



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

February 13, 2023
Monday

Special Closed Session - 5:30 p.m.
Regular Meeting – 6:30 p.m.

5:30 PM CITY COUNCIL SPECIAL CLOSED SESSION

CALL TO ORDER

Mayor Infanti called the meeting to order at 5:29 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, Robert Clarke, Claudia Orona

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

PLEDGE OF ALLEGIANCE

Councilmember Claudia Orona led in the Salute to the Flag.

1. PUBLIC COMMUNICATIONS ON CLOSED SESSION

None.

2. RECESS TO CLOSED SESSION

a. **CONFERENCE WITH LEGAL COUNSEL**—Public Employee Appointment - pursuant to Gov. Code §54957

Title:
City Manager

3. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

City Attorney Fleischman announced there was no reportable action.

4. ADJOURNMENT

Adjourned at 6:19 p.m.

6:30 PM REGULAR MEETING

CALL TO ORDER

Mayor Infanti called the meeting to order at 6:37 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, Robert Clarke, Claudia Orona

Staff: Interim City Manager Bradley Vidro, City Attorney David Fleishman, City Clerk Annamarie Porter, Public Works Director Rodger Olds, Planning Manager Sophia Checa, Planning Consultant Laurie Tamura (via Zoom), Marketing Manager Cheryl Shallanberger

PLEDGE OF ALLEGIANCE

Led by Councilmember Brown.

PROCLAMATIONS, COMMENDATIONS AND CEREMONIAL ITEMS - None

PRESENTATIONS

- a. California Severe Winter Storms, Flooding, Landslides, and Mudslides Declared for Santa Barbara County SBA Assistance-Update by SBA representative.

Sabrina Tipton, Public Information Officer, Small Business Administration Office of Disaster, Recovery and Resilience, provided information regarding their program and the resources available for residents who have been victims of natural disasters; reported that because it is a Federal program, residents must first register with FEMA at www.disasterassistance.gov.

1. PUBLIC COMMUNICATIONS ON NON-AGENDA AND CONSENT ITEMS

Karen Waite spoke on minutes not being provided.

Salvador Orona, Horses Entertainment and Solvang Trolley, invited Council to visit his business.

Vashti Wilson spoke about her experiences to date of being on the Tourism Advisory Committee.

Tim Mahoney, via Zoom, Southern California Gas Company (SCG), provided an update regarding winter bills; and that SCG does not profit from the increase of gas.

There were no other public comments.

CITY MANAGER REPORT AND ADVANCE CALENDAR

Interim City Manager Vidro reported on the Advance Calendar.

2. COUNCIL COMMENTS AND REQUESTS

Councilmember Clarke requested consideration of a process to fill vacancies and stated that when running for an election, Councilmembers should not be sent to conferences on taxpayer's money.

Interim City Manager Vidro suggested those will be considered during a review of City Council protocols.

3. CONSENT ITEMS

- a. Approve Order of Agenda as Presented
- b. Approve City Council Minutes of January 12, 2023
- c. Approve Warrants for January 2023

- d. Receive and file SBC Fire Dec. 31, 2022 quarterly reports
- e. Receive and file Santa Barbara County Sheriff's compliance reports from April 2022 – November 8, 2022
- f. Receive and file Quarterly Investment Report Oct-Dec 2022
- g. Receive and file Badawi & Associates Single Audit Reports for the FY ended June 30, 2022
- h. Approve Amendment 2 to the Agreement with Badawi & Associates for FY 22-23 auditing services in the amount not to exceed \$30,120, for the term February 13, 2023 – December 31, 2023, and authorize the Mayor to execute on behalf of the City
- i. i. Approve Contract Change Order No. 1 with Roy Allan Slurry Seal, Inc. to reflect project quantities and additional work in the amount of \$50,650.80, and authorize the City Manager to execute on behalf of the City; and
 - ii. Accept as Complete the FY 2022-23 Slurry Seal Project No. PW 22-02, and authorize the City Manager to execute and record the Notice of Completion on behalf of the City
- j. Approve a contract with Hanly General Engineering Corp for sewer manhole repairs in the amount of \$18,710, and authorize the City Manager to execute on behalf of the City

There were no public comments.

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

4. PUBLIC HEARINGS – None

RECESS/RECONVENE

Mayor Infanti called for a recess at 6:55 p.m. to resolve technical issues. The meeting was reconvened at 7:00 p.m. with all Councilmembers present.

5. DISCUSSION ITEMS

a. Discussion and possible action to approve the Draft General Plan Housing Element for submittal to the California Department of Housing and Community Development

Public Works Director Olds narrated a PowerPoint presentation of the Draft Housing Element of the General Plan.

Discussion followed regarding Site C, stating that the plan is not approved until the EIR is complete, review of the Housing Element by HCD, removing affordable housing incentives related to building heights, clarification of the 165% surplus and the possibility of requesting a lot line adjustment to Site C.

Mayor Infanti opened public comments.

Public Comments was received from Elizabeth Breen, Member of the GPAC and Santa Ynez Valley Association of Realtors, Barbara Allen, Vice President of Mission Oaks Homeowners Association, Denise Johns, Landscape Architect, Member of the Mission Oaks Homeowners Association, Karen Waite, Wendy Gregersen, Stephen Martin, Lansing Duncan.

