



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

Council Chambers
1644 Oak Street
Solvang, CA 93463

February 10, 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, Acting City Manager/Administrative Services Director; Chip Wullbrandt, City Attorney; Matt van der Linden, Public Works Director and Daryl A. Betancur, Interim City Clerk

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Clarke.

1. PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL

a. Proclamation for Wing's Over Wendy's Veterans Services

On behalf of Council, Mayor Pro Tem Clarke presented a proclamation to Dennis Beebe for the recent Wing's Over Wendy's Veterans Services event.

Mr. Beebe presented a plaque from the Wing's Over Wendy's Veterans Services program to the City in appreciation to the City for hosting the event and its support of veterans.

b. Proclamation for Lieutenant Eddie Hsueh for his services

On behalf of Council, Mayor Pro Tem Clarke presented a proclamation to Lieutenant Eddie Hsueh for his services to the Santa Ynez Valley and the City.

Lieutenant Hsueh expressed his appreciation for the opportunity to serve.

c. Presentation of Certificate of Honor – SYV Benevolent Order of the Elks Lodge #2640

Robert Ramirez, Exalted Ruler of Lodge #2640 of the SYV Benevolent Order of the Elks, presented a Certificate of Honor to the City for properly flying the American Flag, every day, all year at Solvang Park.

Kevin Murphy, on behalf of the SYV Western Heritage Foundation

- Thanked the City for its support
- Presented a picture of their recent rodeo as a token of appreciation

Ed Skytt

- Felt Item No. 3.f. should be pulled from the Consent Calendar for separate discussion and consideration

Teri Harmon, Frederick's Court Building Owner

- Distributed copies of supporting documents
- Discussed abusive behavior and violations of a lease agreement by a tenant, Kenny Esko
- Alleged Mr. Esko slandered her at a previous Council meeting
- Spoke in opposition of the City granting him an encroachment permit

Leslie Ooms

- Spoke in opposition to granting Mr. Kenny Esko an encroachment permit

David Rasmussen

- Discussed the City's sign regulations noting they prohibit signs and merchandise on sidewalks
- Encouraged the City to enforce sign regulations

Steve Battaglia, Battaglia Commercial Real Estate

- Spoke in opposition to offering encroachment permits to tenants to do business outside of their premises

City Attorney Chip Wullbrandt explained the City does not allow businesses to do business on public sidewalk and stated he is not aware of any application for such sidewalk business activity but rather there is an application for flowerpots in front of two stores. Flowerpots are encouraged in City design guidelines, but there is a requirement for an encroachment permit, which then protects the City.

Robert Stokes, President, Wheels and Windmills Car Show

- Spoke about his organization and the popularity of their show
- Addressed funds raised in supporting local charities and programs
- Asked Council to approve their continuing to host the event in Solvang as soon as possible
- Distributed copies of his written statement

Brenda Ball, Solvang Visitor Center

- Provided a report of their activities for the month of January
- Urged the City to consider providing digital versions of the Visitors Guide

Michael Baker, CEO, Boys and Girls Club

- Presented an update of events and activities at the Solvang Boys and Girls Club
- Encouraged families in need of childcare to contact them

2. EXECUTIVE, PIO REPORTS & ADVANCE CALENDAR

Acting City Manager/Administrative Services Director Bradford gave an informational report and addressed event approvals, the coronavirus, the State of the City event, the Building Amnesty Program, upcoming events and the Advance Calendar.

3. CONSENT AGENDA

- a. Approval of Agenda as Presented
- b. Approval of Warrant Register/Expenditures Report for January 2020
- c. Approval of Draft Minutes of the January 27, 2020 Regular City Council Meeting
- d. Receive and File the VisitSYV 3rd Quarter 2019 Report
- e. South Alisal Road Pavement Reconstruction Project – Reconsider Bike Lanes

Acting City Manager/Administrative Services Director Bradford pulled Item No. e. from the Consent Agenda and deferred to Public Works Director Matt van der Linden for a report.

Public Works Director van der Linden discussed additional costs involved in adding bicycle lanes and staff is recommending not proceeding with adding bicycle lanes to the project. He noted it also involved widening the road and is not feasible at this time.

Discussion followed regarding the possibility of installing sharrows and it was noted sharrows are already approved for the project.

Mayor Toussaint opened public comments at 7:33 p.m.

There were no public comments.

Mayor Toussaint closed public comments at 7:33 p.m.

Motion made by Council Member Waite to approve staff's recommendation to not add bicycles lanes to the project, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.

- f. Extension of Library Services Agreement with the City of Goleta – Authorize the City Manager to issue a notice to extend Agreement with City of Goleta for provision of Library Management Services for Solvang Library per the contract terms
- g. Approve amendment to regularly scheduled City Council meeting

Motion made by Mayor Toussaint to approve the Consent Agenda except for Item No. 3.e., which was pulled for separate discussion and consideration, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.

