

City Council

Mayor Neysa Hinton
Vice Mayor Diana Rich
Sandra Maurer
Jill McLewis
Stephen Zollman



City Manager

Larry McLaughlin
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City of Sebastopol

CITY COUNCIL MINUTES
MINUTES FOR Regular City Council Meeting of **April 4, 2023**

As Approved by the City Council at their regular meeting of April 18, 2023

The City Council Regular meeting was held in Person and by Remote/Virtual Teleconferencing Pursuant to Current Brown Act Rules and Regulations.

6:00 pm City Council Regular Meeting

In Person Location: Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472
Remote/Virtual 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)).

Call to Order: Mayor Hinton called the Regular Meeting to Order at 6:08 p.m.
Roll Call:

- Present:** Mayor Neysa Hinton
Vice Mayor Diana Gardner Rich
Councilmember Sandra Maurer
Councilmember Jill McLewis
Councilmember Stephen Zollman
- Absent:** None
- Staff:** City Manager/City Attorney Larry McLaughlin
Assistant City Manager/City Clerk Mary Gourley
Administrative Services Director Ana Kwong
City Engineer Mario Landeros/GHD Toni Bertolero
Interim Fire Chief Jack Piccinini
Planning Director Kari Svanstrom
Police Chief Ron Nelson
Public Works Superintendent Dante Del Prete

SALUTE TO THE FLAG: Mayor Hinton led the salute to the flag.

PROCLAMATIONS/PRESENTATIONS:

The following were presented:

- Trent Ackerman – 5 years -Sebastopol Fire Department
- Nathan Dunn – 5 years – Sebastopol Fire Department
- Melanie Ferreira – 5 years – Sebastopol Police Department
- Proclamation – Recognizing Week of the Young Child, April 1 - 7, 2023
- National Public Safety Telecommunicators Week (Dispatchers) is April 9-15, 2023
- Proclamation - Recognizing April 2023 as Sexual Assault Awareness Month

- Proclamation - Proclaiming April 2023 as Child Abuse Prevention Month – MOVES (Minimizing Occurrences of Violence in Everyday Society)

Reference Order Number: 2023-079

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 conflicts of interest stated for this meeting.

Re-Ordering of Agenda:

Mayor Hinton requested Item Number 11 be moved prior to Item Number 10. The Council was in agreement.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA (FIRST COMMENT PERIOD):

Up to Twenty (20) Minute Time Limit (Two Minutes for up to ten speakers). Additional public comment will be held at the end of the discussion and action items for up to an additional twenty (20) minutes. Mayor has discretion to allow for additional time beyond the 20 minutes allocated for public comment dependent upon the subject matter or number of speakers.

Process for calling on Speakers: Mayor or designee shall ask for public comment as follows: Speakers to be called on in an alternate manner (One speaker in person to be called on first; then one speaker remote to be called on second with additional speakers to be called on in the same manner) based upon the time limit.

Myriah Volk commented as follows:

- I am here tonight on behalf of the Chamber of Commerce and the Apple Blossom Festival.
- Just wanted to reach out.
- I know everyone has investment and the community. We need volunteers.
- Is anyone out there has a friend or would be willing to volunteer, please, spread the word.
- We need 70 volunteers as of right now.
- It looks like it will be a busy festival this year.
- We have a Sonoma County theme. We have Snoopy in the parade. Charlie Brown, Woodstock, Mike McGuire, Linda Hopkins, and City
- Thank you to the City, they will have a booth both days.

Linda Berg commented as follows:

- Speaking of abuse, violence, and stuff like that, I am talking about the water meters.
- They have been installed against the wishes of the City Manager.
- Telecom, part of the success is dependent on keeping us clueless about how the wireless works.
- I am talking about wireless water meters. Keeping us clueless about how they work has environmental consequences.
- We are living in a time oof stupid is the new normal.
- We are paying to destroy ourselves and the city on the planet by rushing headlong into technological disaster.
- We are at a point now where we can still take back some of our power on the installation and deployment of the wireless radiation transmitting for the water meters.
- In order to opt out, you can call opt out for free. 707-823-5331
- Leave a message for the superintendent along with the Mayor and Vice Mayor. They are responsible for this.
- We can still stop this. This is communitywide radiation.

- Ask your neighbors and friends to do the same. Opt out.
- We do not want wireless radiation in our community.

Mayor Hinton commented as follows:

- Received three notices on my door this week.
- I appreciate the additional public outreach.
- It talks about the installation of the water meters, and it does appear that the opt out program, which is no charge, is being publicized.
- Someone is walking door to door to deliver details to each individual house that is a water meter customer.
- If you're interested in opting out, the phone number has been read by a member of the public.
- It was probably delivered to your door and hung on your knob like it was this week

Councilmember Maurer commented as follows:

- I have a clarification that I wanted to make.
- At the last meeting, I stated that I had received advice from the FPPC about conflict of interest on matters of EMF related electromagnetic fields.
- I have a clarification, because I spoke with our City Attorney, City Manager, and he stated, my conflict would be specifically with the organization, EMF Safety Network, and with the smart water meters because I took an active position opposing those. My conflict is with those two issues. I wanted to clarify.

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

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

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

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

Councilmember's Request(s):

Councilmember Maurer requested Item Number 6 be removed from the consent calendar.