Discussion followed regarding whether there is time to make changes to the document and still meet stated deadlines, the importance of providing clear descriptions and directions in terms of including the

lot line adjustment and future rezoning of the steeper parcel, identifying the proper location for the lot line adjustment, working with the property owner to complete the lot line adjustment, acknowledging there is a requirement in the EIR that will lead the City to a rezoning plan, putting the City's "best foot forward" in the Housing Element for the State's subsequent review and comments and stating it is the City's intent to make a lot line adjustment.

City Attorney Fleishman stressed that the City cannot do a lot line adjustment and that it is up to the property owner to do so.

Motion by Mayor Infanti, to approve the Draft General Plan Housing Element for submittal to the California Department of Housing and Community Development, as amended to address building heights and stating that the City will consider a lot line adjustment to define the constraints of the zone change that will meet the requirements of the Housing Element, as written, seconded by Councilmember C Orona, and carried 5-0.

b. Discussion and possible action to:

- i. Approve an Emergency Construction Contract ESP 23-01 with Hanly General Engineering, Inc. in the amount not to exceed of \$390,442.44, and authorize the City Manager to execute any change orders if within a contingency amount of \$150,000**
- ii. Approve an Emergency Agreement with MNS Engineers for construction oversight, permit compliance, FEMA Reporting, and post construction design in the amount not to exceed \$147,678**
- iii. Approve a budget Amendment in the amount of \$688,120.44**

Public Works Director Olds narrated a PowerPoint presentation with details of the item and discussed overall storm damage from the recent storms.

Discussion followed regarding FEMA reimbursement, the timeline for reimbursement, negotiations and potential for assistance from SCG.

There were no public comments.

Motion by Councilmember Brown, to approve an Emergency Construction Contract ESP 23-01 with Hanly General Engineering, Inc. in the amount not to exceed of \$390,442.44, and authorize the City Manager to execute any change orders if within a contingency amount of \$150,000; approve an Emergency Agreement with MNS Engineers for construction oversight, permit compliance, FEMA Reporting, and post construction design in the amount not to exceed \$147,678, approve a budget Amendment in the amount of \$688,120.44 and with City Council making a finding that, based on substantial evidence that has been presented, an emergency will not permit a delay resulting from competitive bidding the project and that this action is necessary to respond to the emergency, seconded by Mayor pro tem E Orona, and carried 5-0.

c. Discussion and possible action to consider amendments to Chapter 5-4 of the Solvang Municipal Code to authorize adult-use cannabis facilities

City Attorney Fleishman presented details of the report including background; addressed considering allowing adult-use (recreational) cannabis facilities and spoke about taxing cannabis facilities in the City's Municipal Code.

Discussion followed regarding voter approval of recreational cannabis use, the State's removal of delivery from the hands of local agencies and necessary changes to the Municipal Code to conform to State law.

Mayor Infanti opened public comments.

Applicant Megan Souza, Mr. Andre, and Jeff Hartman spoke in support.

Councilmember Clarke spoke about Solvang losing out on tax dollars as many residents travel to other cities to purchase cannabis and felt that, as long as the voters approved it, the City will benefit from the sale of recreational cannabis.

Discussion followed regarding retail sales versus cultivation and manufacturing, how delivery is taxed, the trend for the State to take more and more local control, visitor-serving versus resident-serving uses and tax generation, whether changing to adult-use cannabis will impact public safety services and the need for more data in terms of additional expected tax revenues.

Sheriff's Department Lieutenant Mark Valencia suggested that Council meet with the Sheriff Department's Cannabis Compliance Team before making a decision on this matter to understand the laws and related statistics; noted there is an increase in crimes related to the use of recreational marijuana and demands from the Sheriff's Department.

There were no other public comments on this item.

Discussion continued regarding whether approving recreational cannabis in the City would open the City up to allowing them in other places, existing zoning regulations in terms of City Council setting the number of allowed dispensaries and where, by resolution, considering whether the City is losing tax revenue by not allowing recreational cannabis and the need for direction from City Council.

Motion by Mayor pro tem E. Orona, to table this matter until City Council has had the opportunity to hear a presentation from the Sheriff Department's Cannabis Compliance Team, seconded by Councilmember Brown, and carried 3-2, with Councilmembers Clarke and C Orona, opposed.

d. Discussion and possible action to receive Julefest update and provide comments to Staff

Marketing Manager Shallanberger narrated a PowerPoint presentation with an update on 2022 Julefest activities and opportunities for 2023 Julefest.

Discussion followed regarding the cost of the Nativity performance and donations received, having something scheduled for New Year's Eve, ways of verifying the number of visitors during Julefest, the reach of various article placements, expanding the daily light show and using images of the event for marketing purposes.

Mayor Infanti invited public comments.

Public comments were received from Lazer Friedman, and Tracy Beard, Solvang Chamber of Commerce.

There were no other public comments.

Discussion followed regarding the possibility of considering increasing the marketing budget in the future.

7. AB1234 REPORT OUT AND COUNCIL CLOSING COMMENTS

Councilmember Brown spoke about attending the recent League of California Cities conference.

Mayor pro tem E Orona commented on attending the recent League of California Cities conference.

Mayor Infanti reported attending the New Mayors' training at the recent League of California Cities conference.

Councilmember C Orona announced she will attend the upcoming Central Coast Community Energy meeting.

8. ADJOURNMENT

The meeting was adjourned at 09:20 p.m.

Respectfully submitted:

DocuSigned by:
Annamarie Porter
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Annamarie Porter, City Clerk