



MINUTES OF THE REGULAR MEETING OF THE
SOLVANG CITY COUNCIL

Council Chambers
1644 Oak Street
Solvang, CA 93463

September 26, 2016
Monday
6:30 pm

CALL TO ORDER: “Mayor for a Day” Art Kaslow called the meeting to order at 6:30 p.m.

ROLL CALL:

PRESENT: Mayor Richardson, Council Members Duus, Jamieson, Skytt,
and Zimmerman

STAFF: Brad Vidro, City Manager; Roy Hanley, City Attorney; Arleen T. Pelster,
Planning & Economic Development Director; Matt van der Linden, Public Works
Director; Lt. Shawn O’Grady; and Lisa S. Martin, City Clerk

PLEDGE OF ALLEGIANCE: Led by Art Kaslow

Mayor Richardson returned to the dias, presented Art Kaslow with a Certificate of Appreciation, and assumed control of the meeting.

CITY MANAGERS REPORT: Informational report only

1. **PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL**

Fred Kovol, Solvang Resident

- For the next 3 months the drought is certain. Presented a drought forecast map, a precipitation forecast map, and a heat index forecast.

2. **COUNCIL REQUESTS**

None.

3. **CORRESPONDENCE RECEIVED BY COUNCIL**

Information only – no discussion.

4. **APPROVAL OF AGENDA AS PRESENTED**

Item 6f should be continued at the request of the applicant. Items 6b and 6c will be pulled for discussion.

5. **CITY COUNCIL MINUTES OF SEPTEMBER 12, 2016**

Motion made by Council Member Duus to approve the minutes as written, seconded by Council Member Jamieson, and carried with a verbal response of 5 ayes.

6. **CONSENT AGENDA**

- a. Receive and File Sheriff's Department Report for August 2016
- b. Second Reading, by title only, of Proposed Amendment to Title 4 Chapter 10 amending Regulations for Massage Establishments
 1. Accept the Exemption to the California Environmental Quality Act pursuant to CEQA Section 15061 and adopt Ordinance No. 16-_____, on second reading by title only, an Ordinance of the City Council of the City of Solvang amending Title 4
- c. Introduction for First Reading, by title only, of Proposed Amendment to Title 9, Chapter 2 revising the Sewer Code to add Residential Water Softener Restrictions
 1. Introduce for first reading by title only Ordinance No. 16-_____, an Ordinance of the City of Solvang revising the Sewer Code; and
 2. Approve Budget Adjustment in the amount of \$20,000 for completion of conceptual City-Wide Wellhead Water Softening Study
- d. Introduction for First Reading, by title only, of Proposed Marijuana Prohibition Urgency Ordinance
 1. Introduce for first reading by title only Ordinance No. 16-_____, an Urgency Ordinance of the City of Solvang prohibiting the Manufacturing, Processing, Laboratory Testing, Labeling, Storing, and Wholesale and Retail Distribution of Cannabis
- e. Resolution of Intention to approve an Amendment to the Contract between the California Public Employees Retirement System Board of Administration and the City Council of the City of Solvang and First Reading of an Ordinance to Amend Said Contract
 1. Adopt Resolution 16-_____, a Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Solvang; and
 2. Introduce for first reading by title only Ordinance 16-_____, an Ordinance of the City Council of the City of Solvang authorizing an Amendment to the Contract between the Council of the City of Solvang and the Board of Administration of the California Public Employees' Retirement System
- f. Parking In-Lieu Promissory Note – 478 Fourth Place
 1. Approve and authorize City Manager to execute the Promissory Note for the Parking In-Lieu fees for two (2) required spaces for the project located at 478 Fourth Place known as K'Syrah Catering.

Item 6f is continued to a future meeting.

Item 6c pulled by Council Member Jamieson.

Item 6b pulled by Mayor Richardson.

Staff report for **Item 6b (Massage Regulations)** by Arleen Pelster, Planning Director.

Mayor Richardson opened the public comment period at 6:49 p.m.

Jeannie Shelley, Solvang Resident and Massage Therapist

- Tried to go through the process with CAMTC to be grandfathered in. They are not budging and have not returned her application fee. If it is not required by the State, she doesn't understand how they have the authority to change the regulations to 500 hours. Hopes the Council can help.

Council Member Duus asked how she got her original certification. Ms. Shelley indicated that she went to a school in Santa Barbara that was certified by the State. Council Member Duus followed up by asking who the licensing authority for her certification was. Ms. Shelley responded that it was her school that was certified by the State.

Monique Golis, Massage Therapist

- Would like the Council to consider reciprocity with other States and would like overall experience and contribution to the field of massage therapy should be considered.
- She specializes in body work and has extensive experience working with doctors and chiropractors.

Mayor Richardson closed the item to public comment at 7:04 p.m.

Council Member Zimmerman asked for clarification of the new language. Are we looking at overall education and experience to determine whether to grant a business certificate? City Manager Vidro responded that at the last meeting the Council decided to grandfather in therapists who held a business certificate in July 2011.

Council Member Skytt asked what the State requirement for a massage therapist is. City Attorney Hanley responded that schools are licensed to grant certifications, the State does not license individual therapists. The State also changed the law to allow local jurisdictions to apply their own regulations, however, the City does not have the ability to license people to be massage therapists, only to grant a business certificate to a California State licensed therapist.

City Manager Vidro added that the Council has the option to go back and remove the 2011 date and give the discretion back to the City Manager. At the last meeting the Council was concerned that new therapists should be required to be licensed at the new 500 hour requirement.

City Attorney Hanley clarified that due to the language change this will constitute a new first reading of the ordinance and it will come back on the next agenda for another second reading.

