



**MINUTES OF THE REGULAR MEETING OF
THE SOLVANG CITY COUNCIL**

Council Chambers
1644 Oak Street
Solvang, CA 93463

June 8, 2020
Monday
6:30 p.m.

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

ROLL CALL:

PRESENT: Mayor Ryan Toussaint, Mayor Pro Tem Robert Clarke, Council Members
Chris Djernaes, Daniel Johnson, and Karen Waite

STAFF: Xenia Bradford, City Manager, Chip Wullbrandt, City Attorney and Matt van
der Linden Public Works Director/City Engineer.

PLEDGE OF ALLEGIANCE

Led by Council Member Waite

1. PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL

Jennifer Soni

- Expressed concerns with the condition of the City with respect to lack of maintenance
- Spoke against street closures on Copenhagen, particularly with the tables in front of her window
- Commented that the impact of these new changes will be severe for her business

Ron Bender

- Stated that Pine Street has been turned into a freeway
- Concerned about speeding on Pine Street due to traffic and that even police vehicles speed
- Expressed concerns with the Ed St. George project
- Spoke against street closures on Copenhagen, particularly with the tables in front of her window

Clayton Jones (via Zoom)

- Spoke at length relative to people's constitutional rights provided to Citizens by both the U.S. Constitution and the Constitution of the State of California

Mayor Pro Tem Clarke read a statement into the record submitted by Mr. Clifford Rhae and a written statement submitted by Ms. Debra Deyette.

Callers – None

2. EXECUTIVE, PIO REPORTS & ADVANCE CALENDAR

City Manager Xenia Bradford provided the following highlights:

- That the focus of the June 22 meeting will be on the 2020-2021 Financial Plan
- Spoke about the June 27 workshop at Vets Memorial hall and brief the Council on the logistics of it
- Commented that the purpose of the workshop is to solicit input to be incorporated into a final plan/proposal that will be brought back to the City Council
- Provided an update on Marketing and Tourism
- Stated that the closure of Copenhagen was design to accommodate more customers while providing for social distancing
- Reminded businesses that to expand into the right-of-way, businesses need an encroachment permit

Motion made by Mayor Toussaint to reorder the agenda and hear items 6 (UGB) first, which becomes item 4, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.

Motion made by Mayor Toussaint to accept the consent calendar as presented but to move item 7 right after item 4 (UGB), seconded by Mayor Pro Tem Clarke and carried with a roll call vote of 5-0.

3. CONSENT AGENDA

- a. Approval of Agenda as Presented.
- b. Approval of Draft Minutes of the May 26, 2020 Regular City Council Meeting and Draft Minutes of the May 26, 2020 Special City Council Meeting
- c. Approve contract with IDK for Fiscal Year 2020-21 per Council direction from April 13

REGULAR BUSINESS AGENDA

4. URBAN GROWTH BOUNDARY INITIATIVE

1. Receive Urban Growth Boundary Initiative Petition and adopt Resolution accepting the certification of the City Clerk as to the sufficiency of the initiative petition entitled City of Solvang Urban Growth Boundary Initiative; and
2. Determine further actions as follows:
 - a. Adopt the Urban Growth Boundary Initiative as presented (in which case no election vote is required)
 - b. Direct staff to set the initiative to be placed on the November ballot; or
 - c. Direct staff to prepare a report to answer questions about the UGB and return to the Council in a timely manner so it could still be set for this November's election

Chip Wullbrandt, City Attorney presented the staff report stating that this is the result of a petition that was submitted to the City on March 9. Mr. Wullbrandt provided a lengthy summary with respect to the work that was done on this matter to bring it back to Council; stated that there are still some actions that the Council need to take as noted on the staff report.

Susan Bott and Nancy Emerson proponents of the Urban Growth Boundary Initiative presented an additional report providing a brief narrative about what the initiative intends to do and making brief remarks about the group of proponents who sponsored this initiative; thanked City staff and City Attorney for their help with this matter.

