



MINUTES OF THE REGULAR MEETING OF THE  
SOLVANG CITY COUNCIL

Council Chambers  
1644 Oak Street  
Solvang, CA 93463

January 14, 2019  
Monday  
6:30 pm

**CALL TO ORDER:** Mayor Toussaint called the meeting to order at 6:30 p.m.

**ROLL CALL:**

**PRESENT:** Mayor Toussaint, Council Members Clarke, Djernaes, Johnson, and Waite

**STAFF:** Dave Fleishman, City Attorney; Matt van der Linden, Public Works Director; Sandra Featherson, Administrative Services Director; Holly Owen, Planning & Economic Development Director; Fred Lageman, Parks & Recreation Director; Deputy Sheriff Frausto; and Lisa S. Martin, City Clerk

**PLEDGE OF ALLEGIANCE**

**CITY MANAGERS REPORT**

Informational report only.

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

Scott Love, Solvang Resident

- Vehicles are parked in the bike lane on the right side of Alamo Pintado near Nielsen's center
- Asking that the City Council paint these curbs red to indicate No Parking at that location

Solvang/Skytt Mesa Resident

- The Skytt Mesa landscaped parkways need to be maintained better so that the plants don't die and need to be replaced, as this costs
- Abatement cloth should be installed instead of using Round-Up every week
- Curious as to why the backyards along Chalk Hill were re-landscaped by the city

Caroline Abate

- Spoke in opposition of illegal immigration

Steve Decker, Fredensborg Canyon Resident & County Cannabis Applicant

- His primary focus is on medical cannabis
- The Solvang community should attend the County Board of Supervisors hearings when cannabis regulations are on the agenda
- Requested that the Council reconsider their resolution in opposition of his operation

Herb Bundig, Solvang Resident

- Representing 20+ neighbors on Fredensborg Canyon Rd
- Spoke in opposition of the Decker commercial cannabis application
- The project is on a private road and would upset normal everyday life

- Thanked the Council for passing the Resolution and asked that they not reconsider
- Real estate values have already been affected by the project, an approximate \$100,000 reduction in value

Tracy Farhad, Solvang Conference & Visitors Bureau

- Gave final statistics for Julefest and thanked sponsors
- Over 1,000 visitors to the Visitor Center in one day
- Advertising campaign update

## 2. **COUNCIL REQUESTS**

Councilmember would like to see an item regarding parking structures placed on the Advance Calendar.

*There is Council consensus to add the item to a future agenda.*

Mayor Toussaint proposed that Item 6, Hours of Operation for Businesses within the City of Solvang, be removed from the agenda with direction that the Planning Commission first review the proposed ordinance.

Mayor Toussaint opened Item 6 to public comment at 6:56 p.m.

Gabe Rosetti, Solvang Resident

- In general thinks the ordinance is good but opposes the language that allows the City Manager to grant an exemption

Mayor Toussaint closed the item to public comment at 6:57 p.m.

*There is Council consensus to send Item 6 to the Planning Commission for review and recommendation.*

## 3. **CORRESPONDENCE RECEIVED BY COUNCIL**

No discussion.

## 4. **CONSENT AGENDA**

- a. Approval of Agenda as Presented
- b. Approval of December Warrant Register
- c. Approval of Minutes of the December 10, 2018 Regular Meeting and December 14, 2018 and January 4, 2019 Special Meetings
- d. Receive and File Summary of Public Record Act Requests Received
- e. Receive and File VisitSYV 2018 Third Quarter Report
- f. Receive and File Sheriff's Department Community Resources Officer's report for November 2018
- g. Award Construction Contract – Tennis Courts  
Award Design/Build Contract with First Serve Tennis Courts for Hans Christian Andersen Park Tennis Court Reconstruction, in the amount of \$212,000
- h. Award of Landscape Maintenance Services Contract – Solvang Mesa LLMD  
Approve a multi-year Landscape Maintenance Contract with BrightView Landscape Services, Inc. in the amount of \$6,755 per month (adjusted annually), and authorize execution of the contract by the Mayor; and authorize execution of contract amendments and extensions by the City Manager
- i. Santa Ynez Valley Transit (SYVT) Seat Belt Policy  
Receive and file the Seat Belt Policy for Santa Ynez Valley Transit, to become effective February 1, 2019

