



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

Council Chambers
1644 Oak Street
Solvang, CA 93463

February 24, 2020
Monday
6:30 p.m.

CALL TO ORDER: Mayor Pro Tem Clarke 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

ABSENT: Mayor Ryan Toussaint (Excused)

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

Motion made by Council Member Djernaes to excuse Mayor Toussaint's absence, seconded by Council Member Johnson, and carried with a roll call vote of 4-0.

PLEDGE OF ALLEGIANCE

Led by Councilmember Djernaes.

1. PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL

Michael Baker, United Boys & Girls Clubs

- Provided an update of enrollment
- Encouraged resident to refer those in need to their program
- Announced an upcoming fundraiser on March 6th at the Hotel Corque

Hank Homburg, Resident

- Discussed costs related to having a Community Resources Deputy
- Suggested that part of the money saved go towards a part-time Motor Officer in the City, two days per week

Charlie Uhrig, Solvang CRD

- Discussed the responsibilities and duties of a CRD including traffic enforcement, citations, parking, assisting with Code Enforcement, extra patrol and dealing with homeless issues and panhandlers along with special events
- Noted according to previous budgets, the CRD position cost the City \$20,000 for the past-two year, combined
- Reported grants are available to off-set costs of a CRD
- Thanked the City for its past support

- Listed community programs/special events in which he had a major role initiating

Rikka Rasmussen, Resident

- Spoke in support of continuing funding for the CRD position
- Felt losing the position will hurt residents and tourists
- Listed benefits to the community and tourists
- Urged Council to work with the County to fund the CRD and a traffic position

Dave Pick, Resident

- Spoke in support of continuing funding for the CRD position and Mr. Uhrig
- Hoped Council's decision is not related to a prior Workers Compensation claim

Kim Jensen, Resident, representing the Vikings of Solvang

- Announced an upcoming blood drive at the Memorial Hall on Wednesday March 4th
- Urged the public to participate

Ed Skytt, Resident

- Spoke in support of maintaining Charlie Uhrig as the Solvang CRD
- Addressed the City's legal services costs and opined if the City has funds to pay for City Attorney fees, it can pay for a CRD

Aaron Petersen, Resident

- Spoke about the importance of public input in Council's decisions
- Discussed the importance of the CRD position in addition to a Traffic Officer

2. EXECUTIVE, PIO REPORTS & ADVANCE CALENDAR

Acting City Manager/Administrative Services Director Bradford provided an update on the status of the CRD position and notice to the Sherriff's Department of a request to terminate the contract; restated costs related to the position; addressed availability of grants and reported staff will return to City Council with recommendations on working with the Sherriff's Department, going forward. She gave an informational report and addressed State of the City events and details of the Advance Calendar.

3. CONSENT AGENDA

- a. Approval of Agenda as Presented
- b. Approval of Draft Minutes of the February 10, 2020 Regular City Council Meeting
- c. Receive and File the Sheriff's Department Report for January 2020
- d. Approve new Memorandum of Understanding (MOU) for continued City of Solvang participation in the Breeze 200 Inter-Regional Transit Service

Mayor Pro Tem Clarke pulled Item No. 3b from the Consent Calendar for separate consideration.

Motion made by Council Member Waite to approve the Consent Calendar Items 3.a, 3.c and 3.d., seconded by Council Member Johnson, and carried with a roll call vote of 4-0.

- b. Approval of Draft Minutes of the February 10, 2020 Regular City Council Meeting

Interim City Clerk Daryl A. Betancur reported City Attorney Chip Wullbrandt made changes to the minutes of February 10, 2020 and will considered, as corrected.

Motion made by Council Member Johnson to approve the Draft Minutes of the February 10, 2020 Regular City Council Meeting (3.b), as corrected, seconded by Council Member Djernaes, and carried with a roll call vote of 4-0.

PUBLIC HEARING(S)

4. RESOLUTION ADOPTING MEASURE A FIVE-YEAR LOCAL PROGRAM OF PROJECTS FOR FISCAL YEAR 2021-2025

Public Works Director Matt van der Linden presented details of the staff report.

Discussion followed regarding using Measure A funds for transit services and the availability of State and Federal grants.

Mayor Pro Tem Clarke opened public comments at 7:14 p.m.

There were no public comments.

Mayor Pro Tem Clarke closed public comments at 7:14 p.m.

Discussion followed regarding using Measure A funds for bicycle infrastructure, getting community input regarding using Measure A funds for sidewalks and how the projects fit in the City's Capital Improvements Project schedule.

