to pay \$50. She stated she will get a taskforce together to study the issue and present it to City Council.

Stacey Otte, Wilding Museum, spoke about their efforts to reduce water consumption; noted the \$1000 monthly penalty is negatively impacting them and urged City Council to reconsider the high penalty amount.

Mike Lemos spoke about their contribution to the community; commented on negative impacts of COVID-19; reported adding self-service dog washing stations at his business which saves water and asked for consideration in relation to the \$1000 monthly penalty.

Keith Adler urged the City to look for other sources of water; suggested banking water usage for the year; commented on waiving penalties for homes and businesses with low-flush toilets and other water-saving fixtures; spoke about L.A. offering rebates to those purchasing a Flume water meter; questioned why customers pay for water meters, continuously; felt the current 14 HCF level for single-family homes are arbitrary and stressed that the system needs to be reviewed carefully, and revised.

Dennis Beebe referenced the HDR study; agreed water conservation is of the utmost importance; opined the City has done a poor job of communicating the restrictions and penalties associated with not conserving; discussed impacts to single-family residences and suggested the City consider subclasses within that class and prorate the water rates based upon the size or usage.

Elizabeth Orona addressed the penalty rates; reported drought compliance penalties are different for businesses and residences; discussed Proposition 218 and spoke about this being an urgent problem to solve together.

Susan Bott, via Zoom, spoke in support of a building moratorium necessitated by the current drought and referenced related City policies.

Susan Bellamy, via Zoom, read an email she submitted to City Council regarding practices in Coalinga and Healdsburg, and their unsuccessful implementation of penalties and hoped for increased conservation information by the City.

There were no other public comments on this item.

Discussion followed regarding the meter charge, the City's efforts to solve the water shortage problem, verifying that the Flume works on City meters, changing the commercial structure for penalties, penalties for ADUs, staying penalties until the matter is resolved and made fair, the possibility of implementing a moratorium on watering lawns, renegotiating water rates with the State, rescinding the penalties, increasing communications regarding water conservation and requiring zero scape, hard scape or drought-tolerant landscape on all new commercial construction.

City Attorney Fleischman spoke about rescinding penalties via resolution and discussed other possible approaches to the implementation of penalties.

Discussion followed regarding increasing communications and involving HOAs and apartment associations.

Motion by Mayor Uhrig, to direct staff to abate the imposition of penalties through the end of the year; direct staff to put together an urgency ordinance that would address development standards that could be imposed on commercial projects to prohibit the installation of turf and require the installation of xeriscape or low impact water development and give staff direction, moving forward, to take a harder look at the penalty structure under the existing ordinance, seconded by Councilmember Orona, and carried 5-0.

7. DISCUSSION AND POSSIBLE ACTION TO INTRODUCE FOR FIRST READING ORDINANCE NO. 22-0361 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLVANG, CALIFORNIA, REVISING TITLE 1, CHAPTER 11, CONFLICT OF INTEREST CODE BIENNIAL REVIEW OF CITY OF SOLVANG CONFLICT OF INTEREST CODE

City Attorney Fleischman presented details of the report; discussed FPPC requirements to review the City's Conflict of Interest Code; addressed positions that need to be added including the Tourism Advisory Committee, Planning Manager, Marketing and Events Manager and Utilities Director.

Discussion followed regarding added, designated positions, prohibitions relative to conflicts of interest, and oversight.

Mayor Uhrig invited public comments.

Denise El Amin stated she would like to apply for the conflict-of-interest force; noted she would be happy to observe and report on City Council.

Councilmember Orona addressed the process for filing a complaint.

There were no other public comments on this item.

Motion by Councilmember Orona, to introduce for first reading ordinance no. 22-0361 an ordinance of the city council of the City of Solvang, California, revising title 1, chapter 11, conflict of interest code biannual review of City of Solvang conflict of interest code, seconded by Mayor pro tem Infanti, and carried 5-0.

8. DISCUSSION AND POSSIBLE ACTION APPROVE THE 2022 JULEFEST SPECIAL EVENT PROGRAM

Marketing Manager Shallenberger provided a brief history of Julefest; presented details of activities for the 2022 Julefest special event program; discussed the proposed draft budget and noted inclusion of Public Works.

Discussion followed regarding the possibility of holding a Nightly Christmas Marketplace, beginning of the nightly, ten-minute music show, live music in the park, limiting use printed materials, additions to the light show, costs of the Nativity performance, keeping businesses in the loop and distribution of Christmas trees by the Chamber of Commerce.

Mayor Uhrig invited public comments.

Denise El Amin asked about the members of the TAC Subcommittee.

There were no other public comments on this item.

City Council commented favorably regarding the plans for the 2022 Julefest Special Event Program.

9. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE ABBI AGENCY TOURISM MARKETING PLAN SCOPE OF WORK AS RECOMMENDED BY THE TOURISM ADVISORY COMMITTEE

Marketing Manager Shallenberger introduced the item and introduced and deferred to Connie Anderson, Account Manager, The Abbi Agency for a report.

Consultant Anderson narrated a PowerPoint presentation highlighting their 2022-2023 Marketing Action Plan.

Discussion followed regarding geographic targets, missing references to Alisal Ranch, virtual reality rooms and escape rooms, attracting travelers, collaboration between Solvang and Santa Ynez Valley, evergreen content, references to Norwegian and Dutch, Kilt Guards as ambassador opportunities, defining members of Solvang, results of the community survey, providing an annual impact report, "bandwango", out of home opportunities and a post referencing a German bakery.

There were no public comments on this item.

Motion by Councilmember Clarke, to approve the Abbi Agency tourism marketing plan scope of work as recommended by the tourism advisory committee, seconded by Councilmember Orona and carried 4-1, with Mayor pro tem Infanti, opposed.

10. AB1234 REPORT OUT AND COUNCIL CLOSING COMMENTS

Mayor pro tem Infanti spoke about attending the SBCAG, LAVCO and Air Pollution Control District

meetings.

Mayor Uhrig reported attending the California Transportation Commission reception.

11. ADJOURNMENT

The meeting was adjourned at 9:02 p.m.

Respectfully submitted:

DocuSigned by:

2EFC6CE62C12406...

Annamarie Porter, City Clerk