

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



Agenda Item Number: 1

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City of Sebastopol

CITY COUNCIL MEETING MINUTES
MINUTES FOR Meeting of July 19, 2022

As Approved by the City Council at their regular meeting of September 6, 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 Councilmembers 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)).

COUNCIL PROTOCOLS FOR 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.
- 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, will be asked to adhere to protocols and /or will be removed from the meeting.

Reminder please leave your microphones on mute until called upon and if you would like to provide your name during public comment you are welcome to do that but do not have to.

6:00 pm **Convene City Council Meeting (ZOOM VIRTUAL FORMAT)**

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

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/Attorney/City Attorney Larry McLaughlin
Assistant City Manager/Attorney/City Clerk Mary Gourley

Agenda Item Number: 1

City Council Meeting Packet of: September 6, 2022

Administrative Services Director Ana Kwong
Planning Director Svanstrom
Police Lieutenant Ron Nelson

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

PROCLAMATIONS/PRESENTATIONS:

- Proclamation – Proclaiming the Last Week in July as "Zero Waste Week" (Sloane Pagal/Councilmember Gurney)

Reference Order 2022-219

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA 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.

Royelyn Wooten commented

- Lives in Sebastopol
- I am once again expressing my disapproval of the Sebastopol smart water meters
- I feel those in our community who are electro sensitive and suffer a myriad of symptoms, as well as our precious insects, animals, and plant populations, many of whom will die because of exposure to EMFs have a right to live healthy.
- This means no smart meters or cell towers, all of which transmit EMF frequencies into our environment.

Kyle Falbo commented as follows:

- At our last Council meeting, Council approved a budget for the next fiscal year.

- At that time they were using a draft document that was made available to the public though it radically unrepresented the budget that was finally approved.
- Things that were not included in that draft document that were discussed very quickly without any sort of public documentation such as including increases to wages as a result of recent contract negotiations, as well as other modifications to the budget
- It's my hope that in the name of transparency and fiscal responsibility that an updated document that accurately reflects the budgetary process and the expenses and the expenditures and revenues be made available as soon as possible.
- It would be my hope that there would be some sort of indication when we might expect that document to be made public.

Angela Ford commented as follows:

- Discussed magnetic and radio frequency sensitive neighbors
- I am one of many who wish to return to our community-minded, progressive and truly “green” world. I choose to live in a town which ensures our EMF-sensitive neighbors are welcome and able to continue living in Sebastopol – rather than making them refugees in the name of “climate change” and follows through on our political traditions and values as codified in our General Plan, Telecommunications Ordinance and Zero Waste agreements.
- A world where one does business locally, taking competitive bids from others - rather than signing contracts for “turn-key operations” with large corporations like Syserco.
- A town that remains truly “green,” by stepping back from skyrocketing EMF/RF-energy consumption (mostly coal-based) and by retreating from throw-away thinking.
- I choose to live in a town that supports the vibrant health of all living beings - trees, birds, bees, and humans.
- A town that finally stops once and for all stops the EMF/RF global juggernaut that is knocking at our door.

Linda Berg commented as follows:

- Thank you for the previous speakers
- What I am going to speak about is the difference between Minneapolis and Sebastopol
- Discussed incidents that have taken place outside Sebastopol at the hands of the deputy sheriff
- We have never to my knowledge had any kind of thing like that ever happen here, the murder of innocent civilians
- There's been an awful lot of time and money devoted to demonizing our model police department which is traditionally compared to Mayberry
- We did have our routinely inebriated person spend time in jail at night
- This is a big, big mistake, all this time and money wasted in demonizing when we need to celebrate and support our safety agencies.
- I'm asking you to apologize to Chief Kilgore and the police department and start funding them and giving them the money they need to do the job that you expect them to protect this City which is about a million dollars

Michelle Linfante commented as follows:

- I am commenting on the large EMF contact that was not investigated enough that has continuing reactions from various community members and needs larger discussions everywhere.
- This was not done appropriately, especially in terms of our motto, think global and act local.
- The more citizens learn about this, the more they're disappointed that it's something to be expected by Sebastopol

- I have the finger on the pulse of communities everywhere and I have been learning about more international issues in this regarding including farmers suing due to loss of milk and the death of cows and rural areas due to EMFs.
- It's accepted that the electrical technology and climate change is endangering the planet.
- There are people who have serious problems with this kind of toxicity, but the problem and need for better understanding is bigger than that. We can't just accept this reality.
- It's been suggested for good reason that we don't let this pass without seeing what's wrong here.
- I represent many others that want me to state this case as well.

Alan Horn commented as follows:

- I want to thank you for this opportunity to speak before you tonight.
- The reason there are so many people speaking against these radiation-emitting water meters that you're proposing is because radiation kills.
- Radiation kills. Radiation kills. Radiation kills. Radiation kills. Radiation kills. Radiation kills. Radiation kills. Radiation kills. Radiation kills. Radiation kills.
- Now, stop it. Ban it before something else more terrible happens.

Mayor Slayter responded to public comments as follows: A question was raised, has the budget document been published on the City website and the copy in the libraries yet?

Director Kwong commented as follows: The budget document has not been posted to the website. I'm in the process of pulling it together and will likely be posted at the end of July

Mayor Slayter responded to public comments as follows:

- I will ask that an email blast be put out on City's mailing list to all interested parties when it is published, that it's available and include a link so that folks have ready access to that.
- There was a comment by one of our community members about the source of electricity in supply to folks in our community.
- There was a suggestion that we received energy from coal power plants.
- If you are a customer of Sonoma Clean Power, certainly of Evergreen, that is not true. That is 100% renewable electricity source and sign up for evergreen. It's a great way to go. It's zero emissions and all renewable.

URGENCY ITEM: REQUEST TO BE ADDED TO AGENDA:

Councilmember Gurney has requested that an urgency item be added to the agenda as it first came to City staff's attention after the posting of the agenda, and requires immediate action. Requires 4/5th vote.

Agenda Title: Letter of Support - SB852 (Dodd) will grant certain powers to the RCPA by designating it as a Climate Resilience District.

Mayor Slayter commented as follows:

- We do have a request to add an urgency item this evening from Councilmember Gurney.
- This is a request to add an item that was brought to our attention after the agenda was posted.
- The proposal is a letter of support for Senator Dodd's bill SB 852.
- This would grant certain powers to RCPA by designating it as a climate resilience district.
- What we would need to do is have I believe it's a 4/5 vote to add it as an urge item, and then we would be able to discuss it and take action or no action on that.

City Manager/Attorney McLaughlin commented as follows: Yes. Tonight that would require four affirm votes given five members present tonight.

Mayor Slayter opened for questions. There were none at this time.

Mayor Slayter opened for public comment.

Woody Hastings commented as follows:

- Sebastopol community member and I'm also a staff member at the Climate Center.
- For the Climate Center I track legislation and I'm familiar with SB 852 and it's a bill that the Climate Center supports. It's a good bill.
- I'm just chiming in to support placing the matter on the agenda. Thanks for the opportunity.

Angela Ford commented as follows:

- I have several questions. One is, what is the definition of climate resiliency?
- What are the criteria to be met? Why the urgency?
- What would be the ramifications or the play-out, so to speak, of discussing it now and why not wait for the next meeting?

Kyle Falbo commented as follows:

- I'm in favor of you adding this to the agenda but I would like to request that you do it at the end of the agenda.
- We have a very packed agenda and much like many agendas of the past, very fiscally important and somewhat controversial items are left way deep at the bottom to be discussed late into the night when many people are no longer on the meeting.
- So if you are intending on adding an item to this agenda in this fashion, I would expect that you would add it to the end of the agenda so as not to push these more controversial items even deeper into the evening. Thank you.

Linda Berg commented as follows:

- I just wanted to agree with Kyle.
- I'm cell phone free, tv free and electricity free due to my electro sensitivities.
- I am clueless as many of you are, frankly, about some things.
- But about this issue, I don't know what it is, but it seems to me it's a reasonable request that Kyle made.
- Put it towards the end or put it on the next agenda or give us an explanation of what the urgency is about it.

Mayor Slayter responded to public comments:

- Definition of climate resiliency, I will suggest that the individual interested in what that definition is to attend this meeting. The climate action framework is on deck, and we will be talking about that in a very expansive way. A definition I'm sure will come up in that discussion.
- For reference, you can find that draft document on the City's website in the meeting agenda packet for tonight's meeting. It's more than 100 pages long. There's a lot of really good information we'll be discussing at length with that.
- Why the urgency to add to this meeting at this time? It's because this Bill will be going to the Assembly appropriations committee up in Sacramento, and it is due to be discussed on August 3rd.

- That does not leave us enough time to publish a letter and get it transmitted in time to be in any way effective. So that's the reason for the urgency. Why not wait for our next meeting? I think same answer there.

Councilmember Gurney commented as follows:

- Thank you, Mr. Mayor, for mentioning that August 3rd hearing.
- Often our meetings go until 11:00 at night, there would not be a chance to get the letter there.
- We would go unrecognized as supporters of that bill. That along with the notice to me and you would explain the urgency.

City Council Discussion and/or Deliberations:

There was no further discussion.

MOTION:

Councilmember Gurney moved and Councilmember Rich seconded the motion to approve adding the urgency item as it came to the as it first came to City staff's attention after the posting of the agenda, and requires immediate action: Agenda Title: Letter of Support - SB852 (Dodd) will grant certain powers to the RCPA by designating it as a Climate Resilience District.

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 adding the urgency item as it came to the as it first came to City staff's attention after the posting of the agenda, and requires immediate action: Agenda Title: Letter of Support - SB852 (Dodd) will grant certain powers to the RCPA by designating it as a Climate Resilience District.

Minute Order Number: 2022-229

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 conflicts of interest stated.

Mayor Slayter reopened public comment:

Bruce Petersilge commented as follows:

- Thank you for fitting me in.
- I am a Belmont Terrace homeowner
- I also manage our community water system.
- We are just outside of the City limits behind the Lucky's and Fiesta or Pacific Market shopping center.
- My concern is, on behalf of our Homeowners Association, I am trying to come with some sort of acknowledgment or open maybe with a solution.

- I'm wondering if the City Council is willing to meet with the Belmont Terrace homeowners to work together to possibly address the situation with the homeless, the shelter.
- I'll refer to it as a transitional or the shelter across the street from the shopping center.
- The reason I'm bringing this up is we have had a noticeable uptick in crime, harassment, and there are some very real safety concerns, which started, I believe, in May with customers in many of the businesses being verbally assaulted.
- There's a walkway by the recently closed Mary's pizza, which is now very unsafe, adjacent neighbors calling the police daily
- The concern is, with the safety concerns, the uptick in violence
- There was a knife pulled on a customer inside of the Ace Hardware paint center about two weeks ago.
- The concern is that that is potentially lowering our property values, and I would like to know if the City Council is willing to meet with our homeowners to talk about solutions or at least to address the growing problem. Thank you.

Mayor Slayter commented I will note the two ad hoc committee members {former committee as it has disbanded} of the City Council, Councilmember Rich and Councilmember Glass who are {were} the Council appointees to the ad hoc committee for the unhoused and suggest perhaps some communication towards this community member to help answer questions in a more available format given that this is a non-agendized item this evening

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; 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 Tern.

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 Tern.

Mayor Slayter commented that item ws removed from the agenda at the request of the Little League.

Mayor Slayter read the consent calendar.

Mayor Slayter asked if any Councilmember wanted to remove a consent calendar item.

Mayor Slayter opened for public comment on the consent calendar.