REGULAR BUSINESS AGENDA

4. LOT 72 POLICY DIRECTION

City Attorney Wullbrandt presented details of the staff report.

Acting City Manager/Administrative Services Director Bradford noted the need for policy direction in order for the City to maintain local control.

Mayor Toussaint opened public comments at 7:46 p.m.

Rich Condit

- Spoke about rumors of changes to Lot 72
- Noted when the property was donated to the City, it was to be dedicated as open space

Renee Condit

- Discussed efforts to protect the land and having to move their driveway to do so
- Reported donor of the property meant for it to be a Rose Garden and walking path
- Urged Council to consider input from all sides before making rash decisions

Bob Andrews

- Discussed his involvement in the original process and a requirement for Lot 72 to remain public open space

- Read a letter from the land donor, Chip Handley relative to his intentions for the lot
- Urged Council to keep the original intent of the previous owner

Arthur George, Village Collection Homeowners Association

- Addressed the original intent for Lot 72
- Noted the lease does not allow holding events on the lot
- Spoke in support of realizing the historic park project on Lot 72 and the continuation of the lease to the Santa Barbara Trust for Historic Preservation
- Discussed damage to the lot due to the recent drone show

Michael Imwalle, Associate Director of Cultural Resources, Santa Barbara Trust for Historic Preservation

- Discussed the significance of the archeological site on Lot 72
- Addressed the original intent of the property
- Noted any other proposed use of the property should undergo a separate environmental analysis

Kevin Nimmons, Attorney, Santa Barbara Trust for Historic Preservation

- Urged Council to review the lease
- Addressed limits to the City's use of the property
- Expressed a willingness to cooperate with the City to meet common goals

Anne Petersen, Executive Director, Santa Barbara Trust for Historic Preservation

- Acknowledged attending members of their Board
- Provided a brief history of the Trust and Lot 72
- Looked forward to continuing to work with the City to help protect the historical and sensitive space

Ed Skytt

- Reported he was a Council Member when the original lease was signed and spoke about the controversial nature of the item
- Spoke in support of the Santa Barbara Trust for Historic Preservation
- Noted the lot was limited in terms of uses and not to be used for events

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

City Attorney Wullbrandt reported the City has not made any plans to develop the property; noted the City is trying to be as transparent as possible and discussed a specific plan, voted on by the citizens of Solvang. The City is willing to continue working with the Trust in the development of a historic park and Interim City Attorney Wullbrandt addressed the lease and possible missing elements in the lease that Council should consider.

Council Member Waite expressed interest in the name of the President of the Trust when the lease was signed and stated she would be in favor of continued discussions with the Trust.

Council Member Johnson spoke about the need for maintenance on the lot and asked why the Trust accepted \$3,000 from the City for an event there, if it was not permitted.

Kevin Nimmons, Attorney, Santa Barbara Trust for Historic Preservation, reported the City approached them, they were clear in terms of the activities allowed on the lot and they cooperated with the City as it seemed it was an important request. He added both agencies serve the public and they will cooperate within the parameters of the lease.

Council Member Johnson felt the lease should remain as is and the City should find other sites for events.

Mayor Pro Tem Clarke spoke in support of the original agreement and the land donor's original intent for the property.

Council Member Djernaes felt Lot 72 has special, historic value and he would like to learn more about that from the Trust.

Interim City Attorney Wullbrandt explained staff is simply looking for direction and hoped it will result in a presentation from the Trust, to Council, for the use of Lot 72.

Motion made by Mayor Toussaint to receive and file the report, direct staff to clean the area, seconded by Council Member Johnson, and carried with a roll call vote of 4-1, with Council Member Djernaes, opposed.

RECESS AND RECONVENE

Mayor Toussaint called for a recess at 8:28 p.m. The assembly reconvened at 8:40 p.m. with all Council Members, present.

5. SANTA BARBARA COUNTY – COMMUNITY RESOURCE DEPUTY CONTRACT POLICY DIRECTION

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

Discussion followed regarding options for Council's consideration.

Mayor Toussaint opened public comments at 8:51 p.m.

Mary Conway, Santa Ynez Valley Youth Coalition

- Spoke in support of the Community Resources Officer and his effort to help the City's youth

Mayor Toussaint closed public comments at 8:53 p.m.

Mayor Pro Tem Clarke felt increasing traffic enforcement would hurt tourism and spoke in support of keeping the Community Resources Officer.

Mayor Toussaint noted this item is about addressing the needs of the community.

Council Member Waite agreed with Mayor Pro Tem Clarke; noted the need for a Community Resources Officer and spoke in favor of contracting out traffic enforcement services.

Council Member Johnson expressed concerns with the amount of compensation for the scope of services provided by a Community Resources Officer and spoke in favor of a 90-day termination.

Council Member Djernaes agreed with Council Member Johnson adding the City is paying too much for the scope of services and favored a 90-day termination.

