



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

Council Chambers
1644 Oak Street
Solvang, CA 93463

September 23, 2019
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, 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 and Lisa Martin, City Clerk

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Clarke.

1. PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL

Torbin Neilson, Danish Citizen

- Explained his visit to Solvang to enjoy Danish Days
- Discussed bicycling in Denmark
- Spoke in support of cycling and increasing bicycle infrastructure in Solvang

Michael Baker, CEO, United Boys and Girls Club

- Provided an update on their program at Solvang Elementary School
- Encouraged participation in the program

Andreas Piper, Solvang Resident

- Expressed concerns with language deleted from the agenda relative to Consent Calendar items on the September 23, 2019 and the September 9, 2019 City Council meeting agendas
- Opined that by deleting the statement Council is placing artificial restraints on the public's right to comment
- Encouraged Council to issue an RFP for a PIO at the end of the current PIOs contract
- Discussed fiscal responsibility and requested a detailed financial report, at a future Council meeting, highlighting City Attorney costs for Fiscal Year 2019/2020, how they compare to the same costs over the past three or four years and how much is left in the budget

Nick DiCroce, We Watch

- Referenced his letter to the City recommending it opt out of the Delta Conveyance Project

- Reported it is too expensive and there are numerous lesser-cost alternatives for future water supply
- Discussed lesser-cost ways of mitigating sea-level rise, earthquake risks and water quality issues
- Asserted the DWS water reliability estimates are questionable
- Noted project will continue to aggravate endangered species and habitat conditions
- Indicated it will hurt agriculture and recreational economies
- Offered to help the City in this matter

Sabine Ovesen

- Shared the Danish custom of dancing around the Christmas Tree
- Suggested an event for the community and visitors to share carols, dance around the Christmas Tree and celebrate it as is the practice in Denmark

Ed Skytt, Solvang Resident

- Discussed the recent Danish Days events
- Commented on the history of Danish Days as founded by the Danish Days Foundation
- Noted it is an entirely voluntary organization
- Thanked the City for its support
- Expressed disappointment at the lack of participation in the event, by the City Council

Hank Humbert

- Commented positively on the recent Danish Days events
- Suggested working collaboratively with the high school to possible offer class credits to students bicycling to school
- Requested Council consider hiring a motorcycle Police Officer when it considers the next contract with the Sherriff's Department

2. EXECUTIVE, PIO REPORTS & ADVANCE CALENDAR

Administrative Services Director Xenia Bradford, Special City Auditor Tom Widroe and Public Information Officer Kady Fleckenstein gave informational reports.

In his report, Special City Auditor Widroe reported having executed a contract with Lanspeed to perform an assessment of the City's server and IT infrastructure and introduced Chris Chirgwin, CEO, of Lanspeed, who addressed his scope of services.

Brenda Ball, Representative from the Solvang Visitor Center gave an informational report on the Center's activities and statistics.

3. CONSENT AGENDA

- A. Approval of Agenda as Presented
- B. Approval of Draft Minutes of the July 8, 2019 and August 12, 2019 City Council Meetings
- C. Receive and File Sheriff's Department Report for August 2019
- D. Receive and File Public Information Officer's Julefest Request for Proposals Report
- E. Right-of-Way (ROW) Acquisition for the Fifth Street Sidewalk Project
 1. Approve and accept the ROW (purchase) Agreement and Grant Deed with Gregg and Kristy Jensen for the purchase of right-of-way along Fifth Street at 1506 Copenhagen Drive in the amount of \$53,800 plus closing costs; and authorize execution of the Agreement by the Acting City Manager; and

2. Approve and accept the ROW (purchase) Agreement and Grant Deed with the Jensen Family Trust for the purchase of right-of-way at 420 Fifth Street in the amount of \$51,300 plus closing costs; and authorize execution of the Agreement by the Acting City Manager.

Council Member Waite pulled Item 3A from the Consent Calendar for separate discussion and action.

Motion made by Council Member Djernaes to approve the consent agenda, except for Item No. 3A which was pulled from the Consent Calendar for separate discussion and action, seconded by Mayor Toussaint, and carried with a roll call vote of 5-0.

A. Approval of Agenda as Presented

Council Member Waite noted the Council Comments section is missing from the agenda and indicated she would like them added either after Public Communications or the Executive Reports sections.

Mayor Toussaint indicated it is listed under Item No. 11 in the agenda and Council acted previously to have them listed towards the end of the agenda.

Motion made by Mayor Toussaint to approve the meeting agenda (Item No. 3A), as presented, seconded by Council Member Djernaes, and carried with a roll call vote of 4-1, with Council Member Waite, opposed.

REGULAR BUSINESS AGENDA

4. TRAFFIC CALMING-SPEED HUMPS ON ELM AVENUE AND VIBORG ROAD

Public Works Director/City Engineer Matt van der Linden provided the staff report.

CONSENSUS: Direct staff to pursue options for Mission Drive circulation/traffic-calming improvements including funding.

Mayor Toussaint opened public comments at 7:49 p.m.