Mayor Toussaint open public comments at 7:25 p.m.

John Padfield (Statement to be read into the record)

- Expressed support for option 1 relative to the UGB process

Mayor Toussaint closed public comments at 7:30 p.m.

It is also to be noted for the record that a substantial number of written letters (emails) in support UGB option 1 were submitted to the City Council and are now part of the record.

An extensive discussion ensued with respect to the UGB initiative because it will allow Solvang to remain a small quaint town, and because it is something that is well-supported by the community. Dissenting viewpoints were offered with respect to the pros and cons of adopting the Ordinance as presented or leaving it up to the voters to decide and set it for the November 3, 2020 General Municipal Election.

Motion made by Mayor Toussaint to approve and adopt the Urban Growth Ordinance as presented, seconded by Council Member Waite, and carried with a roll call vote of 4-0-1 (with Council Member Djernaes voting no).

5. SOLVANG BREWING COMPANY PATIO EXPANSION, PARKING WAIVER, AND ABC REGULATIONS (Originally listed as item 7, moved ahead on the agenda)

Consider a request from applicant, Solvang Brewing Company, to waive parking in lieu fees.

By motion:

1. That the City Council review the site plan for the expansion of the outdoors patio in order to address the social distancing requirements for patrons; and affirm Planning Director's grant of a reduction in onsite parking of two spaces as allowed in the Urgency Ordinance, and grant a waiver of additional 8 spaces as allowed per Section 11-11-9D of the City of Solvang Zoning Ordinance.

Alternatively:

2. That the City Manager be authorized and directed to advise ABC and any other agency with jurisdiction that the City supports and has provided for expansion of the premises to include the parking area as shown in the attached site plan and that such expansion should include allowance for non-amplified music within such area, subject to regulations by the City.

City Manager Xenia Bradford presented the staff report briefing the Council on the options and recommendations provided by staff.

Council Member Johnson recused himself due to a potential conflict of interest and accordingly left the dais.

City Attorney, Chip Wullbrandt clarified that the Council will not be approving the permit tonight and that the City Manager as Planning Director will still be reviewing the application imposing any appropriate conditions on the application, which will subsequently be approved; commented that what the Council is doing is whether to grant the fee waiver that has been requested by the applicant.

Mayor Toussaint open public comments at 8:40 p.m.

David Bruntz

- Expressed support for this project, however, stated that his concerns with respect to music out on the patio, and smoking

Jennifer Soni

- Spoke with respect to the taking of parking spaces and whether this will be a permanent thing once everything goes back to normal

William (Bill) Rogers applicant

- Spoke about expanding all the non-smoking area to the complete parking spaces
- Stated that they have no control with smoking in the parking lot but that it is their intent to be a non-smoking area
- That they are trying to get commerce back to Solvang in a big way with an indoor-outdoor concept

Following his presentation, Mr. Rogers answered several inquiries with respect to the merits of his proposal.

A brief discussion ensued about the proposal with members of the City Council seeking clarification about the in-lieu parking fees. Council Member Djernaes commented and clarified that he does not have any conflict of interest voting on this item because while he has done work for the Solvang Brewing Company as a Consultant in the past, he has not been paid any fees for about 18 months, meaning that he does not currently have any engagements with this particular company, consequently he feels confident in being allowed to participate in the discussion.

Mayor Toussaint stated that he will be in favor to set some conditions on this project to minimize any potential impacts with noise from live music and smoking.

City Attorney Chip Wullbrandt stated that the Council could act on the parking waiver issue at this meeting.

Motion made by Mayor Toussaint to waive either some or all the in-lieu parking fee, direct staff to include a condition in this permit that would either through the project description or otherwise would preclude smoking in the patio area, and that staff come back with further recommendations related to both music and the City smoking ordinance, and that staff take that to the Planning Commission before it comes back to the Council, seconded by Council Member Djernaes and carried with a roll call vote of 4-0-1 (Council Member Johnson recusing).

