

City Council

Mayor Patrick Slayter
Vice Mayor Neysa Hinton
Una Glass
Sarah Glade Gurney
Diana Rich



City of Sebastopol

Agenda Item Number: 3

City Manager

Larry McLaughlin

lmclaughlin@Cityofsebastopol.org

Assistant City Manager/City Clerk, MMC

Mary Gourley

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CITY COUNCIL MEETING MINUTES
MINUTES FOR Meeting of May 3, 2022

As Approved by the City Council at their regular meeting of May 17, 2022

The City Council Regular meeting will be held via teleconference pursuant to AB 361. Pursuant to AB 361 (2021), Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting. The City of Sebastopol City Council meeting will not be physically open to the public and all City Council Members will be teleconferencing into the meeting via Zoom.

Please note that minutes are not meant to be verbatim minutes and are meant to be the City's record of Actions Taken (Approved Motion of Agenda Item(s)).

6:00 pm Convene City Council Meeting - Meeting Start Time (ZOOM VIRTUAL FORMAT)

CALL TO ORDER: Mayor Slayter called the regular meeting to order at 6:01pm.

ROLL CALL:

Present: Mayor Patrick Slayter – By video teleconference
Vice Mayor Neysa Hinton – By video teleconference
Councilmember Una Glass – By video teleconference
Councilmember Sarah Gurney – By video teleconference
Councilmember Diana Gardner Rich - By video teleconference

Absent: None

Staff: City Manager/City Attorney Larry McLaughlin
Assistant City Manager/City Clerk Mary Gourley
Administrative Services Director Ana Kwong
Engineering Consultant Toni Bertolero, GHD
City Engineer Mario Landeros, GHD
Fire Chief Bill Braga
Planning Director Kari Svanstrom
Police Chief Kevin Kilgore
Public Works Superintendent Dante Del Prete

COUNCIL PROTOCOLS FOR MEETING:

City staff read the protocols for the meeting.

- This meeting is being conducted utilizing virtual settings for teleconferencing and electronic means consistent with State of California Executive Orders regarding the COVID 19 pandemic and AB 361.
- Live stream and zoom are being utilized for this meeting. In case of technical issues, meetings will be uploaded to the City web site as soon as possible after this meeting.

Agenda Item Number:3

City Council Meeting Packet of: May 17, 2022

7120 Bodega Avenue, Sebastopol, California 95472

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- Members of the public may view and listen to the meeting by use of Zoom and Live Stream as noted on the City's website and as noted on the agenda.
- Members of the public wishing to speak to the City Council may do so during public comment or may comment on agenda items during the discussion of each item and must be logged into Zoom. Live Stream is a viewing only format.
- Anyone using abusive, vulgar, offensive, threatening, or harassing language, personal attacks of any kind or offensive terms that target specific individuals or groups will be muted and removed from the meeting.

SALUTE TO THE FLAG: Mayor Slayter led the Salute to the Flag.

Request for Addition of Urgency Item.

Mayor Slayter commented as follows:

- It has come to the attention of the Council at the Zero Waste Committee Meeting today that May 1st-7th is International Compost Awareness Week and it is requested that a Proclamation be added to this meeting as it came to the Council's attention after the posting of the agenda.
- Given our Climate Action Committee's interest in compost and recent successful give-away events, it seems like it would be a good action to take for our community.
- Addition of an urgency item would require a 4/5ths approval.

Councilmember Gurney commented as follows:

- I learned yesterday that this week is International Compost Week, and have asked the Council to place that proclamation on tonight's agenda.
- There is a process to do this, and perhaps you will lead that.

Mayor Slayter commented as follows:

- That is the item that is being proposed
- It would need to receive a 4/5 vote to add to the agenda
- If added it will go at the end of the proclamations following the public weeks item.

Mayor Slayter opened for public comment. There was none.

MOTION:

Councilmember Gurney moved and Councilmember Rich seconded the motion to approve addition of an agenda item for a Proclamation for May 1st-7th International Compost Awareness Week and it is requested that a Proclamation be added to this meeting as it came to the Council's attention after the posting of the agenda.

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter

Noes: None

Absent: None

Abstain: None

City Council Action: Approved addition of an agenda item for a Proclamation for May 1st-7th International Compost Awareness Week and it is requested that a Proclamation be added to this meeting as it came to the Council's attention after the posting of the agenda.

Minute Order Number: 2022-149

PROCLAMATIONS/PRESENTATIONS: The following were presented:

- Proclamation of the City of Sebastopol, State of California, Recognizing May 2022 as Building Safety Month
- Proclamation - May 2022 as Lyme Awareness Month
- Proclamation – May 2022 as Drowning Prevention Month
- Proclamation supporting Bike to School Day on May 4, 2022
Proclamation of the City of Sebastopol, State of California, Recognizing May 1-7, 2022 as Municipal Clerk’s Week
- Proclamation – National Police Week May 15-21, 2022
- Proclamation of the City of Sebastopol, State of California, Recognizing May 15-21, 2022 Public Works Week
- Proclamation - International Compost Awareness Week May 1 -7, 2022

Reference Order Number: 2022-150

PLEASE NOTE:

- Public Comment on all items listed on the agenda will be limited to two minutes, per person, per item.
- The Public Comment Portion of the Agenda will allow for 20 minutes at the beginning of the meeting and public comment not heard during those 20 minutes will continue at the end of the agenda, following the last calendared item and before Reports.

Council welcomes and encourages additional comments via email. Public Comment Emails can be sent to: CityCouncil@Cityofsebastopol.org

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA :

During General Public Comment, the public is invited to make comments on items of public interest that are within the City Council’s subject matter jurisdiction and that are not listed on the current agenda.

Speakers are allowed to speak for a maximum of three minutes so that all speakers have an opportunity to address the City Council.

Power point or visual presentations for public comment shall not be permitted unless approved by the Agenda Review Committee two weeks prior to the requested meeting date.

Speakers may not "yield" a portion of their allotted time to others.

The Mayor has the authority to limit or extend the time allowed for speakers dependent on the number of speakers in attendance.

The Mayor can poll the members of the public for an indication of the number of people wishing to speak, then call on individuals to speak.

It is the goal of the Council to conclude the public comments portion of the agenda within 20 minutes. If the public comment period exceeds twenty minutes, the presiding officer, typically the Mayor, reserves the right to reduce the time per speaker or carry over public comments to after all business items are completed.

The City Clerk will monitor the time for public comments and inform the speakers when the time limitation has been reached.

The Mayor could survey the members of the public, as appropriate, to move agenda items up or back to address the members of the public items of concern.

Public participation is encouraged on all public agenda items.

Council and staff will treat participants and each other with courtesy. Derogatory or sarcastic comments are inappropriate.

The public will likewise be encouraged by the Mayor to maintain meeting decorum.

In Council meetings when citizens are agitated, the Mayor may call a short recess to calm the situation.

If a member of the public is unable to attend the Council meeting, written communications may be sent to the City Clerk by e-mail or by regular mail. Communications received after distribution of the agenda packet will be made available to the Council at/or as soon after the meeting.

Eris Weaver commented as follows:

- Thank you for the proclamation about our Bike to School day tomorrow.
- As usual we have a lot of activities going on and Sebastopol has always been a great supporter of bike month.

- Two of these events that are happening in Sebastopol, Bike to Workday is May 20, which is a Friday, and there will be an energizer station that Friday morning at community market in the Barlow.
- Stop on by there to get your goodies.
- While we have a lot of events that promote cycling and that are fun, we also have one event that kind of looks at the other side, the international ride of silence is on May 18.
- That is a silent ride to memorialize cyclists who have been killed on our streets.
- Since the last cyclist who was killed in Sonoma County met his demise on High School Road, we will be doing one of our routes beginning at the plaza and making a circle and going past the site of that crash that happened last May.
- All of this can be found on our website.

Royelyn Wooten commented as follows:

- I'm totally opposed to the Woodmark building.
- It is across from the street from where I live.
- I do live in Sebastopol, and I am totally opposed to the installation of the water meters in Sebastopol and that they should be returned to the company.

Angela Ford commented as follows:

- In recent years, the EMF Safety Network has supported the City Council and staff with its diligent inquiry and factual research related to EMFs. We have submitted numerous "Public Records Acts" requests related to the City's proposed rollout of 3,000 "smart" EMF-emitting water meters throughout the City.
- Tonight, we are submitting two new PRA requests to the City as follows: Please provide any and all of the following records:
- Records that show Syserco's smart water meters benefit the environment.
- Records regarding the contract with Syserco that explain the meaning of "turnkey project".
- In addition we are resubmitting the requests to which the City has not yet responded – among them:
- Records of overall performance, leak problems, and repair cost records for the 2021 test of 56 "smart" water meters.
- Records pertaining to privacy agreements, data usage and the law related to the smart water meters, including third party access to customer's data.
- Records about which telecommunication company/corporation would provide the cellular infrastructure used to relay the smart water meter data.
- Records that support the City staff determination that Telecommunications Ordinance 1123 does not apply to the smart water meters.
- Records showing the REASONS smart water meter installation was deemed to be exempt from CEQA (California Environmental Quality Act) by City staff.
- Records showing and or explaining the capabilities of the two way radio of the smart water meter - including but not limited to - remote shut off, troubleshooting, fining or rationing.
- Records of City staff, Council discussion, or City communication with Syserco on water meter performance reviews related to the City's total water savings.
- Records of City staff, Council discussion, or City communication with PG&E regarding the smart water meters.

Patty Hiller commented as follows:

- I'd like to speak specifically about the Woodmark.
- I wonder if everybody knows that Burbank Heights and Orchards is the largest housing area in Sebastopol.

- Now the City is looking at putting the second largest housing development in Sebastopol right across the street
- We'll have the larger ones facing each other.
- I also am totally against smart meters.

Martha commented as follows:

- I want to just echo that the water meter project, the smart project, is not smart.
- I'm afraid jamming this project down our throat will not end well.
- I commend the profile on the newest work of Professor Snell, how the world really works, how he got here and where we're going, guiding us to find middle ground solutions, fewer absolute, and most important taking a very long view ahead for our health and the safety of our planet.
- We need climate catastrophe help clearly, and we also know not to punish ourselves, our children which is what this would do.
- We don't want you to say in a few years, why did we not look into these water meters without looking to what we were getting.
- Just cancel that part of the contract, send those meters back.
- They are not right for our town.
- These meters with part of the internet of things.
- Higher frequencies are said to be necessary.
- People are writing about 5G concerns
- Do you know on page 12 between the contract, it's referred to as a turn key project, and the definition of turn key project is the type of project would we not want
- It is a build to order project. This means ultimately out of your control

Omar Figueroa commented as follows:

- I want to speak on an item that was not on their agenda.
- It's going to abandon the precedent of Roe versus Wade
- I would like to support the women's right to choose, and it's something that if I know and needs to happen quirk, but I hope it does happen
- I hope the Council would support a resolution, even if symbolic

Linda Berg commented as follows:

- It always heartens me so much and makes me so happy to hear these comments
- We are the arbiter of our environment whether we want it or not.
- Discussed smart water meters. Discussed Syserco
- Stated the water meters are not recyclable.
- Discussed the City putting a stamp of approval on the scam of these issues
- It just goes to show why it's important to tell people the truth rather than be lied to.
- Let's continue to organize and prevent this thing from happening.

STATEMENTS OF CONFLICTS OF INTEREST: Conflicts of interest may arise in situations where a public official deliberating towards a decision, has an actual or potential financial interest in the matter before the Council. In accordance with state law, an actual conflict of interest is one that would be to the private financial benefit of a public official, a relative or a business with which the Councilmember is associated. A potential conflict of interest is one that could be to the private financial benefit of a Councilmember, a relative or a business with which the Councilmember is associated. A Councilmember must publicly announce potential and actual conflicts of interest, and, in the case of actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue and must remove themselves from the dais.

There were no statements of conflict of interest.

CONSENT CALENDAR: The consent agenda consists of items that are routine in nature and do not require additional discussion by the City Council or have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council requests that the item be taken off the consent calendar.

The Mayor will read the consent calendar items; ask if a Councilmember wishes to remove one or more items from the consent calendar; and then open public comment to the members of the public in attendance. At this time, a member of the public may speak for up to three minutes on the entire consent calendar and request at that time that an agenda item or items be removed for discussion.

If an item or items are removed from the consent calendar, the item shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tem.

Councilmembers may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration and shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tem.

Mayor Slayter read the consent calendar.

Mayor Slayter opened for public comment on the consent calendar.

Kyle Falbo commented as follows:

- Tonight buried into the consent calendar is the unfortunately predictable conclusion of the City's attempt to criminalize poverty for both the use of an RV ban as well as modifying the existing 72 hour parking ordinance for all vehicles
- Laws of this nature indicate a lack of support and true understanding of vehicle dwellers
- Long time residents having being priced out of our City as a result of a failure to prioritize pedestrian centric high density low income housing growth within our urban core are forced to live in their vehicles on their City streets
- This proposed ordinance is a target attack on the City's residents who cannot afford the increasing rent price in one of the most expensive regions in the County
- Rather than giving police additional tools, when they opening admit to failing to enforce current available ordinances as a claim of leniency and claim of staffing
- As of yet the City has yet to provide a detailed financial audit of our police department as discussed with an agreement by Council nearly two years ago
- As Council swiftly approves this ordinance as listed tonight on the consent calendar and chooses to fund it under the estimated cost provided by the Police Chief in a prior meeting, this Council is indicating they are willing to spend more money in the enforcement of parking laws on our unhoused than they will be spending on mental health crisis intervention work as discussed previously in the police budget
- Additionally on the consent calendar is a request to grant police dispatch for an altering of the schedule to allow for 12 hour shifts
- Within this item is a described savings of approximately \$4,000, but what is also suggested within this request is the plan for police services to ask for a 6th dispatcher which as of yet has not been indicated within this item of the expected costs
- Hope that this plan to alter the dispatch schedule does not put the City into a position where they will need to continue to increase an unaudited police budget further
- A budget that costs more per capita than any other municipality within Sonoma County

Arthur George commented as follows:

- Speaking in support of agenda item 2
- Just speaking briefly in support of the public comment I submitted through the City Clerk earlier today to ask that they finalize number 2 to find there is a homeless emergency as said by other members of the committee.