Eugene Boyle

- Opposed installing speed humps on Viborg Road
- Suggested posting signs indicating "Local Traffic Only" and "Local Deliveries Only"
- Recommended reducing the speed limit to 25 miles an hour and increasing random radar enforcement
- Requested Council consider a noise ordinance

Sharon Johnson

- Spoke in support of installing speed humps on Elm Avenue

Sabine Ovesen

- Recommended installing a buffer and a rumble strip on Choc Hill and widening the bicycle lane
- Suggested reducing the speed limit to 25 miles an hour

Scott Gold

- Expressed concerns with the number of vehicles driving on Viborg Road
- Suggested reducing the speed limit to 25 miles an hour and increasing traffic enforcement

Taylor Ting, via a written statement read by Mayor Toussaint

- Spoke in support of traffic initiatives along the Fredensborg Canyon and Viborg Road corridors

Hank Humbert

- Reiterated his request to Council to hire a motorcycle Police Officer to increase traffic enforcement

Mayor Toussaint closed public comments at 8:01 p.m.

Mayor Toussaint reopened public comments at 8:12 p.m.

Bill Rogers

- Spoke in support of increased traffic enforcement on Viborg Road by a motorcycle Police Officer

Mayor Toussaint closed public comments at 8:14 p.m.

Motion made by Council Member Waite to direct staff to schedule construction of the Solvang School Sidewalk Project (including sidewalk along Elm Avenue and all-way STOP and crosswalk improvements at Elm Ave and Fourth Place north) in FY 2021-22, and install speed humps on Elm Avenue after completion of the Sidewalk Project; and direct staff to proceed with traffic calming measures including shoulder striping and pavement markings on Viborg Road, approve the required Budget Adjustment and consider options for traffic-calming efforts (including the possibility of sharing a motorcycle Police Officer) with the City of Buellton, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.

5. SOLVANG TROLLEY LICENSE RENEWAL

Administrative Services Director Bradford presented the staff report.

Mayor Toussaint opened public comments at 8:19 p.m.

Andreas Piper

- Spoke in support of the Solvang Trolley License Renewal

Jenny Landon, Trolley Driver

- Spoke in support of the Solvang Trolley License Renewal
- Discussed the popularity of the Trolley

Hazel Mortensen

- Expressed concerns regarding the wellness of horses pulling the Trolley
- Reported the Trolley is licensed to pull a certain number of people and often it is overcrowded
- Suggested the owners pay a fine of \$200 when ignoring the rules
- Recommended a certified mechanic inspect the Trolley every four months
- Asserted the Trolley owner and his family have verbally abused her

Mayor Toussaint closed public comments at 8:26 p.m.

Interim City Attorney Chip Wullbrandt addressed the Municipal Code section related to this matter adding that it requires annual Council review because it is in the form of a franchise and the City allows it to use City streets to operate as a business. He noted the current license expired three months ago; urged Council to take some action at this time; reported the last Council renewed the license for two years, which is not allowed by the City's ordinance and suggested it would be good to amend the ordinance.

Mayor Toussaint reopened public comments at 8:33 p.m.

Claudia Orona, Solvang Trolleys

- Discussed the business history and operations
- Reported most of their horses were rescued
- Addressed providing shade and parking

Lorena Orona, Solvang Trolleys

- Noted her passion is to serve Solvang residents and tourists
- Indicated she dreams of having a horse-rescue organization
- Reported her family members have other jobs and they do not use the horses as a main source of income
- Displayed historical souvenirs of the Trolley

Mayor Toussaint closed public comments at 8:42 p.m.

***Motion** made by Council Member Djernaes to extend the Solvang Trolleys license until January 30, 2020 and direct staff to return with a report to Council with options relative to the operations of and licensing term for Solvang Trolleys. The motion **failed** for lack of a second.*

***Motion** made by Council Member Waite to renew the horse-drawn conveyance license and the motorized trolley tours license for Solvang Trolleys Company for the term of one year, seconded by Mayor Pro Tem Clarke.*

***Amended Motion** by Council Member Djernaes to extend the horse-drawn conveyance license and the motorized trolley tours license for Solvang Trolleys Company until June 30, 2020 and direct staff to return to Council with a report considering appropriate changes to the Municipal Code relative to extending the licensing period to two or more years and look into the business model with the possibility of enhancing the business. The amended motion was accepted by Council Member Waite and Mayor Pro Tem Clarke, **carried** with a roll call vote of 5-0.*

RECESS AND RECONVENE

Mayor Toussaint called for a recess at 9:02 p.m. The City Council reconvened at 9:10 p.m. with all Council Members, present.

6. APPROVAL OF NEW SPECIAL EVENT – FALL FESTIVAL

Administrative Services Director Bradford presented the staff report.

Council Member Djernaes declared a conflict of interest, recused himself from hearing the item and departed the Chambers.

Mayor Toussaint opened public comments at 9:12 p.m.

