



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

Council Chambers
1644 Oak Street
Solvang, CA 93463

May 11, 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 (via teleconference)

STAFF: Xenia Bradford, City Manager, Chip Wullbrandt, City Attorney and Matt van der Linden Public Works Director/City Engineer.

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Clarke.

1. PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL

The City Council observed a moment of silence in memory of Robert Petersen with Mayor Pro Tem Clarke reading a proclamation into the record.

John Padfield (Letter received and read into the record)

- Expressed concern with the manner and the timing in which agendas have been posted lately, which results in the City not providing enough time for citizens participation
- Urged the Council to do a better job in posting agendas on time including the backup material thus giving citizens the opportunity to participate more fully and provide feedback

Debra Deyette (Letter received and read into the record)

- Provided feedback about the Council's spending, noting that the State of California will be having a 75 Billion budget deficit, which will last for the next two years
- Urged the Council to stop all basic spending

Solvang Retailers Association (Letter received and read into the record)

- Commented that the PPP program does not work for smaller Solvang Businesses as it overlaps with the EDD unemployment insurance program
- Stated that the PPP funds cannot be used for their intended use as most employees are covered by EDD unemployment insurance
- Requested the deferred rent moratorium be extended to include June, July and August and increase the period for deferred rent to twelve months
- Asked the Council to consider creating a rent forgiveness or rent grant program to help Solvang businesses

Callers – None

Mayor Toussaint stated that relative to the public comments made that the Council had given staff prior direction on some of those items already and staff continues to be vigilant regarding expenditures. Further Mayor Toussaint stated that the State of California will indeed be having a serious budget shortfall; however, the League of California Cities is having meetings with different Mayors around the state to push an advocacy effort for funding for cities.

2. EXECUTIVE, PIO REPORTS & ADVANCE CALENDAR

City Manager Xenia Bradford followed up on what Mayor Toussaint stated about the meetings that the League of California Cities is holding with different Mayors by stating that the League is putting together a request for funding for California cities, with said letter documenting the losses incurred and the financial needs of the community. As it relates to the COVID-19 situation, Ms. Bradford provided the following highlights:

- On May 8th, Governor Newsom provided an update on California Pandemic Roadmap
- Spoke of County of Santa Barbara reopening approach, which is a regional coordinated effort with many stakeholders
- Stated that the BOS at its May 12 meeting will approve a letter to be sent to the Governor
- Commented that the County of Santa Barbara will not be eligible to reopen due to a COVID-19 outbreak at the prison in Lompoc
- Stated that the County latest order issued effective April 24 is now in effect until May 31
- Provided a more detail summary of what it is envisioned with respect to a foreseeable reopening and the manner in, which said reopening will take place

Additionally, City Manager Xenia Bradford updated the Council on various upcoming items on the advanced calendar including the change of day for the next Council meeting, which will be on Tuesday, May 26 due to the Memorial Day holiday as well as various other items that will be coming on the agenda including another COVID-19 status update.

City Attorney Chip Wullbrandt informed the Council that staff has put a great effort in bringing a Resolution updating Planning fees because these fees have not been updated since 2005. He also clarified for the record a news report from last Summer that has been recirculated as if it were new news about the District Attorney having scolded the City; he reiterated that the letter that was received last September from the D.A., he did not scold the City; that it was related to a request by Council Member Djernaes seeking to ascertain if the City was being investigated by the D.A's Office.

City Attorney Wullbrandt also provided a brief summary of the issues surrounding the assets of the former SCVB including Brown Act violations and mismanagement of City assets, which were transferred illegally to a third party including an illegal donation of City funds to the Film Society, which were subsequently returned to the City.

Council Member Waite objected to the report and asked why this issue is being revisited at this time and its relevance to the topic of the Executive Reports. Upon hearing said objection, City Attorney Wullbrandt concluded his remarks.

3. CONSENT AGENDA

- a. Approval of Agenda as Presented.
- b. Approval of Warrant Register/Expenditure Report for March 2020
- c. Approval of Draft Minutes of the April 27, 2020 Special City Council Meeting and Draft Minutes of the April 27, 2020 Regular City Council Meeting

- d. Approval of an Agreement for grant funds between the City of Solvang and Solvang Heritage Associates DBA Elverhoj Museum of History and Art

Mayor Toussaint asked if Council Members wished to pull any items, hearing none, he opened for public comments.

Mayor Toussaint opened public comments at 7:11 p.m.

There were no public comments.

