



MINUTES OF THE REGULAR MEETING OF
THE SOLVANG CITY COUNCIL

Council Chambers
1644 Oak Street
Solvang, CA 93463

May 28, 2019
Monday

SPECIAL CLOSED SESSION 5:00 PM

CALL TO ORDER: Mayor Toussaint called the meeting to order at 5:00 p.m.

ROLL CALL:

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

STAFF: David Gassaway, City Manager; Dave Fleishman, City Attorney

CLOSED SESSION AGENDA ITEM

Government Code Section 54957 – Public Employee Evaluation – City Attorney

Government Code Section 54957 – Public Employee Performance Goals – City Manager

No reportable action from Closed Session.

REGULAR MEETING 6:30 PM

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

ROLL CALL:

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

STAFF: David Gassaway, City Manager; Dave Fleishman, City Attorney; Matt van der Linden, Public Works Director; Xenia Bradford, Administrative Services Director; Charlie Uhrig, Community Resource Officer; and Lisa S. Martin, City Clerk

PLEDGE OF ALLEGIANCE

Led by Council Member Waite.

PRESENTATION

Exchange Students from Niels Brock College displayed a PowerPoint presentation regarding the Solvang Smart City Project.

1. PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL

Tracy Beard, Solvang Chamber

- Workplace Harassment courses for businesses (new State law) ongoing, they are the first Chamber in Santa Barbara County to offer
- Music in the Park program will begin July 12, 2019
- Addressed other upcoming Chamber events and the Telle awards

Jim Richardson, Member, American Legion

- Spoke about the quality of character of the Exchange Students from Denmark
- Commented on the Memorial Day Ceremony honoring fallen Veterans
- Expressed disappointment that more Council Members did not attend
- Suggested greater Council participation in future events

Sabine Ovesen, Solvang Resident

- Commended and agreed with the Exchange Students on their presentation
- Suggested closing down Copenhagen Drive for a Winter Festival
- Recommended businesses consider closing later in the day

Michael Mendizza, Solvang Resident and Business Owner

- Spoke in the hidden health dangers of WiFi radiation, concerned with 5G frequency
- Reported the California Supreme Court recently published an opinion that shifted the jurisdiction to local authorities to regulate new technologies
- Distributed information for Council review regarding the subject
- Asked Council to consider it carefully and take full responsibility for the related risks and establish a moratorium on 5G until it can be proven safe

Tracey Farhad, Executive Director, Solvang Conference and Visitors Bureau

- Provided an update of tourism activities and upcoming events
- Memorial weekend saw 2,200 guests in the Visitor Center
- Have scheduled an all-day site visit with 30 tour company representatives
- Reported that California Tourism generated \$140 billion dollars into the economy

Kirk Nordgren, Carmichael Training Systems

- Announced the upcoming Third Annual Figueroa Mountain Gran Fondo, a cycling event scheduled for November 9, 2019
- Requested the City sponsor the event and would like the race to begin in Solvang
- Solvang has the opportunity to be the center of cycling tourism in the SY valley

2. CITY MANAGERS REPORT & ADVANCE CALENDAR

City Manager Gassaway gave an informational report.

3. CONSENT AGENDA

- a. Approval of Agenda as Presented
- b. Receive and File Sheriff's Department Report for April 2019

Motion made by Council Member Waite to approve the consent agenda as presented, seconded by Council Member Clarke, and carried with a roll call vote of 5-0.

REGULAR AGENDA

4. OPTIONS FOR FUTURE ADMINISTRATION OF THE SOLVANG (SKYTT) MESA LANDSCAPE, LIGHTING & MAINTENANCE DISTRICT (LLMD)

City Attorney Dave Fleishman presented the staff report noting concerns voiced by members of the Skytt Mesa community; presented options for Council's consideration in addressing those concerns and stated recommendations.

Mayor Toussaint confirmed the process of establishing a Homeowners Association and City Attorney Fleishman indicated an HOA could be established for any number of residents agreeing to be part of one and could only impose the HOA on their own lots.

Brief discussion followed regarding the overhead costs to the City including the costs of administering a contract.

City Manager Gassaway reported \$12,000 has been allocated in the assessment report for administration costs.

Public Works Director and City Engineer Matt van der Linden reported the budget for the SKYTT Mesa LLMD consists of twelve different line items; listed them and noted the \$594 figure is determined by the dividing landscape maintenance contract and repairs and maintenance by the number of parcels (169).

Mayor Toussaint opened the item to public comment at 7:30 PM.