Vice Mayor Rich requested asked for clarification of Items related to the CIP items and questioned if any funds would be used from the General Fund. Vice Mayor Rich requested to pull Item Number 2.

Mario Landeros, City Engineer, commented as follows:

- For Item Number 5: the funds are road maintenance money, traffic impact fees, transportation fund, TDA grant and federal quick strike and no General Funds.
- For the AmeriCorps Trail those are non-general funds as well.

Mayor Hinton opened for public comment on consent calendar items only.

Kyle commented as follows:

- First, I want to congratulate the Councilmembers for pulling consent items.
- It is a huge responsibility to make sure the consent calendar is not being used to slip through things that were larger discussions.
- I appreciate pulling those items.
- Far too long did I see many items in hundreds of thousands of dollars slipping through the calendar with not a proper amount of debate and oversight.
- Secondly, the conversation we had about pulling these items, and the complication of pulling these items in relation to the use of contract services.
- Rather than use of contract services, if we had an in-house engineering manager, we wouldn't have the concerns about how late these individuals are staying on.
- We are paying for these consultants at an hourly rate.
- If we had an engineering manager who was a city employee, they would be salaried and have the expectation of being on these calls, no matter how late they go.
- Hopefully in the future, we can also recognize complication when we make decisions about contract services in the future.
- Thank you for pulling items that were pulled. I look forward to talking about them in more depth in the future.

Linda commented as follows:

- Excellent point. Huge. I am in full agreement, of course.
- Otherwise, about this AmeriCorps Trail Extension Project. As I pointed out before, and I know from first-hand experience, we are filthy rich. It is totally irresponsible to continue to invite people down there to facilitate their things down
- Discussed ticks. There needs to be signs, frequent, simple, clear signs about tech borne diseases
- On the thing about the ADA Ramps-Bodega/Florence/Robinson, you will know I am disabled under the A.D.A., with sensitivity.
- This City is exhibiting cruelty and negligence by failing to acknowledge the growing population, that we are being cooked alive by the proliferation of more wireless devices
- You need to take into consideration we need someone like a consultant or someone with EMF measurement device to report to the City.
- We are adding to the proliferation with more wireless radiation and cooking this community and our citizens alive.

Jennie commented as follows:

- I would like to ask clarification for where item six fell in the agenda
- We have a bunch of people from the school district who are interested
- We want to know if we will stay to the end of the meeting or if this is being prioritized because staff are participating.
- We would like to have public comment.

Mayor Hinton commented as follows

- Unfortunately it is at the end of the meeting.
- I have had a request for the seniors for the mobile home item to move their item up.
- I am trying to juggle. Item six will be at the end of the regular calendar.

1. Approval of City Sponsorship for Kiwanis Easter Egg Hunt (\$400.00) (Responsible Department: Administrative Services)

City Council Action: Approved City Sponsorship for Kiwanis Easter Egg Hunt (\$400.00)

Minute Order Number: 2023-080

- ~~2. Approval to Select Raftelis to conduct the Water Rate Study and Authorize the City Manager to execute the related contract with Raftelis not to exceed \$74,143 (Responsible Department: City Engineer)~~
3. Approval of Resolution 1) rescinding Resolution 6359-2021, and 2) direct staff to comply with the State Water Board's Emergency Drought Regulations, adopted following Governor Newsom's proclamation of a drought state of emergency for all counties in California, as it pertains to Community Water Systems, for the duration the State emergency regulation is in effect. (Responsible Department: Public Works)

City Council Action: Approved Resolution 1) rescinding Resolution 6359-2021, and 2) direct staff to comply with the State Water Board's Emergency Drought Regulations, adopted following Governor Newsom's proclamation of a drought state of emergency for all counties in California, as it pertains to Community Water Systems, for the duration the State emergency regulation is in effect

Minute Order Number: 2023-082

Resolution Number: 6523-2023

4. Approval of Plans and Specifications and Authorization to Bid the AmeriCorps Trail Extension Project #0411-73.00 and Finding the Project Exempt under CEQA Section 15301(c) 15302, 15303, and 15304(a), and 153331. Location: 3 city-owned parcels adjacent to the Laguna Channel north of Sebastopol Ave (Hwy. 12) and east of Morris Street. CIP Budget Amount: \$300,000 (Responsible Department: City Engineer/Engineering (GHD))

City Council Action: Approved Plans and Specifications and Authorization to Bid the AmeriCorps Trail Extension Project #0411-73.00 and Finding the Project Exempt under CEQA Section 15301(c) 15302, 15303, and 15304(a), and 153331. Location: 3 city-owned parcels adjacent to the Laguna Channel north of Sebastopol Ave (Hwy. 12) and east of Morris Street. CIP Budget Amount: \$300,000

Minute Order Number: 2023-083

5. Bid Award for the SR 116 ADA Ramps-Bodega/Florence/Robinson Pedestrian Improvement Projects #0105-4.00, #0117-74.04 and #0119-74.06 and Finding the Project Exempt under CEQA Section 15301(c) and 15304(f) Award a construction contract to Pat Nelson Construction Inc., in the amount of \$515,052. Description of work: install new ADA curb ramps on Healdsburg Ave @ Hurlbut Ave, Cleveland Ave, N Main St, on N Main ST @ Wallace St. and install new pedestrian flashing beacons on Bodega Avenue @ Robinson Rd and Florence Ave. (Responsible Department: City Engineer/Engineering (GHD))