- The committee has done a good job of alleviating conditions, but there is one that's really been placed in advance.
- Outreach search for a replacement site for Horizon Shine
- That will be in a critical element
- We must not assume the problem has been solved simply because it's not as visible
- Attention should be put on homeless services

Rick Geggie commented as follows:

- I want to support what Mr. George said, and I also want to report that my attempts to be in touch with Linda Hopkins have not been successful, and I certainly hope that other people are trying to get her to engage her in this problem.
- Because homeless people are not stationary. They have to keep moving.
- That means they're going to the County on a County property off back in Sebastopol, and I think that we can come up with something, collaboration between Sebastopol and West County will probably work.
- We have to learn how to use each other, and I particularly want to finally, in my last few moments, endorse the idea of let's help each other.
- I don't know if any of you remember the couple who were on a few meetings ago and they talked about being homeless, and how they had stopped being homeless because somebody took them in on their land and supported them and gave them a place to stay and gave them a help up.
- I think that's the direction we should all go, because Sebastopol is a kind place.
- I think the average IQ in Sebastopol is much higher than normal.
- Thank you very much for all your hard work.

Mayor Slayter asked if any Councilmember wanted to remove a consent calendar item. Councilmember Glass requested Item Number 6 be removed for a separate vote.

Mayor Slayter called for a motion.

MOTION:

Councilmember Glass moved and Gurney seconded the motion to approve Consent Calendar Item(s) Number(s) 1, 2, 3, 4, 5, 7 and 8. Item Number 6 was removed for a separate vote.

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter
Noes: None
Absent: None
Abstain: None

1. Approval of the April 19, 2022 City Council Meeting Minutes (Responsible Department: City Administration)

City Council Action: Approved April 19, 2022 City Council Meeting Minutes

Minute Order Number: 2022-151

2. Approval of Resolution Extending the City of Sebastopol City Council Proclamation of Existence of a Local Homeless Emergency (Responsible Department: City Administration)(Needs to be Extended Every 60 days).
 - a. First Proclaimed: November 30, 2022

- b. First Extension January 18, 2022
- c. Second Extension: March 15, 2022
- d. Third Extension Proposed: May 3, 2022

City Council Action: Approved Resolution Extending the City of Sebastopol City Council Proclamation of Existence of a Local Homeless Emergency

Minute Order Number: 2022-152
Resolution Number: 6424-2022

- 3. Authorize staff to apply for One Bay Area Grant (OBAG 3) for the Bodega Avenue Pavement Rehabilitation Project Phase 2 (Engineering/GHD)

City Council Action: Approved authorization to staff to apply for One Bay Area Grant (OBAG 3) for the Bodega Avenue Pavement Rehabilitation Project Phase 2

Minute Order Number: 2022-153

- 4. Approval Of A Professional Services Agreement With NHA|Advisors for Financial Advisory Services (Responsible Department: Administrative Services)

City Council Action: Approved Professional Services Agreement With NHA|Advisors for Financial Advisory Services

Minute Order Number: 2022-154
Resolution Number: 6425-2022

- 5. Approval of Resolution Declaring Weeds a Public Nuisance and Setting Date/time for Public Hearing (Responsible Department: Fire)

City Council Action: Approved Resolution Declaring Weeds a Public Nuisance and Setting Date/time for Public Hearing

Minute Order Number: 2022-155
Resolution Number: 6426-2022

- 6. Approval of Waiving of Second Reading and Adoption of Ordinance Number 1142, An Ordinance of the City of Sebastopol Amending Chapter 10.76 and Chapter 10.36 of the Sebastopol Municipal Code (Responsible Department: Police)

City Council Action:

Minute Order Number:

- 7. Approval of Annual Peace Wall Nominees (Responsible Department: Planning Department)

City Council Action: Approved Annual Peace Wall Nominees

Minute Order Number: 2022-157

- 8. Approval of Side Letter for Sebastopol Police Officers Association (SPOA) for 12 Hour Shifts for Dispatchers (Responsible Department: Police/RGS – Personnel Consultant)

City Council Action: Approved Side Letter for Sebastopol Police Officers Association (SPOA) for 12 Hour Shifts for Dispatchers

Minute Order Number: 2022-158
Resolution Number: 6427-2022

- 6. Approval of Waiving of Second Reading and Adoption of Ordinance Number 1142, An Ordinance of the City of Sebastopol Amending Chapter 10.76 and Chapter 10.36 of the Sebastopol Municipal Code (Responsible Department: Police)

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MOTION:

Mayor Slayter moved and Councilmember Rich seconded the motion to approve Consent Calendar Item(s) Number(s) 6.

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Gurney, Rich, Vice Mayor Hinton and Mayor Slayter

Noes: Councilmember Glass

Absent: None

Abstain: None

City Council Action: Approved Adoption of Ordinance Number 1142, An Ordinance of the City of Sebastopol Amending Chapter 10.76 and Chapter 10.36 of the Sebastopol Municipal Code (Parking Ordinance)

Minute Order Number: 2022-156

INFORMATIONAL ITEMS/PRESENTATIONS: *(Please Note: Although informational/presentations items are routinely informational in nature, some informational items may contain request for actions such as support, direction to staff, follow up, or receipt of item based on the presentation/information provided.)*

9. Presentation – Santa Rosa Plain Groundwater Sustainability Agency (GSA): Rate Study Update (Requestor: Mayor Slayter/GHD)

Mayor Slayter presented the agenda item.

Toni Bertolero introduced Andy Rodgers, Administrator, Santa Rosa Plain Groundwater Sustainability Agency (GSA), who made a presentation to the City Council.

Mayor Slayter asked for questions of presenter.

Councilmember Rich commented as follows:

- My question has to do with the per parcel rate that you were quoting in the rural area.
- You said \$18 to \$22 on the parcel bill, but then you gave us a different number.
- What is the amount for the property owners?
- How would we help our population understand that?

Mr. Rodgers commented as follows:

- If a resident is connecting to the City water supply, that is how they get their water and those were the charges associated to the City for that accumulated customer base.
- For folks that are just on a well but not connected to a system, those come to \$18.

Councilmember Rich commented as follows:

- Asked for City residents that are hooked up but don't have a well, they're not going to see something on their parcel account that make sense?
- What is the interplay with the Wilson Grove area which, I understand, is where we get our water and the description you've given us.
- I'm wondering if perhaps that's the explanation, we get our water from the Wilson water well, therefore we won't be receiving a property tax bill.
- Someone has to pay that 34,000, correct?

Mr. Rodgers commented as follows:

- Thank you for these questions.

- If somebody is hooked up to the Sebastopol water supply and they don't have a well, they're not going to be part of the property tax rules.
- If they are not connected to the City but do have a well, they would.
- They're using groundwater individually but it's not to the-water system.
- For the well, that's an adjacent geologic formation.
- You're correct, it's groundwater from the Wilson Grove formation.
- There was a time a few years back when the State was planning to name the local foundation to be Groundwater Sustainability Basin that needed to be another GSA.
- The decision was it was approved by the Department of Water resources to make it an administrative boundary change to include the City within the center of the groundwater basin, which did two things.
- It set it back to leverage helping to build the center of the plain, and all the work that's derived from it.
- A strategic move not have two GSAs in the plain.

Councilmember Glass commented as follows:

- I know this is incredibly complicated.
- Where we actually get our water with GSA and where we got it several years ago, we're plowing ahead.
- I'm wondering from reviewing your materials and what you talked about this evening, what you were addressing were the rates for rural residential well owners and well owners that live within the Sebastopol
- What you didn't actually talk about was how about agriculture and what the rates are.
- I'm extremely interested in what are the rates going to be in the suggested or the draft policy
- My second question is, has the GSA considered looking at rates so the classification is just agriculture
- To me there are different kinds of agriculture, there's cash crop agriculture and food agriculture.
- I personally want agriculture that grows food.
- I'm wondering if that has been looked at or thought about by the GSA.

Mr. Rodgers commented as follows:

- One of the benefits our basin has is we thought about this in 2018 and that's why agriculture is a really good part of our community, our culture, and we do care a great deal about our local farmers, and so they are definitely not only considered, they're organized by type of agriculture in the study, and that's been updated.
- The links I had at the end, which you can pull up a very detailed report from 2019 which shows their costs, their vineyards, livestock and a lot of categories that is the system was upgraded greatly in this update.
- There is a lot of the concern from the board as well.
- We want to make sure that it's not going to be an economic hardship, especially for small growers and farmers.
- I have our community presentation meetings from last week which goes to different agriculture rates depending on the different types of agriculture.
- Again, its ranges and the calculations that went into that.
- We're interested in input on all those things.

Councilmember Glass commented are they kind of in the same ballpark as we as a City are paying, or rural residential? Or are they marked as indifferent?

Mr. Rogers commented as follows:

- The way it works, and we have so many different kind of variations depending on what exactly we're talking about, but the acre rate is the same for everybody.
- It's about the amount estimated to be extracted based on the use.
- There is a rural residential number extraction which is calculated out in the \$18 range, and there is a coefficient added to a per-acre that calculates how much that is
- But also with the dairy farmers, so those things are all estimated usage.
- We have that information and, again, looking for more input on any of them.

Vice Mayor Hinton commented as follows:

- Discussed the budget
- Budget has gone up for the City off what we're currently paying.
- Could you go into that just specifically about why the City might be paying more for our participation in the GSA in the future?

Mr. Rodgers commented as follows:

- Coming up the end of June, the GSA would have been around now for five years.
- The first two years were paid for by the original member agencies and then participation by others, like Sebastopol
- Sebastopol came into the fold in 2019.
- What we had was two very large grants.
- We had over \$2 million in the State to develop the plan, do outreach and begin some implementation.
- Those grants are basically done this summer.
- What we can't do, energy efficiency, it's guaranteed we'll be getting that level of success.
- What we are confident about is 25% from grants. That doesn't mean we're going to stop at 25%.
- Our overall budget really isn't actually all that much more, it's just doing different things.
- We're not planning, we're implementing.
- The budget is a little bit more in total -- we knew we had a lot more grants coming up to this point.
- Going forward we're projecting we're going to have 25% of the budget from grants.
- The number I've seen could actually be a little higher if the grants at 25% go through or a little lower, which I assume might work similar to the Russian River watershed where you might give it as a kickback in the following year
- What we approve will not go higher. We can always go lower.
- If we don't get the grant, we're going to have to be making some hard decisions of what's not going to move forward.

Toni Bertolero commented as follows:

- What I wanted to clarify is the fact that the \$34,000 that the City of Sebastopol is proposed to pay under the rate study is actually covered under the City's water system.
- That means that it comes out of the City water fund.
- If you are a City water customer, you're in effect paying for that through your water rates.
- But you won't see anything separate in, say, your tax bill for that.
- However, if you also have a well in addition to being connected to City water, then you will see something on your tax bill.

Mayor Slayter commented as follows:

- Request the map be displayed for the Council on screen

- My purpose of bringing this map up is to attempt to describe the history of how we ended up in the center as a plain GSA shorthand.
- I'm not an expert but I think I understand where we are with this.
- So the City of Sebastopol's municipal wells draw water from the Wilson Grove formation. That's fact.
- That's where we get our municipal water from.
- However, due to largely State-driven rules that were designed as a one size fits all, including large agricultural areas far distant from us in the State, we were forced to either form our own GSA as the City of Sebastopol and have a Wilson Grove GSA with the City's water priority from low to medium, and when you hit medium, then you need a GSA.
- If you're low you don't need the threshold set by the State.
- We did a maneuver, because otherwise we would have needed to create our own GSA to the tune of about an equivalent budget figure annually, and we would have been the big dog in the game with a small number of municipal water suppliers with less than 100 customers.
- We did a maneuver with the State and we asked to have the boundary redrawn for the GSA that's known as the Santa Rosa Plain GSA to surround the City of Sebastopol to say we are part of that basin, but nothing has changed to where we actually get that water.
- It comes from the Wilson Grove formulation.
- That's where our drinking water taps into.
- It's a really unusual situation where we are members of the GSA, where the great bulk of our water does not actually, in reality, come from that basin.
- It's a very peculiar situation and it was really a matter of financial and bureaucratic shorthand that landed us where we are.

Vice Mayor Hinton commented as follows:

- That's a great explanation of how we got here in 2019.
- Questioned what GHD was saying is that in the water budget that our participation/membership in the GSA is basically passed on to our rate payers in the City of Sebastopol.
- It's going up a little the same way that the County, if you pull water out of the ground, has now assessed rates on property bills.
- Questioned if that is correct

Ms. Bertolero commented that is correct.

Vice Mayor Hinton commented as follows:

- When we joined in 2019, that's where it fell.
- I just wanted to clarify that and make sure that even though we're paying it that rate, it goes to our water bills.

Mayor Slayter opened for public comment.

Kyle Falbo commented as follows:

- In reality it seems that our cost is coming from our estimated usage, but surprisingly the City of Cotati is estimated at 2% usage, while Sebastopol with comparable land size is estimated at 6%.
- So I'm hoping for an explanation that Sebastopol's municipality, similar to Cotati, is using three times the amount and three times higher.
- It's actually more than three times higher which is interesting that their estimated cost of 2% and our estimated cost of 6% is significantly higher than the three times amount.

- Hopefully the Council caught that and they may be interested in why that might be the case and ask our representative here tonight about that.

Mayor Slayter responded to public comment as follows:

- That's something that we understand, and that is because the City of Sebastopol is relying upon municipal wells.
- We are not relying on Sonoma County Water or any other water supplier.
- We draw every single drop out of our municipal wells.

Toni Bertolero commented as follows:

- That is correct
- It's because the City of Cotati draws on Russian River Water, so that is not a groundwater supply, and that's the reason why they pay less total.
- They pay the same amount per acre foot as we do, but they use less acre feet of groundwater supply than the City of Sebastopol does.

City Council Discussion and/or Deliberations:

Councilmember Glass commented as follows:

- It's commented on by a member of the public and I'm pretty sure we are still in the state of we're not actually paying for water, because we heard a member of the public say how can we be paying for water.
- My understanding is we're not paying for water, we're paying for an agency to help us sustain our water based on how much we actually use, but we're not actually selling water.

Mr. Rodgers commented as follows:

- Yes, it's been described that way as we are managing the basin as a whole, and so, again, the milk shake with all the straws in it, our role is to make sure the milk shake cup stays full so folks, including the City, has resource available to it.
- It's a good way to describe it.

The Council received the presentation from the Santa Rosa Plain Groundwater Sustainability Agency Administrator and provided feedback as discussed above.

City Council Action: The Council received the presentation from the Santa Rosa Plain Groundwater Sustainability Agency Administrator and provided feedback as discussed above.

Reference Order Number: 2022-159

Mayor Slayter called for a break at 6:53 pm and reconvened the meeting at 7:06 pm.