***Motion** made by Mayor Richardson to approve staff's recommendation, seconded by Council Member Skytt, and **failed** with a roll call vote of 2-3 with Duus, Jamieson, and Zimmerman voting No.*

***Motion** made by Council Member Zimmerman to delete the CAMTC 500 hour requirement and the 2011 date and allow the City Manager to and grant a business certificate to a California State licensed therapist based on education and experience, seconded by Council Member Jamieson, and **carried** with a roll call vote of 5 ayes.*

Council Member Jamieson commented that she had pulled Item 6c so that everyone understands what is going to happen.

Staff report for **Item 6c (Water Softener Regulations)** by Matt van der Linden, Public Works Director. After December 1, 2016, the City would not allow new salt based water softener systems. The existing systems are grandfathered in, but once they need to be replaced the replacement system would need to comply. At the previous meeting the Council directed staff to look into wellhead water softening, and took the rebate program off the table for now. As an aside however, the rebate program is ready to go, it just needs funding.

Mayor Richardson opened the item for public comment at 7:36 p.m.

Fred Kovol, Solvang Resident

- Disagrees that salt contributes to total dissolved solids (TDS).
- Refers to inconsistencies in the staff report.
- SYCSD must pass the same regulations.

Ken Steitz, Pacific Water Quality Association

- Would ask that you table the item until their board of directors can respond.
- Need to see current chemical levels of chloride, sodium, TDS.
- AB1399 procedures have not been followed.
- Other options other than a ban are available, they would love to sit down with staff.

Karen Waite, Solvang Resident and Candidate for City Council

- Glad to hear Ken's comments, this ordinance has not been properly vetted.

Mayor Richardson closed the item to public comment at 7:47 p.m.

Council Member Duus reiterated that he would like the City to treat the water so that the residents don't have to.

Council Member Zimmerman questioned whether we know the percentage of CSD's effluent and TDS versus the City's. Matt van der Linden indicated that CSD's total dissolved solids were slightly lower.

Mayor Richardson asked City Attorney Hanley if we were indeed following the law. Roy Hanley responded that we were, the ban we are proposing is different.

***Motion** made by Council Member Zimmerman to table the item so that staff can meet with the representative from the Pacific Water Quality Association, seconded by Council Member Duus, and **carried** with a roll call vote of 5 ayes.*

REGULAR AGENDA

7. ANNEXATION STUDY/SPHERE OF INFLUENCE UPDATE AND REVIEW OF DRAFT REQUEST FOR PROPOSALS

Staff report by Arleen Pelster, Planning Director

Council Member Duus pointed out that the two parcels above the Croft property are still missing from the map.

Mayor Richardson commented that parcels 14 and 15 on the map should be removed from the study.

Council Member Duus stated that there are real problems with the Janin Acres area so that should be omitted.

Mayor Richardson opened the item for public comment at 8:17 p.m.

Fred Kovol, Solvang Resident

- What is the benefit to the City to annex these parcels?
- There has been no response from the Petersens, can't see the Council directing to spend any money without full buy in from the residents to be annexed.

Mayor Richardson closed the item to public comment at 8:22 p.m.

Council Member Jamieson explained that the purpose of this endeavor is for 20-30 years down the road to ensure that we have the space to do what the City needs. We desperately need some light industrial area/space.

***Motion** made by Council Member Duus to include all of the Croft properties in the annexation study and omit Janin Acres and Quail Valley with all other parcels shown on the map included and to accept the draft Request for Proposals, seconded by Council Member Zimmerman. **Motion carried** with a roll call vote of 5 ayes.*

8. WASTEWATER TREATMENT PLANT (WWTP) CAPACITY ANALYSIS

Staff report by Matt van der Linden, Public Works Director. Discussed what the Regional Water Quality Control Board's (RWQCB) new requirements could be and how that would affect our available capacity.

Council Member Skytt inquired as to when the last upgrades were made to the WWTP and expressed his opinion that if CSD starts bringing in other sites that they should pay for the expansion to the plant.

Matt van der Linden responded that upgrades were made in the 1990s and added that CSD has been discussing building their own WWTP.

Council Member Duus stated that it seems pretty simple, if CSD is allotted a certain percentage of the capacity and it's not available, then they can't use.

Mayor Richardson opened the item for public comment at 8:55 p.m.

Fred Kovol, Solvang Resident

- We should buy back CSD's capacity back, we need it for Solvang.

Mayor Richardson closed the item to public comment at 8:59 p.m.

***Motion** made by Council Member Duus to receive the report and to send a letter response to SYCSD indicating uncertain capacity and declining sale of any remaining capacity, seconded by Council Member Skytt, and **carried** with a roll call vote of 5 ayes.*

9. COUNCIL MEMBER REPORTS (Oral reports: Each Council Member will give oral reports on their activities in relation to the following committee or agencies. In addition, each member may report on items that will be included on the agenda for such committee or agency and seek guidance from the Council as a whole on such items, including on what position to take on behalf of the City)

- Santa Barbara County Association of Governments
- Air Pollution Control Board
- Joint Wastewater Committee
- Finance Committee
- Chumash Tribe
- Water Committee
- Indian Gaming Benefit Committee
- California Joint Powers Insurance Authority

Council Member Jamieson gave update on the Library ad-hoc committee. She attended the Library Advisory Committee meeting last week. The Committee is not willing to take another look at how the per capita allocations. Would recommend that the City send a letter to the Library Advisory Committee that strongly requests that they re-examine the per capita breakdown.

Council consensus is obtained to prepare and send a letter. City Manager Vidro will work with the ad-hoc committee on the language.

10. ADVANCE CALENDAR

Information only, no action.

11. ADJOURNMENT Mayor Richardson adjourned the City Council meeting at 9:02 p.m.



Lisa S. Martin, City Clerk