



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

Council Chambers
1644 Oak Street
Solvang, Ca. 93463

April 13, 2009
7:00 p.m.

CALL TO ORDER Mayor Richardson called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Mayor Richardson, Council Members Duus, Jackson, Palmer and Skytt

STAFF: Brad Vidro, City Manager; Roy Hanley, City Attorney; Dana Waite, Finance Director; Tully Clifford, Public Works Director; Mary Ellen Rio, City Clerk

PLEDGE OF ALLEGIANCE Led by Council Member Skytt

PRESENTATIONS

A proclamation was presented to Dean Palius and Alief Marchi, members of the Santa Ynez Valley Coalition to Promote Drug Free Youth recognizing April 2009 as Alcohol Awareness Month.

A proclamation acknowledging June Christensen as Santa Ynez Valley News and the Valley Foundations selection of Woman of the Year for 2009 was presented at a banquet held on April 4, 2009.

CITY MANAGER'S STATUS REPORT

Informational report only.

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

Tracy Farhad and Mary Harris

- ❖ Reported on the success of the 17th Annual Taste of Solvang Event
- ❖ Rain caused cancellation of picnic, it has been rescheduled for June 7th
- ❖ Working with Public Works to ensure that restrooms are open in the evenings for these special events
- ❖ Even with the bad economic times, people are still traveling just picking their destinations more selectively

- ❖ SCVB consolidating visitor centers into one facility at 1639 Copenhagen extending hours and opening every day of the year
- ❖ More visitors are utilizing the website to obtain information resulting in fewer visits to the centers
- ❖ Main office will remain open in the basement at the Mission Drive location

Ron Herbig

- ❖ Still disturbed by the action removing Mayor Richardson from the SBCAG Board, as citizens, why do we vote, you should vote the way your conscious leads you
- ❖ Kept hearing that Mayor Richardson did not represent the Council, who should the Council be representing

Mr. Herbig agreed to contact the City Manager to have some of his issues addressed.

2. COUNCIL COMMENTS AND REQUESTS

Jackson

- ❖ Addressed issues of perception vs reality and wishful thinking vs actual facts
- ❖ Requested the minutes reflect that after conferring with legal counsel it was never a fact that my position as Director of the Chamber of Commerce ever posed a conflict of interest with my position on City Council
- ❖ Also, would like it clarified that no part of my salary at the Chamber of Commerce comes from the Chumash Tribe or Casino anyone can contact the Chamber Treasurer to obtain correct information
- ❖ Many of these untrue statements result in character assassinations and I wish to set the record straight

Palmer

- ❖ Apologized for not being able to respond to Mr. Herbig's comments at the previous meeting regarding veterans
- ❖ Provided history on native American Indians who were here long before the rest of us, even though they were not recognized as citizens, nor had the same voting rights for many years, many of them served in the military, one well known and highly decorated Indian, Ira Hayes proudly served in the Marines
- ❖ I detest race baiting, anti Indian, and anti casino operation
- ❖ Read a portion of the constitution which referred to honoring all treaties of the United States
- ❖ Not recognizing any laws broken by the Chumash Tribe, asked that no further opposition take place from the dais, no more letters to the newspapers on this subject and that we move forward to take care of city business, we have many pressing issues to deal with, one being water, let's use our time and energy to move the City forward

3. CONSENT AGENDA

Consent Agenda read by City Clerk

- a. Approval of minutes of the regular City Council meeting of March 23, 2009
- b. Approval of pre-issued warrants dated March 18, 19, 23, 31, April 1, 2, 8, 2009
- c. Approval of warrant register dated April 13, 2009
- d. Receive and file Sheriff's report for the month of February 2009
- e. Receive and file Santa Barbara County Fire Department report for the month of March 2009
- f. Approve designation of negotiator for Memorandum of Understanding with Teamsters Union Local 381
- g. Adopt on second reading, by title only, Ordinance No. 09-____, An Ordinance of the City Council of the City of Solvang correcting errata in the Solvang Municipal Code
- h. Alamo Pintado/Mission Drive (SR246) Intersection Improvement Project:
 1. Approve budget adjustment in the amount of \$173,260.98 from the Santa Barbara County Indian Gaming Community Benefit Committee
 2. Receive Project update
- i. Approve and authorize Mayor to sign letter of support to SBCAG for rollover of Regional Measure D subsidy to Santa Barbara Metropolitan Transit District

Mayor Richardson referring to **item 3h** thanked the tribe for this donation and asked the Public Works Director to provide a verbal update on the project. Public Works Director reviewed the process to date, explaining the time required for the studies, it is moving along and would like to see the project begin construction soon to take advantage of some of the stimulus funding. Council Member Palmer noted that three alternatives are being studied by Quincy Engineering for this project and requested a future agenda item, possibly with a representative from Quincy to discuss and explain these alternatives to the public. Consensus of Council was received to add this to a future agenda.

Motion was made by Council Member Skytt, seconded by Council Member Duus to approve the Consent Agenda as presented. **Motion carried** with a roll call vote of 5 ayes.

REGULAR AGENDA

4. APPEAL OF MONTHLY WATER AND SEWER CHARGES

Staff report by Finance Director

- ❖ Provided background of miscommunication resulting in service not being shut off
- ❖ As a result of water usage staff was unable to justify refunding charges

Public Comment:

Nancy Henderson

- ❖ This was not a short term shut off, I was moving and I was looking to rent the property
- ❖ I was given incorrect information and assumed since I was responsible for monthly fees, I might as well use water
- ❖ Should have questioned the information, but I did not, feel due to miscommunication these charges should be refunded

Council Members discussed the procedures for shutting off service, referring to language in the Municipal Code. They agreed that with water usage occurring, it posed a problem for agreeing with the appeal. Council Members Duus and Palmer suggested a more formal mechanism requiring written requests on which information is provided to avoid these miscommunications.