PUBLIC HEARINGS: NONE

REGULAR CALENDAR AGENDA ITEMS (DISCUSSION AND/OR ACTION):

10. Receive presentation and adopt Resolution approving the Local Road Safety Plan (LRSP) (City Engineer/GHD)

Mayor Slayter commented as follows:

- That's an awful lot of information and this is a very detailed study.
- I'd like you to talk a little bit more about this a little bit, but the Council has conducted a couple of safety studies over the years, first Bodega Avenue and more recently basically the State route as it winds

through town North, South, and I'm curious how this study leverages the information that the City commissioned paid for through an outside consultant

Kathryn Kleinschmidt commented as follows:

- The purpose of this plan is to complement that, and I know there's some countermeasures that's been identified.
- I've seen a roundabout at one of those intersections, so a roundabout can be fundable through LRSP, but it has to meet a benefit to cost ratio (BCR) to be competitive.
- So that's some of the caveat with this is some projects are more competitive than others.
- Some have to meet a minimum, the last call BCR minimum was 3.5, but the projects that got funded were 12 or higher but we are identifying different areas within this plan that could be possible, eligible for funding and complementing these plans, and as well as bike lanes.
- That's fundable through LRSP, but again, it has to be competitive unless they do a set aside.
- There can be other funding sources.

Councilmember Rich commented as follows:

- I have a question and this may not have been within the purview of your study, but question do have intersections, in town that create traffic risks because streets that otherwise might be opposite one another are instead offset just a little.
- I would point out one example would be Healdsburg and Murphy.
- If you look at across the street from Murphy, DuFranc is offset a little bit.
- So we have traffic that is predictably coming in and coming out intersecting and what then becomes appropriately titled the suicide lane in a way that creates risk for people driving in that area.
- Is that something you looked at, and did you have any recommendations for ways in which those could be addressed?

Kathryn Kleinschmidt commented as follows:

- It was a data driven process, and some of those areas were identified and so typically the LRSP countermeasures are low cost countermeasures that they try to implement, so like an intersection redesign and some of those questions would get into the overall corridor plan.
- It might be better to have a corridor plan and looking at what is the best way to have access
- I did notice there was offset intersections closely spaced.
- There is some ways we can look at maybe implementing a roundabout, but that's a high cost.
- You usually have to have a very large benefit to cost ratio.
- I don't know if that would be the appropriate place for that either. A roundabout would need to be further studied.

Councilmember Rich commented are you saying that that was within the purview that because of your study, but because of the cost issue, it wasn't something that you elected to not look at it more closely, or it's just outside the purview of what you were examining.

Ms. K commented as follows:

- We looked at the entire City's collision, including the Caltrans state highways
- The toolbox we had to work with, the low cost countermeasures said by Caltrans and LRSP, it only looks like improving stop signs or looking at different ways to improve those areas but not intersection redesign.
- I think what you might be alluding to is an intersection redesign.

Councilmember Rich commented as follows:

- The question was data driven.
- Did you discover that there were particular traffic problems that were supported by the data at those sorts of intersections?
- Because if the answer is no, that's awesome.

Kathryn Kleinschmidt commented follows:

- No, Healdsburg and Murphy intersection, I just pulled it up.
- So that's a priority intersection, and that's under Caltrans jurisdiction, but yes, it did pop as a priority intersection, and I'm just looking at the countermeasures that possibly came up for that, but it looked like it was install other intersection warning/regulatory signs, evaluate site distance, and upgrade pedestrian crossing and uncontrolled locations with enhanced safety features.
- More low cost countermeasures were identified with the plan.

Mayor Slayter asked if Councilmember Gurney had any input as the Council representative to SCTA.

Councilmember Gurney commented as follows:

- There's something I did want to point out, we got the crosswalks on Main Street at Burnet
- These were put into the Caltrans Program

Kathryn Kleinschmidt commented as follows:

- It is the SHOPP program
- Those too have been identified as problematic, and hopefully we're sort of in the pipeline with Caltrans to get those worked on.

Councilmember Gurney commented as follows:

- I did have a question, it's sort of related to my position on SCTA
- I always feel like we're this teeny, tiny smallest City and we have such huge problems that cost so much.
- I'm looking at all the potential work in your report Kathryn Kleinschmidt , I'm going how can we ever afford this.
- We're going to need so much money and we need all these things done, and we want these improvements because we do want to live in a safe world, so my question is just a general one.
- How competitive are we in your measures?
- When we're going against the big cities like Santa Rosa, Petaluma, Windsor, Rohnert Park there, we are a small City without a lot of money, and very expensive projects on a long list of projects.
- What do you think of our possible success here?

Kathryn Kleinschmidt commented as follows:

- I think you will be successful if you look at set asides applications over benefits to cost ratio applications, unless they are competitive.
- I've worked with several cities in doing the set aside applications which don't require a collision issue.
- Each agency gets a max amount to do some improvements, and you just have to apply for it and have documentation that you've done the work, like you have an LRSP, you have this other document that supports that, and last year's call was pedestrian crossing enhancements, edge line, guardrail, and tribes, and I hear this next call might even have one for bike safety.
- Fingers crossed, if that comes, then that would be my recommendation, and then we can also look at benefit to cost ratio as long as it's over 10, I think they're pretty competitive

- I also typically coordinate the proposed grant applications with Caltrans headquarters for feedback before submitting.

Councilmember Gurney commented we want to make sure we submit the strongest that we can for the most amount of money, so I appreciate your insight into that application process and your connection.

Mayor Slayter opened for public comment.

Eris Weaver commented as follows:

- Sonoma County Bike Coalition
- I have lost count of how many of these LRSPs with jurisdictions, and I have such mysteries about it all.
- I really wish it was just called the HSIP funding application plan because that's really what the focus is on the very narrow parameters of HSIP funding program.
- I think in this particular plan there's one, maybe two projects that meet the benefit cost ratio needs, and in some of our jurisdictions, didn't have a single project that would ship that that would be fundable under HSIP if I'm reading all the reports correctly.
- On so many things that I hear that I am concerned about creating more class one trails and things like that just aren't part of this whole program, and so are therefore not really a big part of the plan
- The whole focus on this plan is where are the most collisions
- How much a dollar value is assigned to fatalities and major injuries and lower injuries and all of that, and then there's an analysis of, okay, well, how many deaths are prevented by however much it costs to make which is a really narrow way of looking at traffic safety.
- It doesn't count near misses, it doesn't count all the people who don't ride their bike or walk because they don't feel safe, and maybe could.
- Just other things were done differently, it only looks at collisions in the past.
- For LRSP as a saying what's the best thing to do for traffic safety for cyclists and pedestrians going forward, it's limited.

Kyle Falbo commented as follows:

- Sebastopol increased the residential zoning to increase the high density residential near Robinson.
- Unfortunately little to no infrastructure improvement or even regular maintenance has occurred to accommodate this drastic increase, and in some cases up to 25 units per acre.
- Multiple sidewalk gaps exist to this day, some along a City promoted path for school children.
- As a result in a recent report from our City's now vacant engineer manager indicated that one-third of Sebastopol's City streets are rated as very poor.
- Seeing the suggested measures tonight, I see very little change to the safety plan that was presented just a year ago, so I ask in particular what notable changes are there in the presentation tonight as compared to what we saw last year?
- Additionally, I was surprised to see that the public comment of this presentation condensed into a simple pie chart.
- I'd like to ask in particular what were some of those public comments consisting of, and were there any specific occurrences in which public comment drove some particular change or modification to the recommendations we see here tonight?

Marcia commented as follows:

- What we see is very problematic.
- We see in phase one that it is about to go in and I'm looking at the map, which shows phase one.

- It shows also a green area of future development.
- That drawing is incorrect.
- The future development actually extends further West and encompasses the driveway that you can vaguely see on the map.
- I hope I'm seeing things that you can see that we are looking at.
- You are doing this phase one and putting them in Robinson Road, you are putting in a bike lane directly across where a project is planning to have 75 cars coming out from a driveway that you're not even showing as future development on this map.
- You show future development incorrectly even on the East side where you have a driveway that's quite innocuous, but in reality there will be 75 cars coming close to the 35 or so cars coming from the Bears Meadow.
- So seeing these drawings, seeing that you're putting in a bike lane and you don't have the future development in there correctly, and it's very high density, is very troublesome and concerning how are you dealing with it

Angela commented as follows:

- I noticed the photograph, there's a lot of talking about lighting and lighting is one of my many passions in terms of preserving night sky, the international dark sky association.
- You can find them at darksky.org.
- It's an incredible resource for good lighting for good health for all, nature, humans, and safety as well, and I just went to the Website, and they have a few quotes that I would like to share so that we can incorporate this, I would say City wide.
- It is mentioned in the general plan related to Laguna preservation of darkness, but I think Sebastopol could become a good model City for others in this way.
- Many species including humans need darkness to survive and thrive.
- That comes from the American Medical Association Council on Science and Public Health in 2012.
- Not all artificial light is created equally.
- Exposure to blue light at night is particularly harmful.
- Unfortunately, most L.E.D.S used for outdoor lighting as well as computer screens, TVs and other electronic displays create abundant blue light.
- According to experts at Harvard medical school, if blue light does have adverse health effects then environmental concerns and the quest for energy efficient lighting could be at odds with personal health.
- Those compact fluorescent light bulbs and LED light bulbs are more energy efficient than the old fashioned but they also tend to produce more blue light.
- Concern about exposure to blue light from outdoor lighting and recommends shielding all light fixtures and only using lights with 3,000 K color temperature and below.
- It's hard on eyes that are aging, the glare that comes from blue light is really challenging for drivers and pedestrians alike.

Martha Glaser commented as follows:

- I haven't had a chance to weigh in about the Woodmark project, and I thought tonight's a good night to do it.
- I also have strong misgivings about the scope and intensity of that project, and I think for traffic reasons and safety also
- I have lived over there at Bears Meadows.
- I still own property there and have friends as my tenants who have three little children, and I have many friends who live in there as well as across the street on Robinson, and also at the Burbank housing

- It is so many accidents waiting to happen, and now hearing about the bike lane is just seems like such a misguided project with way, way, way too many units.
- I really like what Angela said about the lighting, and it reminds me that Kelvin L.E.D. Lighting is for whatever goes in there is important as we urbanize our smaller little town more and more.

Mayor Slayter responded to public comments as follows:

- There were a couple of questions that came up.
- Question about public comment and how it was integrated into the plan.
- Staff have any input on that or our consultant?

Kathryn Kleinschmidt commented as follows:

- Yes, there's a whole appendix with all the public comments, and we did respond to all the comments, even in the second stakeholder meeting, we reviewed and discussed the public comments.
- We identified areas of concern with the collision analysis, and then we used some of the public comments to also address some of the other concerns about bicycle pedestrians and other locations.
- There was a public comment by the trail that was incorporated.
- They're all captured within the plan as well.
- I didn't get into a lot of detail tonight because there was a lot of public comments, but they were incorporated.

Next Question:

Mayor Slayter commented as follows:

- The next question was actually going backwards to our item number three that was on the consent calendar with the reference diagrams for the potential grant application to help with the phasing or the reconstruction of Bodega Avenue.
- To the best of my knowledge, I was searching through the traffic safety study, and the diagrams that the member of the public referenced regarding the Woodmark project on proposed project on Bodega Avenue, so I'm not sure quite how to handle that because we have completed that item, and I believe the comment or question was about that item.
- Questioned if it would be all right for staff to give a quick answer to that question going backwards, even though we've completed that item?

City Manager McLaughlin commented it's no problem with giving comment to the question there, but would have to move to reconsider if you're going to look at the item itself, but just answering a question should be no problem.

City staff was requested to address the questions and if Engineering staff could respond to the member of the public via e-mail or a phone call tomorrow or in the next day or two in order to facilitate an answer to that question, and get that particular question answered.

Question about dark sky standards, is that anything that is address -- I'm sure that that's something that's addressed in roadway design standards and Caltrans standards and even we certainly discussed it at great length when it came to our City street lights.

Mario Landeros commented as follows:

- You go forward with any proposed improvements, the design, of course, will have to comply with the standards, industry standards, and we would have to deal with the state standards on any improvements in the state Right-of-Way, of course.
- Beyond that, the issues that were brought up, what I wrote down, were concerns with the blue light, yellow lighting issues.

Kathryn Kleinschmidt commented as follows:

- This funding for segment lighting is coming from Caltrans.
- They're going to oversee the grant application.
- We would have to follow the state processes and standards and if there's another funding source, you still have to typically when you're in public Right-of-Way, you still have to follow standards. There are different types of lighting, there's high pressure sodium light, and L.E.D. Lighting and I don't know the exact preference either way, but I think you would have to follow the standards and details that are applicable.

Mayor Slayter commented as follows:

- The important distinction here is that this is not a design document.
- This is not a specification for a particular type of lighting.
- What this as a different member of the public noted, what this really should be called for is an HSIP funding application plan in a lot of ways, that's what it is.
- It's not a design document, so dark sky, color at them, all of those things are to be determined.
- Those comments are well taken and we understand what they encompass.
- So I think we're probably in good shape as far as that one goes

Question of Woodmark:

Mayor Slayter commented as follows:

- Stated this item is not Woodmark
- That's a completely different topic.
- If it were Woodmark, I would not be participating.
- This is about the local roadway safety plan.

City Council Discussion and/or Deliberations:

Councilmember Gurney commented as follows:

- My question was driven asking about design, and perhaps you've already answered it, Mr. Mayor.
- I'm just concerned when I hear and see the photos about lighting, the cobra lights, the Hawk around the plaza, arms that are going to have street lights on them.
- We would like to look like a small town, like to be friendly and have ambience.
- At the same time we're safe and encouraging people to ride bikes and to walk and have a pleasant environment.
- Those are all features that seem really Caltrans freeway oriented rather than small townish.
- Do you see what I'm trying to ask or comment about?
- I guess later on we get to choose the lights that we want so they have a better look and meet the safety features or will all those decisions be made when we put the application in?
- Because we're applying under these data, with these -- the history at these particular points on a map.
- I mean, I'm worried about what may be built out that doesn't suit the feeling our community wants, than the look that our community would prefer.
- You know, to being like our main street being a state highway, and it looking like a three lane freeway.

Mario Landeros commented as follows:

- Discussed lighting standards.
- You open up the Caltrans design manual, you look up lighting, you're going to go see what you just described, very, very impersonal, very effective for what it's intended, illuminate for safety.
- It's going to meet all the structural standards so it's not going to blow over, and it's going to be as minimal maintenance as possible and long life.
- Maybe energy efficiency starts coming into the design standards, what not.
- But if you go around different communities, Healdsburg is a great example, parts of Santa Rosa, you'll see the streets will incorporate a different type of street lighting, something more architectural.
- Maybe they're trying to symbolize another era.
- The key thing is that it will be a feature that will satisfy and comply with standards, in terms of energy efficiency, in terms of illumination that is effective, that does what it's supposed to.
- Quite frank, those types of decisions do lie within the City, within its City streets.
- Having said that, and with so much State Right-of-Way going through town, and as you saw the hot spots through the town, I don't know necessarily what process we would need to engage with the State, with Caltrans, on the standards that would be applicable to Sebastopol.
- But it certainly is a worthy effort.
- Because going through State Right-of-Ways, you also will notice a variety of designs for lighting features and whatnot that may be locally driven, driven by the interests of the community, and this should be no different than that.
- But we have to do the process, and to my knowledge in the short time I've been in Sebastopol, I'm not aware that there is a street light standard, that there's been any discussion with that, even subdivisions themselves can engage in that dialogue for particular types of street standards.
- But the City can take a lead on that and establish these standards.

