



MINUTES OF THE REGULAR MEETING OF THE
SOLVANG CITY COUNCIL

Council Chambers
1644 Oak Street
Solvang, CA 93463

November 28, 2016
Monday
6:30 pm

CALL TO ORDER: Mayor Richardson 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 Council Member Zimmerman

CITY MANAGERS REPORT: Informational report only

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

Tracy Beard, Solvang Chamber of Commerce

- Gave update on the Energywatch partnership with PG&E

Dave Cross, SB County Energywatch Partnership

- Provided a grant worth \$7,500 to the City of Solvang for lighting upgrades
- Acknowledged the business outreach performed by the Chamber

Fred Kovol, Solvang Resident

- Discussed his desired change to the draft Minutes of the November 14, 2016 City Council meeting minutes regarding the Sidewalk Master Plan motion (Item 9).

2. **COUNCIL REQUESTS**

Council Member Jamieson requested that Brown Act and Ethics trainings be added to the agenda in January.

3. **CORRESPONDENCE RECEIVED BY COUNCIL**

No discussion – informational only.

4. **APPROVAL OF AGENDA AS PRESENTED**

No changes to the agenda.

5. **CITY COUNCIL MINUTES OF NOVEMBER 14, 2016**

Council Member Duus reiterated his position on the motion related to the sidewalk master plan. Public Works Director van der Linden discussed his understanding of the Council's motion.

*Motion made by Council Member Jamieson to continue the minutes to the meeting of November 28, 2016 for clarification of the Motion for Item 9, seconded by Council Member Skytt, and **carried** with a verbal response of 5 ayes.*

6. **CONSENT AGENDA**

- a. Receive and file Sheriff's Department report for October 2016
- b. Receive and file VisitSYV 2016 3rd Quarter Report
- c. Ordinance Amendment to Title 9, Chapter 2 of the Municipal Code to add Residential Water Softener Restrictions
 1. Adopt on second reading, by title only, Ordinance No. 16-_____, an Ordinance of the City of Solvang revising the Sewer Code
- d. Recognize and accept the generous monetary donations to the Solvang Parks and Recreation Department Halloween Haunted House from Santa Ynez Valley Youth Recreation, John and Teri Harmon, and the Sheriff's Benevolent Posse
- e. Ordinance Amendment to Titles 10 and 11 of the Municipal Code, Building Code Regulations, to adopt and amend the latest editions of the California Building Standards Code and establish Special Permit Processing for Residential Rooftop Solar Systems and Electric Vehicle Charging Stations
- f. Adopt on second reading, by title only, Ordinance No. 16-_____, an Ordinance of the City Council of the City of Solvang amending Titles 10 and 11 of the Solvang Municipal Code to adopt and amend the latest editions of the Constituent Codes of the California Building Standards Code and adopt findings of facts to support the imposition of requirements other than the requirements established by or pursuant to the California Building Standards Code, and establish special permit processing for small residential rooftop solar energy systems and electric vehicle charging stations;
- g. Accept the Exemption to the California Environmental Quality Act pursuant to CEQA Section 15061

Mayor Richardson pulled Item 6d to acknowledge the donors. Council Members Jamieson and Duus also acknowledged the work of the Parks & Recreation staff and volunteers who do an excellent job of putting this together each year.

*Motion to approve the Consent Agenda made by Council Member Skytt, seconded by Council Member Duus, and **carried** with a roll call vote of 5 ayes.*

REGULAR AGENDA

7. **STORMWATER MANAGEMENT PROGRAM ANNUAL REPORT**

Staff report by Matt van der Linden, Public Works Director.

Mayor Richardson inquired as to how the stormwater samples are taken. Staff responded that samples are taken from gutters in residential areas during a storm event. The samples are used to create a pollutant model.

Council Member Duus questioned the Trash Amendment, specifically what constitutes "trash." Staff replied that anything over ¼" in diameter is considered trash. Council Member Duus asked if that would include leaves from trees? Matt van der Linden confirmed, and agreed that the regulations were sometimes frustrating.

Mayor Richardson asked if the trash amendment was a State requirement? Matt van der Linden responded that it was. A letter was sent to us from the State Regional Water Quality Control Board letting us know the new regulations were coming. The trash amendment is not expected to be effective until next year when our permit is renewed.

City Attorney Hanley discussed litigation regarding unfunded mandates.

