



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

---

Council Chambers  
1644 Oak Street  
Solvang, CA 93463

September 9, 2019  
Wednesday  
6:30 p.m.

---

**REGULAR MEETING 6:30 PM**

**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, Interim City Attorney; Tom Widroe, Special City Auditor; Matt van der Linden, Public Works Director/City Engineer; Kady Fleckenstein, Public Information Officer, Lisa Martin, City Clerk

**PLEDGE OF ALLEGIANCE**

Led by Mayor Pro Tem Clarke.

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

Ed Skytt, Solvang Resident

- Asked whether Council has made arrangements for an Interim City Manager

**2. CITY MANAGERS REPORT & ADVANCE CALENDAR - None**

Informational Report and Calendar – No Action

**3. SPECIAL CITY AUDITOR'S REPORT**

Informational Report – No Action

Special City Auditor Tom Widroe provided a brief informational report.

**4. CONSENT AGENDA**

- a. Approval of Agenda as Presented
- b. Approval of Warrant Register/Expenditures Report for August 2019
- c. Approval of Draft Minutes of the June 07, June 17, and July 23, 2019 Special Meetings and the June 22, 2019 City Council Goal-Setting Work Session
- d. Review and Approval of draft Social Media Policy  
Approve the draft Social Media Policy and begin utilizing key social media sites such as Facebook, Instagram, and Twitter to improve City communications with the public

- e. Contract Amendment with Rafael Ruiz for Expanded Janitorial Services  
Approve Amendment No. 1 with Rafael Ruiz Cleaning for expanded custodial services; authorize the City Manager to execute the amendment; approve the budget adjustment to fund the expanded services; and direct staff regarding any adjustments to the Veterans Memorial Building rental fees

Council Member Djernaes pulled Item 4b from the Consent Agenda for separate discussion and action.

*Motion made by Council Member Waite to approve the Consent Agenda, except for Item No. 4b which was pulled for separate discussion and action, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

- b. Approval of Warrant Register/Expenditures Report for August 2019

Council Member Djernaes referenced a payment for Jeffrey Johnson for investigative services and asked for an explanation and a copy of the contract.

Administrative Services Director Xenia Bradford reported the expense was for an internal personnel matter.

Council Members Djernaes and Johnson requested copies of the contract.

*Motion made by Council Member Djernaes to approve Item No. 4b, as presented, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

## **COUNCIL GOALS AGENDA**

### **5. COUNCIL GOALS – ACTION PLAN**

Mayor Toussaint suggested tabling this item to an upcoming Council meeting.

Mayor Toussaint opened and closed public comments at 7:07 p.m.

**CONSENSUS:** Direct staff to table Item No. 5 to a future Council meeting.

### **6. WASTEWATER TREATMENT PLANT DIRECTION**

Administrative Services Director Bradford presented details of the staff report.

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

*Motion made by Mayor Toussaint to authorize staff to proceed with the engineering design and return to Council with a supplemental budget appropriation and continue on with prior direction regarding rate model studies, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

### **7. DISCUSSION AND DIRECTION FOR FURTHER AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH KADYDID CONSULTING**

Public Information Officer (PIO) Kady Fleckenstein presented details of the staff report.

Mayor Toussaint opened and closed public comments at 7:26 p.m.

*Motion made by Council Member Waite to accept PIO Fleckenstein's suggested changes to the Kadydid Consulting contract, as revised and discussed to clarify she will report to the Mayor and City Council, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.*

**REGULAR BUSINESS AGENDA**

**8. SOLVANG TROLLEY LICENSE RENEWAL**

City Clerk Lisa Martin read title to the item and reported staff is requesting that this item be continued to the City Council meeting of September 23, 2019.

**CONSENSUS:** To continue the Solvang Trolley License Renewal to the City Council meeting of September 23, 2019.

**9. MONTEREY BAY COMMUNITY POWER – ADOPTION OF ORDINANCE ENACTING THE COMMUNITY CHOICE ENERGY PROGRAM**

Mark Hadano, Public Engagement Associate, MBCP, provided a report and displayed a PowerPoint presentation.

Mayor Toussaint opened public comments at 8:27 p.m.

Michael Chiacos, Community Environmental Council

- Spoke in support of the item
- Urged Council to approve the agreement
- Suggested Solvang residents like to have a choice in providers

Mayor Toussaint closed public comments at 8:28 p.m.