Mayor Richardson asked for a motion asking that the sewer and meter fees be refunded charging only for the water usage. No motion was put forth.

Motion was made by Council Member Palmer, seconded by Council Member Jackson to deny Ms. Henderson's appeal. **Motion carried** with a roll call vote of 4 ayes, 1 no with Mayor Richardson voting no.

5. AMENDMENTS TO THE TRANSIENT OCCUPANCY TAX ORDINANCE

Council Member Skytt reporting a potential conflict of interest left Council Chambers.

Staff report by Finance Director

- ❖ At Council direction from the meeting of March 23, 2009, staff further defined the complimentary room categories
- ❖ Added a category titled "other" for comped rooms that do not fall under defined categories which will be subject to review
- ❖ Once Council has authorized acceptable categories, staff will begin processing refunds for previously taxed rooms falling in these categories

Public Comment:

Bill Phelps

- ❖ Even though this requires a little more paperwork for the hoteliers, we do support this ordinance
- ❖ Hoteliers will meet and finalize the reporting paperwork

Motion was made by Council Member Jackson, seconded by Council Member Duus to introduce for first reading, by title only, Ordinance No. 09-____, An Ordinance of the City Council of the City of Solvang amending the rules contained in the Solvang Municipal Code regarding exemptions for complimentary rooms and record keeping Requirements for Transient Occupancy Tax. **Motion carried** with a roll call vote of 4 ayes, 1 absent, Council Member Skytt absent.

Council Member Skytt returned to Council Chambers.

6. APPLICATION PROCESS FOR CITY COUNCIL POSITION THAT WILL BECOME VACANT ON APRIL 27, 2009

Staff report by City Manager

- ❖ Council vacancy will occur due to resignation of Council Member Jackson
- ❖ Protocols were recently updated to include the method of filling vacancies through the application process
- ❖ Council may follow the protocols or choose another method
- ❖ Staff suggested options of using prior list or issuing a new call for applicants

Council Member Jackson after conferring with legal counsel stated it was irrelevant for her to vote on this issue so chose not to do so.

Public Comment:

Ron Herbig

- ❖ Inquired why the next candidate on the ballot was not being considered.

Mayor Richardson referred to the City Protocols in which Council had decided that the next applicant would be considered if the electoral vote had been no more than 1 ½% of the votes.

Linda Johansen

- ❖ Thanked Council Member Jackson for her service on the Council and as Mayor which she had done with much respect and dignity
- ❖ Sorry to see her leaving the Council

Motion was made by Council Member Duus, seconded by Council Member Skytt to direct staff to contact former applicants, to put the word out to any new applicants interested in applying to submit an application, resume and description of community service by May 6, 2009 to be included in Council packets for the May 11, 2009 meeting. **Motion carried** with a roll call vote of 3 ayes, 2 abstentions, with Council Members Jackson and Palmer abstaining.

7. AMENDMENTS TO THE SOLVANG MUNICIPAL CODE ALLOWING CONSUMPTION OF ALCOHOL IN SOLVANG PARK AND POTENTIAL AMENDMENT REGARDING ASSEMBLIES IN PARKS

Staff report by City Attorney

- ❖ Regulation established in 2007 limiting consumption of alcoholic beverages to specified areas in City parks
- ❖ Staff recommends adding Solvang Park to the approved list due to the proximity to Theatrefest and the various wine tasting rooms
- ❖ Sheriff's Department has tools in place to monitor behavior if alcohol consumption is approved
- ❖ Solvang Code regarding assemblies in City Parks, which was adopted shortly after incorporation in 1985 is now deemed unconstitutional - a violation of the first amendment

Council Members discussed the high visibility of Solvang Park and the negative impact it would have on tourism seeing alcohol consumption in this area.

Public Comment: None

Motion was made by Council Member Skytt, seconded by Council Member Palmer to approve the deletion of the Municipal Code regulating assemblies in City Parks. **Motion carried** with a roll call of 5 ayes.

Motion was made by Council Member Skytt to table the item allowing consumption of alcohol in Solvang Park until Lt. Liddi can provide additional information. **Motion died** for lack of a second.

Motion was made by Council Member Skytt, seconded by Council Member Jackson to deny staff recommendation for amending Solvang Municipal Code to add Solvang Park to the list of park locations where it is legal to possess and consume alcoholic beverages. **Motion carried** with a roll call vote of 5 ayes.

8. **COMMITTEE REPORTS (Oral reports)**

Ad Hoc Water Committee

Council Member Duus reported that the Water Committee had met with Santa Ynez River Water Conservation District Improvement District #1 (SYRWID#1) to discuss a draft Memorandum of Understanding between the City of Solvang and SYVRW ID #1 for the development of river wells. This item will be discussed at the April 27, 2009 Council Meeting in which the public is welcome to provide input.

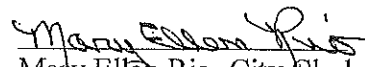
Ad Hoc Joint Sewer Committee Meeting

Mayor Richardson reported that the Sewer Committee had met with the Santa Ynez Community Services District (SYCSD) and the main topic of conversation was the study they will be conducting, per their agreement with us, to review the method by which the administrative fees charged by the City to CSD for the sewer processing.

SBCAG Meeting

Council Member Skytt asked for Council opinion on two different proposals which will be discussed at the SBCAG meeting, one of the proposals would provide cities with \$100,000 of federal stimulus funding and the second would provide for \$100,000 to \$150,000. Council Member Skytt was directed to vote for the option of obtaining the most money from the federal funding.

9. **ADJOURNMENT** Mayor Richardson adjourned the meeting at 8:34 p.m.


Mary Ellen Rio, City Clerk