Mayor Toussaint closed public comment at 7:12 p.m.

Motion made by Mayor Toussaint to approve the Consent Agenda as presented, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.

REGULAR BUSINESS AGENDA

4. COVID-19 DISASTER SITUATIONAL UPDATE AND POLICY DIRECTION

Staff recommends that the City Council receive staff report on COVID-19 Disaster Situational update and provide staff with policy direction.

City Manager Xenia Bradford presented the disaster situational update report noting that there is a countywide effort with many stakeholders involved in a strategy for reopening; briefed the Council about the County of Santa Barbara REACH Project; spoke relative to the various aspects of what a reopening process will look like, including a modified reopening by mid-June and by sectors; briefed the Council on various aspects of Governor Newsom's roadmap for reopening.

A brief discussion ensued relative to various aspects of the proposed reopening strategies at the State and County levels and the actions taken by these governments; comments were made about reopening sectors of the Solvang economy such as restaurants and hotels, which are the primary revenue generators; discussion also included the prison rate infection counts and how they impact the overall statistics, which are a metric used to formulate strategies for reopening. Further City Manager Xenia Bradford reported on the progress made by NDC thus far on the City's behalf and turned it over to Diana Sasser, West Team Field Director with NDC and Chuck Depew, West Team Leader who provided a detailed summary of their work and answered questions from the Council.

Mayor Toussaint commented that relative to the conflict of interest question posed, that he and Council Member Johnson own businesses in the City, but that neither one of them has applied for nor received any financial assistance from the City.

City Manager Xenia Bradford introduced Maili Halme, Coordinator for the River of Giving group who provided an update on their efforts to reach out to those in the community who have needs; spoke relative to the need for specific food items, and that the estimated \$40,000 the City Manager mentioned would cover some of the pressing needs and that she will be willing to facilitate coordination of these efforts.

Mayor Toussaint open public comments at 7:58 p.m.

Lieutenant Jeff Green Santa Barbara County Sheriff's Department

- Spoke about the Sheriff's stance with the local COVID-19 situation and indicated that their stance is to educate and work with the community and businesses to ensure compliance with the State, County, and local orders
- Stated that enforcement is reviewed on a case by case basis depending on circumstances; however, that if a business is out of compliance and refuses to comply after trying to work with them, there may be other remedies such as an injunction or license removal or a citation, but that those cases are the extremes
- Confirmed that the Sheriff's Department will not be enforcing mask usage

Dr. John Baeke with the Santa Ynez Valley High School Board of Education

- Made comments about his credentials as an M.D. and his qualifications to speak about COVID-19
- Expressed that we are quarantining everyone other than a few privileged like law enforcement and health care providers
- Commented this is the first pandemic where we are quarantining the healthy
- Stated that the media and politicians refuse to talk about herd immunity

Hank Homburg Solvang Resident

- Commended Dr. Baeke for providing feedback
- Inquired about what other SY Valley area jurisdictions are contributing to the food program

Mayor Toussaint closed public comment at 8:17 p.m.

Mayor Toussaint indicated that there are two items that need approval and a motion and include whether to pursue the Great Plates Program and the other local non-profit initiative.

Motion made by Mayor Toussaint to receive and file the COVID-19 update and move forward with staff recommendation to work with the other local non-profit as described by City Manager Xenia Bradford and authorize a \$40,000 amount of funding and come back in four weeks to reassess status, motion seconded by Mayor Pro Tem Clarke and carried with a roll call vote of 5-0.

The City Council engaged in a lengthy discussion relative to the Greater Plates Program spoken of earlier by City Manager Xenia Bradford. Ellen Albertoni, Executive Director of the Senior Center provided more information related to the services provided stating that they are providing hot lunches for seniors and fresh produce, taking care of their nutritional needs, and providing take home activities; that they deliver a few meals through Meals on Wheels with Atterdag at Home.

Scott Shumake added that the program is designed to be an economic stimulus program from restaurants and feed seniors in need; that it is an expensive program, which requires extensive reporting.

Motion Made Mayor Pro Tem Clarke to go forward with the Greater Plates program through June 10th, seconded by Council Member Djernaes and carried with a roll call vote of 4-1 with Council Member Waite voting no.

Mayor Toussaint stated that the State's budget shortfall of \$80 billion makes it hard to get any further funding directly from the state and that the League of California cities initiative would ask the State to allow for smaller cities and Counties to qualify for funding.

Motion made by Mayor Toussaint to support the League initiative, seconded by Council Member Djernaes and

carried with a roll call vote of 4-1 with Council Member Waite voting no.