Andres, En Fuego Events

- Discussed details of the proposed special event
- Reported vendor fees will be waived for Solvang business owners
- Addressed street closures, security and maintenance and benefits to the community
- Provided a brief history of the company and prior events

Andreas Piper

- Spoke on the importance of tourism to the City of Solvang
- Expressed concerns regarding the funds requested and repayment of \$25,000
- Opined there is no substantiation of their data relative to their ROI
- Noted Council's comments at an earlier meeting in terms of not using public money to subsidize a private business
- Suggested the company could post a bond
- Urged Council to be good stewards of the people's money

(INSERT NAME), En Fuego Events

- Reported Solvang Brewing Company is donating beer for the beer garden
- Stressed their proposal will benefit the community and tourism

Mayor Toussaint closed public comments at 9:34 p.m.

Interim City Attorney Wullbrandt requested that a motion include authorization to execute the contract.

Motion made by Mayor Toussaint to approve the new special event by En Fuego Events to hold a Fall Festival event with music, beer garden, retail and food vendors, and a kids' zone, on November 16-17; authorize the Mayor to execute the agreement and for the City to provide \$50,000 in seed money subsequent to En Fuego Events completed the checklist of requirements, seconded by Mayor Pro Tem Clarke, and carried with a roll call vote of 4-1, with Council Member Djernaes, absent (recused).

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

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 5-0.

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

City Clerk Lisa Martin presented the staff report.

Mayor Toussaint opened and closed public comments at 9:44 p.m.

Motion made by Council Member Djernaes to adopt on second 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, seconded by Council

Member Johnson, and carried with a roll call vote of 4-1, with Mayor Pro Tem Clarke, opposed.

8. BOARD OF ARCHITECTURAL REVIEW VACANCY

City Clerk Lisa Martin presented the staff report.

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

William Rogers

- Commented on upholding the integrity of the BAR
- Suggested Members of the BAR should have a say in who is appointed

Mayor Toussaint closed public comments at 9:47 p.m.

Interim City Attorney Wullbrandt noted Council cannot delegate that the BAR appoint its own Members, they can only provide a recommendation.

Mayor Toussaint reopened public comments at 9:49 p.m.

William Rogers

- Noted the BAR has enough Members should Council desire to table the item to another meeting

Mayor Toussaint closed public comments at 9:49 p.m.

Motion made by Mayor Toussaint to table the item to the next City Council meeting and request the applicants attend. The motion failed for lack of a second.

Motion made by Council Member Waite to reopen the application process noting applicants should appear before Council in four weeks, seconded by Council Member Djernaes, and carried with a roll call vote of 5-0.

9. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE VOTING DELEGATE

City Clerk Lisa Martin presented the staff report.

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

Motion made by Mayor Toussaint to keep Mayor Pro Tem Clarke as the designated Voting Delegate for the League of California Cities Annual Business Meeting, seconded by Council Member Waite, and carried with a roll call vote of 5-0.

10. REVIEW OF CITY COUNCIL SUBCOMMITTEES

Administrative Services Director Bradford presented the staff report.

Interim City Attorney Wullbrandt recommended current Committees be treated as Standing Committees, subject to the Brown Act and that they be advisory only, consisting only of Council Members, being less than a quorum, they cannot have continuing subject matter jurisdiction and cannot meet on a fixed schedule, set by Council. He added that if an Ad Hoc Committee's role continues beyond its original purpose or term,

it must be disbanded and reformed or turn it into a Standing Committee. He suggested disbanding them all and when Council has a need for creating a Committee Council give it a clear role, have it be a Standing Committee and have it comply with the Brown Act.

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

Motion made by Mayor Toussaint to disband all City of Solvang established Subcommittees, seconded by Council Member Johnson, and carried with a roll call vote of 5-0.

11. AB 1234 REPORT OUT, COUNCIL COMMENTS AND REQUESTS

Council Member Waite reported attending the Santa Inez Valley Wine Country Rodeo, Danish Days and commented on her volunteer efforts and Council Member presence at Danish Days.

Council Member Djernaes reported attending Danish Days, reported he and Council Member Johnson met with the Danish Days Foundation offering to volunteer but they chose not to include them. He commented on the popularity of the Solvang Visitors Center and commended Brenda Ball for her work. He asked that staff consider options for clearing the trail next to the Alamo Pintado Creek so that it can be used by residents and visitors and return to Council with a report.

Mayor Pro Tem Clarke reported attending Danish Days and asked about the traffic light at Skytt Mesa. Mayor Toussaint stated it is controlled by Caltrans and reported there is a process for Solvang to take over the liability. He suggested petitioning Caltrans.

Council Member Johnson reported attending Danish Days and asked whether the City of Solvang was well-represented at the Santa Inez Valley Wine Country Rodeo. Council Member Waite reported there were two banners from Solvang and the City was well-represented.

Mayor Toussaint commented positively on the Danish Days event and the Solvang Visitors Center grand opening, reported provided a brief update on a recent Mayors and City Managers meeting where the idea of Open Streets 2020 in Buellton was discussed. He requested the item be placed on Council's Advance Calendar to consider the possibility of Solvang hosting the event on a rotational basis.

Council Member Djernaes expressed his appreciation to Administrative Services Director Bradford and Special City Auditor Widroe for their work in organizing the Planning Department so the City can move forward.

12. ADJOURNMENT Mayor Toussaint adjourned the meeting at 10:14 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.