Kyle Falbo commented as follows:

- If I learned one thing from being witness to the City Council, it's this, the consent calendar often exists as a place for the City to spend hundreds of thousands of dollars outside of the scope for the normal budgetary process with little to no debate from Councilmembers and little to no exposure to the public.
- Tonight is no different.
- Immediately following the breakneck speed late into the night earlier this month, using a draft document, once again using the consent calendar to approve the repeated use of contract services each with clauses that allow the expenditures from these contractors to massively over spend amounts, we saw historically up to double what was being budgeted for.
- Let's be clear what the amounts are going to be spent in item 3 tonight, \$73,000 for WCCS, \$36,000 for Holly Hansen public relations, a massive underrepresentation of the previous year's allocation.

- \$110,000 to GHD, also an underrepresentation of the true cost when the City had an in-house manager just two years ago.
- So it would be my hope at this time we can hear what actual cost were for these contracts for the fiscal year 21-22 for WCCS, Holly Hansen, and GHD.

Linda Berg commented as follows:

- Kyle, thank you so much. Again, I would appreciate it if you would think about running for City Council because we need better-minded people on that Council.
- I am very interested in those numbers that he just came out
- I am computer free. I still have information front of me.
- I would like to be assured that it doesn't have to do with the contracts for the \$5 million wireless water immediate fiasco for the \$2.2 million for which we have already paid out the \$1.25 million to the shyster for the boondoggle and you approved.
- That's why we need to have new people on the City Council.
- I'm urging anybody that's hearing this to consider running for City Council this year and the two years after that too.

Mayor Slayter requested staff to respond to public comments.

Administrative Services Director Kwong commented as follows:

- I'm not sure I understand his question regarding this fiscal year and last fiscal year.
- The item before the Council on the consent calendar is to approve those contracts that we already have in the budget that had been vetted through the budgets committee and then brought forward for further discussion with the full Council on the Citywide item list.

Mayor Slayter commented as follows:

- I would suggest that if there are additional questions that the member of the public contact our staff and clarify the question.
- I will also remind everybody that we did have two public meetings at the City Council level on the budget, and we had more than a dozen budget committee meetings, which in this year were open to the public because it's a standing committee now with a couple of only exceptions that were in a closed-session format due to privacy laws.
- Those were all open to the public and any member of the public could have gone and raised those kind of questions at any point.
- Finally, not necessarily in reference to the consent calendar items, but some language that was used by one member of the public.
- I will read right here from our Council protocols. Anyone using abusive, vulgar, offensive, threatening language, personal attacks of any kind, or offensive terms that target specific individuals or groups will be muted and removed from the meeting.
- This is a warning to our public commenter who continues to use an ethnically offensive term in reference to a contracting company that the City has. So please cease and desist that offensive language.

Mayor Slayter called for a motion.

MOTION:

Councilmember Gurney moved and Councilmember Glass seconded the motion to approve Consent Calendar Item(s) Number(s) 1 and 3. Item Number 2 was pulled at the request of Little League,

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 Minutes of July 5, 2022 City Council Regular Meeting Minutes (Responsible Department: City Administration)

City Council Action: Approved Minutes of July 5, 2022 City Council Regular Meeting Minutes

Minute Order Number: 2022-220

- ~~2. Approval of Amendments to Little League Lease (Responsible Departments: City Administration/Public Works)~~

City Council Action: Item pulled from agenda at the request of the Little League

Minute Order Number: 2022-221

3. Approval of Following Contracts as Approved and Authorized in the FY 22 23 City Budget Adopted July 5, 2022 (Responsible Department: Administrative Services):
 - a. Renewal of Contract with West County Community Services for Operation of Park Village
 - b. Renewal of Contract with West County Community Services Homeless Community Outreach
 - c. Renewal of Contract with Community Outreach Coordinator
 - d. Approval of Modification 1 to Amendment 34 to GHD Master Agreement 2010-01-36 with GHD Inc. for Engineering and Technical Support Services to the Engineering Division for FY 2022-23
 - e. Approval of Modification 1 to Amendment 36 to GHD Master Agreement 2010-01-36 with GHD Inc. for City Engineering Services for FY 2022-23

City Council Action: Approved the following Contracts as Approved and Authorized in the FY 22 23 City Budget Adopted July 5, 2022:

- a. Renewal of Contract with West County Community Services for Operation of Park Village
- b. Renewal of Contract with West County Community Services Homeless Community Outreach
- c. Renewal of Contract with Community Outreach Coordinator
- d. Approval of Modification 1 to Amendment 34 to GHD Master Agreement 2010-01-36 with GHD Inc. for Engineering and Technical Support Services to the Engineering Division for FY 2022-23
- e. Approval of Modification 1 to Amendment 36 to GHD Master Agreement 2010-01-36 with GHD Inc. for City Engineering Services for FY 2022-23

Minute Order Number: 2022-222

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.)* **NONE**

PUBLIC HEARING(s):

4. Public Hearing – Appeal for a Special Event Permit for the Headwest Marketplace for the closure of McKinley Street from 6770 McKinley to just east of Brown Street/driveway access to 6868 McKinley St (Rialto Theater) the second weekend a month through December 2022.

The Headwest event was approved on May 5, 2022 and the City received an Appeal of the project on May 9, 2022. Special Event Permit for the Headwest Marketplace for the closure of McKinley Street from 6770 McKinley to just east of Brown Street/driveway access to 6868

McKinley St (Rialto Theater) the second weekend a month through December 2022. The Headwest event was approved on May 5, 2022 and the City received an Appeal of the project on May 9, 2022. (Responsible Department: Planning)

Associate Planner Jay presented the agenda item recommending the City Council Deny the appeal, and uphold the approval, based on the Findings of Approval, and subject to the Conditions of Approval as revised by the Council.

The appellant, Ky Boyd, Rialto, commented as follows:

- Thank you to the City Council and the Planning Department for taking our appeal on this.
- The parking issues are well-known to the City. Because of the issues with Peacetown, we were pleased with what happened with Peacetown and that we do have parking lot monitors.
- That has been a huge help and has improved the parking situation on those nights significantly.
- However, with Headwest, it is on the weekends, it is our busiest time period.
- It's a busy time period for the Barlow. The farmer's market is downtown. There's a lot of demand on parking.
- If the Barlow and Headwest want to expand and include more vendors, we don't have problems with that. Contain it to the Barlow property. The Barlow is a huge campus. Find ways to put it in the Barlow. Don't extend it into a publicly owned street.
- My basic question comes down to this to the City Council. Would you grant any other private business in the City of Sebastopol the opportunity to close a public street ten times a year for a for-profit venture? If the answer is yes, reject the appeal. Register the expansion and force them to contain Headwest within the footprint of their already expansive property.
- The crux of my issue is that you're granting a private business rights to use a public street in a way that I do not believe the City of Sebastopol would grant that right to any other private business in the City of Sebastopol.
- It impacts our parking, it impacts downtown.
- If the idea is greater connectivity of the Barlow to downtown, then make a deal with the hotel people and put booths on the hotel site. There are ways to do it that do not involve closing a street, a publicly owned street.

Yolanda Matthews commented as follows:

- Operations Director at the Barlow and Jimmy Brower is on this call.
- I realize that in all of the past approvals and applications for Headwest, they've really just basically gone through Planning Commission.
- I wanted to give him a chance to introduce himself and just give a quick overview of Headwest and then he'll circle back
- I have a couple of maps I'd like to show so it's very clear what it is that we're proposing and what the current layout of Headwest is versus what we're proposing.

Mr. Jimmy Brower commented as follows:

- Thank you, Mayor, and Councilmembers and all that are attending.
- It's been a privilege and honor to be able to bring Headwest to the City of Sebastopol and working with my venue partner, Yolanda via the Barlow since 2017, 2018 since this has been happening.
- A brief overview about Headwest. I'm a maker, I'm also a small business owner.

- I think in a lot of ways Headwest came across as something bigger than what it is, but I'm the sole owner of Headwest marketplace.
- It is a marketplace that supports local makers, crafters, designers, artists, as well as other creatives and local communities around the bay area.
- The Barlow has been one of the very onset venue partners and finding strategic ways to give affordable and accessible space to stay-at-home creatives since its inception.
- I started Headwest in 2016 pretty much in my backyard of Oakland and Emeryville with 20 friends that were looking for affordable and accessible space, as well as a diverse and inclusive and equity-bound space to be able to connect with shoppers, our followers, our supporters alike understand that the value of the local economy, how to really stimulate that and understanding the challenges that small stay-at-home business owners really face.
- So in the last few years we had the extreme honor to present in front of the Planning Commission.
- They know from a to z what it takes to produce Headwest, again, that really serve Sonoma County as well as the City of Sebastopol, as well as the residents of both to create the space to be able to connect others.
- It's the ability to connect local economies and the visibility in terms of the discovery of folks from outside of that region or that area.
- I think it's been very clear through the Barlow's tracking numerics we've been able to increase the visibility for the Barlow as well as the City of Sebastopol, which includes businesses like the Rialto theater over the last few years from outside of Sonoma County.
- I think it's also really important to note that Headwest itself prides itself on being diverse and inclusive and offering community boosts to LGBTIQQ-identified folks, which I'm included, as well as BIPOC and AAPI-identifying individuals.
- I think in terms of what this expansion can really bring is increased visibility, a connection between the Barlow and downtown, which would also serve and increase visibility to Rialto Theater as well. I understand the concerns about Rialto Theater's traffic and parking.
- I think Yolanda will be able to kind of shine some light on how we intend to kind of make this mutually beneficial for everyone involved on both McKinley Street as well as the City.

Yolanda Matthews provided an aerial and details of the location of the Headwest.

- We measured it so it's for certain 110 feet of additional space of McKinley
- The entire entrance is still accessible and vehicles traveling eastbound can still enter and exit this parking lot.
- The additional 110 feet would allow approximately 15 to 17 additional vendors to participate in the market.
- The amount of public parking that we are discussing here is actually about seven to eight parking spaces.
- There is a red curb at the crosswalk all the way down which is why you don't see any vehicles parked there in this satellite image.
- It is a red curb, so although it can be used for vendors, it actually would not displace parking.
- The ask is about seven to eight vehicles for 100 feet on McKinley Street.
- Everything that is in red, the solid red line, indicates a version of Headwest and how it's been approved in the past.
- The layout had changed a couple of times throughout a period of time.
- There's very few parking spaces being used on Pink Lady Court, and then it's the entirety of McKinley Street on the Barlow-owned property. Displayed the proposing the footprint
- Keeping the continued length on Pink Lady Court and simply expanding it the additional 110 feet to give those extra booths on both sides of the street.

- We're very sympathetic to the parking concerns that Rialto has.
- The Barlow has grown, but we're actually not taking a lot of parking away.
- We actually have overflow parking that's been used for both vendors and overflow, and that's located on Morris street.
- Displayed the City, Publicly owned parking lot. Discussed overflow parking to accommodate approximately 125 vehicles.
- So even though we're taking up some of the parking here, we are offering a lot of additional parking.
- There's always going to be a shared parking scenario, and there has been and we've done a lot to remedy that.
- We have done it with Peacetown, and I understand that it's been a part of the conditions of approval before the appeal that the City had required us to offer a parking monitor.
- We understand that would be a respectful route to take, but there are also times when the Patisserie and Smokehouse barbecue are parked on the Barlow property and we try to be good neighbors the best that we can.
- But we do believe we're providing pretty adequate parking for an event of this size, and it is not monitored.
- It's actually publicly available when it's open to be used by anyone that needs it.
- Again, we want to be good neighbors. We feel that what we're asking for isn't a whole lot and for the most part it's just a vacant strip of land on both sides of the street that we're requesting.
- So we are hoping that the City Council will approve our application just as the Planning Commission did and allow us to expand and allow those additional vendors.

