



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

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Council Chambers  
1644 Oak Street  
Solvang, CA 93463

January 15, 2020  
Wednesday  
6:30 p.m.

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**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 (arrived 7:20 p.m.)

**STAFF:** Xenia Bradford, Acting City Manager/Administrative Services Director; Chip Wullbrandt, City Attorney; Matt van der Linden, Public Works Director; Kady Fleckenstein, Public Information Officer and Daryl A. Betancur, Interim City Clerk

**PLEDGE OF ALLEGIANCE**

Led by Mayor Pro Tem Clarke.

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

**a. Julefest Presentation**

Scott Shuemake, IDK LLC, introduced Anna Ferguson, Stiletto Public Relations Representative, and provided a summary of Julefest activities; addressed successes and challenges; displayed a short video of the parade and Christmas tree lighting ceremony as well as a video of national coverage of the drone show.

Ms. Ferguson addressed media coverage of Julefest events including equivalent monetary values.

Mr. Shuemake presented recommendations for future events.

Mayor Toussaint expressed his appreciation for all the hard work.

Mayor Toussaint explained the need to reschedule the City Council meeting to meet Brown Act compliance issues and urged the public to maintain civility during public comments and opened Public Communications.

David Desmond, Lompoc resident

- Spoke as a representative of the U.S. Census
- Noted a huge need for census takers and urged the public to apply

Ann McCarty, Lompoc resident and Executive Director, North County Rape Crisis and Child Protection Center and Member of the Human Trafficking Taskforce

- Addressed services provided by the agency
- Reported January is Human Trafficking Awareness Month and spoke about the increasing crisis
- Presented human trafficking statistics in Santa Barbara County
- Urged City Council to promote education and awareness surrounding human trafficking

Council Member Waite arrived at this juncture. (7:20 p.m.)

Claudia Orona, Solvang resident

- Commended IDK Events on the work they did to make Julefest a success
- She addressed their transparency in terms of uses of funds and local resources
- Suggested improvements regarding the need for additional janitorial services and having one Santa Claus actor during the events

Elizabeth Breen, Solvang resident

- Referenced a sign recently erected at 293 Alisal Road and an email she distributed regarding it
- Expressed concerns regarding the size and neon lighting of the sign
- Noted being informed by City Planning staff that the current sign ordinance is not being enforced
- Requested the City enforce the existing ordinance

Acting City Manager/Administrative Services Director Xenia Bradford reported Council will address the sign ordinance later on the agenda.

Tracy Beard

- Spoke on behalf of the California Women's Commission
- Discussed communications with hotel and restaurants regarding posting signs to promote awareness of human trafficking including in businesses and restrooms
- Urged Council to help advocate for a resolution to money available to stop human trafficking

## 2. **EXECUTIVE, PIO REPORTS & ADVANCE CALENDAR**

Informational Reports and Advanced Calendar

Acting City Manager/Administrative Services Director Bradford gave an informational report and addressed the Advance Calendar.

Public Information Officer (PIO) Kady Fleckenstein gave an informational report.

## 3. **CONSENT AGENDA**

- a. Approval of Agenda as Presented
- b. Approval of Warrant Register/Expenditures Report for December 2019
- c. Approval of Draft Minutes of the December 9, 2019 Regular City Council Meeting and December 17, 2019 Special City Council Meeting
- d. Ordinance No. 19- 0343 Building Code Update, An Ordinance of the City Council of the City of Solvang, California adopting the 2019 Building and other related state codes by reference, 2018 International Property Maintenance Code and repealing portions of Ordinance No. 16-324 related to "Building Regulations."  
(Second reading and adoption)
- e. Adopt Resolution No. 20-1095, A Resolution of the City Council of the City of Solvang,

California, ratifying the Santa Barbara County Fire Protection District Ordinance No. 5091, Chapter 15, pertaining to building standards within the City of Solvang

Mayor Toussaint announced Item No. 8 will be heard at this juncture, without objection.