Motion made by Council Member Johnson to approve a 90-day cancelation, renegotiate the contract for a Community Resources Officer and bring the item back to Council for consideration with the possibility of looking towards a Traffic Officer, seconded by Council Member Djernaes, and carried with a roll call vote of 3-2, with Mayor Pro Tem Clarke and Council Member Waite, opposed.

6. PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES FOR THE WWTP WATER QUALITY PROJECT

Public Works Director van der Linden presented the staff report.

Mayor Toussaint opened public comments at 9:07 p.m.

There were no public comments.

Mayor Toussaint closed public comments at 9:07 p.m.

Discussion followed regarding cost savings, blowers and aeration and engineering costs.

Motion made by Council Member Djernaes to approve a Professional Services Agreement with Carollo Engineers in the amount of \$1,597,000 and authorize execution of the Agreement by the Mayor, authorize the City Manager to execute contract amendments if within the contingency amount of \$80,000 and approve a Budget Adjustment in the amount of \$445,000, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.

7. CITY VEHICLE REPLACEMENT POLICY

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

Brief discussion followed regarding the number of City vehicles and the replacement schedule and process.

Mayor Toussaint opened public comments at 9:24 p.m.

There were no public comments.

Mayor Toussaint closed public comments at 9:24 p.m.

No formal action was taken on this item.

8. PROFESSIONAL SERVICES AGREEMENT – PARKING LOT 5 & DRAINAGE IMPROVEMENT PROJECT ENGINEERING SERVICES

Public Works Director van der Linden presented the staff report.

Discussion followed regarding prioritizing the drainage improvements, the possibility of doing the parking lot design, inhouse, making the area more aesthetic and doing "bare bones" improvements of the parking lot.

Mayor Toussaint opened public comments at 9:46 p.m.

There were no public comments.

Mayor Toussaint closed public comments at 9:46 p.m.

Motion made by Mayor Toussaint to approve a Professional Services Agreement with Cannon for drainage improvements and direct staff to design the parking lot with gravel, adding landscape and relocating the

driveway, and return to Council with an update, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.

9. MUNICIPAL CODE RECODIFICATON PROJECT

Interim City Clerk Daryl Betancur presented the staff report.

Mayor Toussaint opened public comments at 9:53 p.m.

There were no public comments.

Mayor Toussaint closed public comments at 9:53 p.m.

Motion made by Mayor Toussaint to receive the staff report on Municipal Code Recodification project and approve a budget adjustment in the amount of \$15,000, seconded by Council Member Waite, and carried with a roll call vote of 5-0.

Motion made by Mayor Toussaint to continue the meeting beyond 9:30 p.m., seconded by Council Member Johnson, and carried with a roll call vote of 3-2, with Mayor Pro Tem Clarke and Council Member Djernaes, opposed.

10. CITY MANAGER COUNCIL DIRECTION AND NEXT STEPS

Mayor Toussaint noted Acting City Manager/Administrative Services Director Bradford has been acting as the City Manager for six months and at some point, Council will need to decide next steps. He reported Ms. Bradford is interested in serving as City Manager.

Interim City Attorney Wullbrandt explained the terms of the contract the City had with the City Manager recruiter and provided options for Council to consider, including requesting they do another recruitment or authorize the Mayor to negotiate and bring back, in Closed Session, a recommended agreement with Ms. Bradford.

Mayor Toussaint opened public comments at 9:57 p.m.

There were no public comments.

Mayor Toussaint closed public comments at 9:57 p.m.

It was noted the City is not obligated to continue using the recruiter or do an open RFP.

Members of Council commented positively on the work of Ms. Bradford and hoped she can continue to work with the City.

Motion made by Council Member Johnson to authorize the Mayor and City Attorney to offer the City Manager position to Ms. Bradford, negotiate an agreement and return to Council in Closed Session, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.

11. MAYOR'S ADVISORY COMMITTEE

Mayor Toussaint reported receiving comments from residents regarding the formation of a Mayor's Advisory Committee and noted there are people who are interested in getting involved.

City Attorney Wullbrandt advised that the Committee be publicly noticed and comply with the Brown Act.

Discussion followed regarding the pros and cons of having a standing committee, the Mayor's ability to meet with community members without it being within a formalized committee structure and considering staff resources.

There was no formal action on this item.

12. AB1234 REPORT OUT, COUNCIL COMMENTS AND REQUESTS

Council Member Waite reported she will be speaking at the upcoming Women in Government Forum.

Council Member Johnson asked for consideration of the possibility of speed humps around schools, development of Elks Field, the possibility of moving the location of the Farmers Market and addressed the Be Above Drugs campaign in local schools.

Mayor Toussaint discussed receipt of a bid regarding the Council Chambers and Acting City Manager/Administrative Services Director Bradford reported the item will be on the City Council agenda for March 9, 2020.

13. ADJOURNMENT – Mayor Toussaint adjourned the meeting at 10:17 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.