Mayor Slayter opened for questions.

Councilmember Rich commented as follows:

- Thank you for the presentations, both from the Rialto Theater's perspective and also from the Barlow's perspective. Thank you, staff, for that thorough presentation.
- I did have a couple of questions. One is directed to Mr. Brower, which is you talk about the event supporting crafters, makers, creatives - what number of local crafters, makers, creatives do you have as vendors at your events?

Mr. Brower commented as follows:

- Thank you so much for the question.
- I definitely have this question asked pretty much every year as we go through the Planning Commission.
- We hold a space for over 75 local. Those are tracked within Sonoma County and then outside of Sonoma County, we go into Napa as well as Marin County.
- I think it is one of the most beautiful things that Headwest is able to offer and it's my mission to create spaces within neighborhoods as well as communities for those creatives to find spaces and someone to come and say, hey, that's my neighbor and I want to support them because I know them, and I know that that her small business owner, their passion's there, and it would be a great thing to have.

Councilmember Rich commented am I hearing correctly that 75 of your vendor booths are actual local Sebastopol or what do you mean by that?

Mr. Brower commented as follows"

- I think it extends beyond Sebastopol

- This is something that there were questions about in the early stages with the Planning Commission. We want to make sure that we weren't limiting space to only Sonoma County as Sonoma County is a majority of white-skinned creatives.
- It's my mission to make sure that there's diversity, equity, and inclusivity made available.
- Although my goal is 75%, it does ebb and flow over the last many years that Headwest has been operated, but I do prioritize local creatives to application acceptances for entry and participation.

Councilmember Rich commented what number of vendors do you have who are from Sebastopol at this moment?

Mr. Brower commented as follows:

- I don't have that information because that wasn't a topic that was prepared to discuss.
- I think it is an important topic just in general.
- Whenever we have, say, average 60 to 75 participant booths, we'll average around 75% of those spaces from the County or neighboring counties as well.

Councilmember Rich commented as follows:

- I'm a little unclear why this 110-foot section would be so important.
- My understanding from the presentation is that 100 vendors have already been approved, and I don't see in this additional request a request that that number of vendors be expanded
- What benefit to the community or to these vendors does adding this particularly segment and losing the parking places for the public,
- What is the benefit? Why is this important to you?

Mr. Brower commented as follows:

- I think small businesses and stay-at-home local creatives are the backbone of our local economies, and anytime that we can create more space that we can all mutually benefit from, I think that is a great reason why to create that more space and fight for that more space.
- We're able to add 15 more 10 x 10 booth spaces for the stay-at-home mom, the person that's juggling multiple jobs, someone from outside of Sonoma County that can come up and share their diversity and culture and find space in a very wealthy community that they might not find in their own communities.

Councilmember Rich commented as follows:

- I completely understand your answer and you've been very clear about the mission and the vision.
- I think I need to be more specific about this.
- My understanding is that 100 vendors has already been approved.
- Is part of this request to expand beyond that 100 vendors and add 15 more?

Director Svanstrom commented as follows:

- In the City of Sebastopol, if you're looking for a special event permit like this, if it's on private land, that goes through Planning Commission.
- If it's on public land, it requires a special event permit, which is what this expansion requires. Those don't go through the Planning Commission. It's actually Public Works and Engineering Departments.
- The City Manager has staff review it, all the departments review and then the City Manager signs the letter for approval or denial .
- In terms of the 100 booths that are allowed, when those were approved by the Planning Commission, the intent was those would be placed on Barlow land.

- They allowed for the closure of Pink Lady Court, and so in some ways this is kind of opening up private parking spaces on that northern section and instead of putting them on the western
- I'm not quite sure what the intent or importance of that is because they do have the ability to close the Pink Lady Court
- That would be a question for the applicant why they're not using Barlow parking on the Pink Lady Court versus the section of McKinley they're requesting.

Yolanda Matthews commented as follows:

- I may be able to speak a little bit to that just to try to help.
- We do have approval to use a pretty decent section of Pink Lady Court for additional vendors. We had used that.
- One of the goals for Headwest was to be able to be more inclusive with the City of Sebastopol.
- I think we all felt like it shouldn't just be Headwest at the Barlow.
- We would love for it to be Headwest just generally in Sebastopol.
- The original application included a proposal as it was stated expand all the way down to Petaluma Avenue, hoping to bridge the gap.
- I feel like for years there's been a desire to try to bridge the gap and try to have the Barlow and downtown more inclusive with one another.
- That was a goal we thought that this would be a good opportunity to try to do that. That got declined, but in the process of doing that, we realized that we would have a really good opportunity to make sure that people had a vibrant area and that flow worked really well, and that we could still hopefully work that way and potentially in the future be able to expand after that if things went well.
- It was more so originated because of the desire to be able to kind of bridge the vacant gap on the otherwise vacant gap on McKinley Street between the Barlow and downtown.

Mayor Slayter commented as follows:

- I understand your question, Councilmember Rich, and it seems like a simple one.
- Are there 100 booths permitted now and will it be 100 in the future or 110 or 115 booths in the future?
- Did capture it? Is that an answerable question?

Yolanda Matthews commented as follows:

- Right now we are approved for 100 booths. There are not 100 booths at Headwest with our current layout, so we're not proposing to go over 100 booths.
- We're proposing to be at 100 booths. 100 feet would get us to 100 booths.

Councilmember Gurney commented as follows:

- Thank you for that discussion because I also was wondering about Pink Lady Court
- Requested the maps be displayed which shows where your approval is so we can see where Pink Lady Court is compared to what you're asking for now
- What's wrong with Pink Lady Court there?
- I got already the connect with downtown logic, but there was an earlier comment from chi at the Rialto, keep it on your campus.
- Look how much room you have on Pink Lady Court. Can you explain why you're not using that without mentioning connect more to downtown?
- Are you not wanting to sacrifice parking?
- Could you also show us where the batch plant lot is? Where exactly is it over there?

Yolanda Matthews commented as follows:

- We had our first Headwest in 2019 and there have been two amendments made to the permit for Headwest.
- The layout has changed with some of those.
- I was speaking with John Jay just yesterday trying to understand when they changed and what they changed to. I think we're both a little bit confused.
- But at some point or another, this entire expansive Pink Lady Court was included.
- It's my understanding that we went in to amend at some point and it came up on McKinley or Pink Lady.
- I don't know if that is what is approved today. I think it's a smaller portion of Pink Lady.

Director Svansson commented as follows:

- This has been a number of amendments for the Commission and staff to review.
- It did start off with just McKinley Street.
- Actually, it started as two events and then they went to the Commission to expand it to be the full year.
- They came back in March or April of 2020 during Covid and wanted to be able to do spacing, additional social distancing and spacing and expand to 100 booths and that did include Pink Lady Court and McKinley Street.
- They have never been back in to remove Pink Lady Court or reduce it from 100 booths or change it to something else.

Councilmember Gurney commented as follows:

- Can you explain Jimmy why you are not using Pink Lady Court
- What do you think about use of Pink Lady Court

Mr. Brower commented as follows:

- There is quite a bit of room there.
- From my experience running Headwest I think there's always been this question of parking.
- A lot of parking is consumed by those booths.
- Whether or not it becomes kind of this local political type of push-pull, I want to be sensitive to that echoed comment that the Barlow's parking has never been monitored, and it's always been open for all those businesses along McKinley Street, whether they're visiting the Barlow or not.
- In kind of my year over year analysis finding ways that we can give back more space to the people that are discovering these small businesses and these local merchants and tenants that both occupy the Barlow regardless of if they're a private business or not.
- They're still small business.
- Finding ways to create more space, create more parking for the discovery shopper and visitor to the City of Sebastopol is really ultimately my priority
- The more eyes on Sebastopol, the more eyes on the Barlow can benefit all
- With the eight parking space that are being eliminated by the 110 feet, we're actually gaining a number of parking spaces that Pink Lady Court gives back in addition to the batch plant parking at 125, we're seeing a big upside here. That's kind of been my perspective.

Councilmember Gurney commented as follows:

- I think the winning answer is attendees can see down the street, they can't see around a corner.
- So they're at one end and they go whoa there's fun all the way to there.
- I have a question about the parking lot at the Rialto, part of which is a public parking lot.

- In terms of monitoring that area, have you guys ever put up a sign that says "no Headwest parking" on the entrances to the Rialto's lot.

Yolanda Matthews commented as follows:

- I'm pretty sure it's a condition of our approval now as it was in the past to put up a sign.
- So there's three a frames that say no Barlow special event parking.

Mr. Boyd commented as follows:

- We also have our own signage we put up in addition to what the Barlow puts up.
- Ours says no Barlow parking, period.

Vice Mayor Hinton commented as follows:

- I'm interested in hearing about tax revenue and how Headwest and the sales that are happening inside our City contributes to our bottom line
- St having come off the budget process, we know that tax revenue is one of the main drivers for revenue for Sebastopol.
- I have to assume that these booths and the sales they're making, there's a reporting system that is delivering tax revenue.
- Is there any way you can address that?
- I know that I'm pretty sure you probably don't want to give specifics, but maybe you can comment on it.
- I assume this venture is growing
- I attended Headwest at the very beginning when it was down more on the side street.
- Can you address the benefits from a sales tax revenue perspective for these special events.

Mr. Brower commented as follows:

- I can shed some light on this.
- Headwest in itself requires that all of our participants have a California seller's permit. Having a California seller's permit ensures that they are taking it upon themselves to report to the California tax and fee administration all of their sales within the areas that they pop up, whether that be Sonoma County, whether it be Alameda County, or, say, the City of Berkeley.
- On a quarterly basis, each individual goes in and selects from a drop-down in the website the amount of sales taxes this they collect and then reports that on a quarterly basis.
- For Headwest there has not been a requirement for Headwest to report booth fees to the City
- I think with this proposal, this expansion, if we do take up the additional 110, I'm happy for Headwest to start contributing to that tax benefit because ultimately that is what our mission is, to ensure that the local economy itself is supported and there's a mutual benefit between the two.
- I think if that is a condition for Headwest to officially be business licensed as well as reporting booth fees, although it's not reported as sales, whatever that kind of model or practice looks like,
- I'm happy to take that on and understand better on how to benefit the City that way.

Vice Mayor Hinton commented as follows:

- When we get into this further, we can expand on that.
- I do know myself that a business license is based on a combination of the type of business that you have and the revenue generated.
- I appreciate you being upfront about that you have not contributed in this way.
- I think that that needs to be rectified as soon as possible.

- Within that permit would be an estimate of what the vendors are doing as it grows total sales, I believe.
- So thanks for addressing that.

Administrative Services Director Kwong commented as follows:

- I think Mr. Brower has answered the sales tax.
- Each of the vendors that are attending this event, they need to register with the State Board of Equalization for the City to be able to collect the sales tax, whatever it is they're selling. As far as the business license is concerned, on the City website there is a link to apply for business license online for the special event such as this, and I could send the planning director the web link that you could send that out to your vendor to get that business license.

City Manager McLaughlin commented I'll just note the actual approval does require them to get a business license.

Councilmember Glass commented as follows:

- My first question is actually to Mr. Boyd. In his presentation, he was indicating that he felt that the use of this public street that's a destination attraction, so the people coming to the movies are people who are coming for the movies.
- It's not, oh, I'm here, let's go why don't we see a movie while we're here. You get a little of that but not a lot.
- It's not enough of a market segment to make a huge difference one way or the other.
- The crux of my whole objection to this expansion is, as was beautifully shown on Yolanda's maps, the Barlow has plenty of room to add booths on Pink Lady Court, so why do they need to do this on a public street

Mr. Boyd commented as follows:

- Attendees going to an outdoor fair are not planning to be movie goers
- It is not a destination attraction
- My crux is why a public road is able to be used as a private space

Councilmember Glass commented as follows:

- Then my next question is, we're talking about 15 more booths on a public street.
- Is that what we're talking about?
- Presumably, you're charging for people being in the booths, and I'm asking, what do you charge for the booths? The purpose of what you're doing is to make money.