Mayor Slayter commented as follows:

- I'm looking at page 9 of 99 of this agenda item. It's at the front end of the study.
- If you go down towards the bottom of that page, the terminology that caught my eye is low cost.
- Safety countermeasures at current locations experiencing collisions and systemically at locations with similar risks.
- The term low cost kind of stuck out to me.
- I'm worried that that type of terminology is I don't want to say counterproductive, but cost should not be a consideration when we're talking about making safety improvements.
- If something is a better decision, that's the one we should go with.
- I don't want to say regardless of costs, you have to consider costs, but I'm thinking of the hawk on Bodega Avenue at Nelson.
- The traffic warrants were actually kind of borderline whether or not that even warranted a hawk.
- The Council understands the conditions on the ground, and realize that that was the most appropriate measure that we could take.
- It was not the most cost effective measure, it was the best measure, the most supported measure.
- It's been very effective.
- As a frequent user of it, I can tell you that it's very effective.
- The term low cost. I'm wondering if there's any reaction to a proposed change of that terminology.

Kathryn Kleinschmidt commented as follows:

- That's directly coming from the Caltrans Local Roadway Safety manual.

- They're trying to mitigate more areas with low cost safety countermeasures.
- But I'm happy, if you want me to change it to just safety countermeasures because essentially it could be any form.
- It could be a higher, expensive item, or lower, but that's where that terminology came from
- Just in my experience with these types of programs, and the types of countermeasures that are proposed, there may be, as you point out, an array of countermeasures that can be made, or that would work and solve the problem.
- For example, I think it was mentioned earlier in an example of a location, you can look to reconfigure an intersection acquiring Right-of-Way, or tearing up a street, going into a long construction process.
- That's not a low cost.
- But you think of maybe a hawk system, some kind of a signal system, which when you compare that to some painted lines on the ground or a stop sign, sure, costs are going to vary.
- One's really low cost. But the other is not the cost of the more expensive, elaborate fix.
- I think that given that there could be an assortment of countermeasures that could be effective, to capture this point, the effective measure that would do the trick, that isn't really going entirely extreme on costs, that kind of thing.

Mayor Slayter commented if we can get rid of the term low cost, that fixes it.

MOTION:

Mayor Slayter moved and Councilmember Glass seconded the motion to approve Resolution approving the Sebastopol Local Road Safety Plan to strike term low cost.

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter
Noes: None
Absent: None
Abstain: None

City Council Action: Approved Resolution approving the Sebastopol Local Road Safety Plan.

Minute Order Number: 2022-160

Resolution Number: 6428-2022

11. Consideration of Standard Conditions of Approval for Development Projects (Design Guideline Subcommittee/Planning Dept)

Planning Director Kari Svanstrom presented the agenda item recommending the City Council adopt Standard Conditions of Approval for Development Projects.

Mayor Slayter asked for questions of presenter.

Councilmember Gurney commented as follows:

- Not being in the construction industry, I just have to say, some of this doesn't make sense to me.
- I think maybe they're just editorial comments, rather than substantive.
- But if I could take the time, I'd just like to ask the question. Number 10 I'm looking at.

- This is substantive.
- I was surprised that we're saying ten dwelling units. That's quite a big project.
- That is something as big and significant that takes as long a time as Huntley Square.
- Can we just hold onto that notion, do we want it to be fewer than ten?
- Maybe we can discuss that later.
- Then paragraph 16. I'm trying to understand this.
- You can't see a sentence there. For any project that includes new foundations for retaining walls more than ten feet away from a required setback. Something missing there.
- Can apply for a waiver. When you take the four out, couldn't make sense of it, help me out.

City staff commented as follows:

- I can modify that to whatever you feel is appropriate, whether it be the applicant, or just removing the waiver to modify it to apply, to make that sentence make sense.
- If you strike can apply for a waiver from the City Engineer, the intent is for a project that has new foundations, that it should be reversed.
- For any project that has new foundations or retaining walls, the applicant shall submit a letter of certificate from the licensed surveyor that confirms that the structure complies with the approved setbacks prior to pouring the foundation.
- For any project where the foundations and retaining walls are more than ten feet away from a required setback, they're allowed to apply for a waiver from the City Engineer.
- This was an item actually that was discussed at length, particularly by the Planning Commission, and had input from outgoing Commissioner Douch, in particular as the contractor, in terms of what he would expect from a regional contractor, and in setting that as well as Chair Fritz, an architect and others on the Commission.

Councilmember Gurney commented as follows:

- I'm glad they discussed it, and I think you understand I'm needing the words just to change so that it makes better sense.
- The way it was suggested it could be fixed made it better for me, at least.
- Discussed paragraph 27, on page 6 of 10. It's the bottom of the page. Rolling to the next page.
- You see at the top of page 7, type of project requirement, and if needed multifamily commercial by City engineer.
- We've just got some extra words there. I don't know if there's a sentence that goes with that but I just couldn't understand that last part.
- If you could fix that language, I think it's going to make the sense that you intended.

John Jay, Associate Planner, commented it may be that the requirements are different based on whether it's a multifamily or commercial project, and that is something the City Engineer would normally determine.

Councilmember Rich commented as follows:

- It's nice to see us going to our objective standards.
- When I look at this document I think this is what we heard earlier, but can you confirm that we are then looking at a second stage, which would be to develop objective design standards, basically taking some of our subjective design guidelines, and converting them into more objective design standards.
- That would be a second stage.
- Is that correct? Am I capturing that correctly?

Mr. Jay commented that is correct.

Mayor Slayter commented the Planning Director secured a grant, which is helping to fund the consultant with the design standard update.

Mayor Slayter opened for public comment.

Kyle Falbo commented as follows:

- I'm hoping I can get helped out with the timeline as well as hypotheticals.
- It's my understanding the motivation behind this ad hoc committee, as well as the goal of implementing objective standards is a direct result of previous conversations we've had regarding SB-35, the way that SB-35 ties the hands of municipalities to only be able to enforce objective standards.
- That was quite some time ago.
- This is the first reporting out of this ad hoc that I've heard, and it's been quite a while.
- In particular, since the only City Councilmember that's on this ad hoc committee is also one of two City Councilmembers on the agenda setting committee, and in particular, the timeline in which both other boards, the Planning Commission and the Design Review Board, have reviewed these objective standards, but yet this agenda item didn't appear until the April 5th meeting, and then was postponed multiple times until we are here tonight.
- I'm curious about that timeline.
- In particular, I have a hypothetical.
- So if, instead, in a more timely manner, we were to see this proposal and had it approved in March, would any sort of proposal or development, let's say on April 4th, would those be set up to the objective standards back in March if this is done in a timely manner?

Mayor Slayter responded to public comment as follows:

- The question from the member of the public about the timeline.
- Ask staff to let us know if the calendaring of the Planning Commission, the Design Review Board and the Council hearings on this item, if any project has come in.

City staff commented that the answer to that is no.

- Particular question about the SB-35 application you did receive on April 4.
- They had actually submitted their notice of intent in March of 2021.
- In fact, under State law, if someone has a preliminary review, and continues forth with an application, the zoning and design standard requirements, those type of requirements, adopted standards in effect at the time of the preliminary review is what you have and what they are held to when they submit their application unless it goes dormant for more than six months.
- In this case they had a preliminary review in 2020.
- Then submitted the notice of intent.
- The time for the tribal consultation process took quite a while.
- We did our due diligence on that, but you would have to go back to 2019 or 2020 when they originally submitted their application, and then did another preliminary review to the standards that they would be subject to.
- So that does not affect the scheduling in no way affects that application, and yes, we have not received any other applications that would be subject to this.
- The other applications we have received have not been ministerial.
- We have received some discretionary projects.

- Those that require a use permit, such as the habitat for humanity application across from Safeway.
- We would still be able to apply these because it is a discretionary project and we'll go ahead and do that as a discretionary project if you can apply whichever conditions you find appropriate.
- I will also note that the Planning Commission when they approved this because I didn't know how quickly it would get to Council, they did approve using that, and adopting that for their Planning Commission review projects from that night going forward.

City Council Discussion and/or Deliberations:

Mayor Slayter commented as follows:

- As a member of the committee, looked at these many times.
- As the planning director noted, the timing to get it to design review and Planning Commission, and then the couple of extremely long meetings, and we did not reach this on the agendas here.
- So that period of time allows new eyes to be put upon this.
- So I have a few things, so bear with me as I go through these with everybody.
- Item number two, page 3 of 10, all submitted building permit plan steps.
- I would suggest that we change building permit plan to plan check sets.
- I think that that's more an accurate descriptor in the industry.
- Item number 4, site landscaping.
- All planting shown on the -- and so jumping forward here, all plantings shown on the approved plan shall be installed prior to occupancy of the proposed residents.
- I'm not sure if this is just for residential.
- This is honestly most plans or most plants have -- or applications that require landscape design are not residential.
- They're commercial.

City staff commented the wording can be changed to project.

Mayor Slayter commented as follows:

- Moving on to item 7G.
- If construction improvements are located in areas of steep slopes, and then contractors shall provide safety things, et cetera.
- I'm not sure steep is descriptive enough.
- I think it needs to be a percentage, or something that's objective.
- Or is that defined somewhere else?

City staff commented as follows:

- In our general plan, we defined steep slopes as greater than 15%.
- If you wanted to include a percentage on that, I think 15%.
- And then I would also say unless waived by the building official.
- Oftentimes that's for the building inspectors to be able to access the site as well as the workers.

Mayor Slayter commented as follows:

- Someone doesn't get to define what steep is and then have to go find it somewhere else.
- Get the number in there.
- I approve of the building official having some latitude on that.
- Moving to item 11.

- All permits and/or inspection fees required shall be paid prior to final occupancy being granted and I would suggest that we look at item number 20, down the list.
- And kind of make those match.
- My suggestion would be, adding the verbiage, unless stipulated otherwise, the Council over the years has looked at development projects and provided deferment for certain fees being paid.
- And so aligning number 11 with number 20, and item number 20 is about impact fees, which are different than permit and inspection fees, but all of them are up to some level of discretion, and some have been deferred, and some have not over the years.
- When that has been a request made of the City.
- So the staff have a comment on that or does that make sense?

City staff suggested language of unless otherwise stipulated, or stipulated otherwise.

Mayor Slayter commented as follows:

- Item number 15, a light source for all going backwards in time to our previous item, light source for all exterior lighting fixtures shall be shielded from adjacent properties, cut sheets for exterior lighting shall be submitted as part of the building application.
- I'm not sure what a building application is, plan check or planning or at some point, or design review, because they can look at lighting fixtures.
- Simple verbiage change suggestion there.

City staff stated they would tend to want that at design review if there is design review. If there isn't design review, we'll still want that as part of the planning approval.

Mayor Slayter commented as follows:

- Item number 16.
- This is the one that Councilmember Gurney had a question about.
- Mine isn't nearly as interesting as hers.
- I would suggest changing the word pouring to placing.
- That's the industry standard word of what you do with concrete.
- It's like liquid stone.

City staff stated it is like cement versus concrete.

Mayor Slayter commented as follows:

- Item number 17.
- For any project that includes two structures -- a letter from certificate of surveyor to a firm that the height of the roof -- shall be submitted prior To roofing, nailing is recommended.
- I would even say prior -- I mean, at the point where the framing is complete, that needs to be accomplished as soon as Possible because if there's an issue, that eliminates going backwards for an owner that has to pay a contractor to change the work.
- I've probably typically done at sheathing, or right before the sheathing.
- You can calculate the sideways sheathing in addition to it, beyond -- surveyors don't like to get too much.

City staff recommended at the earliest point possible or something like that.

Mayor Slayter commented as follows:

- For any new housing unit development, the developer/owner shall submit the total amount of fees and exactions associated with the project prior to issuance of final for which the certificate was issue.
- That's a word solid.

City staff commented as follows:

- That one was, I believe, given to us by our housing elements update folks, that there's a new requirement by developers or earners to provide more transparency on their exactions associated with the project, and fees.
- I can't remember which bill that's from, but if I find it, I can relay that out to you
- That is a new state law.
- I think we're required to collect it.
- They put it on this as a checklist to make sure we get it.
- But I think we can also probably say finalizing of permits

Mayor Slayter commented as follows:

- I realize that this is a technical document for people in the industry but it also needs to be understood by lay people in some way.
- Cleaning that up.
- Item number 22, construction within the public Right-of-Way is limited to that necessary to support the lot's use.
- Is that descriptive enough?
- Sometimes there are conditions placed upon developments to improve public Right-of-Way conditions that may be adjacent, or not even connected.
- But anything you do as a developer has to have a nexus with their project.
- So it would de facto in my mind be part of use of that lot.
- A simple grammatical change on item number 27.
- It's just a mis capitalization in that final line of the page.
- Item number 33.

City staff commented as follows:

- It should not say the EPW, it should say the Department of Public Works or DPW
- They're the ones who did the erosion control.

Mayor Slayter commented as follows:

- Number 33, roadway improvements.
- All private driveway areas less than 24 feet wide shall require the approval of the Sebastopol fire department.
- Is that accurate? For a single family dwelling?

City staff commented as follows:

- Usually the fire department coordinate very closely with building
- If it's a long driveway, or a larger multi-family, or actually had a pre-application this morning for a project where the driveway is going to need some adjustments to meet this requirement.

Mayor Slayter commented as follows:

- Item 49, I'm getting real close to the end.

- Existing well, septic tanks and/or understood ground fuel storage tanks that are defective or no longer in use shall permanently be destroyed under permit.
- I'd like to include destroyed or removed under permit.
- Oftentimes that's how it's handled, especially with hazardous materials, like gasoline.
- Number 59, all construction and other Title 24 codes effective at the time of the permit submittal
- If we're going to list them, we need to list them all, which includes Cal Green and the residential code and the historical building code and this, that and the other thing so we need to say Title 24 building standards or list them all.

City staff commented we could probably just say all applicable Title 24 codes.

Councilmember Gurney commented as follows:

- That question I had about the ten units, why is it ten units for the pre construction meeting.
- It's page 5. 10 B. Ten dwelling units, I mean, like a five dwelling unit project would be a really big project here, but I'm anticipating you have an explanation for why it's ten and not something fewer.
- I think the subcommittee was looking at the very next item, item C has a total of 5,000 square feet of building or more.
- But if they're extremely small units.