*Motion made by Mayor Toussaint to approve the Consent Agenda as presented, except for Item No. 3.a, approved as amended, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

## **REGULAR BUSINESS AGENDA**

### **8. TOURISM AND MARKETING AD-HOC COMMITTEE RECOMMENDATIONS**

Acting City Manager/Administrative Services Director Bradford presented details of the staff report including recommendations from the Tourism and Marketing Ad-Hoc Subcommittee and deferred to Scott Shuemake, IDK LLC.

Scott Shuemake, IDK LLC, commended the PIO Fleckenstein for her work noting they would like to continue working with her; presented details of their recommendations regarding tourism and marketing and addressed forming a steering committee with business and community members to develop recommendations and vet ideas for Council's consideration of upcoming special events.

Mayor Toussaint opened public comments at 7:56 p.m.

Brenda Ball, Solvang Visitor Center

- Expressed her desire to continue serving Solvang through the Solvang Visitor Center
- Presented statistics in relation to the Center's operation
- Commended IDK for the success of Julefest events
- Discussed recommendations going forward

Candy Waldren, representing the Village Collection

- Referenced the adjacent City-owned lot to be used for parking only
- Expressed concerns with drones and large trucks parking in the lot
- Stated they were not notified, and the lot was trashed
- Urged the City not to use the lot for drones and large vehicles, again

Tracy Beard, Solvang Chamber of Commerce

- Commended IDK LLC for their work on Julefest
- Noted some challenges
- Indicated they did a great job, overall

Ben Olafson, Olafson Bagelry

- Commented positively on Julefest events
- Congratulated IDK LLC and the City for the success of the events

Kenny Esko, Business Owner

- Spoke positively regarding Julefest events
- Noted increased sales during the events
- Thanked Council and the community

Mayor Toussaint closed public comments at 8:10 p.m.

Mayor Toussaint listed donations provided by private entities for the event and thanked the community for their sponsorships.

Discussion followed regarding the possibility of having an independent body run City events to free up Council time and efforts, the need to reorganize and find the best approaches going forward and the possibility of developing a steering committee.

*Motion made by Mayor Toussaint to authorize the Mayor, the City Attorney and City Manager to negotiate a contract with IDK LLC to provide tourism and marketing services, as discussed, and return to Council for final approval at the next Council meeting, and direct staff to issue an all-encompassing RFP, due prior to the next budget cycle, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

#### 4. BOARD OF ARCHITECTURAL REVIEW MUNICIPAL CODE UPDATE

Interim City Attorney Chip Wullbrandt presented details of the staff report.

Interim City Clerk Daryl A. Betancur announced the City is about to engage in codification of the Municipal Code, bringing on a company that would legally review provisions of the Code. Should Council decide to create a BAR, the ordinance would be codified and included in the specific title.

Interim City Attorney Wullbrandt discussed the need to update the existing design guidelines.

Discussion followed regarding creating an all-encompassing, consistent brand and BARs in comparable cities with codified ordinances.

*Motion made by Mayor Toussaint to appoint Mayor Toussaint and Council Member Waite to work with staff and update a codification of the BAR authority, responsibility and qualification for membership; a proposal for Council consideration to return to Council in March 2020.*

Mayor Toussaint opened public comments at 8:35 p.m.

Debra Deyette

- Referenced a letter from Council Member Djernaes accusing BAR staff of being ethically challenged and guilty of malfeasance and corruption
- Read a copy of Council Member Djernaes' response to her email
- Noted the need to hear evidence of crimes asserted by Council Member Djernaes and whether he reported the crimes to law enforcement
- Requested Mayor Toussaint provide information as to why he is requesting the removal of Joan Jamieson from the BAR

Ben Olafson, Olafson Bagelry

- Spoke about the importance of having a BAR in place
- Urged Council to maintain the BAR

Ed Skytt

- Discussed the City of Levinworth, Washington
- Noted they do not have a BAR but have an Architectural Review Commission designed to maintain the Bavarian style of the City
- Spoke in support of a BAR in Solvang to maintain the City's Danish architectural style

Aaron Petersen

- Agreed with Council in terms of forming an ad hoc committee
- Spoke in opposition to eliminating the BAR
- Noted the importance of involving members of the community
- Urged Council to maintain it until the ad hoc committee returns with recommendations

Mayor Toussaint closed public comments at 8:45 p.m.