Mr. Brower commented as follows:

- The purpose of what I'm doing is to provide space.
- I think the wrong assumptions are being made is that Headwest is larger than what it is.
- We take no corporate dollars, no capital venture funds, nothing that comes in and pays for what we do.
- I think the expenses for running an outdoor marketplace, whether it be private property or public property, the amount of expenses demand some type of booth fee.
- I do charge a booth fee, and that booth fee goes to human labor to one, execute all facets of the day of logistics and also help to pay for some of the janitorial, grounds keeping, venue expenses, promoting, and marketing, and the behind the scenes for allocation, the website development, the social media outreach and the list goes on.

- Yes, there is a booth fee to all booth spaces for any small business to come in and to sell and to connect with other people.
- The only exception is that I offer no cost booth spaces, many throughout the year, at all marketplaces, for those that are identified as LGBTIQQ, the Asian pacific communities, the black, the nonprofit partners who are there Saturdays and Sundays, the Humane Society, and Goat Land Animal and Goat Rescue Sanctuary
- I think, over all, isn't every business a for profit business.
- Is the Rialto theater for profit?
- It takes revenue to create space. Especially a time now where so many stay at home creatives, who do deed contribute to local municipalities and all local and county sales taxes to have space after this nightmare of a few years in the pandemic.
- But nothing has changed in my mission. It's always about affordable and accessible space, and keeping booth prices low, but with the partnership of the venues, be able to afford the rising expenses in my case.

Councilmember Glass commented you're renting the space in the Barlow as well that you are reselling that space and so my next question is actually how many parking spaces are eliminated during the event. Are there spaces during the events that are eliminated along McKinley?

Yolanda Matthews commented the total number of parking spaces that are used currently are 38 parking spaces that are private.

Councilmember Glass commented as follows:

- There's 38 spaces that belong to the Barlow that are eliminated while you are doing this event.
- My question to the Planning Department is, does that still keep the Barlow in compliance with their permit in terms of how much parking they have to offer?
- They have a use permit that says they have to have x number of spaces in so much if they are eliminating spaces through having this event, are they still in compliance with how much parking they're supposed to have?

Director Svanstrom commented as follows:

- They still have a few excess spaces with the closures in terms of meeting their requirements with the batch plant lot used for the event. However, the batch plan parking lot is not permitted as a permanent parking lot. But it's part of the use conditions for the temporary planning use permit to approve to be able to utilize that.
- It has about 125 spaces that could cover the McKinley parking spaces that are being closed.
- I think one of the questions that has come up from time to time at the Barlow is, they are closing spaces but they are creating additional demand because the people coming to the booths and needing to load and up load and the additional people but from a code perspective and zoning ordinance, the batch plant parking would cover the McKinley parking spaces being closed.

Councilmember Glass commented did you say that the batch planting parking lot is permitted as a parking lot.

Director Svanstrom commented as follows:

- It is not permitted as a parking lot.
- The Barlow has submitted the preliminary information to develop that as a formal parking lot. It can go to the Planning Commission for preliminary review.

- Whether it's a structured or surface lot, they have gone back and forth. But right now, they are looking at surface parking in that proposal.
- The site itself is in the scenic and environmental overlay, given its proximity to the Laguna, and the parking lot does require a use permit.
- But we have been supportive of the Barlow doing that, because of the parking for the types of events they have. However, it does require an ESOS study and Use Permit.
- The Planning Commission did reduce the components of it [the EOSO study] but they did require other components of the study.
- We have scoped that out and we are waiting for the Barlow to go ahead and get that started at this point.
- So that is sort of the longer range process of developing it in a formal parking lot.
- in the meantime, we have been allowing it for the temporary use permits where we foresee a parking issue, like the Peacetown concert and the Headwest marketplace.

Councilmember Glass commented so you are counting it towards parking spaces in order for them to be in compliance with their use permit in terms of their required amount of parking spaces.

Director Svanstrom commented when they are closing McKinley yes.

Mayor Slayter commented how many seats are there at the Rialto.

Mr. Boyd stated it is about 850.

Mayor Slayter commented as follows:

- Question for Headwest.
- When laying out the sale lots or stalls, Is it not more efficient in this case to put them along McKinley where the parking is parallel to the roadway and the path of travel? Versus in stalls that are perpendicular? Do you not use half as many stalls in a parallel layoff?

Yolanda Matthews commented as follows:

- On McKinley Street, they are all parallel parking spaces.
- In Pink Lady, they are not, and in Pink Lady, they take up more space than a parallel spot.
- A parking small is roughly two squares, roughly 10 by 20, and if you can get two versus one long thin one, it's more efficient.

Yolanda Matthews commented it's more efficient to use parallel parking spaces, yes.

Mayor Slayter commented as follows:

- I don't know if staff is able to bring up a parcel map for the public parking lot that's at Laguna Parkway, basically the property that is the Rialto theater and the Patisserie and the Smokehouse.
- There is question in the past about what is public and what is private in this particular lot.
- Discussed the blue on the map that is the privately held lot that is exclusively reserved, rightfully so, for the theater and the patisserie and the smoke house. Is that accurate?

Director Svanstrom commented as follows:

- That is accurate, and the one thing I would note is property lines and the parking spaces, the aerials are off a little bit. I think that Johnson street is part of the property.
- This is not official parking lot.

- When talking about the Peacetown at the Planning Commission, they stated they do use this as ways to access for vans to access and other things going up and down the street.

Mayor Slayter commented as follows:

- A rough calculation of the number of parking places would be approximately 40 in the public lot at the west side. There along Laguna Parkway, along the arc and the park that faces to the south and the center island.
- That is approximately 40 spaces and just a real rough count on the privately held part, it's somewhere between 80 and 90 spaces.
- That is approximation for bounds of discussion.
- That's what it looks like from just a data standpoint.
- So it is likely that the theater, when it is busy, that not all customers of the theater are marking on that privately held lot. I think that that's a safe assumption.

Yolanda Matthews commented as follows:

- I would agree.
- They do park on Laguna Parkway, although, thanks to the redo of the parkway parking, we all lost a bunch of parking lots of Laguna Parkway for virtually no benefit.

Mayor Slayter commented as follows:

- Requested the arial from the GIS web site
- I don't have a count con how many parking places are in there, but if the red line from the approved "t" is overlaid, I believe it goes from the north however many stalls that would be.
- But it's many, many parking places that are allowed at this point under their current use permit to be eliminated, temporarily, to be repurposed temporarily
- Asked staff to display the batch plant

Director Svanstrom noted they are supposed to be constrained to not parking where it's green on the display. They are required to delineate that so they don't use sensitive, natural areas.

Mayor Slayter commented what are the measures that have been put in place for Peacetown for parking. Parking monitors? Hallway Monitors? People with whistles? Safety vests?

Yolanda Mathews commented as follows:

- There was a requirement for two parking monitors, and the requirement also was that they wear Peacetown branded apparel.
- There was a check in meeting with Peacetown and the Barlow and it was determined the second parking monitor would not be required.
- At this point, we also had just prior to this meeting, we had discovered that that entire parking lot did not belong to Rialto.
- We were not aware there was that much public parking and the signage was all on three entrances and we never directed anyone to park in the public.
- We didn't know it was public. So basically, since the amount of parking was limited to just the private lot, and because there hadn't been issues we were able to get rid of parking for two and just have one parking monitor. They are a parking monitor company
- They are closing a few spaces on Pink Lady Court.
- They have stages they are right in the foundry area and they are closing the smaller parking lots but they are not closing McKinley Street. Last year, we had significant calls at almost every event when

McKinley Street was closed and they are not closing McKinley Street, and it's been a much better situation this year.

Councilmember Rich commented as follows:

- Can we get a clear answer on the number of parking spaces that could be eliminated if this request were approved.
- I see in the staff report that is ten, and we're hearing from the applicant, I think, for from the Barlow, it's more like eight. Can they clarify that.

Mayor Slayter commented I believe it's due to the parallel nature along the roadway, and it depends on how tight people back up to each other.

Director Svanstrom stated that is correct.

Councilmember Rich commented as follows:

- Eight to ten would be fair.
- Then my question is, if we look at Pink Lady Court, and instead Pink Lady Court were used to accommodate the additional 15 vender booths, how many parking places would be lost on Pink Lady Court?
- Who would be the best person to answer this question about the number of parking spots or the linear footage eliminated by the vender booths on Pink Lady Court.

Mayor Slayter commented it would be roughly twice as many parking stalls as McKinley.

Director Svanstrom commented as follows:

- Discussed the parking study at the Planning Commission
- You can see there are some discrepancies in parking
- The Pink Lady Court is 64 spaces. And whether or not that equals how many booths exactly that would be, I'm not sure.
- There are planter areas in there, and I don't know if that would disrupt the normal 10 by 10 booth or whatever they are using.

Councilmember Rich commented It would help me to know from someone in the room if they could tell me what portion of Pink Lady Court would be required to accommodate the 15 vender booths.

Yolanda Matthews commented as follows:

- Each parking spot is I believe approximately 10 feet wide.
- Each vender booth is more than 10 feet because there's pathways in between each booth.
- So if I had to guess, and it's just a complete guess because I haven't had a chance to prepare a map, I would say that whether it's ten feet in parallel spaces, it probably, with the planters and the layout, it probably is closer to 20.

Councilmember Rich commented would all of Pink Lady Court be required to accommodate the 15 vendor booths.

Yolanda Matthews commented as follows:

- No, they could not, which is what I tried to indicate in the overview map, with the dashed lines.

- We're only requesting a small area of Pink Lady Court, and the reason for that isn't necessarily for booths.
- There is a music stage on that corner, so we want to make sure that cars don't get too close to people walking on McKinley Street.

Councilmember Rich commented if you don't get the extension that is requested, and those 15 booths need to be accommodated on Pink Lady Court, is there space on Pink Lady Court to accommodate the additional 15 booths?

Yolanda Matthews commented there is currently space to accommodate more than 15 booths.

Director Svanstrom commented as follows:

- If you measure out, it's about 100 feet or so of street length that they are requesting be closed.
- If they did 100 feet, it would basically be to the property line so it would not be the full court. It would be maybe a third of street, which is about 20 to 22 spaces.

Councilmember Glass commented as follows:

- Because we were talking about the parking lot, the Rialto parking lot, and then there is the public lot adjacent to it, I remember that when the old foundry building first became a theater, and the City owned that public lot, and then there was the private lot adjacent to it, that there was a reciprocal parking agreement, with the City, and Ky is raising his hand, that had to do with time of use.
- I am bringing it up, how the spaces tie into what is being used.

Mr. Boyd commented as follows:

- The reciprocal parking agreement expired in 2010 or 2011, prior to Rialto cinema becoming a tenant in May of 2012.
- Neither the City nor the Duryee's opted to renew the parking agreement.
- Both parties of which we were not a party let it lapse

Yolanda Matthews commented as follows:

- I want to backtrack to the measurement of the Pink Lady Court.
- To reinforce that 100 feet isn't equal on McKinley like it is on Pink Lady Court
- There is an area of the site that is a PG&E transformer.
- I want to make sure that is known.

Mayor Slayter opened the public hearing.