City Council Action: Approved 5. Bid Award for the SR 116 ADA Ramps-Bodega/Florence/Robinson Pedestrian Improvement Projects #0105-4.00, #0117-74.04 and #0119-74.06 and Finding the Project Exempt under CEQA Section 15301(c) and 15304(f) Award a construction contract to Pat Nelson Construction Inc., in the amount of \$515,052. Description of work: install new ADA curb ramps on Healdsburg Ave @ Hurlbut Ave, Cleveland Ave, N Main St, on N Main ST @ Wallace St. and install new pedestrian flashing beacons on Bodega Avenue @ Robinson Rd and Florence Ave.

Minute Order Number: 2023-084

- ~~6. Adoption of Resolution for CIP budget amendment for new CIP for the Analy High School Sunset/Taft Pedestrian Improvement Project and Finding the Project Exempt pursuant to CEQA Section 15301(c) (Responsible Department: Engineering/GHD)~~
7. Second Reading and Adoption of a Zoning Code Amendment to Chapter 360, Comprehensive Cannabis Regulations, to allow Type 3 "Office only, cannabis retail" [delivery-only retail licenses] in the Manufacturing Zone and Finding This Item is Exempt Pursuant to CEQA Guidelines Section 15061(b) (3) (Responsible Department: Planning)

City Council Action: Approved Second Reading and Adoption of a Zoning Code Amendment to Chapter 360, Comprehensive Cannabis Regulations, to allow Type 3 "Office only, cannabis retail" [delivery-only retail licenses] in the Manufacturing Zone and Finding This Item is Exempt Pursuant to CEQA Guidelines Section 15061(b) (3)

Minute Order Number: 2023-086

Ordinance Number: 1147

- 8. Approval of Annual Sebastopol Living Peace Wall Nominees as follows: David Hartsough; Susan Chunco; David Harris; Norman Soloman; Alternate, Amy Goodman (Responsible Department: Planning)

City Council Action: Approved Annual Sebastopol Living Peace Wall Nominees as follows: David Hartsough; Susan Chunco; David Harris; Norman Soloman; Alternate, Amy Goodman

Minute Order Number: 2023-087

MOTION:

Councilmember Zollman moved and Councilmember Maurer seconded the motion to approve Consent Calendar Items 1, 3, 4, 5, 7, and 8.

Items 2 and 6 removed from the consent calendar.

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: None

Absent: None

Abstain: None

INFORMATIONAL ITEMS/PRESENTATIONS: NONE

PUBLIC HEARING(s): NONE

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

Mayor Hinton departed the meeting.

- 9. Discussion and Consideration of Options for Consideration for City Manager and City Attorney Recruitment (Responsible Department: Ad Hoc Committee)

City staff presented the agenda item recommending the City Council Receive the report, take public comment, move further discussion of options to a closed session meeting, and:

- 1. approve Obtaining Request for Proposals for Executive Firm for City Manager Recruitment; and
- 2. approve Request for Qualifications for City Attorney Services

City staff stated that it should be noted that any discussion of the options cannot be conducted in Open Session but will need to be discussed in a City Council Closed Session Meeting. Tonight’s item is receipt of options only as well as approval to obtain RFPs and RFQs. City staff introduced City Human Resources Consultant Deborah Muchmore who provided a presentation to the City Council and Outside Legal Counsel Kerrie McNally was in attendance.

Vice Mayor Rich opened for questions of presenters.

Councilmember Zollman commented as follows:

- On the first page, it says funding and an asterisk.
- I have to admit, I think we retained this consulting firm at our last meeting. I don't remember the cut off amount of the contract. It was up to a dollar amount.
- Does anyone know, off the top of their head?

City staff stated the contract was for \$85,000.

Councilmember Zollman commented as follows:

- Is it how much the HR is costing us
- I know we affirmed the contract but I don't remember the cost of the contract of two but not exceeding, whatever dollar amount

City staff commented that the contract amount was \$85,000. That is for the year for all services.

Councilmember Zollman commented to date, including the presentation tonight, what dollar amount are we at?

The consultant, Deborah Muchmore, commented we can provide that information but do not have it tonight.

Councilmember Zollman commented as follows:

- I'm hearing what we can do ahead of this fiscal year.
- I'm worried about financially where we are, and where we are likely to be moving into the next fiscal year.
- I am mindful of the dollars we are spending.
- Speaking of the dollars, what I understood was, apart from your services, we will spend between \$30,000 and \$50,000 to replace the general manager. Is that what I heard?

The consultant, Deborah Muchmore, commented for a search firm that is correct and there is a \$2500 fee that is related to the work that her firm would do in assisting.

Councilmember Zollman questioned that if the City goes with a search firm it would be between \$30,000 and \$50,000, correct?

The consultant, Deborah Muchmore, stated that is correct.

Councilmember Zollman asked if the \$2500 is within the contract that we have approved?

The consultant, Deborah Muchmore, stated that is correct.

Councilmember Zollman commented if we need to use services for a search firm to replace a city attorney what is the price range for that?