City staff commented as follows:

- I think I suspect what happened there is the ten units trigger for design noticing in the City.
- That may be where the ten units came from.
- I don't have an issue reducing that, the number of dwelling units.
- So I would imagine something like the habitat for humanity homes, which is four town homes, that will certainly be more than 5,000 square feet.
- It will be triggered, but there's a certain level of complexity that comes with more units.

Mayor Slayter commented as follows:

- That I thinking that to a lower dwelling unit number is fine.
- Staff is very promotional when it comes to scheduling pre-application meetings.
- You get everybody in the room around the table with a set of preliminary plans, and the conversation is round Robin, and so much gets worked out at those meetings.
- So that allows us to review the tree protection, go over the erosion plan, go over any traffic plans, anything that's in that construction management that can be of concern, road closures, that type of thing.

City staff commented as follows:

- Five makes sense. Five and 5,000 relate better in my mind when we're looking at projects that might be affordable by design because we're building something between 500 square feet and a thousand square feet.
- I prefer five, and I like projects that have a number of units in them getting the pre-construction review because that helps solve a lot of problems before they develop into problem
- Thinking about Huntley Square, as a recent example, it's probably very close to 5,000 square feet total, ten units, and we know the size of those units, simple math.
- One of the things that is nice about or more, is that actually triggers affordable housing requirements.
- That allows us to remind people they need to submit for the agreement, and all of the complements that go with that.

Mayor Slayter commented as follows:

- I think that I'm certainly fine with staff modifying them per our request.
- So we have a recommendation that the Council approve the standard conditions of approval.
- Also recommend that the Council authorize future amendments to this document be done at the Planning Commission or the Design Review Board level.
- For a more rapid response if modifications need to be made.

MOTION:

Councilmember Gurney moved and Councilmember Glass seconded the motion to adopt Standard Conditions of Approval for Development Projects and authorize future amendments at the Planning Commission or Design Review Board level as appropriate and as amended below.

- Change to Project
- Item 7G Steep: Greater than 15 percent unless waived by the Building Official
- Aligning Item 11 and 20 – unless stipulated otherwise
- Lighting Design Review Board approval
- Item 16 Pouring to placing
- Item 17 – At earliest point possible
- Item 19 – language to be cleaned up
- Item 27 – Mis capitalization at final line of page (The)
- Should say Engineering Department not DPW
- Item 49 – destroyed or removed under permit
- Item 59 – All applicable Title 24 Codes
- Change 10 units to 5 units or more

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter
Noes: None
Absent: None
Abstain: None

City Council Action: Approved Standard Conditions of Approval for Development Projects and authorize future amendments at the Planning Commission or Design Review Board level as appropriate.

Minute Order Number: 2022-161

12. Direction to Staff regarding Merger of the Zero Waste Committee into the Climate Action Committee (Requestor: Councilmember Gurney and Councilmember Rich/Responsible Department: Planning)

Planning Director Kari Svanstrom presented the agenda item recommending the City Council provide direction to staff to Merge the Zero Waste Committee into the Climate Action Committee.

Councilmember Rich commented as follows:

- The bottom line is that these two groups, overlap in many ways, Climate Action Committee, and Zero Waste Committee, by consolidating their energies, we really maximize the benefit of their combined group.
- We have seen some long standing vacancies on the Zero Waste Committee.

- So this just is a great opportunity. The two groups are open to combining efforts.
- The Zero Waste Committee would instead be within Climate Action Committee.
- They would continue to meet separately as the other working groups do.
- We would propose that the vacancy currently on the Climate Action Committee, the youth vacancy would be filled by Argus, as was mentioned by our Planning Director. So he would then transfer right in to a position on the Climate Action Committee.
- The other member that would slot right into a voting position on the Climate Action Committee would be our representative from our hauler. That would be perfect, too.
- So you've got two voting members, and then you continue the community engagement for the remaining people as a working group. That's consistent with other working groups.
- Climate Action Committee which in a very wonderful way have expanded to include not just the members of the board, but also community members.
- This would be consistent with the philosophy that's been adopted by the Climate Action Committee.
- That's really the proposal. Maximizes the wonderful energies of both of these groups in order to allow them to continue their amazing work.
- Sunny is very supportive, the lead on the Zero Waste Committee, and she and the remaining members of the Zero Waste Committee see this as a real opportunity.
- It's kind of a thumbnail sketch.
- There was actually no opposition, no concern, no complaints from the particular members of either of these groups, and it does, of course, streamline our staff support, which is beneficial also.

Councilmember Gurney commented as follows:

- I would just emphasize that Councilmember Rich and I met with Sunny originally, and then we met the whole Zero Waste Committee and talked this all through.
- Then we went and talked to the leadership team at climate action and took this whole discussion to the full committee and they spent parts of two meetings talking about it.
- So all the appointees involved have thoroughly vetted this concept of moving zero waste as a working group under climate action, and dedicating one seat.
- The citizen appointees are interested in continuing in that working group from zero waste to climate action zero waste working group.
- Yesterday's zero waste meeting we only had six people in attendance. One was myself. The other was Sloane from Zero Waste Sonoma. We didn't have a lot of our citizens. I think COVID has hit the group hard.
- A lot of the work that's been on the table for them is face time, with restaurant tours.
- Sunny asked for someone to replace her immediately as the lead of that group.
- There was no one willing to step forward, so that group is by its own choice now on a two-month hiatus.
- So I think it's a fine time to move the two groups into one in the way that they have already discussed, and said was okay.

Mayor Slayter asked for questions of presenter. There were none.

Mayor Slayter opened for public comment. There was no public comment.

City Council Discussion and/or Deliberations:

There was no further discussion.

MOTION:

Councilmember Rich moved and Vice Mayor Hinton seconded the motion to Approve the merger of the two committees; add a Zero Waste seat to the CAC Committee; appoint Youth Member Argus Brent to the vacant Youth seat on the CAC; and, appoint Ambrosia Thompson from Recology to the new CAC Zero Waste seat.

Discussion:

Councilmember Gurney commented as follows:

- I just wanted to share that we're making a change here, having created these two committees, and I think we're making the change now with the experience and trying out some ideas, and seeing how they've lived with people, and the people are very fine with this change.
- I don't want to discourage us from creating committees, because this is how we learn.
- The Zero Waste Committee had had pretty high energy right up until COVID made some of the work more difficult, and they've been very successful, too, with a lot of accomplishments.

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter

Noes: None

Absent: None

Abstain: None

City Council Action: Approved the merger of the two committees; add a Zero Waste seat to the CAC Committee; appoint Youth Member Argus Brent to the vacant Youth seat on the CAC; and, appoint Ambrosia Thompson from Recology to the new CAC Zero Waste seat.

Minute Order Number: 2022-162

Mayor Slayter called for a break at 9:01 pm and reconvened the meeting at 9:11 pm.

13. Approval of City Sponsorships (Responsible Department: Administrative Services):
Gravenstein Apple Fair Permit (Farm Trails) – Police Department
(\$3000 Cash and In Kind Services (Police Services)

Administrative Services Director Kwong presented the agenda item recommending the City Council approve City Sponsorship to the Gravenstein Apple Fair Permit (Farm Trails) (\$3000 Cash and In Kind Services (Police Services).

Mayor Slayter asked for questions of presenter.

Vice Mayor Hinton commented as follows:

- My questions are twofold.
- One, I'm curious about what kind of additional support in addition to the City of Sebastopol, I.E., County Tourism Bureau, other organizations that are supporting Gravenstein Apple Fair
- Then my second question is this is a thousand dollars more than we approve to support last year.
- Yet there's no mention of what the extra thousand, which is one-third additional ask in cash sponsorship that this is buying the City of Sebastopol to support.
- I can appreciate that we have set aside and a sponsorship program which I think started originally with you for the Gravenstein apple fair.
- But just because we set it aside doesn't mean we're looking for that to be sponsorship.
- I'm curious about those two questions.

Carmen Snyder commented as follows:

- First of all, thank you all for your time and all of your good hard work.
- These are marathon meetings that you y'all participate in and steward our City through.
- So, in terms of other support, to answer your question, we have support from, some corporate sponsors in terms of County funding.
- I just got word today that Supervisor Hopkins is going to recommend \$5,000 for both Farm Trails and Apple Fair
- It's not just dedicated to the Apple Fair. It helps to produce our tours, our mapping guide
- Supervisor Rabbit also has dedicated \$5,000 towards farm trails and the apple fair.
- So that'll be \$10,000 total this year, and we received declarations from other supervisors and just, by contrast in, 2019, Farm Trails/Apple Fair received \$59,000 in T.O.T. Funding.
- So that has shrunk dramatically.
- We did receive some funding from the Richard and Sarah Lee trust.
- Today we have, with all told, a little over \$60,000 committed for sponsorships.
- Of course the event is super expensive to produce and getting more expensive every year.
- Just one example is that the cost of porta potties for the same number of those went up 25%.
- So inflation is substantial and significant.
- The reason that we're asking for \$1,000 more is because a couple things.
- The last event was the benefit concert, which was a maximum capacity attendance
- We were hoping for 1,500, and then the delta surge came through. So we had under a thousand attendees there.
- So we're talking about a full-scale Gravenstein Apple Fair, which is up to 15,000 people.
- We do think it'll be really well attended from the interest that we're seeing in the community.
- So it's much more expensive to produce, and there's a lot more visibility, a lot more advertising.
- The City of Sebastopol logo will be very prominent and I think it's good exposure for the City to be aligned with.
- So the cash, as I outlined in my application, the in kind sponsorship would be this much-needed support for the traffic flow issues.
- Then we would use the \$3,000 to pay for the shuttle service to help with our satellite parking
- The shuttle service is \$2,700 for the weekend, and then the rental of holy ghost hall is 300.
- So that's exactly where we would use those funds.

Vice Mayor Hinton commented since we'd be sponsoring the shuttle service, can we have our logo, maybe a banner, on the shuttles?

Carmen Snyder commented as follows:

- We'd have to talk with them about putting the logo on the shuttles, but certainly we could have it at the parking stations.
- We could have it attached to any Website mention of the great support we would be getting from the Sebastopol police department, and the City of Sebastopol to help mitigate the traffic issues, and also save money

Vice Mayor Hinton commented as follows:

- Suggested wording such as shuttle sponsored by.
- If we're contributing more money, and I hear what you're saying about eyeballs, I'm looking for, I guess, more value and if we're going to sponsor the shuttles, it feels like that'd be a great place for it

- It kind of aligns with our goals

Carmen Snyder commented as follows:

- We could call that a naming rights and give you the visibility.
- Everything that we do on social media, the Website and onsite.
- I'm just not positive they'll let us hang a banner on their shuttle.
- But we could do it at the drop-off stations and the shuttle pick-up stations.

Mayor Slayter commented as follows:

- Do you have an expectation of what the staffing that would be covered by the in-kind request is?
- Is it two officers all weekend? What are we looking at?

Chief Kilgore commented as follows:

- It's a split shift for the entire day, I believe.
- But what I've told Carmen is that we will provide in-kind services up to but not to exceed \$2,000.

Mayor Slayter opened for public comment.

Omar Figueroa commented as follows:

- My name is Omar Figueroa, and I am a parent and community and employee member.
- I would like to say that I support this, that the Gravenstein apple fair is a great asset to our community, and there is tremendous interest this year.
- So please support it to the maximum extent so that the event can be everything it's supposed to be.

City Council Discussion and/or Deliberations:

Councilmember Gurney commented as follows:

- I think you all know from my earlier comments how much I enjoy this event and how much I appreciate what it does for us locally.
- Here's an example. Jolie Devoto, one of our young one who's learned to swim there probably, is now the owner of the local cider business. She will be featuring her cider at the event.
- So our people can go there and try out something that's that local, owned by one of our own.
- So there's so much of that repeated here, I think, through many times.
- Also I want to mention that Ellen Siegel has done a wonderful job with the waste collection and sorting.
- How this was done in earlier events has been mentioned to me several times at the Zero Waste Committee and the Climate Action Committee.
- It's just the exemplary event showing all of us how well that part can be done.
- So, that's another reason I think that I'm very supportive.
- They do a good job on the front of waste processing.
- I just also want to comment on our line item in the budget that we had more money than will probably be used this year. That's just the impact of COVID.
- I think as we now open up this event where the two weekend days is going to draw a lot of people and get back to what we enjoy so much, honoring our history and honoring our present and having fun together as a community.
- So I'm very supportive. Thank you, Carmen, for asking.

MOTION:

Councilmember Rich moved and Vice Mayor Hinton seconded the motion to approve City Sponsorship to the Gravenstein Apple Fair Permit (Farm Trails) (\$3000 Cash and In Kind Services (Police Services).

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

Discussion:

Vice Mayor Hinton commented as follows:

- I have attended the Gravenstein Apple Fair and been a pie judge.
- I love the Gravenstein Apple Fair
- But I do feel like this is when we're asked for more money in a sponsorship environment, then We should be asking for more sponsorship visibility And return on that.
- So I feel confident that Mary can refer our pr person Holly Hansen, if that's appropriate to work with the Gravenstein apple folks so that we can maximize our dollars that we're going to support the event with.

MOTION:

Councilmember Rich amended the motion and Vice Mayor Hinton seconded the amended motion to approve City Sponsorship to the Gravenstein Apple Fair Permit (Farm Trails) (\$3000 Cash and In Kind Services (Police Services).

- Modification of visibility
- The City of Sebastopol be considered the naming sponsor for the shuttle as described by Vice Mayor Hinton.

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter

Noes: None

Absent: None

Abstain: None

City Council Action: Approved City Sponsorship to the Gravenstein Apple Fair Permit (Farm Trails) (\$3000 Cash and In Kind Services (Police Services).

- Modification of visibility
- The City of Sebastopol be considered the naming sponsor for the shuttle as described by Vice Mayor Hinton.

Minute Order Number: 2022-163

13. Re-Introduction of Ordinance – Planning Commission (Responsible Department: Planning)

Planning Director Kari Svanstrom presented the agenda item recommending the City Council approve reintroduction and waiving of further reading of Ordinance – Planning Commission.

Mayor Slayter asked for questions of presenter. There were none at this time.

Mayor Slayter opened for public comment. There was none.

City Council Discussion and/or Deliberations:

Councilmember Gurney commented as follows

- I'd like to discuss it again.
- Just with these comments, I fully support the changes to the Planning Commission, dropping the alternate position, I've already said thank you for them for trying that, it didn't work out so well.