Kyle Falbo commented as follows:

- To answer Mr. Boyd's question, yes, the City is entirely willing to close sections of public street for the direct benefit of local businesses. I offer Depot Street or Highway 12.
- They have closed the public street for a parklet, a parklet that was not defined as a closure of a public street but in front of a business. A parklet commonly referred to as being theirs. Theirs being the adjacent business.
- A parklet that experienced a series automobile accident just three weeks ago.
- What I'm surprised to know that in creation of the Barlow, the granting of any streets of private streets was decided.
- It isn't a wonder that conflicts with neighboring businesses that are negatively impacted by events on or near public property, and right of ways that are not actively forced as agreed upon for events.

- Council, enlighten me, you were part of the granting of the private streets and what conversations were held regarding the use requests such as the ones discussed this evening.

Linda Berg commented as follows:

- I would like to bring up a small point before I bring up other two points.
- That is the reference to the word that the Mayor got his nickers in a knot over
- I have looked up that word in six dictionaries, including the black law dictionary and the origin of words, the word origins I have in front of me, and nowhere have I ever found or heard of it being associated with any kind of ethnic stuff.
- In fact, what it is here, part of the definition that I have right here in front of me, the word origin, is that an alternative explanation that it represents an alternation of the German word that is all inclusive.
- I would like to make the other two points about the Barlow. A couple other overlooked impact that I would like to mention.
- That is one of the radiation impact that Barlow is just one of the hottest spots in town.
- People that are going there are exposed to extremely high radiation levels, microwave levels from the smart meters that are there, and it bounces off the metal buildings throughout the Barlow.
- Even more if there's any kind of wireless smart meters that are put throughout the town, and the ideas of other impact that it's going to have another adverse impact on the underfunded and underappreciated police department.

Jill commented as follows:

- I don't really have any skin in the game as far as this, but as a business owner, I would just say that it seems to me that the Council needs to be consistent in decisions regarding businesses and closing streets and to not have the appearance of favoring some businesses over others.
- As a business owner, I know myself. But I would like see consistency in the decisions.

Hearing no further comments, Mayor Slayter closed the public hearing.

Mayor Slayter asked staff to respond to public comments.

Director Svanstrom commented as follows:

- While I was not here when the Barlow was developed, I will speak to the general City process.
- I will let the City Manager speak to specifics for this. But in general, the City, when someone is doing development, whether it's a subdivision or a larger commercial industrial development, does not want to add to the City infrastructure in the streets so the tendency the last couple decades has been to require a public right of way access and public utility easement and not to actually take on the City street.
- It's one more street the City needs to maintain and pave and what not. So the tendency is to require the public property owner, when the street fully serves them, to maintain it, or maintain it jointly, if it's a subdivision of owners. One of the things I'd like to show, this is an area of the Barlow, the area of McKinley Street back in 2000 before the Barlow was developed and as you can see, there is a building for the McKinley Street going through to Morris Street, so there is a lot of things like that within the City that were never actually developed as streets [showed past maps/images].
- They were required to construct the streets. They are also required to maintain the streets but we do have a public access way over it.
- It's one of the reasons why they do need to request closure of that from the City. They can't just close it.

- The other is the use permit for the Barlow and the need to maintain parking and access. Just like they couldn't close all the parking lots for a sale.
- They couldn't have the parking lot available for the use, unless it's done for special use permit.

City Manager McLaughlin commented as follows:

- I will just confirm, we did not want to take on the responsibility and cost of maintaining that.
- So the arrangements, since it was in private ownership, was as the Planning Director indicated, that the developer would develop that street and maintain it, and we assured public access over it by taking back a right to access it.

Mayor Slayter commented as follows:

- Discussed the time to when there was a building over the street.
- There was also a major sewer line under the street.
- So there is a public benefit to a privately owned building not being over the top of a major sewer line where the lift station is just to the east and it landed over there

City Council Discussion and/or Deliberations:

Councilmember Gurney commented as follows:

- Jill was saying the City should be consistent in closing streets for private businesses. Ky was also talking about that.
- I'm checking, has anyone else asked for a street closure, and have we denied them?
- So if it was private property, we couldn't deny them but if we had a public right away, we would have to hear that.
- I'm trying to recall anyone asking to close a street and being denied.

Director Svansson commented I have been here four years. We have not had any other businesses request this closure. The only I know of, there are neighborhood block party things but they are not really the same thing.

Councilmember Gurney commented as follows:

- Why would we close public streets
- The Barlow we're remembering now is a private street with a public right of way there.
- So I thought of a number of them, and let's just consider, I would close Edman way for the Main Street businesses to do something on the backdoor to create activity there.
- The Senior Center, the Library.
- I would close Burnett street if they wanted to show movies in the street. I would close the other side. I would close the parking lot at the plaza if I could.
- I'm very pleased to do that. I would close Willow Street for Peacetown if there was a neat to expand out
- I'm only mentioning it, Ky, to indicate to you, in my mind, to indicate to my colleagues, I'm open to street closures like that, and I want to say it out loud, and I hope that someone else would like, and the community would like to take back the streets for community purposes so the people are preferred over the cars.
- That is my experience.
- I'm going to lead with that remark, and say we should be consistent and maybe do it more often. Maybe we should have more fun events in the streets.

Vice Mayor Hinton commented as follows:

- Councilmember Gurney stole my thought there.

- That was my very first thought, the parklet specifically out in front of screaming Mimi's and the Farmer's Market, and we were closing Florence at Halloween for trick-or-treaters.
- If you're going down to the Barlow to this event and Headwest, you are walking past the movie theater, you might go see a movie later that night, or if you are a local, I haven't been to the movies in a while, especially since Covid.
- Where my interest really lies on the issue, and depending on what we do tonight, have the staff dig into this.
- There was a time where I was an investor in a local downtown business that could pay sales tax, and I'm going to go back to this, as the event has grown in the last few years, like the Rialto, like every business in our town, and we talked about it when we talked about approving cannabis.
- Where the point of purchase is, the sales tax should come to our town.
- The Airbnb's, and we passed something six years ago to get sales tax from the local Airbnb in the area, and it's not just one permit for all the booths.
- I's really about, they are doing retail sales and I never looked at the pull down, but I'm really not happy to Sonoma county is getting the sales tax from the booth and not the City.
- There are only a couple ways that the City gets money to operate, and that sales tax, and park revenue, and limited amount on TOT
- Would think it's a great idea if we can collect the sales tax and the revenue that is due to the City.
- They are mini businesses doing vender setups.
- People know I helped start the farmer's market almost 30 years ago.
- I do know how it works and I want to make sure the City is getting proper payments that are collected as retail is sold out of the booths.

City Manager McLaughlin commented as follows:

- I just want to say that I agree with Vice Mayor Hinton and I'm not saying that we don't receive it.
- We need to check with our sales tax consultant.
- Their job is actually to make sure we collect the sales tax to which we are entitled.
- I heard Mr. Brower say something a while ago in his introductory remarks that he had them fill out papers and it should trigger the receipt of sales tax, I believe.
- But these are the questions we address to the consultant who is paid to go after sales tax.
- The only other comment I made, there is already a business license requirement in the conditions of approval.
- That may not be known but it is now as I mention it.
- So on both those subjects, I agree, and we will look into that tax issue.

Councilmember Rich commented as follows:

- This is probably for staff. We heard from Ky about their perspective on losing the parking places.
- Do we have any input from staff on whether the parking spaces and the loss of the parking spaces would be meaningful in other way for other businesses in town, would affect in any way the farmer's market or any other businesses?

Director Svanstrom commented as follows:

- I don't know if I have any input other than I believe we included in the staff report that the second weekend when the Headwest is held is also the makers market in the town plaza.
- They don't close the parking but they are within the plaza area.
- So, without a parking study, my guess is there is some back and forth, but there is also that additional demand from the special event as well.

- The one thing I can note for parking spaces, we do charge for closure, it's \$15 a day for a nonresidential, so about \$300 a weekend for the closure of the McKinley.
- It's nominal but it is a revenue potentially. But that is part of that closure requirement.

Councilmember Rich commented as follows:

- My follow-up question is, given the information that is shared today, the additional information, does staff still feel that allowing this expansion is in the best interest of the City?
- Do you still support allowing this expansion?

City Manager McLaughlin commented as follows:

- I see no reason to change the conclusion we came to. Staff thoroughly vetted this.
- We took a hard line to the initial request, and we're not going to approve it as originally proposed. With the modifications that were made, we did feel they had met their burden.
- I will mention to the Council, this is a quasi-judicial meeting and the same criteria that applied to staff, the grant applies to Council, that on page three of 97 of the staff report, the required findings are laid out.
- They are the finding the City staff is finding when they determine whether to approval a permit or not, and the same findings now apply to the City Council in deciding this appeal.
- Having approval of a permit is a valuable thing to have. So in order to overturn that, the City Council is supposed to find by a preponderance of the evidence, more likely than not, that the activity will interfere with previously authorized activities.
- You would have to find the activity interferes with the operations of businesses, including the Rialto or it violates number one, which is disrupting the use of the street by the public,
- Emergency services, the employees, the police and fire, have both reviewed the application and do not believe that it meets number one, that it would disrupt the use of street for emergency vehicles.
- My opinion for the City Council to determine tonight whether the activity substantially interferes with other authorized activities.

Councilmember Rich commented as follows:

- I heard mention a number of times, the possibility of a parking monitor.
- I'm not sure that was part of the application.
- I'm wondering if staff feels that a parking monitor would be helpful or useful or necessary in this circumstance.

City Manager McLaughlin commented as follows:

- Staff, definitely supports the idea of a parking monitor, 100%.
- I thought that was added to the conditions of approval.
- If that is not the case and the Council is going to uphold the application, then I suggest you add it.
- Staff supports that. We enforced it during the Peacetown concerts.
- So we agree that is a necessary element.

Councilmember Glass commented as follows:

- I am still unclear, and I'm unclear whether this could be one of the findings, as we are allowing this use despite the lack of the quantity of parking that we require after the Barlow,
- When they take away, as many spaces as they do, for this event, and they're not in compliance with their permit because they don't have enough parking places, but the way we're making it up is to use a parking lot that is not permitted and is not a legal parking lot.
- That seems really inappropriate to me.

- Is that the case? Am I counting the numbers wrong?
- If we do not include the Morris Street empty lot that is in the ESOS district, does that mean there are not enough parking spaces for them to be in compliance of their requirement?
- I suspect they are not in compliance. But that is what I'm wondering.

Director Svansson commented they do have access spaces within the regular Barlow area, so they have extra spaces that count towards that.

Councilmember Glass commented if they're closing both McKinley and other lots during this event, how is that impacting how many spaces they are supposed to have and how many spaces are they supposed to have per their permit.

Director Svansson commented as follows:

- As a special use permit, the Planning Commission can reduce the need for parking, for that, a one-time event but in this case a recurring event, and because it's a temporary use permit and not a permanent reduction in spaces, that is allowed
- As of 2020, they did have a surplus of about 70 spaces.
- I believe that has been reduced by the Region patio, approved by the Planning Commission, but they do have more than 60 surplus spaces beyond what their use permit requires.

City Manager McLaughlin commented as follows:

- If I can add to that, I don't think we know what the parking demand is specifically for this particular event.
- Like the Planning Director just said, the temporary permit temporarily relieves the applicant of the parking requirement. And also take the opportunity to mention that we have found the parking monitor. It is in the conditions of approval. It is condition number one.

Mayor Slayter commented as follows:

- Have the property owners on Brown St and McKinley have notified and do you have approval for them?
- Those are two spaces. They are the south side of McKinley

Director Svansson commented as follows:

- Yes, we did notify the property owners as part of the notification process, with the postcards we send out.
- I believe the Barlow notified them, and yes, they were both fine with it.