The consultant, Deborah Muchmore, commented it is very similar to the cost of a City Manager search.

Councilmember Zollman commented when we are talking about City Attorney, are we talking about solo or a law firm that we can actually go to for specific expertise? What are we talking about?

The consultant, Deborah Muchmore, commented as follows:

- That is a great question. It could be any of those.
- As an employee, it is typically a single individual and as a firm, it could be a firm that is one individual or a single individual from a firm.
- It also could be a city attorney member of a firm and access to other specialists for legal and paralegal, within the firm.

Vice Mayor Rich commented as I understand it, what you're asking for tonight is RFQ approval.

The consultant, Deborah Muchmore, commented that is correct.

Vice Mayor Rich commented as follows:

- That would be to request information from qualified law firms who could provide city attorney services.
- That is what it is. That is not to cause the City Council to go in any direction with this decision.
- That is because it will take a couple of months to get that information back and the City Council to look at while it is determining what direction they want to go, and that information is helpful in that process.
- We want to get as quickly as possible and at the same time as that is going on, you are also requesting approval for a RFP that was solicit information interest from the search firms from executive search firms, who could search on our behalf, potentially, on what the City Council decides for either a City Manager and/or a City Attorney as employees?
- You want to be able to address both of those paths simultaneously. But the City Council is not being asked to make a decision about which path it will take.

The consultant, Deborah Muchmore, commented as follows:

- That is correct.
- The City Council could decide not to use the search for firm.

Councilmember Maurer commented as follows:

- The recommendation is that we receive the report which we have done.
- Take public comment, which we have not done.
- Move further discussion of options to a closed session meeting which is tomorrow.
- Then it says, to approve requests for proposals. This is where my confusion is because, obtaining request for proposal for executive firm for City Manager improvement, and approve requests for qualifications for city attorney services.
- My understanding was that we were going to be discussing that in closed session tomorrow.
- Is that not correct

Vice Mayor Rich commented as follows:

- My understanding is that the discussion will be in closed session. That is where we will make the decision.
- My understanding is that they would like the opportunity to begin the process of selecting an executive search firm and/or soliciting qualifications through a RFQ so we don't delay the selection process and are prepared to do whatever the City Council decides to do.

The consultant, Deborah Muchmore, commented as follows:

- It may help the City Council to know, it is not a laborious process for these.
- These have been done recently at other municipalities and templates are already created.
- Staff will do a lot of the sending out of the materials.

Kerrie McNally, outside legal counsel, commented as follows:

- The approval of the RFQ for the executive search firm and the solicitation of proposals from law firms are two actions that have to be taken in open session.
- They are not topics for conversation in closed sessions.
- That is why those come tonight as opposed to delaying to another not yet scheduled a special meeting or another regular meeting which would be where the delay would come from.

Vice Mayor Rich commented as follows:

- I think it's just a matter of being prepared for either option, and it doesn't sound like there's a particular expense associated.
- The other thing that I would mention is that we all hope a decision will be made by the City Council in our closed session tomorrow.
- I think it's possible, we may need multiple closed sessions.

Councilmember McLewis commented as follows:

- Did I hear you say there would be no cost for initiating these proposals? That doesn't sound right.
- My understanding is it would be limited costs.
- What is the cost associated to the city in initiating these choices

City staff commented as follows:

- It is limited cost to send out the request.
- It is not laborious to send that request to the firm saying, can you submit a request for proposals.
- It provides information to the City Council, when you make that long-term decision, what direction the City Council wants to go. Whether it is attorney firms or an attorney of one firm or a city attorney on staff.
- It provides information. It would not be a huge cost and staff would do most of the work.

Councilmember Maurer commented as follows:

- How does this relate to the fact that our current city attorney has a contract that says, when he retires from the manager, he continues being the city attorney.
- If we are putting out a request for a new city attorney, to me, it doesn't address that point.
- How can we vote on it if we cannot discuss it?

Kerrie McNally, outside legal counsel, commented as follows:

- That is in closed session.
- The approval to receive RFQ from law firms does not at all impose upon the validity of the current city attorney to stay in his current role because, at some point, we will have to decide.
- My understanding, there is a general understanding that Larry wants to retire. And that at some point, there will have to be a decision made about what to do next.
- This information that would come in from the RFQ proposals from law firms would help the City Council decide, do we want to continue with the city attorney, our employee or do we want to retain outside counsel to fill that role
- It's not an immediate decision that would ultimately be made on this. It's to help inform the City Council on that later decision.

Vice Mayor Rich commented as follows:

- I think it's important to note, I understand, we have all of the options.
- We have to go through the process of deciding.
- Just to be clear, this doesn't boot strap the City Council into any particular path that has been laid out. Is that correct?

The consultant, Deborah Muchmore, commented as follows:

- That is correct.
- The only idea behind it is that, if we wait and talk about the closed session items, and make those determinations, and then begin this process, we have another one -3 months down the road.
- What this does is bring the information to the City, if and when the City Council wants to consider it.

Councilmember McLewis commented as follows:

- We are doing our due diligence and collecting information and being mindful of the time.
- If we don't do these parallels, it delays something that we inevitably have to do anyway.
- We're trying to be mindful and gather that information.
- We are doing our due diligence and have all that information in a timely fashion, and not drag this out for ever.
- There are no decisions by gathering this information.
- No decisions are being made.
- It simply gathering the information now versus later.