Council Member Djernaes expressed a desire to revisit the issue of the rent moratorium with Mayor Toussaint and City Attorney Chip Wullbrandt both stating that the item will need to be placed on the next agenda so that they can reevaluate that issue; City Attorney Chip Wullbrandt further commented that because the discussion on this is so broad, the specifics of the issue need to be included on the agenda to be able to pass it at the next meeting.

Mayor Toussaint opened public comment at 9:18 p.m.

There were no public comments.

Mayor Toussaint closed public comment at 9: 19 p.m.

RECESS AND RECONVENE

Mayor Toussaint called for a recess at 9:20 p.m. The assembly reconvened at 9:25 p.m. with all Council Members, present.

RECESS AND RECONVENE

Motion made by Mayor Toussaint, to continue the meeting after 9:30 p.m. following a brief recess, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.

Mayor Toussaint called for a recess at 9:30 p.m. The assembly reconvened at 9:40 p.m. with all Council Members, present.

Council Member Waite expressed concerns about how the City is handling the COVID-19 crisis; commended Lieutenant Green on his presentation and the information he presented relative to enforcement; stated that we need to give more specific information to the community as to what reopening means; noted that there are businesses not complying with the rules in place already; they are not social distancing, have tables where people are eating, an influx of tourists coming in thinking the City is fully open. In short, she expressed concerns about the risks associated with reopening guidelines.

5. MARKETING AND TOURISM UPDATE AND SPECIAL EVENT PERMITTING PROCESS

Staff recommends that the City Council receive staff report and approve presented special event permitting process or provide with alternate direction. (Item taken out of order and heard following presentations on item No. 8)

City Manager Xenia Bradford made introductory comments regarding the special permitting process and asked Scott Shumake, President of IDK events to bring the Council up to speed relative to this issue.

Scott Shumake, President of IDK events presented a lengthy report informing the Council on some of the concerns expressed on social media about Solvang being safe, the reopening protocols for the City, concerns about advertising Solvang as a tourist destination and a potential influx of people into the community; spoke about the Elverhoj Museum Rembrandt's exhibit stating that it had gained national notoriety with articles being written on well-known magazines; briefed the Council regarding the banners in Solvang for the SYVUHS Seniors, and other activities they have been working on behalf of the City.

Mr. Shumake articulated and explained how the new event permitting process will work and talked about the functionality of the system; he answered Council's questions accordingly and offered his recommendations for moving forward.

Motion by Council Member Johnson to accept IDK Events Planning document and direct staff to move forward with its implementation. Mayor Toussaint offered an amendment to the original motion to include that IDK come back at the next Council meeting with a draft schedule of events, with said amendment duly accepted and seconded by the motion maker and motion seconder. Original motion seconded by Council Member Waite and carried with a roll call vote of 5-0.

Mayor Toussaint requested that item 5 be revisited to allow for public comment. Motion by Mayor Toussaint, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.

Mayor Toussaint opened public comment at 10:01 p.m.

There were no public comments.

Mayor Toussaint closed public comment at 10:01 p.m.

6. SOLVANG PARK AND MISSION DRIVE TREE REPLACEMENTS

Provide staff with direction regarding tree replacement at Solvang Park and tree replacements along Mission Drive.

Matt van der Linden Public Works Director/City Engineer presented a brief staff report indicating that trees need to be removed on Mission Drive at Solvang Park; provided a brief history relative to the tree management plan, in which the City outlined and identified what specific species of trees would be adequate as replacements.

A brief discussion took place relative to the tree replacement proposal with Mr. van der Linden answering their questions.

Mayor Toussaint opened public comments at 10:18 p.m. (Caller)

Connie Cody

- Expressed concern with the number of trees the City has removed indicating that about three years ago the City looked like a desert until the trees grew.
- Stated that the Pistache trees and others take 20 years to get to full height
- Noted that tourist need shade, which grown trees provide and are aesthetically pleasing

Mayor Toussaint closed public comments at 10:20 p.m.

Motion made by Mayor Toussaint to replace the tree at Solvang Park now and the rest be replaced after summer, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.

7. DEMAND BY ATTORNEY FOR SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT THAT CITY CHANGE TO BY-DISTRICT ELECTORAL SYSTEM

Consider demand letter received, take public comment and direct staff to prepare Resolution of Intent to change to by-District electoral system for Council Members for consideration at Council meeting prior to June 18, 2020.