Acting City Manager/Administrative Services Director Bradford reported Council will review the City's budget update and Capital Improvement Projects in May, before formal consideration of the budget.

Motion made by Council Member Waite to adopt Resolution No. 20-1097 approving the Measure A 5-Year Local Program of Projects for Fiscal Years 2021-2025, seconded by Council Member Djernaes, and carried with a roll call vote of 4-0.

5. 1650 COPENHAGEN BUSINESS LICENSE REVOCATION

Staff recommends that the City Council hold a hearing pursuant to MC Section 4-9-19; and revoke Solvang Business Certificate No. 1533

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

City Attorney Wullbrandt referenced a memo dated February 19, 2020 from Code Enforcement Officer Mendoza, noting the various contacts with the business owner and various communications between Mr. Wullbrandt's office and the business owner regarding violations of City ordinances relative to retail workers urging customers to the store from public sidewalks. He added there are three stores operating under the same business license and a fourth store is operated by a different licensee; noted staff is focusing on the business license rather than the business activity and the retail use of a public street is secondary.

Discussion followed regarding the number of complaints received and warnings and citations issued.

Mayor Pro Tem Clarke opened public comments at 7:29 p.m.

Itai Klein, Law Office of Itai Klein, representing the business owner, addressed notices of violations and meetings with the City Manager and City Attorney; noted the issue include the conduct of business activity on public sidewalks; alleged the citations given were vague and questioned the validity of the violations, stating lack of proof. He addressed another issue as business activity on the patio, which is the tenant's right to do.

Nevertheless, the tenant is willing to cease using the patio until the matter can be settled and Mr. Klein requested the City pause the revocation, seek facts and definitive answers and solve the problem with the business owner without litigation.

James Ball, Solvang Visitor Center

- Reported receiving numerous complaints about the subject business due to their aggressive sales techniques

Hank Homburg, Resident

- Provided testimony regarding the aggressive sales techniques of the operation

Mayor Pro Tem Clarke closed public comments at 7:43 p.m.

Interim Planning Director Laurie Tamura addressed the original approval of the project by the Planning Commission, subsequent tenant improvements and identification of square footage for each of the uses, noting the patio was never approved for retail use but allowed for ice cream and wine-tasting.

Discussion followed regarding postponing the item for further discussion and to obtain additional information, the possibility of working with the business owner to ensure correct information is communicated and the need for better research to ensure the City knows the types of businesses going in.

City Attorney Wullbrandt reported the City has almost no process for business licenses or planning permits and agreed with the need for continued discussions with the property owner.

Discussion followed regarding the behavior continuing in spite of the various warnings, citations and numerous complaints and the need to obtain input from surrounding business owners and the responsibilities of the business owner and landlord in communicating/complying with City laws and giving the business owner another opportunity to correct violations.

Motion made by Mayor Pro Tem Clarke to continue the item until Council's second meeting in March and direct staff to continue discussions with the business owner to develop solutions, seconded by Council Member Waite, and carried with a roll call vote of 3-1, with Councilmember Djernaes, opposed.

REGULAR BUSINESS AGENDA

6. SOLVANG (SKYTT) MESA LANDSCAPE & LIGHTING MAINTENANCE DISTRICT NO. 2004-1- APPROVE RESOLUTION OF INITIATION AND INTENTION

Public Works Director van der Linden presented details of the staff report noting all costs are paid to Skytt Mesa through the proposed assessment and is cost-neutral to the City.

Mayor Pro Tem Clarke opened public comments at 8:25 p.m.

Greg Millikan, Skytt Mesa Resident

- Commended City staff for making the process work for the City and residents
- Spoke positively about the new, collaborative relationship

Mayor Pro Tem Clarke closed public comments at 8:27 p.m.

Councilmember Djernaes commended Mr. Millikan for working with staff to develop a solution.

Motion made by Councilmember Johnson to adopt Resolution No. 20-1098, initiating the preparation

of an Engineer's Report, approving preliminary Engineer's Report, and setting a public hearing for March 30, 2020, seconded by Councilmember Djernaes, and carried with a roll call vote of 3-1, with Councilmember Waite, opposed.

7. IDK MARKETING AND TOURISM RECOMMENDATIONS

Acting City Manager/Administrative Services Director Bradford introduced Scott Shuemake, IDK LLC, and deferred to him for a presentation.

Mr. Shuemake presented an update on marketing and tourism efforts by IDK and noted they will be providing quarterly reports to Council focused on metrics.

Mayor Pro Tem Clarke opened public comments at 8:43 p.m.

There were no public comments.

Mayor Pro Tem Clarke closed public comments at 8:43 p.m.