Mayor Slayter commented as follows:

- My thoughts on this is that this appears to be a reasonable request, and I am not finding any reason to overturn the staff decision on this.
- I do think that tightening up some of the conditions of approval may be in order.
- We heard from both representatives of the Barlow as well and the Rialto that the parking measures that are in place for Peacetown are working, and I don't know why we wouldn't want to do anything other than that.
- if we have a process that is well designed and it functions, I'm in the sure why we would want to do anything else and not continue to use it for other events and different things.
- The Barlow hosts a lot of big events throughout the year, several big events throughout the year.

- I don't know why it can't be part of any special use permit process and has special parking standards during events at the Barlow.
- It seems logical. The addition of the spaces for people along the end of McKinley, to me, feels a lot better than spaces for parking cars along McKinley.
- I'm in agreement that closure for events where human beings can interact is better than solitary cars being stored.
- I will also acknowledge that people drive their cars to this event. We need to have a place for people to store their cars during the event.
- If the batch plant property is used in a quasi-parking lot, with some sort of approval, we need to tighten it up. We need to make sure it's an approved function, and whatever it looks like, I don't know as par as a process, but I'm sure the planning and City management can figure out what it needs to be, and I assume the Barlow will be welcoming to those efforts so it's legitimized and there are rules.
- Along Pink Lady Court, as part of any action on the part of the Council, I would like to see that red remove that north park so we maintain the parking stalls into the use permit.
- It doesn't sound like that's an issue at all for the Barlow or Headwest.
- You're not using it for space for vendors already. You don't want to. Let's formalize that and save the spaces for cars.
- I also suggest that we have "a" fame signs that are pointing at the unrestricted and free for as long as people want to use it parking lot at CVS. There's almost 100 spaces in that parking lot.
- Many of them are open at all hours of the day and night, and people can park there as long as they want.
- It's across the street, and it's unrestricted and easy in and easy out, and signs, parking monitors with handbills pointing people at that lot would be a benefit to the Barlow, it would be a benefit to the City so see that municipal lot be put in use.

Councilmember Gurney commented as follows:

- I was going just where you are, and I would have put it this way.
- I think it's good for the community to learn you can park somewhere and work, like, from the cement plant all the way to the Barlow.
- A lot of people think that is too far to work. Or from CVS. We have to get used to walking three or four blocks.
- You don't have to hop down the street to the rite aid to the bank to the post office and home.
- We can use our feet, and people can park, leave their car there. CVS, unlimited parking and I like the idea of signing things.
- If we should, Mr. Mayor, look at the conditions to see what is there we might tighten up?
- However, other Councilmembers might have different opinions they want to share

The City Council discussed the conditions of approval starting on page 36 of 97.

Mayor Slayter commented as follows:

- A lot of duplication in here due to the nature of it.
- If we wanted to limit the number of parking spaces that are lost along the north spur of Pink Lady Court, how would staff suggest that we do that?
- I would suggest that if you know the number of spaces on the south side that need to be blocked, let it explicitly be the number of spaces permitted to be closed and the rest remain open.

Director Svansson commented as follows:

- A question for Yolanda, with the music that is at that stage
- How many spaces would you want to keep closed for public access and safety and buffer between automobiles and people?

Yolanda Matthews commented as follows:

- I guess now's the time to solidify it.
- Let me see if i can talk with jimmy to see what is ideal. He does lay out

Councilmember Rich commented as follows:

- Is codifying that something that the Council is interested in doing if we're talking about modifying conditions?
- Would be to firm up the number of spaces that are allowed to be blocked along Pink Lady Court north of McKinley, heading towards the skate cart.
- We will figure out what that number looks like once they chat. Would it be of interest to the Council to go back up here.
- So conditions of approval, number one, the parking monitor. It reads the event should provide a parking monitor to Rialto, west end of event, to ensure Barlow event parking does not use private lots.
- Would there be any need to change that?
- I assume that's the verbiage that is used in the Peacetown agreement?

Associate Planner Jay commented the event should provide a parking monitor near Rialto/capital west end of events, submitted in original application.

The applicant commented discussed the parking monitor as well as the parking spaces to be used.

Councilmember Rich questioned signage.

The applicant discussed that the Barlow does a good effort to indicate special event parking to get people to the cement plant property.

The Council discussed the following:

- Use of the CVS lot for parking.
- Concerns with the turning onto Barnes.
- City's collection of revenue and business license fees
- Sales tax revenues from the event

The Council was in consensus to insert that I is the operator's obligation to ensure that the venders comply with that provision could require that electronic versions of the various licenses can be submitted to the City.

The applicant discussed the application process and oversight on his part of the requirement and breakdown in communication.

City Administration discussed the cost of the license and procedures. The need for that special event permit is mandated by our City code, the municipal code, and the fee structure is set by the fee schedule.

We have consistently applied that across the board, and any time we have a within the City one day type of special event where there are venders with booths, a fair of what have you, then we do enforce a one-day business license.

Staff displayed the changes requested on screen.

Councilmember Rich commented as follows:

- I'm not sure where to go with this idea, but this is an event that's being held in Sebastopol, and we know we want to support our Sebastopol makers, creatives at home doing projects.
- From the answers I got to my various question, it was unclear to me whether in fact this event is serving that particular group of people.
- My question is whether there is a way to prioritize or to support our local Sebastopol creative individuals who might want to request vendor booths.
- It might be answered by your simply saying that, well, everyone who has requested a vendor, vendor space has actually been given a vendor space.
- But my question is whether there is a way for us to make sure that this event does in fact benefit our Sebastopol City creative maker group.

The applicant commented as follows:

- Absolutely. In my own promoting and marketing, i utilize multiple channels.
- The Bohemian has been my media partner since the beginning.
- Specifically for the Barlow in 2018-2019. Headwest has received both best marketplace awards for all years and then through social media channels as well as Facebook, it is specifically targeted at Sonoma County itself.
- Unfortunately, you can't go down too far in the filtering in terms of just Sebastopol for whatever strengths are there, but also it would probably be a disservice to discover ability for other small businesses that are in Sebastopol if we're only limiting it to Sebastopol itself.
- But to your question, whenever applications do come through that do fit the criteria for Headwest preference, they are prioritized because Headwest's mission is to create an affordable and accessible space in local communities in neighborhoods.
- In addition to that priority, also applicants that are LGBTIQQ-based, as well as aapi-based or identifying are also given priority.
- So yes. While i do take on that myself, and let me reiterate, i am a one human show behind the scenes. I am sitting in my living room. I work out of my living room and a shed in my backyard. So by no means do i have a brick and mortar space or a team of administrative assistants behind me. You're looking at the person that reviews all applications, the person that designs the websites, reviews, communicates hundreds of emails from all of my participant and applicants.
- In addition to all the promoting and marketing and all the partnerships that i have. While i do prioritize those applicants, i have to i can ma sure each Headwest is inclusive of diversity and that includes geographic diversity, because that only helps support local economies that is Sebastopol and to promote the discoverability of those small businesses as well.

MOTION:

Vice Mayor Hinton moved and Mayor Slayter seconded the motion to approve Deny the appeal, and uphold the approval, based on the Findings of Approval, and subject to the Conditions of Approval as revised by the Council.

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 to Deny the appeal, and uphold the approval, based on the Findings of Approval, and subject to the Conditions of Approval as revised by the Council.

Minute Order Number: 2022-223

Mayor Slayter commented one final reminder i just thought of to staff. If we need to figure out if it needs to come to Council to figure out about the batch plant property and legitimizing that, but that should be on staff's radar as well.

Director Svanstrom commented yes; they currently have the application in for that so that is something we can work with them on.

Mayor Slayter called for a break at 9:11 pm and reconvened the meeting at 9:21 pm.

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

5. Discussion/Presentation: Climate Action:
 - a. Presentation and Climate Action Committee Informational Presentation (Climate Action Committee/Planning Department)
 - b. Consideration of Adoption of Climate Action Framework - Civic Spark Fellow, Phoebe Goulden(Climate Action Committee / Planning Department)

Planning Director Svanstrom presented the agenda item and introduced CAC members who provided a presentation.

Mayor Slayter opened for questions.

Councilmember Rich commented as follows:

- This is a procedural question.
- We have a request from the Climate Action Committee to change their official duties given how this item was agendized
- Is this meeting an appropriate time for the City Council to make that decision or does it mete need to be brought before the City Council at a different time?

Mayor Slayter commented as follows:

- I don't think that it is appropriate this evening for us to make that kind of an approval.
- This is agendized as presentation and potential adoption of the climate action framework.
- It doesn't really discuss the duties of the CAC.
- I think that the agenda review committee would be likely able to hasten that being on an upcoming agenda.

Phoebe Golden provided a presentation to the City Council.

Councilmember Gurney commented as follows:

- I want to thank the Council for putting the money in last year's budget so that we could have phoebe engage in this work with our Climate Action Committee and help them.

- I'd like to thank Kari Svanstrom, our Planning Director and Tanya Narath at the RCPA for working out the details so Phoebe could be here working with us.
- Two anecdotes to share with my Council colleagues about Phoebe's time here.
- One is about community engagement with the CBO Council, Phoebe came to do her initial presentation and the group engaged so actively with her questions and her material that they asked her to come back the next month and continue the conversation.
- Those are our nonprofit executive directors and folks. Very, very compelled to start this thinking alongside with Phoebe.
- Also, I want to share with you at our last recap meeting which Phoebe didn't put in that timeline of July 11th. She did the presentation to the recap who applauded her work.
- So not only do we have high quality community engage. We also have a work product that other cities are very envious of.
- So you all know, the group gave a resounding hooray for Phoebe and said immediately, let's make sure she stays in Sonoma County.
- Let's find a permanent job for Phoebe here. We have really been fortunate that Phoebe chose us and we got her.
- Now we have this framework. So personal thank you from me, Phoebe.

Mayor Slayter opened for public comment.

Linda Berg commented as follows:

- I am electrosensitive and computer-free and cell phone-free and tv-free.
- I don't know what you've been doing largely, but it all sounds like a lot of work and it's something that climate change definitely needs to be addressed.
- There are a few factors that I didn't hear about that also need to be included, and that is the amount of issue of electromagnetic field, radiation that are contributing to heat. Specifically, what's coming up what we've got here in Sebastopol, it's going on right now, there is this ill-advised placement of wireless water meters, 3,000 of them, over 3,000 of them throughout the entire City, emanating, transmitting wireless radiation around the clock
- It is cancer-causing. It is also heat-causing. It is going to increase what we have here is urban heat island.
- What we need to do is start decreasing our heat and increasing our health too because these things cause cancer.
- As I've said before, you know, 1964, cancer rate was like one out of 161. Today it's essentially one out of two. We have a new cancer center up in Sutter up north of us.
- We need to reduce our exposure to electromagnetic fields radiation.
- We need to acknowledge that cancer is a direct consequence of exposure to radiation.

City Council Discussion and/or Deliberations:

Councilmember Rich commented as follows:

- I just having been a part of this process and looking at the nature of this report, as a general comment, I find it very impressive that the report includes recommendations that really create a very practical kind of pathway for us.
- I know that the Climate Action Committee has contributed to framing this also but when I look at these actions and see how you've identified the benefits and the lead departments that would be involved and kind of a time frame, and then the RCPA categories, I feel like we really have the directions that we need, even though I look at it and there is an overwhelming number of calls here.

- So thank you for all of that detailed effort and for your managing to pull in all of this community input and all of the voices that came at you through this process.
- This is a great road map.