Sherry Noble

- Voiced her support for maintaining the status quo
- Opposed establishing an HOA or making any changes

Cheryl Hermann

- Voiced her support for continuing Option 1
- Requested that the City maintain the street trees correctly
- Opposed establishing an HOA

James Snodgrass

- Opposed establishing an HOA and supported Option 1
- Turf will no longer be able to be watered after 2025 with new State regs
- Suggested the City provide oversight and consider the budget

Gary Riches

- Stated the vast majority of Skytt Mesa homeowners oppose an HOA, as that is one of the reasons they bought in the development
- Expressed concerns regarding costs of re-metering and re-landscaping

Mark Massie

- Spoke in favor of homeowners maintaining parkways in front of their property
- Keep open spaces and LLMD as they do not want to be responsible for areas of their land that is unusable

Greg Millikan

- Suggested considering how the LLMD can run better with increased accountability and noted the need for oversight

Sabine Ovesen

- Reported the easement around her property is not being maintained
- Suggested replanting with drought tolerant vegetation

The public comment period was closed at 7:45 PM.

Council Member Johnson questioned the solutions presented; felt that to get better service, residents will have to pay more and noted increased oversight will increase City costs.

Public Works Director and City Engineer van der Linden responded to some of the comments made during public comments, and agreed with the idea of having homeowners maintain the parkway strip in front of their homes.

Council Member Clarke favored Option 3 but acknowledged it is not what the residents want; noted residents are complaining about the current landscaper; agreed with keeping the status quo but with added oversight of the landscaper and asked about establishing a citizens committee to do oversight.

City Attorney Fleishman reported citizens could band together to form a committee to provide input as to which landscaping contractors they believe would be best. He agreed finding responsible landscapers can be difficult for public agencies. He suggested including specific performance standards in future RFPs.

Council Member Waite felt it would not be fair to have property owners form an HOA; opined the City should not be maintain private landscaping and suggested residents form a citizen's advisory committee for oversight and to select an acceptable landscaper.

Council Member Djernaes agreed with the concept of a citizen's advisory group or workshop to work with the City Manager and staff to address most of the issues and return to Council with a report.

Mayor Toussaint noted much of this comes down to performance-driven issues with the current landscape contractor and agreed with the concept of a citizens advisory committee to help staff and Council obtain feedback. He suggested when the current contract terminates, staff could build in service-analytics and standards for future contractors to meet.

City Manager Gassaway agreed to work with residents, staff and Council Members to hold an informational workshop on LLMDs and get feedback from residents regarding their concerns.

No formal Council consensus except to maintain status quo and have staff work with residents toward a solution.

RECESS AND RECONVENE

Mayor Toussaint called for a recess at 8:07 PM. The assembly reconvened at 8:16 PM with all Council Members, present.

5. POTENTIAL CHANGES TO THE MEDICAL CANNABIS DISPENSARY ORDINANCE AND REGULATORY PERMIT PROCESS

City Clerk Martin presented the staff report.

Council Member Djernaes asked regarding the threat of litigation relative to using a ranking system and City Attorney Fleishman reported there is a trend that applicants who do not rank within the top successful permittees will use the ranking system to start litigation to contest the methodology in terms of awarding a permit.

Mayor Toussaint opened the item to public comment at 8:25 PM.

Jim Richardson

- Suggested changing the order of the application process relative to obtaining store space until after the application process and holding a random drawing to determine which will get the permit
- Noted the possibility of the C3 area being expanded, over time
- Requested that Council not consider going to a C2 or PO zones

Ed Skytt

- Agreed with the previous speaker
- Noted the Planning Commission recommending locating cannabis dispensaries in the C3 zone where they will have minimal impact on surrounding residences
- Reported an applicant is in escrow to purchase the subject property and urged Council to proceed with the process, accordingly and not change the rules in the middle of the game

Mayor Toussaint closed the item to public comment at 8:31 PM.

Council Member Djernaes expressed frustration with the process; commended City Clerk Martin for her report and agreed with the recommendations in the report. He commented on the quality of dispensaries in the City of West Hollywood and noted those are the kinds of dispensaries he would like to see in Solvang.

Council Member Waite voiced concerns regarding transparency and communication with applicants as well as the decision to change location of dispensaries. She expressed support for proceeding with what has already been decided and the C-3 zone would be the only area where it would be appropriate to locate a dispensary.

Council Member Clarke noted there are pending appeals from applicants and stated the C-3 zone is the only logical place to locate dispensaries.

Mayor Toussaint pointed out that every applicant has been denied, two based purely due to lack of landowner authorization, and two appeals have been filed.

Council Member Johnson reported the County has approved eight dispensaries in unincorporated areas and suggested banning cannabis dispensaries in Solvang altogether.

City Attorney Fleishman noted the City has the potential of being sued by repealing the ordinance.

Mayor Toussaint commented positively on the staff report and expressed concerns with limiting the sale and distribution of cannabis to one zone and one dispensary. He reported he is open to reevaluating the C-2 and PO zones; suggested approving one more dispensary to increase competition; moving the landowner authorization requirement to later in the process; recommended outsourcing adding to and refining benchmark criteria to HdL; and creation of specific performance measures.

City Attorney Fleishman noted the need for clear standards and direction if the City were to outsource specific tasks to a consultant.

Council Member Waite reiterated she would not like to place a dispensary anywhere other than in a C-3 zone.

Discussion followed regarding permitted uses in the C-3 zone and the appeals filed.