- I like establishing the boundaries we talked about for the nonresidents and protecting the majority as our citizens, our residents in town.
- I can confirm five members on the Planning Commission.
- I would again like us to consider leaving that open five to seven members.
- Goodness knows, as we all know, it's much easier to have a meeting with fewer people as the Council might've experienced this morning when I wasn't able to attend the closed session.
- It does significantly reduce discussion and meeting time.
- But it's not the purpose of the Planning Commission to have swift meetings.
- The purpose of the Planning Commission is to represent our community.
- And I think five to seven people can do that much more effectively than just five.
- So, what I would suggest is we just stay with the language, a minimum of five up to seven, with the same majority being protected in all the other requirements being the same.
- If there's a concern about the City Clerk working to fill vacancies, then I think we just regularize that process by working with the December 31st term end and also looking to a mid-year re-noticing, if there is an opening, in that commission.
- This could be a practice that we use for noticing all vacancies that seem to endure, like the spots that have been on the Zero Waste Committee and the Climate Action Committee as well, and the Planning Commission.
- So, I'm going to ask you to consider just leaving the minimum of five up to seven for the purpose of maintaining the best representation that we can, fuller representation than five, as I mentioned earlier, our Planning Commissioners aren't really accountable to anyone.
- There are five of us, we're all elected, and we have to answer to the public.
- The Planning Commissioners aren't even appointed on a One-on-One appointment basis.
- They maintain a lot of power.
- I'm concerned about that being held only by five people when we look at the composition now we have one former Councilmember, one former candidate.
- We have a person who participated in the UGB campaign.
- We have two out-of-towners, and only three in-towners.
- So I'm just more comfortable as we have more people where we might have the five-member resident majority with only two outsiders.
- So that's my request to all of you to please consider leaving that margin five to seven in there.

Councilmember Rich commented as follows:

- Just wanted to remind everyone that our Planning Commissioner who spoke on this topic very strongly recommended that we reduce the number to five.
- I continue to be in support of that outcome.

Vice Mayor Hinton commented as follows:

- To just kind of restate what was said, at least my opinion is the current body, the Planning Commissioners, are for this number.
- They pointed out that we have five as a Council.
- They feel like five as a Planning Commission is effective.
- We have two openings right now. It's a perfect time to make a decision that has been requested
- I've been hearing about it for at least a couple years by our own Planning Commission.
- So I continue to stay in support of this decision.

Councilmember Glass commented as follows:

- I actually am also in support of this decision and in particular for the reason that was just stated.
- That's the Planning Commission has indicated that this is what they would like to see happen.
- They're the ones that are there week after week, month after month. They put in a tremendous amount of time.
- So, I am all for supporting their recommendation.

Mayor Slayter commented as follows:

- My position on this is that one of the main proponents of this, one of the main requesters over time has been a longtime member of the Planning Commission who has served as chair multiple times.
- The reasoning behind the request is lucid and well thought out.
- I think that a five-member Planning Commission will also function just fine.
- If we leave a range in the ordinance and we had six people appointed, that leads to a real difficult potential difficulty of no decision of votes, no-action votes being taken with a tie vote.
- I just don't like the even number thing. So I'm fine with five as well.
- The geographic areas I can compromise on that, even though I want it all within our boundary or I want the County to give the City of Sebastopol a seat on its Planning Commission.

Councilmember Gurney commented as follows:

- I think our history proves that a seven-member Planning Commission has worked just fine.
- It's only recently with this particular group with the addition of the alternate position that they all got frustrated with long meetings.
- We've also had any number of meetings be canceled in the last three years as well.
- It's kind of a mixed bag about whether there is a problem, I think in some ways this is, what'd you say, a solution that's looking for a problem when we look back in time, seven has provided much greater representation for our community than five, and given that these are appointed people, not elected people, I think it's really important that we share the responsibility for democracy with more people rather than fewer.
- I really am sticking with the five to seven range as better.
- To make up a problem of a six-member vote splitting even, I don't know that a group would want to be dysfunctional like that.
- They might likely take the tactic that you did just now, Mr. Mayor, by saying I don't like it but I'll go with it.
- I think we could do just fine looking at five to seven.
- As we approach an election year, and we know that there could be a lot of people interested in running and not necessarily being elected, we could have some real enthusiasts who want responsibility and we have openings to put them in.

MOTION:

Councilmember Rich moved and Vice Mayor Hinton seconded the motion to approve reintroduction and waiving of further reading of Ordinance – Planning Commission with the following clarification:

Approval of clean up of language

5 Members for Planning Commission

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Glass, Rich, Vice Mayor Hinton and Mayor Slayter

Noes: Councilmember Gurney

Absent: None

Abstain: None

City Council Action: Approved reintroduction and waiving of further reading of Ordinance – Planning Commission.

Minute Order Number: 2022-164

15. Discussion of City Council Direction to City Staff for Either: In Person or Hybrid Meetings; and Approval of Resolution Authorizing Continued Use of Teleconference Meetings Based on Circumstances of the COVID-19 state of emergency and that the following circumstances exist:
- a. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's subordinate Committee's, Commission's, and Boards to meet safely in person; and
 - b. The State of California and the City of Sebastopol continue to impose or recommend measures to promote social distancing.

Continuation of Virtual Meetings: First Approved: September 21, 2021

Resolutions Approved Every 30 Days:

- a. October 19, 2021
- b. November 16, 2021
- c. December 7, 2021
- d. January 4, 2022
- e. February 1, 2022
- f. March 1, 2022
- g. March 15th 2022
- h. April 5th 2022
- i. May 3rd, 2022
- i. Next Meeting would be for May 17th (due to reporting requirements, June 7, 2022 Meeting would be too late)

Resolution needs to be submitted to Council every 30 days. (Responsible Department: City Administration /Administrative Services)

City Administration presented the staff report recommending the City Council Discuss and Provide Direction to Staff on City In Person or Hybrid City Meetings and approval of Adoption of Resolution Authorizing Continued Use of Teleconference Meetings Based on Circumstances of the COVID-19 state of emergency and that certain circumstances exist.

Mayor Slayter asked for questions of presenter.

Councilmember Gurney commented as follows:

- I understand that this means the Council's decision would impact all the other Commissions and Committees.
- We're not just deciding for the Council, what do we want to do, the five of us.
- It means the five Planning Commissioners and the DRB people and the public arts people.

Staff commented as follows:

- Staff that is correct.
- I would recommend that just for clarity for the public that whatever we do, it would be across the board.
- It would be really difficult to say one committee or commission has a hybrid versus the City Council or Planning Commission is only in person.
- This would impact every committee board, standing committee, commission for the entire City.

- I will say that based on what I've heard from the committees, they would prefer to continue to go hybrid.
- It does address the climate action goals. If we do have members of the committee or commission that may happen to work in Santa Rosa or somewhere outside of Sebastopol, having to drive into a meeting to Sebastopol and then turning around and driving back.
- It has been convenient having these Zoom meetings for members of our community and our board and commission but it would definitely be across the board for all committees, all meetings.

Councilmember Gurney commented as follows:

- Thank you for that additional information.
- You led right into my second question, which has this been agendized at the Planning Commission or anywhere else?
- Have they actually had a public conversation about it?
- Has it been discussed at other groups?

Director Svanstrom commented as follows:

- I didn't formal agendize it because actually when I talked about it with our Planning Commission, I thought it was already on the agenda, which was then removed.
- I did discuss with the Planning Commission and our Climate Action Committee.
- Our Planning Commission certainly had members who are still concerned about COVID and taking precautions because of their own circumstances.
- I know we have actually had a couple of meetings which people brought up where they have been out traveling and this has actually happened with both the CAC and the Planning Commission, and they have still been able to attend the meeting and keep up with things because of the ability to do it remote.
- So that certainly is helpful for that continuity.
- Both our Planning Commission and our Climate Action Committee brought up the greenhouse gas emissions, and if there's even small things we can do, this would be one of them.
- I think both groups did talk about, hey, it'd be nice to do something in person some time, but that doesn't necessarily need to be a meeting.
- The Climate Action Committee has had social gathering to still be able to have that social component of it.
- I did ask John Jay to discuss with the DRB, although I don't know if he's gotten to that or if that was planned for tomorrow's meeting.

Councilmember Rich commented as follows:

- have looked through the report, but is one of the options that would work, that you feel would work, to have the City Council be physically present?
- In other words, required to be physically present for the City Council meetings but allow the public to be hybrid in terms of their participation?
- Is that one of the options that you see as workable?

City staff commented as follows:

- That is one of the options, but that would be dependent on City Council if they want to require that all five Councilmembers are in attendance.
- I can't speak for other Councilmembers of whether they want to be in attendance or not but, yes, that is an option.
- You could have limited Councilmembers in attendance and still have some people call in as well as other Councilmembers still being able to call in.

- The other three would still be able to call in based upon the hybrid.
- That's at least through January 2024, and as long as the Council continues adopting the AB 361 resolution.

Councilmember Rich commented could you give us a quick thumbnail overview of what other jurisdictions are doing including the board of supervisors?

City staff commented as follows:

- I do not know what the board of supervisors are doing. I did not reach out to them.
- I did reach out to all the other cities.
- In the staff report there is a chart that shows what the other cities are doing.
- I believe that there are two cities that are doing in-person, and the remainder are doing hybrids.

Councilmember Rich commented do you know on those whether the ones that are doing hybrid, are allowing City Councilmembers to participate on a hybrid basis also?

City staff stated yes.

Mayor Slayter commented as follows:

- The staff report goes into facilities.
- That the conference room at City Hall is, for many reasons, not really an option.
- If the decision is made to go either back to in-person or hybrid, then all City meetings would happen at the youth annex?

City staff commented as follows:

- We have not addressed that with the Community Center yet.
- We have addressed the City Council and the Planning Commission.
- So, yes, we would need to find another location to have those meetings.
- We have not yet changed the conference room yet. So you could have small meetings.
- But with the hybrid setup of equipment, microphones and all that, it's just not going to be conducive to doing a hybrid meeting at City Hall.
- So we would need to look at other locations, whether it be the Youth Annex, Center for the Arts side room, Church Auditorium
- We are looking at other locations, but we don't have a set-on location for that.

Mayor Slayter commented as follows:

- Thinking back to Design Review Board meetings at City Hall, and even a modestly attended meeting, and the conference room just gets packed.
- I don't see that as a viable option as identified in the staff report.
- The concern is that we don't have the facilities that other municipalities have.
- We don't have a dedicated Council chamber that every board and every commission and everybody could use with the equipment that is permanently installed.
- We're just different out here.

City Manager McLaughlin commented as follows:

- I just wanted to note in the many meetings I've attended, it is sometimes difficult to schedule in-person meetings around Zoom meetings.

- It would be very useful if all the jurisdictions kind of got on the same page.
- While they are not, it's difficult to attend meetings whether there's no built-in travel time, unless you're attending the meetings as we use to do which the majority of the committee meetings took place in City Hall at the conference room.
- That's an easy to get to position.
- If you have to travel to a meeting, we've experienced issues with that because sometimes there's not enough separation between the meeting times to get to the next meeting, especially when it's multi-jurisdictional.

Councilmember Gurney commented as follows:

- I'm just wondering amongst us if any of us have been to meetings that have shifted to where some members are in person and some are coming by Zoom.
- I've done that and it was very, very awkward because I was on Zoom and the way the cameras were set up, I couldn't see the full range of the board.
- I literally couldn't watch them like I can watch all of you on my little Brady bunch box squares here.
- I couldn't hear either.
- So, that's my experience of the mixed approach.
- I'm just wondering if we know some details about equipment.
- How would it be if we have three Councilmembers on Zoom and two present, how do the two of us present see the three of them?
- Are there three screens and they come in big and live like the news channel?
- How is that going to look for us?

City staff commented as follows:

- It is kind of going to look a little bit like that, yes.
- So we are working with the Community Center. They are setting up additional cameras so that the Councilmembers who would choose to physically be in there would be able to see the people that are on the Zoom and vice versa.
- So that is one of the reasons for setting up or actually ordering the additional equipment from the Community Center.
- We're going to be doing the walkthrough in the middle of May to make sure that that setup is going to work.
- We will also need to discuss at some point additional equipment such as your headphones, ear phones for people's laptops to ensure that there's no bleed over or things like that.
- Again, that goes back to the walkthrough in May making sure that all the equipment we have on hand is going to work for a hybrid meeting.

Vice Mayor Hinton commented as follows:

- Just to kind of tag onto Councilmember Gurney's comment.
- I have been not in a elected or committee meeting but I'm participating in a nonprofit organization that does monthly meetings, and they have tried a hybrid, and it was super awkward.
- You had some of the people in the room and some of the people on the Zoom.
- But I thought from a budgetary standpoint, I know we're bringing up how we use to do it on City Hall.
- But I also recall that our recommendation from staff was that we just support the Community Center in buying equipment, and then we leave it to them to manage.
- So that's what makes me believe that that equipment is not moveable to go to another location like City Hall.

- So, if we couldn't have all these committee meetings at the Youth Annex, then I don't see how we could have all the committee meetings be hybrid.
- I'm just trying to sort that out in my head. Does staff have any feedback on that?

City staff commented as follows:

- You are correct. The Community Center does have it within their budget, they would be responsible for the setup.
- They are going to take over all the technical parts of it.
- They are not responsible for the streaming, which is what we will still need to continue to do.
- We don't have a location yet to be able to do those committee meetings as far as in person.
- So, yes, my recommendation would be since it is the Community Center's equipment that we work with the Community Centers to see if we can't use a side room or the Youth Annex for these committee meetings.
- I don't know what the cost of that would be. So, I don't have an answer to that.
- For some committees I think we'll need to have them be virtual for a while until they can get all the equipment in place.
- But we would have to work with the Community Center, and we have not done that yet.

Planning Director Svanstrom commented as follows:

- I did talk with them quite a while ago about the side room, which is less busy on the Youth Annex schedule than the main room is where they have a number of classes.
- But I don't know how that translates with the technology as it's being done.
- I think the other note is that right now myself and John Jay are kind of tag-teaming where the planning department does four different committees besides City Council meetings.
- We do not have enough staff for both of those to attend those, other than when there's a very high-profile project.
- So right now we are able to manage the streaming, the Zoom and streaming to the Website with one person
- Our committee certainly appreciates the ability to do the remote, especially those who have jobs which opens up the committee membership where you can have a job and go to the committee meeting and then go back to work.

Councilmember Glass commented as follows:

- It doesn't seem as though we're really considering or talking about something that was brought up a few minutes ago, which is the notion of having in-person meetings, and then alternate so we could have two Zoom meetings and then an in-person meeting and two Zoom meetings and then an in-person meeting.
- It's been my observation that we actually have a lot of people participating because they can participate from the comfort of their couch along with popcorn and a glass of the beverage of their choice.
- So, to my mind, that's a good thing to encourage the public to participate people who have kids, they don't have to get a babysitter.
- People who are older who don't want to drag late at night can come.
- So, that's just another option that I'm mentioning that maybe we could do a different kind of hybrid, which is just change between in-person and Zoom on a fixed schedule.

Councilmember Rich commented as follows:

- I'll go ahead with my question.