RECESS AND RECONVENE

Mayor Toussaint called for a recess at 9:00 p.m. The assembly reconvened at 9:10 p.m. with all Council Members, present.

6. COVID-19 EMERGENCY SITUATIONAL UPDATE AND POLICY DIRECTION

Staff recommends that the City Council receive staff an update on COVID-19 Disaster Situational Update and provide staff with any additional policy direction as needed.

City Manager Xenia Bradford presented the disaster situational update stating that there was no new update that this was simply a place holder if further reports needed to be presented to the Council as updates.

Mayor Toussaint open public comments at 9:15 p.m.

There were no public comments.

Mayor Toussaint closed public comments at 9:15 p.m.

There was no formal action taken, item received and filed.

7. GENERAL MUNICIPAL ELECTION -NOVEMBER 3, 2020

1. Accept Resolution calling for the holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the election of certain officers as required by the provisions of the laws of the State of California relating to Charter Law Cities; and
2. Adopt Resolution requesting the Board of Supervisors of the County of Santa Barbara to render specified services to the City of Solvang relating to the conduct of a General Municipal Election to be held on Tuesday, November 3, 2020; and
3. Adopt Resolution requesting the Board of Supervisors of the County of Santa Barbara to consolidate a General Municipal Election to be held on Tuesday, November 3, 2020, with the Statewide General Election to be held on that date pursuant to Section 10403 of the Elections Code; and
4. Adopt Resolution adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, November 3, 2020; and
5. Adopt Resolution providing for a procedure for determining by lot a tie among candidates at the November 3, 2020 consolidated General Municipal Election in accordance with Elections Code Section 15651.

City Manager Xenia Bradford presented the staff report.

Mayor Toussaint open public comments at 9:20 p.m.

There were no public comments.

Mayor Toussaint closed public comments at 9:20 p.m.

Motion by Mayor Toussaint to accept item as presented, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.

8. RESPONSE TO THE 2019-20 SANTA BARBARA COUNTY GRAND JURY REPORT, "CYBER-ATTACKS THREATENS SANTA BARBARA COUNTY."

Approve the letter for the Mayor's signature that responds to the subject Santa Barbara Grand Jury Report.

City Manager Xenia Bradford presented the staff report stating that what the Council is being asked to do here is to approve a letter with a response to the Grand Jury report for the Mayor's signature to be sent out.

Mayor Toussaint open public comments at 9:30 p.m.

There were no public comments.

Mayor Toussaint closed public comments at 9:30 p.m.

Motion made by Mayor Toussaint to accept the report and authorize the Mayor to sign the letter in response to the Grand Jury Report, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.

9. AB1234 REPORT OUT, COUNCIL COMMENTS AND REQUESTS

There were no AB1234 reports to announce.

Council Member Johnson commented that he is in full support with comments made by Mr. Clayton Jones earlier regarding the State and County overstepping their boundaries.

Mayor Pro Tem Clarke commented that he too concurs with the comments made by Council Member Johnson and the comments expressed by Mr. Clayton Jones with respect to protecting our freedoms.

Council Member Waite expressed that she is looking forward to the June 27 workshop and hopes that a lot of valley residence show up.

Council Member Djernaes stated that he too agrees with Mr. Jones's comments and that it is something he has talked about from the beginning; commented that he does not have any conflict of interest with Mr. Ed St. George's project as it was insinuated earlier by a public speaker. Further, he commented that on the issue of an FPPC violation he was accused of, that matter has been cleared up.

Mayor Toussaint thanked everyone for their hard work on the UGB initiative; commented that he took looks forward to the community workshop on June 27.

10. ADJOURNMENT- Mayor Toussaint adjourned the meeting at 9:40 p.m.

Minutes Prepared by:

DocuSigned by:

Daryl Betancur

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DARYL A. BETANCUR, MMC

Deputy City Clerk

In accordance with Solvang Municipal Code Section 1-4-16 (Ord. 14-305), minutes of the City Council of the City of Solvang are prepared in action style.