Mayor Slayter commented as follows:

- I would agree completely with that, that this is a great road map.
- We saw a few years ago with the County's Climate Action Plan that was unfortunately challenged in court, we were able to identify the Sebastopol chapter of it and get it in our General Plan so, it is good to go from a CEQA perspective, which is how the big plan was challenged. This to me feels like such a natural addition to our bookshelf of documents that we lean on quite often. I'm fortunate to be the representative to Sonoma Clean Power from the City of Sebastopol.
- A couple of places where I think that the verbiage in the draft could very easily be made just ever so slightly more accurate. It's not that it's inaccurate. But we could expand a little bit because the efforts of Sonoma Clean Power have had a significant impact on GHG reduction in the county. So I think there's one mention that I came across in the framework that the City of Sebastopol purchases all its municipal electricity through Sonoma Clean Power's Evergreen, which is 100% renewable energy, GHG-free. I think that's something that is important for us as a City to identify. It's an outsized portion of our budget due to our electric pumping of water for that utility. So that's I think a really important thing for us to discuss.
- Talking about the solar ordinance, which I had a small part in. The thing that really was distinctive about the way that we approached it was that it was not only for new construction, both residential and commercial, it also captures remodels, which is a really unusual.
- That's the unusual part about our ordinance is that most times remodels get a free pass. We decided that above a threshold, what is essentially becoming a new building once it's fully remodeled, and yet it does not require to have solar, well, that didn't sit right. So we addressed that. So that was a really important component of the past actions as noted here.
- In that also third bullet point, the City requires builders to do CalGreen Tier 1 that is a past action, though it reads as though it's a current present tense. It's just a verbiage thing that was a little confusing when I read it. Page 43 of 110. Again, adding a description of us participating in evergreen. I think that was in 2019 we made that change, but staff could probably verify that.
- Other than that, those are such minor things, I hesitated to bring them up. This is a great document. I think this is something that other communities are going to look at and say that it's easy to read, it's easy to understand. It's logical. None of this is out of the realm of understanding of most reasonably informed people these days.

Councilmember Glass commented as follows:

- Wanted to chime in on what a great document this is, and I think it's very helpful and foundational for our City moving forward with climate action. I also wanted to remark there was somebody earlier from the public who asked the question of what the definition of climate resiliency.
- I think that was in some ways kind of a rhetorical question on her part. I think the reason why she brought it up really had to do with she is concerned about our smart meters. As I'm looking at one of our recommendations, or one of the climate framework recommendations to electrify our homes, including induction stoves. There are people out there who think that induction stoves are EMF emitting. So it is an issue. So given that we have this ongoing issue in our community with people's concern about EMF and electrification, et cetera, and then are also and many of those same people's concern about climate, I think we need to maybe think about how we can do some educational or outreach work where people with start discussing this, because there will probably be some resistance of some of these ideas, like the induction stove. So we have to start weighing like what's the best of both worlds, or what's the best we

can make of using something carbon or using something EMF. Those are the kinds of issues that we're going to have to weigh in on as we go through actually implementing this document.

- If we're going to have this document implemented, then we need to include all the community that have concerns about this and start discussing what some of their concerns are and maybe have some educational outreach or town halls or whatever. Just commenting. I think that was really what that member of the public was concerned about was because she had sensitivity in the name of climate resilience, we are having these smart meters. Because she was perceiving that as not really helping with our climate issues. It's such a great framework.
- I think we need to move from here into engaging with the public about some of these kinds of issues and use this as a resource.

Mayor Slayter commented I can suggest Sonoma Clean Power as a partner with that, with the new storefront in downtown Santa Rosa where people can go and get educated about all manner of climate resilient products.

Councilmember Gurney commented as follows:

- I was going to suggest our Climate Action Committee would be a great group to facilitate that kind of discussion.
- Part of their revised purposes, public information and education, I've observed them to come together with differing points of view and strong personalities and be able to have a facilitated conversation and move the issues forward.
- It takes time, but they're very skillful at that activity and that's one of their jobs.

MOTION:

Mayor Slayter moved and Councilmember Gurney seconded the motion to approve Resolution for climate action framework.

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 climate action framework.

Minute Order Number: 2022-224

Resolution Number: 6460-2022

Vice Mayor Hinton departed the meeting at 10:10 pm.

6. Approval of Resolution Ordering the Submission of a Measure to the Qualified Electors of the City to Amend the Utility Users Tax within the City of Sebastopol at the next General Municipal Election on November 8, 2022 and Setting Deadlines for Submission of Arguments and Rebuttal Argument and Providing for an Impartial Analysis by the City Attorney (Responsible Department: Administrative Services/Muni Finances/City Administration)

Administrative Services Director Kwong presented the agenda item recommending the City Council approve Resolution Ordering the Submission of a Measure to the Qualified Electors of the City to Amend the Utility Users Tax within the City of Sebastopol at the next General Municipal Election on November 8, 2022 and Setting

Deadlines for Submission of Arguments and Rebuttal Argument and Providing for an Impartial Analysis by the City Attorney.

Mayor Slayter opened for questions.

Councilmember Rich commented I just want to confirm the proposal here is no sunset date. So this tax would continue into the future without an end date, is that correct?

Staff stated that is correct.

Councilmember Rich commented if approved by the voters and then if there was a need to increase or change the tax, would the City still be free to move forward at some point in the future to change it?

Staff stated yes, the City does have that option. You take it back to the voter if you want to increase the 3.75 to some other numbers.

Councilmember Rich commented just want to confirm that the lack of sunset on this proposed new tax doesn't limit in any way the City's opportunity to change that tax at a later date?

Staff stated that is correct.

Councilmember Gurney commented I believe without a sunset date, the tax could be ended by a voter wanted to organize an objection to this ongoing test, they could successfully campaign against it potentially.

Staff stated that is correct and it would be a Citizen's Initiative.

Mayor Slayter opened for public comment.

Steve Pierce commented as follows:

- The last time that UUT came up at the Council, I was not able to attend that meeting, and then I subsequently brought up to the Council that we have the Climate Action finance committee that's been looking at the utility users' tax as a potential source of recurring revenue that we can use for climate action.
- Of course, that would require an increase in the UUT.
- I spoke about how the City of Albany in 2020 took a portion of their UUT for climate action, using a 50% vote threshold. That's one of the few ways that we can get recurring revenue for climate action in Sebastopol.
- Just for reference sake, their utility users tax is 9.5% compared to our 3.75.
- We're very much hoping that the City Council and the staff, if this does come up in 2024 and we're looking at an increase that you meet and coordinate with the Climate Action Committee and talk to them about the possibility of using funds for climate action.

Kyle Falbo commented as follows:

- I can't help as the City is looking at revenue generation for the use of this proposed continuation of a 3.75 tax to an earlier agenda item tonight that we learned not only we had business owners likely not contributing to our City sales tax as a result of poor use permit language and our continued outsourcing of oversight to vendors for who knows how long.

- By all means, put your ballot measure up to the voters who are likely to approve your removal of a sunset through not increasing the current rate, but hopefully in the future, some more attention detail could be had moving forward to revenue generation through sales tax enforcement, clear language regarding business's responsibility and our official documentation, and things in that regard.

Linda Berg commented as follows:

- I just wanted to make the comment that our Mayor's suggestion that people looking to Sonoma Clean Power for information about EMF, the electromagnetic does not work.
- They know as much about the biological consequences of what EMF is as our Mayor.
- I want to recommend instead is that people can look to any number of websites, including our very own EMF safety network
- This is about raising revenue. I love this town, and so many people do. But here there is easy, fun ways to raise revenue. How about some fundraisers? I have met people that would go out and do fundraisers
- We could raise a lot of funds for the City and the fire and police departments
- People need to start using your imaginations to raise money for this town in other fun ways.
- We've got so much talent here. We've got firefighters that sing. We've got police that entertain.

City Council Discussion and/or Deliberations:

Councilmember Gurney commented as follows:

- I believe we talked about the emergency item that was added to the end of the agenda thankful is SB 852 we will be talking about possible financing for climate action.
- The point of SB 852 is to create a climate resilience financing district.
- The RCPA might be designated as that district which gives them the opportunity, the ability to raise money.
- The RCPA has an hoc committee that is exploring a 2024 ballot measure to raise money to create a revenue stream for climate action that would be countywide and potentially described to each City to follow that climate mobilization plan.

Councilmember Rich commented as follows:

- I just wanted to comment on the suggestion from the public from Steve Pierce regarding increasing the UUT.
- I understand the Climate action and specifically the finance committee's working groups efforts at trying to line up funding for the wonderful initiatives that we've heard about in the framework presented this evening.
- I think pursuing that funding in creative ways, including the opportunity that Councilmember Gurney has just described to us is definitely something worth pursuing in addition to supporting as we have the grant writer to pursue those potential funding opportunities that might be out there.
- I look at in terms of this UUT, I have to be solid on the proposal to maintain it at the 3.75%.
- I feel that our population is being hit financially in so many ways right now, and I would be very uncomfortable despite my commitment to climate goals and my complete support for the Climate Action Committee to increasing it beyond the current rate. That's just what I'm feeling for our citizens at this point.

Mayor Slayter commented as follows:

- I would agree with that sentiment.
- Our previous conversation about this item and while there are many things that could be funded by an increase in the UUT, climate resilience and those activities certainly would be right at the very top of the

list at this moment in time, I'm not sure that that is the prudent thing to do given the difficulty that some are having paying for food and rent and gas.

Councilmember Glass commented I just wanted to check that if this is not passed tonight it would miss the deadline for the November 2022 ballot.

Staff stated that is correct.

Councilmember Glass commented as follows:

- If we were to go back and try and redraft at this point, we would be really pushing up against our deadline to even get this on the ballot.
- If we were to say we're going to postpone it, then we would have to be postponing it to the point where we wouldn't be able to take it out of second time with any modifications if we don't get it on the ballot this time.
- We're up against a time threshold where we just have to move this forward.

City Manager McLaughlin commented as follows:

- I think that at this time I'd better advise the Council that the resolution you're looking at in the packet is insufficient tonight for the Council to take action. So I'm not sure why this issue wasn't raised earlier in this presentation, but I'm going have to suggest to the Council that this item be continued to the next City Council meeting so that the Council have before it a proper resolution which includes the language of the proposed ordinance, which is missing this evening. So there will be a future opportunity. However, what Councilmember Glass just said i would agree with, that there really is not sufficient time to do a lot of further work on this. What staff was going to suggest this evening given the issues with the resolution that's in the packet, staff was going suggest the Council give general direction to staff, and that this item return at the next Council meeting, which is on the eve of the deadline and come back on the consent calendar. So the ordinance is missing. The resolution is deficient and needs to be rewritten, propose you give direction and come back on the consent calendar the next Council meeting.
- The Council needs to give direction tonight sufficient that it could return on the consent calendar without further debate.

The Council Discussed:

The question is what's key to go into the ballot. So if the Council is in consensus that that language is okay moving forward as recommended by the consultant and staff, we could bring this all back on the consent calendar. Again, the ordinance, the only thing that's missing would be the removal of the date. The resolution didn't have some dates in there that it should have. And so that would need to come back as well. But we're ready to bring that forward if Council can give direction on just the ballot question.

The Council was in consensus to support the ballot question and return the item to August 2nd meeting as a consent calendar item with accurate dates and attachments.

City Council Action: Council was in consensus to support the ballot question and return the item to August 2nd meeting as a consent calendar item with accurate dates and attachments.

Minute Order Number: 2022-225

7. Discussion and Consideration of Approval of Resolution for Per Diem Employment – Emergency Purposes (Retired City Employee Tracy Peters (Responsible Department: Police/RGS)

Police Lieutenant Nelson and Deborah Muchmore presented the agenda item recommending the City Council

Mayor Slayter opened for questions.