City Attorney Wullbrandt commented favorably on the City's Planning staff.

Discussion followed regarding exploring having an Architectural Review Commission and the possibility of Mr. Aaron Petersen being on the Architectural Review Commission.

Councilmember Djernaes referenced his letter, addressed limitations of the present BAR because of it not being codified, noted the need for a BAR that understands the brand of the City, discussed the possibility of scheduling a community workshop and spoke about the possibility of forming districts.

Mayor Toussaint restated the motion on the floor.

*Motion made by Mayor Toussaint to appoint Mayor Toussaint and Council Member Waite to work with staff and update a codification of the BAR authority, responsibility and qualification for membership; a proposal for Council consideration to return to Council in March 2020, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

#### RECESS AND RECONVENE

Mayor Toussaint called for a recess at 8:55 p.m. The assembly reconvened at 9:14 p.m. with all Council Members, present.

Mayor Toussaint announced a request to hearing Item No. 12 at this juncture.

*Motion made by Mayor Toussaint to consider Item No. 12 at this juncture, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

#### **12. 261 ALISAL ROAD – GENERAL PLAN AMENDMENT AND REZONE**

Acting City Manager/Administrative Services Director Bradford presented details of the staff report.

Mayor Toussaint opened and closed public comments at 9:17 p.m.

*Motion made by Mayor Toussaint to adopt the Planning Commission's recommendation to approve the General Plan Amendment from Medium Density Residential to Tourist Commercial and Rezone from 7-R-1 to Tourist Related Commercial, subject to the conditions of approval, adopt the Mitigated Negative Declaration pursuant to Section 15070 of the guidelines for the implementation of CEQA; and adopt City Council Resolution No. 20-1094 Amending the General Plan Land Use Designation and Zoning Map, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

**5. REMOVAL OF JOAN JAMIESON FROM BOARD OF ARCHITECTURAL REVIEW**

Mayor Pro Tem Clarke declared a potential conflict of interest as his company used to do business with Mrs. Jamieson's husband, recused himself from hearing the item and left the Chambers.

Interim City Attorney Wullbrandt presented details of the staff report.

Mayor Toussaint opened public comments at 9:26 p.m.

Interim City Clerk Betancur announced communications received from Mr. Michael Mendizza have been printed and available for review at the counter.

Peter Laird

- Referenced emails in question
- Encouraged Council to review Section 54952.2 of the Government Code before making a decision on this matter
- Opined the email in question does not rise to a violation of the Brown Act
- Expressed surprise this matter is being considered by Council in a public forum

Esko Kenny Llama

- Asserted his 75-year old landlord was bullied by Mrs. Jamieson
- Reported Mrs. Jamieson encouraged his landlord to evict him
- Urged Council to remove Mrs. Jamieson from the BAR

Joan Jamieson

- Refuted the claims of Mr. Llama
- Expressed disappointment that the matter was not discussed with her first
- Noted her email to the BAR was for information only and did not attempt to influence Council
- Asserted several of her requests from the City were denied
- Opined her email did not create a violation of the Brown Act

Mayor Toussaint closed public comments at 9:45 p.m.

Interim City Attorney Wullbrandt noted the email was forwarded by a Member of the BAR who had Brown Act training and felt it was a violation of the Brown Act and stated he does not agree with the interpretation of the Government Code as referenced by Mr. Laird.

Mayor Toussaint expressed concerns with various activities that took place in the past relative to false expenses related to water-rate increases, requests for information that were not addressed, documents marked for shredding and deletion, and improper advice by the former City Attorney to handle the matter in Closed Session.