Vice Mayor Rich opened for public comment.

Kyle commented as follows:

- Although legal counsel is suggesting tonight that the only action item rest in the report of interim selection, what precludes this section in the report is, the City Manager agreement process which are in particular stating the need to accept the resignation and address the agreement language.
- We are being asked to do something in the next stage of the process, before the first page of the process has been gone thro
- In particular is interesting since 2012, why that was included in the staff report tonight for the public to read. That is interesting.
- I would take it would be fair that the employee's intention of engaging to enact those rights at the time of existing resignation would be what is happening tomorrow.
- It's not clear that any of the options that we have laid before us can be considered reasonable for consideration without having that information ahead of time.
- The next issue is the creative approach.
- Currently, we have a city manager and attorney
- While it is somewhat useful to look at salary comparisons as presented tonight, without considering the larger scope of our choice of distribution of work and salaries, the comparison is apples to oranges.
- Couple this with a recent staffing study that suggested the city clerk position to be separate with the Assistant City Manager position, and what we are looking at is two separate city departments or three separate departments that need to be analyzed before we can make a reasonable decision about what is best for us fiscally.
- It is my hope when you consider these options that you are taking the whole spectrum and not just looking at the Excel spreadsheet that is taking salary numbers when those numbers are not as what is comparable to the municipalities in our county.

Oliver commented as follows:

- A couple of points. One. All of the hard work that the manager has done.
- We haven't touched on this. It's important to acknowledge all of the hard work he has done. Before he retires. We need a float in the parade.
- Secondly, it's very clear that Councilman Stephen Zollman is concerned about money. So am I.
- It's very important when you consider a new City Manager. That that person is really on top of the prime goal of the agreed goal of the Chamber of Commerce and the city and the sales tax and what is badly lacking.
- We don't want to hire a substandard person.
- We are scrambling around looking for coins to pay a City Manager.

- Thirdly, just on the topic of reverting back to a more traditional City Manager, and City Council role, it's very common in the city for them to be at odds with each other and have a public debate.
- The whole time I have lived in Sebastopol, which is 10 years, that has not happened at all.
- It's been a confusing situation where the City Manager and the city attorney are one and the same.
- It's high time we actually had or reverted back to the model.
- As you consider a new manager, it is vital that we look at increasing income and improving facilities for visitors.

Linda commented as follows:

- Thank you for your insightful comment. Follow the money
- It's a good idea to keep in mind the issues of public health and the environment.
- The whole thing sounds complicated. And expensive to me.
- As you know, I am cell phone, and TV free. I don't have all the data in front of me.
- I know it's going to be difficult to replace Larry.
- The possibilities seem obvious. The Assistant City Manager might move up to the City Manager. But she's irreplaceable too. In my opinion.
- It would not be a good fit to find someone outside the city or county that doesn't know how unique we are.
- It's a special place
- Frankly, I'm thinking of let Larry go ahead and find a replacement. He did a good job with the police chief.

City Council Discussion and/or Deliberations:

No further discussion

MOTION:

Councilmember McLewis moved and Councilmember Zollman seconded the motion to:

1. approve Obtaining Request for Proposals for Executive Firm for City Manager Recruitment; and
2. approve Request for Qualifications for City Attorney Services

Vice Mayor Rich called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, and Vice Mayor Rich

Noes: None

Absent: Mayor Hinton

Abstain: None

City Council Action: Approved:

1. approve Obtaining Request for Proposals for Executive Firm for City Manager Recruitment; and
2. approve Request for Qualifications for City Attorney Services

Minute Order Number: 2023-088

Mayor Hinton returned to the meeting following completion of Item Number 9.

11. Discussion and Consideration of Request for Amendment to City Ordinance, the Mobile Home Rent Stabilization Ordinance. Request would be to determine if there is Council support to amend an ordinance. If there is an affirmative vote to review potential amendments to the ordinance, it would be recommended that the Council approve creation of an ad hoc committee to meet with Stakeholders; appointment to the newly created ad hoc committee and direction to committee to return with a recommendation to the City Council. (Requestor: Councilmember Maurer/Responsible Department:

City Administration)

Councilmember Maurer and City Manager/Attorney McLaughlin presented the agenda item recommending the City Council Consider the Request for Amendment to City Ordinance, the Mobile Home Rent Stabilization Ordinance and if there is an affirmative vote to review potential amendments to the ordinance, that the Council :

- Direct staff to prepare an ordinance; or
- approve creation of an ad hoc committee to meet with Stakeholders; and
- appoint two Councilmembers to the newly created ad hoc committee; and
- Direct newly formed Ad Hoc Committee to return with a recommendation to the City Council.

Mayor Hinton opened for questions of presenters.

Councilmember Zollman commented as follows:

- I do think time is of the essence on this issue. I am interested.
- The fact that we can have staff drafting and ordinance, is great.
- I don't want to overburden our staff. I want a realistic thought that if, there was the will of the body to have you start doing it, do you have the bandwidth to do it and if so, how much will that push other work from your opinion

City Manager/Attorney McLaughlin commented I was here when this was first adopted. I have the bandwidth to create a draft ordinance.