Mayor Slayter commented as follows:

- I may be getting ahead of myself as far as item 8 as well.
- Probably the same question for both.
- Either of these proposals under some special covid considerations that the State has allowed at this point?

Lieutenant Nelson commented as follows:

- They are not.
- So, to bring Tracy back, if it were to move forward and the resolution were to be passed tonight, we would then have to reach out to CalPERS because under PEPR, under the public employees' retirement act, they're required to have 180-day separation period, which would normally push that out into about February.
- For exigent situations, CalPers will make an exception to the 180 day separation period. We are in exigent circumstances right now and can present a valid case for the exception.
- As far as Michelle's position, there are no covid exemptions so to speak or allowance for that. For her position we tasked her with taking on the evidence room, because we had a part-time person doing it who no longer wishes to perform that job. Michelle has been tasked with the evidence room duties, on top of her original duties.
- The staffing study is taking place, as well as designing a job description for that position to make a determination what the salary structure should be, and whether she can continue that in a full-time capacity. But we're already having her work out of class in doing these duties. The Council was gracious enough to authorize a temporary pay increase through June 30th, with the hopes that the staffing study and what not might be completed by that time, but that has not happened.
- Out of a sense of fairness and to not violate FLSA and other things, we're asking for an extension on that temporary pay increase through December 31st of this year. We don't believe it's going to take that long to complete the staffing and pay study and job description
- If we're able to hire dispatcher, and particularly some part-time already fully trained dispatchers, that's going to alleviate our staffing pretty rapidly. But there is still going to be a little bit of a lag time because even with a part-timer, if we were to bring them on board, as you know, we have to conduct a background investigation, a psychological and medical examination. It could be a couple of months.
- Our hopes would be that, by the end of October, we'd make considerable headway on the completion of the staffing study and the job description for that position. So, we'd be able to make a permanent decision on the permanent salary rate. So, this is a temporary authorization to keep her salary where it's been, because the original temporary increase expired on June 30th.

Mayor Slayter opened for public comment.

Kyle Falbo commented as follows:

- Police scorecard.org ranks police and sheriff's departments on metrics.
- That I state that 80% of all arrests in Sebastopol were for low level nonviolent offenses from 2013 to 2021. By their ranking, Sebastopol is ranked in top 7% in cost of police budget per capita for cities in California with under 50,000 populations.

- I've referenced this numerous times as Sebastopol having the highest costs of policing per capita for municipalities in Sonoma County.
- The only response provided to this criticism is Sebastopol is a destination City.
- What exactly about Sebastopol being a destination City requires an annual budget that dwarfs that of Cotati for the next fiscal year. Cotati with comparable size, allocates \$4.6 million for policing in the coming year.
- I would reference what Sebastopol has proposed, but unfortunately, this is already an approved budget that's not even publicly accessible.
- So here we are at a fourth consecutive meeting looking to increase the budget of the police department even further without an actual number to reference.
- Also of notice, Cotati's partnership with a mobile mental health crisis response team since November of 2021. This partnership modeled after the successful cahoots model in Eugene, Oregon asks to redirecting dispatch calls to address low-level issues and providing preventative outreach. Here is a useful question worth addressing.
- Just a ballpark, what percentage of current dispatch calls could be considered low level issues that could alternatively be handled by a mental health professional, a resource advocate, a nurse, paramedic or EMT. Or asked another way, could a significant redirection of dispatch calls actually realize reduction in work load as being described here tonight as a justification for another increased to cost of policing in our City? And if so, why are we continuing to delay until December as mentioned at the last meeting?

Linda Berg commented as follows:

- I want to thank you for your service.
- Exemplary service of this wonderful model police department that we have and have had for as long as I have been here, which is about 20 years, that I've known about.
- Any way, it is an interesting phenomenon.
- I want to say right up front that I'd like City Council to approve, and they probably will, anything you want. Just give them whatever you want.
- But it's an interesting phenomenon where the parolees and the formerly incarcerated people that I'm meeting here now, that we have the village here and there are other people have greater holding our police in greater estimation than our City Council.
- These people are dealing with our cops, you know, on a daily basis. Letting you know what the other half is thinking about service that we're getting from them, which is outstanding.

Director Kwong commented as follows:

- Regarding how this item could increase the police budget, I just want to be clear that this is no increase.
- As I mentioned earlier, the budget document will be assessable to the public at the end of this month.

City Council Discussion and/or Deliberations:

Councilmember Rich commented as follows:

- I just would like to have you confirm that the proposal that you're bringing before the City Council here in both of these items, I think it's 7 and 8, both of the staffing items, proposed that suggested outcome here is consistent with what our police department has done in the past in regard to any similar staffing situations that might have arisen.
- I just would like that confirmation.

LT Nelson commented as follows:

- You're absolutely correct.

- This has occurred historically in the department.
- We have had per diem dispatch employees help us to maintain some reasonable staffing levels in the past when there have been personnel shortages due to vacancies and what not. So, it's a similar situation here.
- Director Kwong mentioned, this is actually going to be observed in offset from some of the salary savings due to the current vacancies. So, this is a no-cost item.

Councilmember Rich commented that her perspective on both of these items is that we should be supporting the proposals as presented here tonight. Thanks.

Mayor Slayter commented do we need to specify on page 3 of 6 compensation recommendation? Do we need to specify what those x figures should be in a potential action?

Director Kwong commented as follows:

- I think that was an oversight in the staff report where this figure was not provided.
- The figure for Ms. Peters, it's on the resolution.
- It's \$43.36.
- That is in line with the pay rate and ranges that the City Council also adopted on July 5th.

MOTION:

Mayor Slayter moved Councilmember Rich seconded the motion to approve Resolution for Per Diem Employment – Emergency Purposes (Retired City Employee Tracy Peters)

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

VOTE:

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

City Council Action: Approved Resolution for Per Diem Employment – Emergency Purposes (Retired City Employee Tracy Peters)

Minute Order Number: 2022-226
Resolution Number: 6461-2022

8. Discussion and Consideration of Police Staffing/Police Technician Temporary Pay Upgrade – Continuation (Requestor: Police Department/RGS)

Police Lieutenant Nelson and Deborah Muchmore presented the agenda item recommending the City Council

Mayor Slayter opened for questions. There were none.

Mayor Slayter opened for public comment.

Kyle Falbo commented as follows:

- It's really, really easy to suggest that these are being absorbed costs because of vacancies.
- But these are still actively recruitable positions.

- Tomorrow these positions could be filled. And in that instance in which vacancies are filled, this is no longer an absorption of costs, because in that instance, now we have fully funded, fully staffed police department, and you have increased the amount of costs to our policing and our City.
- So, I understand the current situation with these vacancy circumstances but if you look at the actions of this Council and the direction that the police have suggested in terms of their requests over the last four meetings, you will see that there is a direction of increasing the costs to the police budget over the next fiscal year.
- That happens through this redirection of the idea of increasing our police force through the payment of the education of a new recruit that does not then preclude the ability for the City to then still fill a vacancy to attempting to take one of the positions and fill it at a staffing level that was outside of what the entry-level position that was dictated by our police department and our most recent one.
- So, again, I'm just pointing out a pattern of direction of this City.
- These kinds of subtle language use to suggest that this is not actively increasing the cost of policing. I don't care if it's within the budget.
- We are increasing the cost of policing by taking the actions that we're taking repeatedly over multiple meetings as you will again tonight.

Linda Berg commented as follows:

- Thanks for keeping this on the agenda tonight and getting it taken care of.
- I would like to point out to Kyle, thank you for your participation, filling these positions like tomorrow is just not the best idea.
- This is Sebastopol. I want to remind you, Sebastopol, it is not the same as the other towns.
- We need to get people that are the kind Sebastopol citizens want here.
- Sometimes I'm sure that that takes a little bit of time.
- Thank God that we were able to find and acquire the services of Chief Kilgore.

City Council Discussion and/or Deliberations:

MOTION:

Councilmember Rich moved and Councilmember Glass seconded the motion to approve Police Staffing/Police Technician Temporary Pay Upgrade – Continuation and Retroactive to July 1, 2022.

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

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich and Mayor Slayter

Noes: None

Absent: Vice Mayor Hinton

Abstain: None

City Council Action: Approved Police Staffing/Police Technician Temporary Pay Upgrade – Continuation and Retroactive to July 1, 2022.

Minute Order Number: 2022-227

Resolution Number: 6462-2022

URGENCY ITEM ADDED:

Agenda Title: Letter of Support - SB852 (Dodd) will grant certain powers to the RCPA by designating it as a Climate Resilience District.

Councilmember Gurney provided information for the agenda item.

- This is an item that is going to the appropriations committee.
- The SCTA staff, executive director sought letters of support through the board members because she felt the activity in that support file was a little thin.
- I forwarded it to the Mayor.
- Council agreed to put it on this item tonight so it could be received before the August 3rd hearing date. The nature of the bill will allow cities, and counties and regions to refer to what we were referring to a resilience. To go forward to have a budget measure and have more permanent source of funding and funding that could, what do you say, trickle down to the nine cities in Sonoma County.
- This is a letter of support. That's what the request is for. I'm hopeful that we can do that.
- I think we can join in work of their representative and get this passed because it would help our region.
- So I'm asking the Council to authorize you, Mr. Mayor, to do a letter of support for the bill.

Mayor Slayter opened for questions. There were none.

Mayor Slayter opened for public comment.

Steve Pierce commented as follows:

- I just want to wholeheartedly support the Council adopting this, that the RCPA definitely needs a way to finance.
- The reason I was bringing up the utility users tax is that it is offering an opportunity to pass potential climate money at a 50% threshold where all of the methods through the RCPA will most likely require a two-thirds vote because it's dedicated resources for climate action where the UUT at 50% threshold, the Council can dedicate those funds.
- They're not legally required to dedicate them.
- The City of Albany has shown a path that you can actually get climate funding at the this is going to be a difficult task to get to that two thirds threshold.
- We are looking for potential fall back.

City Council Discussion and/or Deliberations:

There were no further discussion.

MOTION:

Councilmember Gurney moved and Rich seconded the motion to approve Authorizing the Mayor to Sign a Letter of Support - SB852 (Dodd) which will grant certain powers to the RCPA by designating it as a Climate Resilience District.

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

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich and Mayor Slayter

Noes: None

Absent: Vice Mayor Hinton

Abstain: None

City Council Action: Approved Authorizing the Mayor to Sign a Letter of Support - SB852 (Dodd) which will grant certain powers to the RCPA by designating it as a Climate Resilience District.

Minute Order Number: 2022-230

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

9. City Manager-Attorney/City Clerk Reports: (This will be either verbal or written reports provided at or prior to the meeting)
 - a. Second Report Out from Relaunch Sebastopol (First report out was May 17th 2022)
 - b. SAVS Quarterly Report to the City Council on RV Pilot Program (Responsible Department: SAVS/City Administration)

Reference Order: 2022-228

10. 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 written reports provided at the meeting)
11. Council Communications Received
12. Future City Meeting Dates/Events (Informational Only): (See City Web Site for Up-to-Date Meeting Dates/Times)

ADJOURNMENT OF CITY COUNCIL MEETING

July 19, 2022 City Council Regular Meeting will be adjourned to the August 2, 2022 City Council Meeting, 6:00 pm, Zoom Virtual Meeting Format

Mayor Slayter adjourned the July 19, 2022 City Council meeting at 11:09 pm to the August 2, 2022 City Council Meeting, 6:00 pm, Zoom Virtual Meeting Format.

Respectfully Submitted,

Mary Gourley
Assistant City Manager/Attorney/City Clerk