In response, Interim City Attorney Wullbrandt reported that going into Closed Session to avoid revealing embarrassing things to the public is one of the reasons what the Brown Act exists and why it prohibits going into Closed Session solely for the reason of not revealing embarrassing facts to the public.

Mayor Toussaint discussed other concerns regarding the SCVB and Mrs. Jamieson, a secret, illegal meeting of the SCVB, held at the Dolphin Club, various mailings with FPPC violations and suggestions by then Council Member Jamieson relative to the City's purchase of a vacant lot, owned by Ed Skytt.

Interim City Clerk Betancur announced the need to enforce decorum.

Mrs. Jamieson yelled from the crowd that she was resigning and abruptly departed the chamber.

Mayor Toussaint noted Mrs. Jamieson was provided a chance to remediate.

Council Member Waite noted the point is moot as Mrs. Jamieson has resigned for the BAR, expressed disappointment with the agenda item, opined this is a personal vendetta and stated her opposition.

*Motion made by Mayor Toussaint to remove Joan Jamieson from the Board of Architectural Review, seconded by Council Member Johnson.*

Interim City Attorney Wullbrandt suggested amending the motion to "accept the resignation of" Joan Jamieson and Mayor Toussaint accepted the amendment but Council Member Johnson, opposed it.

The original motion was restated.

*Motion made by Mayor Toussaint to remove Joan Jamieson from the Board of Architectural Review, seconded by Council Member Johnson, and carried with a roll call vote of 3-1-1, with Council Member Waite, opposed and Mayor Pro Tem Clarke, absent (recused).*

#### RECESS AND RECONVENE

Mayor Toussaint called for a recess at 9:58 p.m. The assembly reconvened at 10:01 p.m. with all Council Members, present, except Council Member Djernaes.

*Motion made by Mayor Toussaint to continue the Council meeting beyond 9:30 p.m., seconded by Council Member Johnson, and carried with a roll call vote of 3-1-1, with Council Member Waite, opposed and Council Member Djernaes, absent.*

Council Member Djernaes returned to the Chambers and took his place on the dais.

#### 6. ZONING ORDINANCE AMENDMENT – SIGN REGULATIONS

Acting City Manager/Administrative Services Director Bradford presented details of the staff report.

Mayor Toussaint opened and closed public comments at 10:04 p.m.

Mayor Toussaint suggested that he and Council Member Waite review the item and return with recommendations to Council.

*Motion made by Mayor Toussaint to authorize the Mayor and Council Member Waite, as members of the ad hoc committee, to review this item and return to Council with recommendations, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

Mayor Toussaint called Mr. Michael Mendizza to the podium to provide comments, as he was overlooked Public Communications.

Michael Mendizza, Business Owner

- Spoke about 5G technology
- Referenced the over 40,000 studies about negative and harmful impacts of 5G
- Urged Council to take ethical, personal and moral responsibility for the harm the new technology can cause

- Noted the City has jurisdiction as to whether or not to implement the new technology
- Asked for a moratorium until the new technology is proven, safe
- Reported Verizon has built three new test sites in the City

Interim City Attorney Wullbrandt stated the item is not on the agenda and advised Council not to engage in discussions. He noted the City has a permit process, referenced a previous waiver that was granted and reported his office will review the matter and return to Council at a regularly scheduled meeting.

## **7. SECOND QUARTER 2019-20 FINANCIAL REPORT**

Acting City Manager/Administrative Services Director Bradford presented details of the staff report.

Mayor Toussaint opened public comments at 10:27 p.m.

Ed Skytt

- Discussed the TOT and occupancy rates in November and December

Mayor Toussaint closed public comments at 10:28 p.m.

*Motion made by Mayor Toussaint to receive and file the Second Quarter 2019-20 Financial Report, seconded by Council Member Waite, and carried with a roll call vote of 5-0.*

## **9. PUBLIC INFORMATION OFFICER AD-HOC COMMITTEE RECOMMENDATIONS**

Acting City Manager/Administrative Services Director Bradford presented details of the staff report.