Vice Mayor Rich commented as follows:

- Discussed options
- I want to make sure I understand. One option would be for the City Council to appoint an ad hoc committee that could look into this concept of amending the ordinance. Is that one of the options for us tonight?

City Manager/Attorney McLaughlin commented as follows:

- That is correct
- When I first brought this item to the staff's attention, I assumed it might be to create an ordinance.
- But if the Council needs information, to meet with park owners and hear more from residents about what their needs are and why they are soliciting this action, then the committee could do that.

Vice Mayor Rich commented as follows:

- That can include additional stakeholders
- For instance, we have West County Community Services operating our mobile home park in town. They would be affected.
- They can be included in discussions

City Manager/Attorney McLaughlin commented as follows:

- They have limited situation there.
- The rent structure is different.
- Yes, they are affected by the ordinance as well.

Councilmember McLewis commented I just to piggyback off of that are there additional mobile homes in town

City Manager/Attorney McLaughlin commented as follows:

- Park Village, they do have a mobile home park element
- It also has several other kinds of housing contained within park village.

Vice Mayor Rich commented if there's a change, does it apply to park village

City Manager/Attorney McLaughlin commented yes, it would apply.

Vice Mayor Rich commented is staff aware of any input or obtained any input from whoever the owner is for Fircrest Mobile Home Park

City Manager/Attorney McLaughlin commented we have not heard from the owner and we have not reached out.

Vice Mayor Rich commented as follows:

- If we do and ad hoc committee, there is an embedded delay if there's an ordinance. It will take some time.
- Can you give us a sense of how much time you think it might take an ad hoc committee to delve into this?
- How quickly can we turn this around and make a decision?

City Manager/Attorney McLaughlin commented as follows:

- Given we have one major mobile home park and one ownership group, and we have a group that is organized, I don't think an ad hoc committee would take long to conduct those meetings.
- The Council is very aware we have numerous committees at this present time doing a lot of work.

Mayor Hinton commented what is the fastest track? Ad hoc or you create an ordinance?

City Manager/Attorney McLaughlin commented that faster track would be to create an ordinance.

Mayor Hinton commented as follows:

- We don't want any more rent increases to happen while we are in the process.
- Can we create an urgency item on this?
- I know we have done things like this before. We have talked about them at length.
- Is there a way, if we create a new ordinance, to go back, so that the landlord is not throwing a rent increase

City Manager/Attorney McLaughlin commented as follows:

- Discussed a moratorium
- Stated an urgency ordinance, has its own set of laws that pertain to its own set of procedures. It would be considerably more difficult to do those two things at the same time.
- An ordinance would amend the ordinances as well as conduct a proper urgency moratorium.
- Also, I'm not an expert on the mobile home park, but my understanding is that the residents are all on leases.
- The renewal dates, the annual renewal dates, where the rent increase can take place, they all vary.
- They don't get one notice of a rent increase that arises in one day.
- Everybody is on a different schedule. That makes it more difficult. It also makes it less urgent.

Vice Mayor Rich commented if we have exploring this idea of staff going directly to drafting and ordinance, this would come back to the City Council in a draft form, we could discuss it? Correct?

Staff stated it would be recommended to look at it in a study session.

Vice Mayor Rich commented as follows:

- The only other mobile home park we know about is park village.
- Obviously the city has an interest in park village. It has a management contract.
- Let's say staff is going to draft the ordinance.
- Would staff be comfortable committing to coordinating and reaching out to initiating a discussion with West County Community Services in order to be prepared to report back to the City Council about what West County Community Services perspective was on the ordinances

City Manager/Attorney McLaughlin commented as follows:

- Yes we can meet with West County
- We meet with them regularly, as you know.
- That would be a whole different question for the Fircrest mobile home park.

Vice Mayor Rich commented have you been in touch with the owners or are we leaving the owners out of the discussion of the draft ordinance.

City Manager/Attorney McLaughlin commented as follows:

- I would expect that would happen.
- Then they will likely engage themselves in this process and have comments and take an active interest without an ad hoc committee starting.

Vice Mayor Rich commented I know there are changes ongoing in the county regarding this issue in other jurisdictions. Do you feel that you have enough information as staff about what is going on in the rest of the county to be able to take advantage of that information, when you draft the ordinance?

City Manager/Attorney McLaughlin commented we will obtain that information. I cannot say we have it right now.

Mayor Hinton commented as follows:

- I want to go to a question in the heart of the matter.
- The way the agenda item reads is that the agreement provides a commission that will be paid at \$85 an hour.
- You basically said, we will hire an expert to help us draft and ordinance?

City Manager/Attorney McLaughlin commented as follows:

- No, I didn't say that. I apologize if there's confusion.
- They are already administering an existing ordinance.
- When there needs to be mediation or arbitration, we have had arbitrations at the mobile home parks when there have been disagreements in the past. They do that at the hourly rate.
- They don't write the ordinance.

Mayor Hinton commented since you are recommending a study session versus a first reading, and we already have an ordinance that we are updating, because we just did a first reading on a cannabis and we didn't have a study session, why are you recommending a study session over just developing an ordinance.