Mayor Toussaint suggested doing a cessation on the subject, for a period of time, evaluating the process and reopening it back for applications. He noted he is focused on coming up with a good policy.

Council Member Clarke suggested waiting until the current appeals are decided upon.

Tiffany Carrari of Margolin & Lawrence stated her firm represents one of the medical cannabis applicants, Fristaden Wellness, currently appealing the City's decision on the application. She added the current appeals should be based on the current ordinance, felt Council should consider other zones, and conduct a lottery instead of letting landowners decide who to lease to.

Discussion ensued relative to bringing back the appeals first, let that process play out, and then consider the number of dispensaries, zoning and the application process after the appeals are considered.

City Attorney Fleishman noted that once the appeals are decided, if the Council decides that no appeal has merit, then the City would have no applicant.

Motion made by Mayor Toussaint to move forward with the consideration of the C-2 and PO zone districts; move the landowner authorization to later in the process; refine and add to the benchmark criteria to be applied to potential new applications to ensure the best possible product; to maintain a lottery selection method; and direct staff to proceed with appeal process. Motion seconded by Council Member Djernaes, and carried with a roll call vote of 3-2 with Council Members Clarke and Waite voting No.

6. AGREEMENT WITH CITY OF GOLETA FOR LIBRARY SERVICES

City Manager Gassaway presented details of the staff report and alternatives available to Council, for consideration.

Mayor Toussaint clarified the "matching funds" is proposed only for this fiscal year and is a one-time instance.

At Council Member Waite's request, City Manager Gassaway addressed the fee charged by the City of Goleta to provide management services and oversight.

Mayor Toussaint opened the item to public comment at 8:44 PM.

Dana Grossi, City of Goleta, explained the \$35,000 is the management fee for Goleta staff time to support the Solvang Library and reported their goal is to be transparent in every way.

Brief discussion followed regarding the possibility of combining library facilities, setting strategic visions and goals together and developing regional solutions.

Mayor Toussaint closed the item to public comment at 8:51 PM.

Council Member Clarke favored Option 3 in the staff report.

Motion made by Council Member Clarke to approve Option 3 as recommended in the staff report, seconded by Mayor Toussaint, and carried with a roll call vote of 5-0.

7. **COUNCIL MEMBER AB1234 AND COMMITTEE REPORTS:**

- Air Pollution Control Board
- Santa Barbara County Association of Governments
- Joint Wastewater Committee
- Chumash Ad Hoc Committee
- Library Ad Hoc Committee
- EMA Groundwater Sustainability Agency
- Water Ad Hoc Committee
- Economic Development Ad Hoc Committee

Mayor Toussaint reported attending the League of California Cities Division Dinner as well as Council Member Clarke and City Manager Gassaway.

Council Member Clarke reported he will attend the CLAC Meeting in June, at Lake Cachuma.

Council Member Djernaes reported meeting with the Santa Ynez CSD where they discussed the idea of working closely with the City of Solvang. He stated he would like to direct staff to explore outsourcing the City's operation to SYCSD.

City Manager Gassaway stated that would be a great topic to discuss on Council's upcoming retreat.

Council Member Waite reported attending EMA Ground Water Sustainability Agency meeting where authority was given to form a citizens advisory group. Additionally, she attended the Santa Barbara Bicycle Coalition fundraiser.

Mayor Toussaint reported attending an SBCAG and APCD meeting and reported they are going through their budgeting process.

8. **COUNCIL COMMENTS AND REQUESTS**

Council Member Djernaes referenced the advance calendar and asked how the items can be prioritized. He added he would like to bring forward, for discussion, the matter of amnesty of permit penalties.

City Manager Gassaway reported Council's action at its last meeting was direction to bring the advance calendar, for prioritization, to Council's retreat.

Council Member Djernaes stated he would like to see individual Council Members express themselves through local newspapers, blogs, etc. He suggested having a "Council's Corner" in the local newspaper for Council Members to comment on past meetings and/or discuss his/her vision to promote.

Mayor Toussaint stated that would be an appropriate topic for Council's retreat.

Mayor Toussaint reported attending the Chamber Summit, a COLAB event, a Visit SYV Spring event, the Mayors' Ride and the Bicycle Summit and spoke positively on each.

Council Member Johnson reported he has been working with the City Manager on the budget and it looks great.

9. **CLOSED SESSION**

Government Code Section 54957.6 Conference with Labor Negotiators – Agency Representative, City Manager – Employee Organization Teamsters Local 986.

City Attorney Fleishman reported that pursuant to Government Code Section 54956.8, the City Council will meet, in Closed Session with its designated Labor Negotiator regarding Teamsters Local 986. The Designated Labor Negotiator will be the City Manager.

Council adjourned to Closed Session at 9:33 PM.

10. **ADJOURNMENT:** Mayor Toussaint announced *No Reportable Action* from Closed Session, and adjourned the City Council meeting at 10:13 PM.



Lisa S. Martin, City Clerk