*Motion made by Mayor Toussaint to introduce for first reading, by title only, Ordinance No. 19-0340, authorizing the implementation of a community choice aggregation program by participating in Monterey Bay Community Power Authority's community choice energy program; and adopt Resolution No. 19-0340, requesting membership in the Monterey Bay Community Power (MBCP) joint powers authority; and authorizing the Mayor to execute the joint powers authority agreement, seconded by Council Member Waite, and carried with a roll call vote of 4-1, with Mayor Pro Tem Clarke, opposed.*

**10. VISITOR CENTER NEGOTIATIONS WITH BRENDA K. BALL / CREATIVE VISUAL SOLUTIONS**

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

Mayor Toussaint opened public comments at 8:34 p.m.

Brenda Ball, Creative Visual Solutions

- Discussed her experience in Solvang and in event marketing
- Provided an update of the Solvang Visiting Center activities and statistics
- Presented ideas for the future of the Center

Mayor Toussaint closed public comments at 8:47 p.m.

*Motion made by Mayor Toussaint to approve a contract with Brenda K. Ball, doing business as Creative Visual Solutions, for operation of the Solvang Visitor Center and related promotional services; authorize the Interim City Attorney and Council Member Johnson to make final negotiations with Brenda K. Ball for the Visitor Center contract and to continue negotiations for possible additional promotional services; authorize the Mayor to execute a contract with Brenda K. Ball in substantial conformity with the attached agreement; and ratify payment for urgency services for operations of Visitor Center from September 1 – 7, 2019, as revised to indicate the compensation amount, not to exceed \$10,000 per month, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 4-1, with Council Member Waite, opposed.*

#### RECESS/RECONVENE

Mayor Toussaint called for a recess at 8:55 p.m. The City Council reconvened at 9:10 p.m. with all Council Members, present.

Interim City Attorney Wullbrandt reported he understood there had been a designation relative to who takes over the City Manager responsibilities in the absence of the City Manager and learned no such designation had occurred. He announced the need to add an urgency item to the agenda for someone to serve in that capacity until Council has had additional time to fill the position and addressed the necessary actions.

*Motion made by Mayor Toussaint to add an urgency item to the agenda to designate City Manager responsibilities in the absence of a City Manager until the position is formally filled, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.*

#### URGENCY ITEM

#### CONSIDER DESIGNATION OF AN ACTING CITY MANAGER IN THE ABSENCE OF A CITY MANAGER UNTIL SUCH TIME AS THE POSITION IS FORMALLY FILLED

Mayor Toussaint opened public comments at 9:13 p.m.

Ed Skytt, Solvang Resident.

- Spoke in support of designating Public Works Director/City Engineer Matt van der Linden as the Interim City Manager

Mayor Toussaint closed public comments at 9:14 p.m.

*Motion made by Council Member Waite to offer first right of refusal for the Acting City Manager position to Public Works Director/City Engineer Matt van der Linden until the position is formally filled, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 4-1, with Council Member Johnson, opposed.*

*Motion made by Council Member Djernaes to designate Administrative Services Director Xenia Bradford as the Acting City Manager, upon refusal by Public Works Director/City Engineer van der Linden, until the position is formally filled, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 5-0.*

Interim City Attorney Wullbrandt reported he did not previously name the majority Members of Council who asked the City Manager for his resignation and noted they included Mayor Toussaint and Council Members Johnson and Djernaes.

**11. DISCUSSION OF STATUS OF FORMER SOLVANG CONFERENCE AND VISITORS  
BUREAU RELATED SERVICES AND DIRECTION**

Mayor Toussaint announced a potential conflict of interest, recused himself from hearing the item and left the Chambers.

Interim City Attorney Wullbrandt presented details of the staff report.

Mayor Pro Tem Clarke opened and closed public comments at 9:17 p.m.

*Motion made by Council Member Djernaes to authorize the Interim City Attorney and Council Member Johnson to negotiate with SCVB and arrange for the City of Solvang to continue having Solvang as the back cover of the Annual Visitor Guide for an amount not to exceed \$4,500, seconded by Council Member Johnson, and carried with a roll call vote of 4-0, with Mayor Toussaint, absent (recused).*

Mayor Toussaint returned to the Chambers and took his place on the dais.

Interim City Attorney Wullbrandt continued with the presentation of the staff report.

Mayor Toussaint opened and closed public comments at 9:30 p.m.

*Motion made by Council Member Waite to authorize the Interim City Attorney and Council Member Johnson to work with PIO Fleckenstein to issue an RFP for Julefest management services, seconded by Mayor Toussaint, and carried with a roll call vote of 5-0.*

*Motion made by Mayor Toussaint to authorize the Interim City Attorney to pursue asset recovery with SCVB, seconded by Council Member Johnson, and carried with a roll call vote of 4-1, with Council Member Waite, opposed.*

**12. PROPOSED NEW SPECIAL EVENT – CTS FIGUEROA MOUNTAIN GRAN FONDO**

Kirk Nordgren, CTS Figueroa Mountain Gran Fondo, reported working with staff in planning the event and provided information regarding traffic control plan options including street closures and fencing.