City Manager/Attorney McLaughlin commented I would be happy to bring an ordinance back to first reading. But if it gets modified that night, it will come back for another first reading because it's been modified. That's why we often do a study session. In the hopes that the first reading will make it through without further changes.

Vice Mayor Rich commented I want to make sure that Councilwoman Sandra Maurer would be open to having staff take this on, rather than developing an ad hoc committee.

Councilmember Maurer commented as follows:

- Absolutely. I don't know if our city attorney stated this, but his previous history, his work history included working with mobile home parks.
- I have full faith in his ability to write this. I think it's great.
- I would like to fast-track it as much as possible.
- I was looking to see the cannabis ordinance. Because last time that was a first read, and we made a change. Is on the agenda? Could we make a minor change

City Manager/Attorney McLaughlin commented as follows:

- If we had a minor change, if we needed to make a minor change, it could come back for a second reading and implement it.
- There is no fine line where the dividing line is.
- You can make minor changes during the first reading as long as the record is clear. You can complete the first reading. Any extensive changes, we always bring it back.

Mayor Hinton opened for public comment. Request for Amendment to City Ordinance, the Mobile Home Rent Stabilization Ordinance

A member of the audience commented as follows:

- First of all, I would like to thank Councilwoman Sandra Maurer for bringing this topic up.
- I have been in the park for three years.
- There are people in the park who have been there for a very long time.
- Also want to thank you for the write up you did on this agenda item.
- Thank you. It was very thorough.
- I guess I will just say obviously this year as was stated, it is based on when you have moved in in terms of when you can increase.
- It's different for everyone. There are plenty of folks who have already gotten that 6% increase for this year. That 6% increase will be compounded every year after that. It gets very expensive.
- I want to make a statement for someone who was going to be here but couldn't make it tonight.
- This is a neighbor. His name is Roger. I spoke with him a couple of days ago, and he said, I'm a 77-year-old Vietnam vet on a fixed income.
- He said, I should not have to be worrying every year about whether I we force out of living here or not. That is what we are looking at.
- Unfortunately, this was a difficult year in terms of how much things went up.
- This is to help so that there are not these big increases.

Marilyn commented as follows:

- Thank you to the Council for entertaining the possibility that our rent needs stabilizing.
- I have lived in this mobile home park for 25 years.
- My rent for space has doubled. I am now on a fixed income. It amounts to twice as much as my space rent. Meaning that my space rent is 50% of my income.
- This is not comfortable. I'm hoping that there are not very many other of my fellow residents in the mobile home park who have a situation. That are being squeezed.
- When I was brought up, I was told that a comfortable rent is 25% of your income. This is now 50%. That is not a comfortable way to live.
- I'm grateful for rebuilding together which has helped me with some of the repairs that need to happen.
- I am 83 years old. I find that my expenses are rising. I need more paid help. I need my rent to be stabilized.
- I hope that other people will have theirs as well. I know we are in good hands with Councilwoman Sandra Maurer and Larry McLaughlin who have expertise and experience in mobile home park issues. Thank you very much for your work.

Andy commented as follows:

- Glad to be a resident. I moved into Fircrest mobile home park a year and a half ago. I just want to recognize the Council and staff.
- I get that you get it. You get this. That's awesome.

Oliver commented as follows:

- A couple of things. I looked into this last fall.
- I was campaigning for City Council.
- I believe there owned by Alamosa properties. It's a state which will be the controlling factor in this.
- I'm not sure how much the City Council can actually do.
- The last lawsuit was in 2010
- You can find those documents online. It was about rent increases.
- I am very sympathetic to the people in the park.
- We talked to them a lot last fall about this frightening situation they are in.
- It's a bigger issue. Trying to take on a wealthy East Bay property company without doing due diligence about County law.

Thorne commented as follows:

- I am glad this opportunity came up.
- I am in much appreciation of Larry McLaughlin and what he has been doing for Sebastopol for so long.
- It is an amazing parting gift that he may help with the situation.
- I have only been in for only a year. It is a magic place.
- I wasn't open to the idea. The moment we rolled in it was yes everywhere. Each day I get reinforced experiences that say we made the right decision.
- I have a lot of neighbors. Like Marilyn. We chat every other Thursday. She has a good point.
- There are a lot of other people in that situation.
- Sebastopol is a magic place.
- Now I have an eye-opener with the City Council, what is behind the magic. There are not many other places like this that I've been to. None.

- I am in vast appreciation of this area. Happy to live here. Thankful to the City Council for what they are doing about a lot of things. That is how I feel. I'm happy to have this opportunity. Goodbye.

Linda commented as follows:

- You all at the park, you are full of heroes.
- Marilyn. She's a teacher. Powerful and articulate. And activists.
- One of the outstanding things that they are successful for with the help of the city, was that they prevailed. It was a David and Goliath kind of thing.
- They prevailed when PG&E were threatening to put in smart meters throughout the entire mobile home park. They prevailed with the help of Larry McLaughlin. It was a wonderful success story. Most people did not know about it. I hope that that is still the situation. I hope they have been able to retain their meters. We need to support them. In every way they can.
- I am fully supportive of whatever they want. They're full of wonderful people. Like I said, that was a huge success story.
- Power to the people and blessings on all of you.