Motion made by Councilmember Waite to receive update on marketing & tourism from IDK and provide policy directly as needed, seconded by Councilmember Djernaes, and carried with a roll call vote of 4-0.

8. BAR RESTRUCTURE SUB-COMMITTEE RECOMMENDATIONS

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

Mayor Pro Tem Clarke opened public comments at 8:47 p.m.

Aaron Petersen, Resident

- Reviewed the City's General Plan relative to the BAR and design guidelines
- Opined if the City wants to change the BAR, it must change the General Plan and listed considerations that must be given in order to change the General Plan

Elsa Marie Lund, Resident

- Spoke about her experience on the BAR and in support of the BAR
- Noted the need to update the City's Design Guidelines
- Urged Council not to eliminate the BAR

Ed Skytt, Resident

- Spoke in support of maintaining the BAR
- Discussed the importance of obtaining input from the community

Mayor Pro Tem Clarke closed public comments at 9:00 p.m.

City Attorney Wullbrandt provided a brief history on the formation of the BAR and noted Council's previous approval of Design Guidelines and a resolution creating the BAR. He agreed with Mr. Petersen's comments in terms of the City having a design review board to help Council implement provisions of the General Plan.

Discussion followed regarding Council's original intent to simplify processes, resolutions versus ordinances and the need to update sections of the General Plan.

City Attorney Wullbrandt suggested adopting the resolution now and directing staff to bring back an ordinance

for Council's consideration and public input. He referenced Section 10 and noted the intent was to replace, not to rescind Resolution No 93-268.

Motion made by Councilmember Djernaes to continue the item and direct staff to engage the community and return with an ordinance to a future Council meeting, seconded by Councilmember Waite, and carried with a roll call vote of 3-1, with Councilmember Johnson, opposed.

RECESS AND RECONVENE

Mayor Pro Tem Clarke called for a recess at 9:16 p.m. The assembly reconvened at 9:27 p.m. with all Council Members, present, except Mayor Toussaint.

9. ORGANIZATIONAL ASSESSMENT REPORT

Acting City Manager/Administrative Services Director Bradford presented a report.

Motion made by Councilmember Waite to continue the Council meeting past 9:30 p.m., seconded by Councilmember Djernaes, and carried with a roll call vote of 4-0.

Acting City Manager/Administrative Services Director Bradford introduced and deferred to Kim Andrade, Spotlight LLC.

Ms. Andrade reviewed additional recommendations relative the City's organizational assessment.

Discussion followed regarding next steps, analyzing outsourcing versus in-house services, the importance of having updated job descriptions, developing a strategy and then implementing the plan, the possibility of forming an Ad Hoc Committee to discuss the item, further and evaluating each section, specifically.

Mayor Pro Tem Clarke opened public comments at 10:10 p.m.

There were no public comments.

Mayor Pro Tem Clarke closed public comments at 10:10 p.m.

Motion made by Councilmember Johnson to receive and file staff report, seconded by Councilmember Waite, and carried with a roll call vote of 4-0.

10. PROFESSIONAL SERVICES AGREEMENT – WATER SCADA UPGRADE PROJECT

Public Works Director van der Linden presented the staff report.

Mayor Pro Tem Clarke opened public comments at 10:27 p.m.

There were no public comments.

Mayor Pro Tem Clarke closed public comments at 10:27 p.m.

Motion made by Councilmember Djernaes to approve a Professional Services Agreement (PSA) with Macro Automatics in the amount of \$65,650 and authorize execution of the Agreement by the City Manager, authorize the City Manager to execute contract amendments if within the contingency amount of \$5,000 and approve a budget adjustment in the amount of \$65,000, seconded by Mayor Pro Tem Clarke, and carried with

a roll call vote of 4-0.

11. AB1234 REPORT OUT, COUNCIL COMMENTS AND REQUESTS

Councilmember Waite reported attending the recent Women in Government Forum and commented positively on the event.

Councilmember Johnson reported attending the SBCAG meeting and a LAVCO meeting.

Mayor Pro Tem Clarke reported attending a meeting with Cedar Center and a ride-along with the Sheriffs.

Councilmember Djernaes reported on his work with foreign exchange students from the local College. He suggested having staff meet with members of the community similarly as was done on the LLMD, on other projects, for increased public engagement.

Discussion followed regarding the possibility considering surveying the community and providing options for doing so on a future agenda.

12. ADJOURNMENT – Mayor Pro Tem Clarke adjourned the meeting at 10:33 p.m.

Minutes Prepared by:



DARYL A. BETANCUR, MMC
Interim City Clerk