Mayor Toussaint opened public comments at 9:51 p.m.

Unknown speaker

- Expressed concerns Saturday events hurt businesses in Solvang

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

*Motion made by Council Member Waite to approve traffic control option A, authorize road closures and closure of Solvang Park for a new special event, the Gran Fondo; approve Sponsorship Agreement and authorize an increase in the General Fund Tourism budget in the amount of \$25,000, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.*

*Motion made by Mayor Toussaint to continue with the meeting beyond 10:00 p.m., seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.*

**13. REQUEST FOR SPONSORSHIP – WINE COUNTRY RODEO**

Council Member Waite and Council Member Djernaes declared potential conflict of interests, recused themselves from hearing this item and departed the Chambers.

Kevin Murphy, Santa Ynez Valley Western Heritage Foundation, presented a brief report regarding Santa Ynez Valley Wine Country Rodeo.

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

Ed Skytt, Solvang Resident

- Spoke in support of the City sponsoring the event for \$25,000

Mayor Toussaint opened public comments at 10:11 p.m.

*Motion made by Mayor Pro Tem Clarke to sponsor the Santa Ynez Valley Wine Country Rodeo for \$10,000 this year, and work with them in subsequent years to grow the event, seconded by Mayor Toussaint, and carried with a roll call vote of 2-1, with Council Member Johnson, opposed and Council Members Djernaes and Waite, absent (recused).*

Council Member Waite and Council Member Djernaes returned to the Chambers and took their places on the dais.

**14. SET HEARING DATE FOR APPEALS OF MEDICAL CANNABIS DISPENSARY APPLICANTS FRISTADEN WELLNESS AND ELEMENTAL WELLNESS**

Council Member Waite and Council Member Djernaes returned to the Chambers and took their places on the dais.

City Clerk Lisa Martin presented details of the staff report.

Mayor Toussaint opened and closed public comments at 10:14 p.m.

*Motion made by Mayor Toussaint to set the new date of October 14, 2019 to hear the appeals of Fristaden Wellness and Elemental Wellness on the rejection of their Medical Cannabis Dispensary applications, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.*

**15. CITY ATTORNEY SERVICE PROPOSAL DISCUSSION AND DIRECTION**

Council Member Djernaes, a Member of the Ad-Hoc Committee, reported meeting with David Gassaway to discuss that Price, Postel and Parma were the best fit for the City Council; commented positively on the work of Interim City Attorney Wullbrandt and recommended moving forward with hiring Price, Postel and Parma.

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

Ed Skytt, Solvang Resident

- Asked regarding the experience of Price, Postel and Parma in municipal law
- Questioned legal charges invoiced by the Interim City Attorney for the last three months

Mayor Toussaint closed public comments at 10:21 p.m.

*Motion made by Council Member Djernaes to hire Price, Postel & Parma as the permanent Legal Counsel for the City of Solvang, seconded by Council Member Waite, and carried with a roll call vote of 5-0.*

**16. REQUEST FOR PROPOSALS – ANALYSIS AND STRATEGIES TO ADDRESS THE CITY’S UNFUNDED LIABILITIES AND DEVELOP ALTERNATIVES FOR PENSION AND OTHER POST-EMPLOYMENT BENEFITS**

Administrative Services Director Bradford presented details of the staff report.

Mayor Toussaint opened and closed public comments at 10:30 p.m.

*Motion made by Mayor Toussaint to direct staff to work with the Special City Auditor to reissue the RFP to potentially solicit additional proposals to prepare an independent actuarial analysis for the CalPERS and OPEB plans; and to develop a policy and a funding strategy to payoff unfunded liabilities and to minimize the risk of future unfunded liabilities, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.*

**17. COUNCIL MEMBER AB1234 AND COMMITTEE REPORTS**

- Santa Barbara County Association of Governments
- Air Pollution Control Board
- Joint Wastewater Committee
- Chumash Ad Hoc Committee
- Library Ad Hoc Committee
- EMA Groundwater Sustainability Agency
- Water Ad Hoc Committee
- Economic Development Ad Hoc Committee
- Destination Marketing Ad Hoc Committee

**CONSENSUS:** Table this item to the next regularly scheduled City Council meeting.

**18. COUNCIL COMMENTS AND REQUESTS**

**CONSENSUS:** Table this item to the next regularly scheduled City Council meeting.

**19. ADJOURNMENT** Mayor Toussaint adjourned the meeting at 10:38 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.