



MINUTES OF THE REGULAR MEETING OF THE
SOLVANG CITY COUNCIL

Council Chambers
1644 Oak Street
Solvang, CA 93463

March 11, 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: Rick Haydon, Interim City Manager; Dave Fleishman, City Attorney; Matt van der Linden, Public Works Director; Holly Owen, Planning & Economic Development Director; Sandra Featherson, Administrative Services Director; Lt. Eddie Hsueh; and Lisa S. Martin, City Clerk

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Mayor Toussaint presented a proclamation to Karen Palmer, Ambassador for Kindness.

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

Hank Homburg, Solvang Resident

- Discussed traffic safety, traffic, and moving violations
- Compared to over 300 tickets issued in Buellton, Solvang only issued 54
- Would suggest the addition of a motorcycle officer for traffic enforcement

Tracy Beard, Solvang Chamber of Commerce

- Announced fundraising campaign for live Julefest tree and a ribbon-cutting event for State Farm
- The Chamber distributed No-Smoking window stickers to local businesses along with personnel from SB County Public Health

2. **CITY MANAGER'S REPORT & ADVANCE CALENDAR**

Interim City Manager Haydon gave an informational report.

3. **CONSENT AGENDA**

- a. Approval of Agenda as Presented
- b. Approval of February Warrant Register
- c. Approval of draft Minutes of the February 11, 2019 City Council Meeting
- d. Annual Review and Adoption of the Investment Policy

Adopt Resolution No. 19-1075, acknowledging the receipt and filing of the Annual Investment Policy for Fiscal Year 2019-20.

Council Member Clarke indicated that he would be abstaining from the Warrant Register items for his employer, Niensens Building Materials, due to a conflict of interest.

Motion made by Council Member Waite to approve the Consent Agenda as presented, seconded by Council Member Johnson, and carried with a roll call vote of 5-0 with Council Member Clarke abstaining from Warrant Register items for Niensens Building Materials in 3b.

REGULAR AGENDA

4. DISCUSSION REGARDING LIMITING HOURS OF OPERATION

Staff report by Dave Fleishman, City Attorney.

Mayor Toussaint opened the item to public comment at 7:00.

Josh Richman, Owner, The Merkantile Shopping Center

- Advised that when CVS did their due diligence, they received information from the City that there was no prohibition on 24-hour businesses
- There is no increase in crime associated with 24-hour businesses per Sheriff's records
- Project conditions can be used to mitigate noise
- There was a donut shop in the same center that opened at 5:00 a.m. and there were no complaints

Charles Werner, Solvang Chamber

- The ordinance will cause a disadvantage to Solvang relative to business attraction
- Bakeries and others begin their operations very early in the a.m.
- The Solvang Chamber does not support the ordinance

Mayor Toussaint closed public comment at 7:12 p.m.

Council Member Johnson expressed opposition, doesn't think adding more regulations on businesses is the right thing at this time.

Council Member Waite indicated that the location of the proposed 24-hour business may be too close to residential.

Council Member Clarke commented that his constituents have expressed concern over 24-hour businesses as they would like Solvang to maintain its small town feel.

Mayor Toussaint asked about the Planning Commission's recommended changes.

Dave Fleishman indicated that the Planning Commission recommended more restrictive language, changing the proposed ordinance prohibition from 12:00 a.m. to 6:00 a.m. to 10:00 p.m. to 6:00 a.m. and added additional allowances for exemptions.

Council Member Djernaes questioned why the Council was discussing this ordinance.

Mayor Toussaint explained that it is a preventative action to regulate the hours of operation of businesses so that it does not become a problem in the future.

Interim City Manager Haydon added that residents across from The Merkantile development had expressed concern and Council had directed staff to have the matter heard by the Planning Commission and prepare a draft ordinance.

Council Member Waite noted that she feels we have a very knowledgeable Planning Commission and trusts their recommendation.

Motion made by Council Member Waite to approve the Planning Commission's recommended language.

Mayor Toussaint stated that although he supports the motion, he feels that 6:00 a.m. is a bit late and would like businesses to be able to open at 5:00 a.m. Additionally, he asked the City Attorney to clarify language relative to deliveries.

City Attorney Fleishman explained that there is currently language prohibiting businesses from doing business with other businesses during those hours. That language can be removed to allow for deliveries to occur if that is the Council's wish.

An Amended Motion was accepted by Council Member Waite to approve the Planning Commission's recommendations with a change to the prohibited hours of operation from 10:00 p.m. to 6:00 a.m. to 10:00 p.m. to 5:00 a.m. and deletion of the restriction of deliveries during those hours, seconded by Council Member Clarke, and carried with a roll call vote of 4-1 with Council Member Johnson voting No.

5. **CONSIDERATION AND RECOMMENDATION OF AN ORDINANCE AMENDING SOLVANG MUNICIPAL CODE SECTION 11-16-4, DEVELOPMENT PLANS, TO REQUIRE ON-SITE NOTICING AND THE USE OF STORYPOLES TO ILLUSTRATE VISUAL IMPACT**

Staff report by Holly Owen, Planning & Economic Development Director.

Council Member Waite inquired as to whether the requirements would go into effect immediately.