Council Member Skytt posed the question of whether oil and rubber from roadways was part of the trash amendment. Matt van der Linden stated that it was not part of that amendment, although it is definitely included as part of our stormwater permit regulations.

Mayor Richardson opened the item to public comment at 7:13 p.m.

Fred Kovol, Solvang Resident

- There are 218 pages of requirements
- Concerned with the cost, control, and reporting and who is going to pay for all of it

The item was closed to public comment at 7:15 p.m.

Matt van der Linden indicated that these were not only State, but Federal regulations, and that cities all across the US are struggling with this issue.

There was consensus to receive and file the annual Storm Water Management report.

8. TAJIGUAS RESOURCE RECOVERY PROJECT AGREEMENT

Staff report by Brad Vidro, City Manager. Implementation could result in about \$5 more per trash customer.

Mayor Richardson inquired if we would now bypass the Foxen Canyon facility. Brad Vidro responded that we use Waste Management who doesn't utilize the Foxen Canyon transfer station. Our franchise agreement with Waste Management indicates that our waste goes to the Tajiguas facility, and our recyclables go to the Santa Maria facility.

Council Member Duus asked if the higher cost was essentially a "picking and sorting" fee. Staff answered that it was, and that the cost would be paid by the customer, not directly by the City.

Mayor Richardson opened the item to public comment at 7:29 p.m.

Fred Kovol, Solvang Resident

- The costs projected do not account for any parcels the City might annex

The item was closed to public comment at 7:31 p.m.

Council Member Skytt stated we are not binding Waste Management to this agreement, we are binding the City to it, and whatever franchise we use. It is a good solution for the County.

Council Member Jamieson inquired how Solvang has done as far as trash reduction. City Manager Vidro indicated that we have met our diversion rate requirement.

Council Member Zimmerman asked if there a cap to what the rate payers could be forced to pay.

Mark Schleich, County of Santa Barbara Public Works/Solid Waste Director discussed the due diligence they have done in regards to the cost and that there are limits in the agreement as to what they can charge, or increase per year.

Roy Hanley added that the agreement also has language that it cannot be changed without the majority of the parties agreeing on the new terms.

Motion made by Council Member Skytt to approve the staff recommendation and the City Attorney's recommendation to authorize the City Manager to approve minor changes to the agreement, seconded by Council Member Duus, and carried with a roll call vote of 5-0.

9. METHOD FOR RESOLVING A TIE VOTE IN THE CITY COUNCIL ELECTION

Staff report by Brad Vidro, City Manager. Looking for a process of resolving a tie by lot. The method must be a non-skill game of chance.

Mayor Richardson spelled out his opinion of choosing a number between 10 and 30. The candidate who chooses the number closest to the number drawn by the outgoing Council Member prior to the beginning of the Council meeting, without going over, would be the winner.

City Council Candidate Karen Waite spoke as to her desire that the race not be decided by the flip of a coin, and discussed the possibility of a recount.

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

Fred Kovol, Solvang Resident

- Commented on a potential recount

Council Member Duus stated that he would not request a recount even if he were only 2 votes apart, and agreed that the most impartial method would be a number draw.

Council Member Skytt inquired what the status of the City Council would be if a recount was requested by a candidate.

City Attorney Hanley responded that the existing Council would remain until the recount was completed by the County.

The item was closed to public comment at 7:59 p.m.

Motion made by Council Member Duus to approve the picking of numbers as the method of tie resolution with the candidates drawings numbers between 10 and 30 prior to the beginning of the City Council meeting, the outgoing Council Member drawing a number during the Council meeting, and the candidate coming the closest to the number without going over declared as the winner, and seconded by Council Member Jamieson, and carried with a roll call vote of 5-0.

10. 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
Mayor Richardson commented on the status of the 101 freeway and added that there would be no December SBCAG meeting.
- Air Pollution Control Board
- Finance Committee
- Joint Wastewater Committee
- Chumash Tribe
- Water Committee
- Indian Gaming Benefit Committee
- California Joint Powers Insurance Authority

11. ADVANCE CALENDAR

Information only, no action.

12. CLOSED SESSION

Government Code Section 54956.8 – Real Property Negotiation regarding Parcel Number 139-540-064 as to price and terms, with owner Bella Vista SYV, LLC.

No reportable action.

13. ADJOURNMENT Mayor Richardson adjourned the City Council meeting at 8:43 p.m.



Lisa S. Martin, City Clerk