Chip Wullbrandt, City Attorney presented the staff record noting that a letter was received from an attorney that represents the Southwest Voter Registration Project, which has members in Solvang demanding that the City change its electoral system to a by-district electoral system to correct the racially biased at large voting system currently in place; commented that years ago the State legislature expanded the California Voting Rights Act to provide additional protections for the voter thus making it easy to challenge a district wide election system (At-Large Elections), which are impossible to legally defend.

Mr. Wullbrandt further noted that if these challenges are successful, then the City must pay their attorney costs as well as the legal fees to defend the suit; he provided information on the safe harbor legislation thereby recommending that for Solvang, since it is a Charter City, the Mayor is elected at large; that the Mayor would still be elected at large and they would have to create four districts of which each of the four council members must come from each district; stated that in accordance with this process, the first public hearing must be held before two subsequent hearings needed with any changes; subsequently at the first public hearing, the Council must ask for feedback from the community on the district lines to be considered; explained that if the third hearing is held without any changes then the fourth and final hearing can be held to adopt the resolution. He stated that the City must come back before June 18 with a Resolution of Intent.

Additionally, Mr. Wullbrandt indicated that if any changes are made at the third meeting, then they must give another 7 days before proceeding to the final hearing; Mayor Pro Tem Clarke commented that this is legal extortion as this attorney has been doing this in many cities in California; that many cities lost their suits already so this in essence will force Solvang to start this 90-day deadline process or they could face a million dollar or more lawsuit; commented that the City of Buellton received this letter in 2017 and planned on doing this after the 2020 Census. Council Member Johnson inquired about bringing this Resolution back in June.

Mayor Toussaint opened public comment at 10:33 p.m.

There were no public comments.

Mayor Toussaint closed public comment at 10:33 p.m.

Motion made by Mayor Toussaint to direct staff to prepare a resolution of intent to change to by-district electoral system prior to the June 18th meeting, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 4-0-1 (with Council Member Djernaes abstaining)

8. 2020-22 PRELIMINARY FINANCIAL PLAN

Staff recommends that the City Council receive and discuss 2020-21 Preliminary Financial Plan including operating budget and Capital Improvement Program and provide staff with policy direction to develop final recommended budget for adoption in June 2020.

Note: Comments from Ellen Albertoni, Director of the Solvang Senior Center were entertained by the Council out of order during the discussion on item No. 4 and ahead of discussion of item 8 due to time constraint issues.

Ms. Albertoni updated the Council on the funding that the City provides to the Senior Center; stated that she is asking for support for the over 500 members the majority of whom reside in Solvang; spoke about their partnerships with other non-profits and services that they provide for seniors; asked the City to consider funding \$50,000 which is in an increase from last year. Ms. Albertoni answered Council's questions.

City Manager Xenia Bradford presented the staff report regarding the report on the 2020-22 Preliminary Financial Plan; discussed converting to a two year plan and blending the operating budget; stated that due to COVID-19 everything is in flux; noted that the process today is more fluid but the forecast is a guess as best.

The Council engaged in a substantive discussion relative to elements of the budget with City Manager Xenia Bradford answering specific questions from the Council; she indicated that the recommendation thus far is to maintain a focus on providing essential services, COVID-19 response, economic development, investment in key infrastructure, financial policies that provide continue need to hold reserves for other non-COVID-19 emergencies, long-term financial health, development of economic strategies, and full cost recovery for non-essential services.

Council directed staff to continue addressing COVID-19; providing support to residents and food distributions; supporting businesses, establishing loan and grant programs; seeking out regional opportunities for services; partnering with other jurisdictions to take advantage of economies of scale; continuing to address CalPERS pension costs and OPEB retiree health costs.

Mayor Toussaint opened public comments at 12:18 p.m.

There were no public comments.

Mayor Toussaint closed public comment at 12:18 p.m.

Upon Council's consensus, it was suggested June 6th as the date for the next meeting for the next budget discussion as that would allow for public response and comments, without objection, it was so ordered.

No formal motion made for this item.

9. AB1234 REPORT OUT, COUNCIL COMMENTS AND REQUESTS

There were no AB1234 reports to announce. Mayor Toussaint thanked everyone for their hard work and commented that he understands the issue of meetings running late but the Council is committed to serving the public.

10. Mayor Toussaint adjourned the meeting at 12:20 a.m.

Minutes Prepared by:

DocuSigned by:

Daryl Betancur

DARYL A. BETANCUR, MMC

Deputy 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.