City Attorney Fleishman replied that it would go into effect in 45 days if there were no changes between and first and second readings.

Council Member Djernaes asked how long the storypoles would be required to stay up.

Planning Director Owen responded a minimum of ten (10) days.

Mayor Toussaint opened the item to public comment at 7:35 p.m. and, seeing none, closed the item.

Council Member Johnson expressed his opposition, as the city does not need more policies right now.

Council Member Clarke stated that 80% of the cities in the staff report that require storypoles are in coastal areas.

Council Member Waite disagreed, commenting that it is very important for the public to know what is being proposed to be constructed on a site and be able to more easily visualize it.

Council Member Djernaes agreed with Council Member Johnson's stance, would like to hear from architects and developers, and is not convinced that this is something the public needs.

The public comment period was re-opened at 7:39 p.m.

Josh Richaman, Owner, The Merkantile

- Storypoles are costly and wholly ineffective
- His project utilized visual artistic renderings to show size and compatibility

Susan Bott, Solvang Resident

- The storypoles for the project in Buellton are very helpful and informative and caused her to have a kind of "Ah-Ha" moment

The public comment period was closed at 7:45 p.m.

Mayor Toussaint commented that he was not in favor of adding any Planning/Zoning regulations at this time and would not be approving.

Council Member Waite reiterated her belief that storypoles are very important for the public to be able to see the scale of a proposed development.

Motion made by Council Member Clarke to reject the change to Section 11-16-4, Storypoles, seconded by Council Member Johnson, and carried with a roll call vote of 4-1 with Council Member Waite voting No.

Motion made by Council Member Clarke to adopt the Ordinance Amendment to Section 11-17-4, On-Site Noticing, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.

6. COUNCIL MEMBER AB1234 AND COMMITTEE REPORTS

- Santa Barbara County Association of Governments
Council Member Waite reported she will attend a meeting this week.
- Air Pollution Control Board
Council Member Waite reported she will attend a meeting this week.
- Finance Committee
- League of California Cities
Mayor Toussaint reported that he and Council Member Djernaes were able to attend the Channel Counties League Dinner and that he would be interested in holding the next Santa Barbara County dinner in Solvang. Council Member Djernaes added that Mr. Mullinax had also expressed interest in holding a League Conference here in Solvang.
- Chumash Tribe
Council Member Djernaes reported that he and Council Member Johnson had met with the Chumash tribe representatives and they discussed working together for marketing.
- Water Committee
- Joint Wastewater Committee
Mayor Toussaint and Council Member Djernaes met with SYCSD and that another meeting needs to be scheduled sooner rather than later so that CSD can appropriately budget for future costs relative to our upgrade of the treatment plant.
- Library Advisory Committee
Council Member Clarke reported that he had met with Carey McKinnon and that he is looking forward to working with her in the future.
- EMA Groundwater Sustainability Agency

7. CORRESPONDENCE TO COUNCIL

Regarding the letter from PG&E Mayor Toussaint inquired as to whether there is anything we can do to compel PG&E to improve their service to Solvang. City Attorney Fleishman advised that the City is extremely limited on imposing anything on PG&E as they are regulated at the State level. Interim City Manager Haydon added that PG&E is updating their work plan and that they have indicated there will be no service interruptions to Solvang.

8. COUNCIL COMMENTS AND REQUESTS

Council Member Waite requested that once the new City Manager is on board she would like to have a City Council retreat.

She further commented that the City Manager should be aware of any and all ad hoc committee meetings as Council wouldn't want him to be blindsided, and that he may want to handle or address issues in a different manner. Additionally, she noted that she had been contacted by ID#1 and that they had requested that she be on the Water Ad Hoc Committee.

There is no Council consensus to reassess committee assignments.

Council Member Djernaes requested that the municipal code section regarding the manner in which the Council selects Planning Commissioners be discussed on a future agenda.

Mayor Toussaint requested that City Council Protocols also be brought back as they also kind of tie in.

There is Council consensus to bring back these items on a future agenda.

Council Member Djernaes would like the CAFR to be amended to add CalPERS and OPEB info.

Interim City Manager Haydon indicated that those could possibly be added to the notes section and that the idea could be brought forward to the Finance Committee.

Council Member Djernaes requested that an Economic Development Ad Hoc Committee be created.

There is Council consensus to bring back the item on a future agenda.

Council Member Djernaes would like the City Council to work with the Niels Brock business college students. The students could help with development of smart city technology, diversity, special events, or how to improve community services.

A brief discussion ensued as to how to utilize the students skills, and there was Council consensus to allow the Niels Brock students to give a presentation to Council.

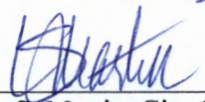
Mayor Toussaint agreed with scheduling of a Council Retreat.

Mayor Toussaint commented that SYCSD is looking for a quarterly type report regarding the City's upcoming WWTP projects and costs.

Mayor Toussaint added that he would like to bring back the Cannabis ordinance and application process as this is a new council. He has concerns regarding the location and the requirement for property owner consent.

There is Council consensus to bring back the item on a future agenda for discussion.

9. **ADJOURNMENT:** Mayor Toussaint adjourned the City Council meeting at 8:29 p.m.



Lisa S. Martin, City Clerk