



MINUTES OF THE REGULAR MEETING OF THE  
SOLVANG CITY COUNCIL

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Council Chambers  
1644 Oak Street  
Solvang, CA 93463

May 13, 2019  
Monday  
6:30 pm

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**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: David Gassaway, City Manager; Dave Fleishman, City Attorney; Matt van der Linden, Public Works Director; Holly Owen, Planning & Economic Development Director; Lt. Eddie Hsueh; and Lisa S. Martin, City Clerk

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

The Solvang Chamber presented their quarterly report.

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

Lee Rosenberg

- Expressed his concern regarding Council Member Djernaes' treatment of staff during their reports

Kenny Esko, Business Owner and Resident

- Expressed his desire for events to move to Sundays, not so many on Saturdays
- Wondered where the amnesty program is that the Council promised

Joan Jamieson, Solvang Resident

- Spoke regarding Measure Z which raised the transient occupancy tax in 2012 and reminded the Council that the tax increase passed because the additional money was promised to help fund non-profits within the community

Karen Bowker, First Bank

- Spoke regarding the need for less strict regulations on promotional signage

Susan Bott, Save Our Solvang

- Hopes the Council will consider an Urban Growth Boundary in their goals
- The Council is focused on the business owners in Solvang
- She would like the Council to consider all residents visions for Solvang

Steve Decker, SB Cannabis

- Handed out an information bulletin on the medical benefits of cannabis

Niels Brock Students

- Discussed architecture and colors of buildings in Solvang
- Suggested more events such as Music Festivals, Fastelavn in February, and Octoberfest
- Suggested Danish Days be a full week

Ed Skytt, Solvang Resident

- Does not remember any of the council members promising amnesty
- Very nice presentation by the Niels Brock students but it should have been set up as a presentation not for the public comment period

### **CITY MANAGER'S REPORT & ADVANCE CALENDAR**

City Manager Gassaway gave an informational report.

### **3. CONSENT AGENDA**

- Approval of Agenda as Presented
- Approval of Warrant Register for April 2019
- Approval of draft Minutes of the April 8, 2019 Regular Meeting and the April 15, 2019 Special City Council Meeting
- Award Construction Agreement for Reservoir 2 Access Road Paving  
Award a Construction Agreement with CalPortland in the amount of \$91,491.00; authorize execution of the agreement by the Mayor; and authorize the City Manager to execute any change orders if within the contingency amount of \$14,000.00

Council Member Clarke stated that he would be abstaining from the warrant register items that are payable to his employer Nielsen's Building Materials.

*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 payments to Nielsen's Building Materials.*

### **REGULAR AGENDA**

### **4. SANTA YNEZ VALLEY DRAFT BICYCLE MASTER PLAN REVIEW**

Staff report by Matt van der Linden, Public Works Director, and Michael Becker, Planning Director of SBCAG, who presented the draft Bicycle Master Plan.

Council Member Waite read public comment letters received by Council.

Council Member Djernaes asked about the costs associated with the Buellton river bikepath. Michael Becker responded that they will know more in the next year when the alignment is sorted out however it will likely be an approximately \$10 million project. SBCAG will do a conceptual alignment study. State funding is possible.

Tier 1 top rated projects were all routes from western Buellton to Santa Ynez, and specifically Buellton to Solvang and Alisal to Alamo Pintado.

Mayor Toussaint opened the item to public comment at 8:16 p.m. and, seeing none, closed the item.

Johanna Finley, Santa Ynez Valley Resident  
➤ Spoke in support of smart bike trails

Mike Hecker, SYV Spoke  
➤ Spoke in support of the draft plan and would like the Council to act sooner rather than later when it comes to construction of bike paths

The public comment period was closed at 8:23 p.m.

Mayor Toussaint suggested that the Council give feedback on the routes identified in Page 90 of the plan, and prioritize some of the smaller more feasible projects.

Council Member Waite indicated her top priorities would be all of the striping and signage projects since we could easily do them as we do road pavement maintenance, and to formalize bike lanes on the 246.

Discussion regarding small projects and the trail along the river and right-of-way acquisitions.

Priorities would be the Santa Ynez River Trail, bicycle pump track, formalizing Highway 246 shoulder, and the seven low cost projects.

*Council gave direction to staff to incorporate the seven low cost projects into upcoming road maintenance projects, bring back a cost and feasibility report on the HCA bicycle pump track, continue alignment work on the Santa Ynez River trail, and resubmit grant application for the Sunny Fields Spur in a future grant cycle after an additional review by the City Council with public input.*

Mayor Toussaint announced a five minute break. The City Council reconvened at 8:56 p.m.

## **5. DISCUSSION OF SEWER IMPACT FEE**

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

Council Member Clarke questioned whether these types of sewer infrastructure upgrade costs are communicated to applicants right away.