- So, my question is, do you think it would be workable to start out with the City Council taking a hybrid meeting approach and having us be the experimental group?
- We know that the Community Center is going to be geared up for it.
- You have a plan to hopefully make it effective and engaging for everyone no matter whether they're hybrid or in person, and allow in the interim the committees, the rest of the groups to continue on a Zoom arrangement, a remote arrangement as we work out the wrinkles on the hybrid model.
- I ask the question because you are expressing concern about having a different approach taken.
- But do you see that as a possible option? City Council goes hybrid, the rest of the committees continue on Zoom for some period of time as we work it out.

City staff commented as follows:

- Stated yes, it is an option
- You could have just the City Council do it or you could have the City Council and Planning Commission, since the Community Center sets up both of those meetings.
- Then you continue, as long as you adopt the AB 361 resolution, you could continue to have the Zoom meetings for the other committees.
- We could start June 7th to see if we could do the City Council and Planning Commission because I think it's both, because it is a setup for that.
- However, I will say that I'm another sure that the equipment that the Community Center has is enough for the Planning Commission because City staff had their laptops and all that for the Council meetings.
- City Council has laptops or iPads.
- So we need to work through what equipment would be needed for Planning Commission.
- You could do City Council by itself, the remainder as long as that AB 360 resolution is adopted.
- Remainder could remain virtual with the intent of going hybrid at some point.
- Could go City Council and Planning Commission, let the rest of them stay on remote for a while.
- Or could actually do City Council, let us be the guinea pigs in order to work things out?

City Manager McLaughlin suggested doing City Council only and then working through the bugs to see whether or not when we would be able to do hybrid for the remainder, and then at the same time we can work with the other committees to see what it would take if we were going to go the hybrid approach.

Mayor Slayter opened for public comment.

Omar Figueroa commented as follows:

- I would like to request that we maintain hybrid meetings for the public to increase accessibility to these public hearings.
- It makes it much easier for those of us with children, who have to put kids to bed, to be able to monitor the hearing without having to be down at the Community Center physically.
- So, thank you for accommodating working parents such as myself.

A member of the public commented as follows:

- I just wanted to say I too am very much appreciative of the way technology has allowed greater participation with local democracy by lowering the barrier to entry and allowing those working adults and parents like myself to be able to spend less effort to hear what the Council and mayor and City are doing and have a voice in that process.

Joana commented as follows:

- A third vote in the direction of making it easier for those in the community to participate by maintaining hybrid meetings.
- Thanks very much.

City Council Discussion and/or Deliberations:

Mayor Slayter commented as follows:

- I have significant reservations about using City Council as the test case or the guinea pigs for hybrid meetings and testing equipment and all that.
- We have enough difficulty trying to schedule real meetings much less walkthroughs that I know we're not being requested to be at.
- But an experimental online meeting and then it goes haywire and we all know how long our agendas are already.
- If we have a meeting that goes sideways, then we're heading into budget discussions, we're heading into a lot of really heavy-duty work.
- I just don't think that experimenting is a good idea at this point.
- That's my position on it.

Vice Mayor Hinton commented as follows:

- I'm going to go out on a limb a little bit here.
- I have a lot of friends that have told me that they've been able to participate in this process because of Zoom meetings.
- We've seen as many as 150, 170 participants when it's big issues that the public wants to discuss.
- For the most part I've seen more numbers on Zoom meetings than I ever saw when we did in-person meetings.
- I'm not sure why now I don't feel like now is the time that we have to move to hybrid.
- I am totally fine, and the law allows us to continue on Zoom at least through the summer and make this a fall project.
- People are traveling, we've got committees.
- I personally have dealt with COVID cases in my line of work twice in the last week.
- So COVID is still out there, I can't pick it up.
- So I would probably be a Councilmember that would stay on Zoom.
- I am going to go ahead and state that up front.
- We have a ton of meetings and a ton of work.
- I would prefer to work through the summer, get us set up to start hybrid meetings next fall.
- I think the law can confirm if we want to stay on Zoom passing these ordinances through the end of the year.
- That's my preference on the issue.

Councilmember Gurney commented as follows:

- What do we gain by being in person as a Council if our public is either all Zoom or in-person and Zoom?
- What's the significance of our being there in person?
- For instance, if the room is empty and it's just us and the staff is there on Zoom, I'm just trying to understand the point of us being in person.
- That's in the context of hearing Vice Mayor Hinton say she likes Zoom.
- I'm just thinking Zoom is working.

- I think it was Councilmember Rich who maybe thought in-person would be important or have a feature that was valuable.

Councilmember Rich commented as follows:

- I am a big believer in the hybrid model.
- I am the one who has experienced joining this group as a newbie, not having developed any of those working relationships prior to participating by Zoom.
- I notice in the room we do see more participation.
- But we have to recognize that there are people who don't participate by Zoom.
- Who in the past we have seen in person.
- For me the hybrid model maximizes the potential engagement for our community.
- I would not want to give up Zoom for the reasons that all of us recognize as important in terms of making ourselves accessible to the community.
- But the concept of also allowing the in-person participation is very compelling for me.
- There is a difference in in-person interactions that you do not get in these little squares.
- I do trust our administration to when she's assessing the equipment, she is aware of the limitations that she's seen in hybrid situations. I trust her.
- The technology to come up with a solution that will work for us and allow us to engage in the community in more than just this two-dimensional manner.
- There is the interaction between meetings when people take breaks.
- There is the arrival, there's the departure.
- For me, that potential, not the requirement, but the potential for the in-person contact for those people who choose to engage it is worth considering.

Councilmember Glass commented as follows:

- I'm actually in agreement with Vice Mayor Hinton right now.
- I'm happy with Zoom right now.
- I also take to heart the Mayor's concern about experiments right now, like when they're doing budget hearings and experimenting with technology.
- So, I'm tending to think let's stick with Zoom and moving to a hybrid perhaps in the fall, something that we could do.
- Maybe we could have a couple or one or two experimental hybrid meetings that are not, like, big public meetings but not one where we have a lot of stuff where we cannot afford to fail.
- It would be really not a good thing if we just completely muffed our hybrid meeting.
- So, for right now I'm fine with staying with Zoom.
- But I think maybe we should take hybrid out for a test-drive over the summer.

Mayor Slayter commented as follows:

- The comments of Councilmember Gurney and Rich are certainly compelling and interesting points of view
- I think there's an inherit power dynamic between somebody who is in person and somebody who is a little box on the screen.
- While I've not participated in a meeting similar to the one that Councilmember Gurney described, I can put myself in that room, and the frustration and the difficulty
- If we think back more than two years ago, and we have held a hybrid meeting. We held exactly one.
- There were two Councilmembers who appeared on laptops sitting in chairs down in the Community Center, and there were three of us in the room.

- That was a long time ago, we've all learned an awful lot about technology.
- But the same concerns exist between somebody in the room and somebody on a little screen.
- The participation of somebody who is participating remotely, not feeling like they're getting the temperature of the room, that they're not really understanding what is going on off screen, that to me just feels really unfair and difficult.

Councilmember Gurney commented as follows:

- I have a concern.
- It is that sort of the inappropriate hierarchy of response that might get created if you have in-person people and then Zoom people where there's a different credibility and weight, different reading of behavior, receipt of information and responsiveness to the information.
- There's an imbalance that comes with some people being in person and some people being only virtual.
- I'm worried it diminishes the virtual people in that circumstance.

Vice Mayor Hinton commented as follows:

- I feel bad for Councilmember Rich who has been a Zoom person for her whole, like, stretch here.
- I do feel bad about that.
- But, Mayor, you remind me, I was one of those in-person Councilmembers that went down, that thought it was really important to be in front of the public and we set that all up. Then the public really didn't show up. We were there by ourselves.
- So, I just have to kind of go with my gut on this because I hear it all the time, I'm not really comfortable being out there, from a lot of the public.
- I just don't want to do anything that, a, is not necessary and, B, is a little before its time.
- Just kind of like we're kind of chasing maybe the other cities or the board of supes.
- I feel like our citizens are probably more tech savvy than the average.
- I also don't think I've seen that many people that used to go down about, for gosh sake, Linda bird's on these calls.
- The people that used to come down to the youth annex are also still on these calls when it's an important issue.
- It's not like I've seen a lot of different people.
- So, I just think that I can appreciate a test run. We usually take a meeting off in August.
- Maybe we should test run sometime in time and then go for it in October or something.
- But I just think we're a little early. I don't think we're ready. I don't feel ready.
- I don't know that the community is asking us for it.
- So if our citizens aren't asking us for it, then it doesn't seem like we should go in that direction at the end of the day.

Mayor Slayter commented as follows:

- I'm hearing consensus for maybe a non-important or non-real test-drive, and we would take volunteers.
- That we're comfortable at this point with the Zoom format because of the equality that brings.
- We're all equal in our little boxes.

Councilmember Rich commented as follows:

- Haven't changed my position.
- I feel strongly that it's a real mistake that we're not willing to make this effort and take what apparently is a risk here that actually I think would engage us on a level that we need to re-embrace.

- However, my request to this group would be that we schedule, ask our administrative team to schedule in June or in July up for discussion but not just push it off, some time June or July a test run of a hybrid experiment so that we could then reconsider that option in the fall.
- That would be interesting To me, and I would welcome the opportunity to have all of us experiment with that particular opportunity.
- If that were something acceptable to this group, I'm willing to go with the majority.

Mayor Slayter commented as follows:

- I'm hearing that the idea of having a test drive is certainly of interest to the Council.
- So I think that everyone is generally on board with that.

Vice Mayor Hinton commented as follows:

- I'm on board with that.
- I think that we should, if we're thinking fall, we should do the test drive closer to the fall.
- Our staff is extremely busy right now, and I hear you, you're excited about it, Diana, but give them some time to get the equipment in place.
- That's what I'm kind of in favor of.
- So, whenever we think, if we're thinking about starting hybrids September, October, then let's do the test-drive close to that, to give them a little more time to work out the kinks.
- That would be my feedback on that. Following budget meetings mostly.

Councilmember Gurney commented as follows:

- I'm just going to state this more clearly.
- The public is interested in Zoom as the Council has said because it allows people the comfort of participating from their home.
- It's really a convenience factor.
- There's an invitation to participate in democracy when it's easier and you don't have to travel and you don't have to worry about little children and you don't have to worry about getting dinner or not getting dinner.
- It's really increased our participation, I think all of us have perceived that.
- I don't think people want Zoom because they're afraid of being in person.
- I've not heard that. What I've heard is just the opposite.
- People are really excited to get together in person and have that Face-to-Face conversation even if it's a little distanced or somebody's wearing a mask when masks might not be required.
- I think the real charge now is getting together.
- Like, boy, let's have dinner together, let's do something together, let's go to the Gravenstein Apple Fair.
- I think people really do want to come and get that special meaning that comes from looking in somebody's eyes and nodding to them.
- There's real value, I think as Councilmember Rich has stated.
- I appreciate being made aware of your months-long of COVID meeting experience and how that's really unusual for a Councilmember.
- All of rest of us have gone through a million meetings in person.
- I actually thought that the test case wasn't going to be a Council meeting, but it was going to be staff or somebody just filling in and trying out the equipment.
- Not that we were going to actually try and do business and then have tech problems interrupt the business because we couldn't afford to do that in June or July with all the budget conversation and all the

other issues that have piled up kind of since last October and November where we had long meetings and had to table conversation.

- So, I'm just going to repeat, I had more people when are we going in person than say please keep Zoom in place.
- I think as our commentors this evening have said, Zoom in the hybrid allows for both.
- I don't know, my experience of it is it's kind of awkward and doesn't work so well.

Councilmember Glass commented as follows:

- My experience has been people wanting to stick with Zoom.
- That's what most of the feedback I've gotten.
- But I am all in favor of us doing a test-drive some time later in the summer, as has been stated.
- Meanwhile, we'll get through budget, we'll get through all of these other things in our old reliable Zoom workhorse.
- Then move on to test-driving the hybrid and getting going hopefully in the fall and hopefully there will be no more bizarro hearings that cause us more problems.

Councilmember Gurney commented as follows:

- I also like the idea of the Council trying this because I think we have a facilities problem.
- We have a serious shortage of rooms.
- The other rooms at the Youth Annex really don't work for meetings.
- Like they wouldn't work any more than the conference room would work.
- So I think if we want to do a trial or make a shift to the hybrid meetings, then we ought to consider letting our other groups continue on Zoom, and then I have to say on the other hand that creates a real problem for the community because, like, who is on Zoom and who isn't.
- I really don't like messing with the public.
- The consistency is really important so people know when we meet, where we meet, and how it's going to happen and we stick with something.
- It's like when City Hall was closed every other Friday, it was impossible to remember when City Hall was open on the Wednesday we weren't closed every other.
- It's just really hard when you don't have a routine that sticks.

Mayor Slayter commented I think that the general of consensus of the Council is well known at this point.

MOTION:

Mayor Slayter moved and Vice Mayor Hinton seconded the motion to approve Resolution for Continuation of AB 361 - Next Action required within 30 days of the date of this meeting or May 17th 2022 Council Meeting, and Authorizing the City Manager To Continue to Implement Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361 and finds that during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing, the City Council and all commission and committee meetings will be held by videoconference.

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter
Noes: None
Absent: None
Abstain: None

City Council Action: Approved Resolution for Continuation of AB 361 - Next Action required within 30 days of the date of this meeting or May 17th 2022 Council Meeting, and Authorizing the City Manager To Continue to Implement Teleconferenced Public Meetings For All City's Committees, Commissions, and Boards Pursuant To Assembly Bill 361 and finds that during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing, the City Council and all commission and committee meetings will be held by videoconference.

Minute Order Number: 2022-165

Resolution Number: 6429-2022

This item was continued.

16. Consideration of Request from Mayors and Councilmembers for funding of Clerk Position for Sonoma County Mayors and Councilmembers Association (Vice Mayor Hinton/City Administration)

City Council Action: Item continued to future City Council Meeting.

Minute Order Number: 2022-166

The Council was in consensus to move forward with item Number 17th (Due to Council protocols, Council consensus needed to move forward as the meeting time was after 10:30 pm)

17. Consideration of Ordinance Regarding Oversight of the City's acquisition and use of Surveillance Technology and Imposing a Ban on Certain types of Surveillance Technology (Requestor: Councilmember Glass)

Councilmember Glass presented the agenda item recommending the City Council consider Ordinance Regarding Oversight of the City's acquisition and use of Surveillance Technology and Imposing a Ban on Certain types of Surveillance Technology

Mayor Slayter asked for questions of presenter.

Councilmember Rich commented I'd appreciate hearing from our Police Chief Kilgore on this topic whether he feels even this move is problematic in some way for purposes of his enforcement of our laws within the City.