- j. Solvang Conference & Visitors Bureau (SCVB) Ratification of Board Members  
Ratify new appointments of Karen Steinwachs and Jessy Osehan Verkler and reappointment of Laura Hanberg, Jeff Paaske, and Kim Jensen to the SCVB Board of Directors
- k. Valve Replacement, Fire Hydrant and Sewer Line Trench Repair Project, PW 119 – Increase Change Order Allowance  
Approve a budget adjustment in the amount of \$25,000 to allow for unforeseen construction conditions, and authorize the City Manager to execute remaining project change orders within this additional amount

Council Member Waite pulled item 4h for discussion. Mayor Toussaint pulled item 4g for questions as to bid disparity.

*Motion by Council Member Waite to approve the Consent Agenda with the exception of Items 4 g and h, seconded by Mayor Toussaint, and carried with a roll call vote of 5-0.*

Staff report for Consent Item 4g by Fred Lageman, Parks & Recreation Director. The higher bids were from out of town contractors and were mostly additional staging costs. The local contractor was the lowest bidder. He followed up with past contracts and they had excellent referrals.

Staff report for Consent Item 4h by Matt van der Linden, Public Works Director. The RFP was publicly advertised and they received three proposals. Staff is constantly trying to balance the quality of the work with the cost to the residents of the LLMD. The only way to get a higher level of maintenance is to pay quite a bit more. There is a higher cost due to the constant weeding. Staff checked references of all of the landscape contractors and are comfortable that BrightView can maintain the landscape effectively with some minor changes and the increase in contract amount.

Council Member Waite asked why the City landscaped the four lots along Chalk Hill Road.

Public Works Director van der Linden responded that the area is a private open space area that the LLMD paid to upgrade it aesthetically as it is an entrance area to the development.

Further discussion ensued regarding the open space areas and the LLMD.

Council Member Djernaes asked if it would be more cost effective for the homeowners to create a Homeowners Association.

City Attorney Fleishman answered that yes, it would be more cost effective if it had been done at the onset of the development. It was not, and it would now be almost impossible to get the necessary buy-in from all residents to subject themselves to an HOA.

*Motion made by Council Member Djernaes to approve Consent Agenda items g and h, seconded by Council Member Clarke, and carried with a roll call vote of 5-0.*

## **REGULAR AGENDA**

### **5. REGULATION OF MOTORIZED SCOOTERS**

Staff report by Dave Fleishman, City Attorney.

Council Member Waite questioned whether the ordinance could be revisited at a later time if it is approved at this point.

City Attorney Fleishman responded that it could be brought back at any time.

Mayor Toussaint opened the item to public comment at 7:23 p.m.

Brian Nelson, local architect

- These types of scooters look like litter
- Solvang is not large enough for the visitors to need use of these motorized scooters since you can easily walk from one end of town to the other

Mayor Toussaint closed the item to public comment at 7:24 p.m.

Council Member Waite commented that she does not think the city is prepared to deal with this type of business at this time, but would like to possibly consider allowing in some fashion in the future.

City Attorney Fleishman added that the Urgency Ordinance before the Council would stay in effect until the Council votes to change or rescind.

Council Member Clarke commented that the city is too small to allow this type of business, it would not be appropriate in the TRC. Establishment of other transportation options such as a bike path, is more important.

Mayor Toussaint would like to have the Planning Commission review the possibilities.

Council Member Djernaes agreed.