Public Works Director van der Linden responded that for some applications they are and for others they didn't fully inform the developer as soon as they would have liked. It is difficult for staff to presuppose all of the requirements and conditions that the project will require due to its impact. Often, developers and applicants want all the information up front but have not submitted an application complete enough for staff's analysis to be made.

City Attorney Fleishman stated that while not perfect, this sewer impact fee would allow developers to more accurately calculate what the costs of their project will be.

Council Member Djernaes inquired how the fee calculation was accounting for the tourists. Public Works Director van der Linden responded that the tourists use the restaurants and stay in the hotels.

Mayor Toussaint asked for clarification regarding the Sewer Impact fee versus the Sewer Connection fee.

Public Works Director explained that most new projects would be charged a the Sewer Connection fee based on the water meter size required for the project and would also be charged the Sewer Impact fee per EDU.

There was a brief discussion regarding the fee calculation being based currently only on existing zoning and vacant parcels. The fee calculation does not currently take into consideration redevelopment projects with an increased impact on the sewer system. Once a new Wastewater Master Plan is prepared the amount of the fee could be reconsidered, as the amount of the fee would be established by Resolution.

Mayor Toussaint questioned whether the fee could be waived or reduced by the Planning Commission during review and consideration of the development plan. City Attorney Fleishman indicated that the ordinance could include a party's ability to protest the fee, which would be heard by the City Council. Staff first needs to be directed by Council to move forward with the fee and drafting of the ordinance.

Mayor Toussaint commented that if the Council desired a particular project to move forward he would like the ability of the Council to adjust the fees. City Attorney Fleishman cautioned that while the City Council could have that ability they should balance the project's impact on city services while being mindful of the existing ratepayers, who will bear the costs if a new development is not required to pay their share.

Mayor Toussaint opened the public comment period at 9:38 p.m.

Gay Infanti

- Appreciates the work by staff to come up with these numbers but feels that they are too low since there would still be a \$2.4M shortfall which would fall to the ratepayers
- Alarmed that the Council is so on the side of the contractors and developers as opposed to the side of the citizens of Solvang
- Concerned with all the talk of densification and growth of Solvang as we do not have the water to serve

Mitch Williams, Property Owner

- This issue has been the lynch pin for his project
- The 1988 Sewer Study states that residential build out has almost zero impact on the system
- Not in support of the Sewer Impact Fee

The public comment period was closed at 9:46 p.m.

Council Member Waite stated her support to approve of the fee and to move on with preparation of an updated Wastewater Master Plan.

Motion made by Council Member Waite to approve staff recommendations 1 and 2.

Council Member Clarke expressed that he would like the costs to be the responsibility of the tourists and partially the developers and would not wish for it to shift to the residents.

Council Member Djernaes stated that this methodology does not accomplish the shift of the costs to the tourists so it may not be the answer.

City Attorney Fleishman responded that there are two ways that tourists are contributing to the costs. One is that the hotels are paying for the water usage by the tourists, and the second is that the tourists also pay the transient occupancy tax. The TOT is paying for other types of infrastructure but is not necessarily supposed to be, as an enterprise fund, contributing to the sewer fund because it is supposed to be self-sustaining.

Mayor Toussaint indicated that this fee is a good start to making things more transparent to developers in the future. If we can get those 90 hotel rooms as indicated in this table then we will collect a substantial amount of additional TOT to pay for some of the needed sewer line upgrades.

*Council Member Waite restated her motion. The motion was seconded by Mayor Toussaint, and carried with a roll call vote of 5-0.*

With the time being 10:05 p.m., the City Council considered whether they should table the remainder of the items on the agenda to a future date or special meeting.

Mayor Toussaint stated that he would like to move into the Closed Session item and suggested a Special Meeting the following Monday.

*Motion made by Council Member Clarke to move forward with the quicker items (items 7, 8 & 9) and table the CalPERS item (6) to the next meeting, seconded by Council Member Waite.*

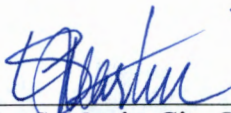
*Substitute Motion made by Council Member Johnson to continue all remaining items to a Special Meeting to be held May 20, 2019 at 6:30 p.m., seconded by Council Member Djernaes, and carried with a roll call vote of 3-2 with Council Members Clarke and Waite voting No.*

6. **CLOSED SESSION**

Government Code Section 54957.6 Conference with Labor Negotiators – Agency Representative, Designated Negotiator – David Fleishman, City Attorney – Employee Organization Teamsters Local 986.

*The Council adjourned to Closed Session at 10:07 p.m.*

7. **ADJOURNMENT:** Mayor Toussaint adjourned the City Council meeting at 10:38 p.m. and announced that reportable action was taken during closed session to appoint City Manager David Gassaway as the Agency Representative/Designated Negotiator for labor negotiations.

  
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Lisa S. Martin, City Clerk