Chief Kilgore commented as follows:

- I would like to ask a clarifying question of Councilmember Glass and possibly our ACLU representatives for clarification on the ordinance that you provided.
- Is this directed solely towards surveillance technologies that are using facial recognition, biometric, and similar types of technology that attempt to identify particular groups of people?
- Because I do have some issues related to things that we use but do not use those technologies.
- I've reached out to the cities that you've mentioned in the report, specifically I spoke with the police chief in Berkeley as related to this.
- So I'll stop my question there and ask for clarification on the actual use of what your intent is with this, is it related to facial recognition, biometrics that are singling out specific groups of people?

Councilmember Glass commented as follows:

- I don't think this would be facial recognition to single out specific groups of people.
- It's facial recognition to single out a person, and the point of their submission of this because that technology is problematic and misidentifies people at a fairly high percentage rate.

Chief Kilgore commented as follows:

- I agree with you on that point, Councilmember Glass.
- What I'm asking is that, are we talking about specific technology that is using facial recognition or other type of technology that identifies someone based on characteristics?
- Whether it's a person or fits into a group of people, not just simple technology that does not use facial recognition or other types of technology to identify people?
- Meaning that if we have a camera that we have set up on a building that does not use facial recognition or any type of anything else other than a recording device to record what is occurring, are we excluding that type of technology?
- Or are we including that type of technology into this ordinance?

Councilmember Glass commented as follows:

- I would think that we are submitting this to you for input.
- I will ask our members of the public who are here from the ACLU to address your question.
- But I also believe what I'm asking for is for us to pass on this model ordinance to you for your input, and then to bring it back to us for review on whether or not we should adopt something like this.
- I think that's the basic ask here.

Chief Kilgore commented as follows:

- That kind of speaks to why I'm asking that question as well.
- I'll let anybody else who's got any type of response before I move on to clarification as to why I asked that question.

Councilmember Glass commented Mayor, would you mind if I asked Omar or another representative from the ACLU to address the chief's question?

Mayor Slayter stated yes.

Omar Figueroa commented as follows:

- I think the answer is that we are looking at all types of surveillance technologies.
- If your concern is the cameras that are widely in use like ring cameras that the police department might be using, I think we want you to look at the proposed ordinance and give us your analysis of how that impacts your existing use of technologies and whether that's something that would interfere with your work.
- We're seeking your input.
- We already met with you.
- You told us that you did not have a problem with the idea for the surveillance technology ordinance.
- You said that you were not using any surveillance technology so that there wasn't a problem.
- But you also saw no need for it, is what I recall from you

Mayor Slayter opened for public comment.

Jim Duffy commented as follows:

- I'm an oversight practitioner.
- Thank you for taking my comments.
- I worked with the ACLU on the law enforcement surveillance technology team.

- The purpose of the surveillance technology ordinance is not really to forbid any technologies per se, except right now they're saying facial recognition because that's got a big problem.
- But most of them we're saying if you're going to have them, come before the City Council and get approval for them and get the policies approved so that it's transparent to the public what's going on.
- Actually, I didn't want to spend time answering that, but I did need to answer it, talking about third-party applications.
- Because that for me is the biggest concern is that there's these companies out there that are marketing themselves to law enforcement and saying, hey, we've got a great predictive policing algorithm that we're not going to tell you what it is because it's proprietary to us but will help you solve crime.
- They have aggregated all this data on all of us from our credit card purchases and what we do on social media and what's tracked on our phone for where we are at certain times.
- They market themselves as being able to help the police, but you don't get to know their algorithm because it's proprietary.
- It's really problematic.
- So that's one of the things that this limits is work with third-party vendors who sell a service to law enforcement.
- It doesn't say you can't work with them.
- It says if you find yourself in the need of working with them, you got to come before your governing body and get approval for that to say, hey, we have a need for this-we want to work with these things.
- So this is all about transparency in an age when technology is moving really, really, really fast on us.

Yarrow commented as follows:

- I really appreciate your time and the work and the time that you're putting into this
- I am wed really.
- I have a couple concerns around both the predictive policing either of persons or locations based as well as some of the biometric stuff.
- I don't think that anybody thinks they have privacy in public, but I do have some concerns around the lack of transparency with the data sets.
- These algorithms can reinforce racial bias in the criminal justice system.
- Los Angeles started this in 2018.
- They phased it out in 2019.
- So I don't entirely understand why the conversation is happening now.
- An internal audit found inconsistencies in how individuals were selected and kept in the system.
- New York still has not responded to data requests with the Illinois institute technology started it in 2012.
- They did one of the largest person-based programs and found that it was ineffective.
- The list included every single person arrested or fingerprinted in Chicago since 2013, whether they were convicted or not.
- So I think that I just want to echo what that gentleman because about a lot of times there's third-party data providers.
- This County did use a third-party data provider called black asphalt many years ago with predictive technologies with the use of motorists and that ended with the Rohnert Park police department and the way the police officers utilized those technologies.
- I think we're talking about transparency.
- Sebastopol is known for having a great quality of life.
- If this is 22-year-Old technology and it's fallen out of favor, why are we considering it for our small town?

Joanna commented as follows:

- I'm going to keep it brief.
- It's late, and we're all tired.
- But I thank you so much, Councilmembers, Mayor Slayter, Vice Mayor, for taking my comments.
- I would ask you to move forward on this item and deliberate over the model ordinance that was submitted to you by the ACLU.
- In our system of government, our foundational governments are only as strong as our commitment to defend them.
- Oversight is one of those foundational principles.
- It's necessary with regard to these types of technologies.
- I learned a lot.
- Just a second ago from Yarrow and all those details make me feel even more strongly that what we expect from those who we elect to represent us is to defend us in the rights that are afforded to us by those documentations.
- I support the motions in the ACLU's letter that there must be robust debate and community involvement, and to look at this ordinance carefully and to work together as a community to obtain input from law enforcement and provide guidance for law enforcement regarding technologies that could have privacy concerns in their implementation.
- I look forward to continuing this discussion as a community.

Omar Figueroa commented as follows:

- Sebastopol has a history of leading Sonoma County when it comes to progressive policies.
- The proposed ordinance is a progressive policy that would ensure vigorous public debate before our tax dollars used to fund surveillance technologies.
- The ordinance would ban use of Orwellian technologies such as predictive policing and facial recognition.
- For example, facial recognition technologies disproportionately misidentify and misclassifies people of color like myself, trans people and women.
- M.I.T. research found commercial face recognition systems failed up to one in three times when classifying the faces of dark-skinned women.
- Even if facial recognition were perfectly accurate, it would still give the government the power to spy on us wherever we go, tracking our faces at protests, rallies, and even the comings and goings of citizens at abortion clinics now that the Supreme Court is poised to disregard the precedent of Roe v. Wade.
- We cannot allow the normalization of this technology.
- Similarly, we cannot allow predictive policing to take route.
- Predictive policing technologies are an attempted rebranding of the concept of pre-crime popularized in "Minority Report." By banning predictive policing we are putting in checks and balances to reduce the likelihood of a dystopian future where our faces are tracked everywhere we go.
- Please join Councilmember Glass in recommending that staff consider the proposed ordinance.

City Council Discussion and/or Deliberations:

Councilmember Rich commented as follows:

- just listening to the concerns, I admit to not understanding the terminology that's being used here.
- But I will say that in a very real sense, I would hope that this ordinance would allow our police department to continue to place trail cams or video equipment in public places, not equipment that identifies people automatically by their faces but equipment that records information.
- For instance, if there's vandalism near any of our trash cans and our police chief wants to post a camera there that does record the information and that he can then review separately or remotely, I feel we should allow him the discretion to do that without having to come to the City Council.

- It's unclear to me whether this ordinance would limit his discretion to do that.
- But I just want to make it clear here in my comments that I do not see anything wrong with him having discretion in doing that.
- So, just to share my concerns, we don't want to make his job to the extent that it's legitimate, more difficult.

Councilmember Gurney commented as follows:

- I support Councilmember Glass bringing this forward.
- I hope we're directing staff to consider the model ordinance.
- I think it's too late and too complicated to go into a long discussion of all the ins and outs and wherefores.
- I appreciate our members of the public coming to this meeting and staying so long.
- I think this is a really genuine legal issue for us to grapple with.
- It's also a social, cultural, and political issue.
- I think it's ours to consider.
- I would like us to move forward and direct staff to do that.

Councilmember Glass commented as follows:

- Thank you for Councilmember Gurney's comments.
- That is the point of this is we have a demonstration ordinance, an example ordinance.
- The direction I'm asking for, as Councilmember Gurney just said, is to pass it on to staff.
- The Police Chief and staff who would be commenting on this and giving his advice and his thoughts about whether this ordinance could be adopted or would be appropriate to be adopted as is or would he advise something else.
- So all we're doing is asking for taking this model ordinance, having it reviewed by our police department and our City manager and our City attorney to see how appropriate it would be and then bring it back as an agenda item in the future.

Mayor Slayter commented as follows:

- Hearing the conversation about what the Council looks like, the direction the Council is going for reviewing and providing recommendations and suggestions for something along the lines of the proposed draft that we see.
- Is that in line with where you are with this, Chief?

Chief Kilgore commented as follows:

- That's something I don't mind doing.
- However, I would like to just make sure that the Council is aware that there is current legislation in place that prevents facial recognition and biometrics on the use of body-worn cameras by law enforcement officials.
- That is in place until January 1 of 2023.
- I fully expect that the legislature will expand that to more than just body-worn cameras.
- So it may be more appropriate to wait until that comes into place or does not come into place to bring this back.
- Because if we're putting forward an ordinance now or making recommendations on an ordinance that would be in place now, it very well could not have the same language or could possibly have contradictory language in their as it relates to the legislature.
- So it may be more prudent for the Council to wait until that time when that comes back and possibly becomes law before we put something into place.

- As far as the overall content of this goes, I don't have any issue with it when it comes to the use of facial recognition, biometrics and those types of things.
- As Omar alluded to, I have had conversations about this, and I don't have a whole lot of angst over this.
- I do have some angst over if there is a request for us to be bringing to the Council every time we move a trail cam somewhere because that just basically takes our ability out of things.
- But the bigger part of this is that there is legislation in place related to body-worn cameras.

Mayor Slayter asked that date.

Chief Kilgore commented January 2023.

Vice Mayor Hinton commented as follows:

- I think I'm going to follow unless they're changing their minds, the colleagues about directing staff to come back with something, other major cities that we share value with have seemed to pass something.
- We don't have any guarantees that the law is going to change January 2023.
- As we know, we have an election in November for three Council seats.
- The Council could look different.
- So, tonight I would be in favor of having this very little out a little bit and seeing if we could put in the possibility of something that kind of is about our values but maybe gives us room to update it if a law is passed that changes down the road.

Chief Kilgore commented as follows:

- I will say that the other agencies or the other cities that have done this, Oakland, San Francisco and Berkeley, that have been cited in this staff report, did so before, if I'm recalling correctly, did so before the legislation came into place regarding facial recognition by body worn cameras.
- So now bringing that forward at this time when we are essentially about six, eight months away from the law changing, again, creates a lot of work for me, for staff that I don't have.
- So I'm doing that work.
- Then come back and having to do more work should that law change that now has to comply, our City ordinance needs to comply with that law.
- That's my two cents on that.
- I think that it's more prudent for us to wait.
- For full transparency, I love the fact that our community believes that we might have that stuff.
- We just don't have the budget for that kind of stuff.
- So we don't do predictive policing.
- We don't have facial recognition or biometrics associated with our cameras or anything like that.
- I will tell you that as long as I'm in place as the chief of police, if for some reason we were to get anything like that between now and the time that the law and the legislation goes into place or changes, you're going to see me in front of Council anyway because it's going to be a very costly purchase or it's going to be a under a grant which we're not going to see happen.
- So I don't have any other explanation for that other than we don't have that kind of stuff.
- That's just not something that we have subscribed to.
- Nor do we have the ability to.

Councilmember Glass commented as follows:

- I would still like to move forward with this.

- I'm in agreement with Vice Mayor Hinton and I would at least like to get a report back from staff to indicate what parts of this might be workable for our City.

MOTION:

Councilmember Glass moved and Councilmember Gurney seconded the motion to support the Request and Direct City Staff to Return to a Future City Council Meeting a DRAFT Ordinance Regarding Oversight of the City's acquisition and use of Surveillance Technology and Imposing a Ban on Certain types of Surveillance Technology for City Council Review.

Discussion:

Councilmember Gurney commented as follows:

- My take on this, since I've not really provided one is that there is too much about this that I don't understand.
- So, the ability for me to say to staff, go ahead and do a full workup, that to me feels inappropriate.
- What I'm interested is a brief summary and an agenda item where we can become educated about it rather than moving forward with a recommendation to either do an ordinance or not do an ordinance.
- First we need to understand what the topics are in a way that is cogent.

Councilmember Gurney commented as follows:

- I think your comment will be part of the context for staff returning with their comments and recommendations and all of their work.
- So we'll have another chance to reconsider it as you're indicating you want.

Mayor Slayter commented I think staff understands where we're going with our direction.

Mayor Slayter called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter
Noes: None
Absent: None
Abstain: None

City Council Action: Supported the Request and Direct City Staff to Return to a Future City Council Meeting a DRAFT Ordinance Regarding Oversight of the City's acquisition and use of Surveillance Technology and Imposing a Ban on Certain types of Surveillance Technology for City Council Review.

Minute Order Number: 2022-167

The remainder of the items were not heard due to the lateness of the hour.

CITY COUNCIL/CITY STAFF REPORTS/COMMUNICATIONS/ANNOUNCEMENTS/FUTURE MEETINGS:

18. City Manager-Attorney/City Clerk Reports
19. City Council Reports/Committee/Sub-Committee Meeting Reports: (Reports by Mayor/City Councilmembers Regarding Various Agency Meetings/Committee Meetings/Sub-Committee Meeting /Conferences Attended and Possible Direction to its Representatives (If Needed) on Pending issues before such Boards)

(This will be either verbal or ultimately the most important outcome of consolidating our two agencies is that our community will receive the benefit of a sustainable, community minded, dedicated, and professional emergency response or written reports provided at the meeting)

- 20. Council Communications Received
- 21. Future City Meeting Dates/Events (Informational Only): (See City Web Site for Up-to-Date Meeting Dates/Times)

ADJOURNMENT OF CITY COUNCIL MEETING

May 3, 2022 City Council Regular Meeting will be adjourned to the May 17, 2022 City Council Meeting, 6:00 pm, Zoom Virtual Meeting Format

ADJOURNMENT OF CITY COUNCIL MEETING:

Mayor Slayter adjourned the May 3, 2022 City Council meeting at 11:30 pm to the May 17, 2022 City Council Meeting, 6:00 pm, Zoom Virtual Meeting Format

Respectfully Submitted,



Mary Gourley
Assistant City Manager/City Clerk

DRAFT