Public Information Officer (PIO) Fleckenstein reported she understood she was submitting a staff report, not a proposal, and noted she has no plans to submit a proposal.

Mayor Toussaint opened and closed public comments at 10:35 p.m.

Discussion followed regarding AB 5 compliance, details of the Subcommittee's recommendations, allowing the PIO to subcontract out for services to control costs, the timeline to finish current projects, the need to redefine the PIO scope of responsibilities, extending Ms. Fleckenstein's contract for a month and issuing an RFP for PIO services in the future.

Ms. Fleckenstein suggested rather than calling her a PIO, that her position be stated as a Contractor providing PIO services for increased transparency.

*Motion made by Council Member Waite to authorize the City Manager working with the City Attorney to negotiate a new contract to provide PIO services for the time period the City Manager recommends is necessary until the City can go through the RFP process and return to Council at the January 27, 2019 Council meeting, seconded by Mayor Toussaint, and carried with a roll call vote of 5-0.*

*Motion made by Mayor Toussaint to consider Item No. 13 at this juncture, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.*



**13. LETTER OF PUBLIC CONVENIENCE OR NECESSITY TO ALCOHOL BEVERAGE CONTROL (ABC) FOR NEW FRONTIERS LOCATED AT 1984 OLD MISSION DRIVE, SOLVANG**

Interim City Clerk Betancur presented a brief staff report.

Mayor Toussaint opened public comments at 10:50 p.m.

David Adolphsen, with New Frontiers and project applicant

- Understood there was a complaint about their application
- Urged Council to approve their application

Interim City Attorney Wullbrandt reported in 2010, Council approved a requirement that all requests for letters of public convenience or necessity be heard by Council. He added he is not aware of receipt of a complaint.

Mayor Toussaint closed public comments at 10:53 p.m.

*Motion made by Mayor Pro Tem Clarke to authorize letter of public convenience or necessity for New Frontiers located at 1984 Old Mission Drive in the City of Solvang, seconded by Mayor Toussaint, and carried with a roll call vote of 5-0.*

**10. GRANTS FUNDING POLICY & PURCHASING & BUDGET MONITORING POLICY DIRECTION**

Acting City Manager/Administrative Services Director Bradford presented details of the staff report.

Discussion followed regarding amending the policy to indicate Council is not obligated to grant funds, the possibility of setting limits to the amounts of funding, removing all special events from the policy, and considering the Senior Center and cultural arts, but capping or eliminating the amount for non-profits.

No formal motion was taken.

**11. RATIFICATION OF APPOINTMENT OF ART SEVTAP TO THE SOLVANG CONFERENCE AND VISITORS BUREAU (SCVB) BOARD OF DIRECTORS**

Interim City Clerk Betancur presented the staff report.

Mayor Toussaint opened and closed public comments at 11:19 p.m.

*Motion made by Mayor Toussaint to appoint Art Sevtap to the Solvang Conference and Visitors Bureau (SCVB) Board of Directors, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.*

**14. AB1234 REPORT OUT, COUNCIL COMMENTS AND REQUESTS**

Mayor Toussaint discussed Council Members' attendance at Julefest events.

Council Member Johnson reported attending the recent SBCAG meeting.

Council Member Djernaes asked about the status of an audit of the Chamber of Commerce and Acting City Manager/Administrative Services Director Bradford noted the need for additional information from the Chamber.


Council Member Djerneas presented various quotes from Mark Twain.

Council Member Waite reported she will be attending the Mission Oaks HOA meeting January 18, 2019 where she will presenting details of a conversation she had with the Department of Fish and Game regarding the City of Solvang and problems with coyotes in residential areas. She suggested Council may want to consider the subject in the future.

Mayor Pro Tem Clarke agreed with the suggestion of having Brand Ambassadors and discussed a "locals only" program.

15. **ADJOURNMENT** Mayor Toussaint adjourned the meeting at 11:37 p.m.

Minutes Prepared By:

  
DARYL A. BETANCUR, MMC  
Interim 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.