City Attorney Fleishman clarified that the Planning Commission reviews zoning ordinance issues and would consider things like whether to allow the scooters in a certain zone. They would need very specific direction as to what about the issue they would like the Planning Commission to give a recommendation on. This is a police power action that is within the jurisdiction of the City Council.

*Motion made by Council Member Waite to adopt Urgency Ordinance No. 19-0335, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.*

## **6. HOURS OF OPERATION FOR BUSINESSES WITHIN THE CITY OF SOLVANG**

Removed from agenda for consideration by the Planning Commission.

## **7. DISCUSSION OF POSSIBLE COMBINATION OF PLANNING COMMISSION AND BOARD OF ARCHITECTURAL REVIEW**

Staff report by City Attorney, Dave Fleishman.

Council Member Clarke discussed forming a subcommittee and asked if it could include local builders.

City Attorney Fleishman explained that a council member may volunteer to contact a Planning Commissioner and BAR member and various stakeholders to discuss, or, a council subcommittee of two members could be set up to consult with members and the community, and bring information back to the City Council. Alternatively, the Council could set up a formal ad hoc committee with designated members which would be subject to the Brown Act.

Mayor Toussaint opened the item to public comment at 7:35 p.m.

Patrick Cavanaugh, BAR Member

- Great breadth of responsibilities of both boards without undue overlaps

- The BAR is focused on review of important No. European aspects of design

Mark Infanti, BAR Member

- Feels it is ill-advised as it would increase the cost to the city and would not streamline the process
- Public noticing costs would also cause an increase in BAR fees
- Conceptual review is a service provided by the city to aid projects in better design

Susan Bott, Solvang Resident

- This board and commission have different study and expertise areas
- Asked the council to speak to staff about how the proposal would affect the applicants

Susan Williams, BAR Member

- Does not feel that this proposal would be beneficial to applicants, residents, or businesses
- BAR meetings are a lot less intimidating, informal collaboration and suggestions occur
- Architects like the feedback of the BAR rather than waiting for the Planning Commission meeting
- The Design Guidelines do need to be updated

Brian Nelson, local architect

- Has taken four or more projects through the process and does not feel it would be beneficial
- If the council does consider, please establish a subcommittee of professionals to analyze

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

Council Member Waite noted that she is against a merger. There is a reason the boards are separate. This is a very unique city that needs a BAR to maintain its northern European feel. The BAR is able to fast-track applications so that they do not need to appear before the Planning Commission.

Council Member Clarke indicated he only wants to look at the possibility as he is not a proponent yet but has heard from his constituents that the process needs to be streamlined.

Council Member Johnson agreed that it does not hurt to take a look at the process and the potential, and report back.

Mayor Toussaint mentioned that the sign ordinance was directed to be updated by Council approximately two years ago.

Planning Director Owen responded that it was decided during the review of the Planning Department work plan that the sign ordinance should be reviewed as part of the Design Guidelines update, which is budgeted for this year.

*Motion to have Mayor Toussaint and Council Member Clarke informally meet with members of the Planning Commission, Board of Architectural Review, and community stakeholders, and bring findings back to the City Council for consideration made by Council Member Clarke, seconded Mayor Toussaint, and carried with a roll call vote of 4-1 with Council Member Waite voting No.*

- 8. 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  
**Council Member Waite** reported that the North County Regional Subcommittee discussed the Airport Land Use Commission and how land is used around the airport, and that she will be attending the upcoming APCD and SBCAG meetings.
- Air Pollution Control Board
- Finance Committee
- Joint Wastewater Committee
- Chumash Tribe
- Water Committee
- Joint Wastewater Committee
- Library Advisory Committee
- Indian Gaming Benefit Committee
- California Joint Powers Insurance Authority
- EMA Groundwater Sustainability Agency

9. **ADVANCE CALENDAR**

Informational Calendar – No Action.

10. **ADJOURNMENT:** Mayor Toussaint adjourned the City Council meeting at 8:04 p.m.

  
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Lisa S. Martin, City Clerk