Roger commented as follows:

- I have lived in the mobile home park for 3-4 years.
- I'm the president of the homeowner's association. There are a lot of elderly people on fixed incomes.
- They tend to have houses that are from the 60s. So the amount of maintenance and such that they have to do is pretty exorbitant considering. I just wanted to make that clear.
- Also the stabilizations are based on the CPI. The cost increase of San Francisco which is not even us in the first place. I'm not really sure why we should have to go with whatever San Francisco has for a raise
- Addressing what the attorney said, I believe the cities of Windsor and Santa Rosa have already enacted a limitation. That is reading the paper.
- We are smaller city. It is not like this has never been done before. There was one other thing.
- When Larry mentioned litigation, the residents have to do, when I became the homeowner association president, I got a binder this the for the one litigation that I'm aware of which had to do with repaving the entire place and that was paid for by the residence.
- We really would appreciate it. It would make things more comfortable in the long term for the mobile home park.

Marissa commented as follows:

- I had a situation here with divorce and I had to sell my house and move. I didn't know about Fircrest.
- Unfortunately. I moved into a mobile home complex and Santa Rosa. My mom who is 92, still has a mobile home there. I have friends in other complexes. There are lots of very nice complexes in nice communities. It is not only Fircrest.
- When I moved here, the cost of the increase was to point something. I don't think I received anything written that said it would be going up. I thought that was the average.
- I think three point something was the average where I had been living previously for six years. I have been following the problems and the increases and the writ stabilization in Santa Rosa also.
- With us paying for the roads, other mobile home complexes have much more extensive ground upkeep.
- I have never heard of another complex having to pay for the roads ever and they have much nicer roads than Fircrest
- If anything, they have been putting off upkeep here at Fircrest. If they're complaining about the prices, that is probably the case. That they have been putting off the upkeep for long time.
- I still work. I am 67. I am also an active volunteer in Sebastopol with the Ukrainian families coming in.

- I just want to say, I am so glad to have moved back from Santa Rosa and realized that Fircrest was here and get to still be living in Sebastopol.
- It is my community. I appreciate the City Council and all that everyone does.

Kyle commented as follows:

- I want to speak to the stakeholders.
- As they move forward working with the city, please consider the fact that the city itself owns a park village.
- They are the owner of a mobile home park.
- They have an interest in ownership as well as the revenues that come as a result of that.
- I encourage you to be very aggressive in the approach you take in drafting this ordinance as stakeholders.
- You are going to be working with someone who has an interest in generating revenue as a result of rents that are coming for mobile home parks.
- As you were to draft, please, be very aggressive. Think outside the box and look for other opportunities or other metrics.
- The idea of having a CPI is one of those metrics, when the CPI gets abused by governments, to restrict the amount we are paying for Social Security.
- Be looking for options that are outside the box and be aggressive in your approach.

Karen commented as follows:

- I just want to say, I have been a resident of Fircrest mobile home park for a year and a half. Very happy to be in Sebastopol.
- It's very expensive. Sonoma County in California as a whole is expensive. There isn't much low income housing for seniors.
- Unfortunately, the real estate market has found us. The prices of our houses are going up a lot.
- That, combined with space rent raised every year, has made it unaffordable for a lot of my friends who are approaching their senior years. They are like, I don't know where I will live. I am living on Social Security. I cannot afford a house. A
- I say, what about the mobile home park? It's a nice place. And they say, I cannot afford that. It's out of my price range. I tell them what the rent is and how much the house generally costs.
- What are seniors going to do in the future? There is Burbank Housing and the mobile home park. That is it.
- I think it's important to preserve our mobile home parks as affordable housing for seniors.

City Council Discussion and/or Deliberations:

City Manager/Attorney McLaughlin commented as follows:

- One, with respect to park village, the city does not derive rent from park village.
- That rent goes to West County Community Services.
- They are about affordable housing. It's not about running a mobile home park and collecting rent. I don't think they derive any profit from that. They see that as affordable housing.
- But the city does not receive rent from the mobile home park portion of park village.
- Secondly, I can assure everyone that our ordinance is fully in effect and enforceable in the City of Sebastopol.
- I did not understand the comments about other jurisdictions. Our ordinance is working fine. It just needs a change or two.

Mayor Hinton commented as follows:

- I was in the original park village subcommittee that created that. We have been subsidizing our low income neighbors there to an approximate \$80,000-\$100,000 a year. We are not making profit on that property at all. T
- I did a quick research. It looks like there is a variety of new rent ordinances for mobile home parks that have been looked at that we could use as examples from Santa Rosa, Sonoma, and Windsor
- They all seem to be around 4%.
- If we direct our City Manager to come up with what seems fair
- I know personally for me, my grandmother lived in Vallejo. Worked for Napa Hospital for many years. More years than I can count.
- I know this is a huge thing for seniors.
- I am in full support of coming up with something. I am interested since a lot of people just got the 6% rate hike, if we could get the ordinance for the first few years, there is a balancing act?
- If you have given a 6% rate hike in year two, you wouldn't be able to give a back-to-back rate hike. Is that possible?

City Manager/Attorney McLaughlin commented as follows:

- I don't want to give anyone false hope, so I am pessimistic about our ability to do that.
- The rents are staggered. Some have already got me increases.
- We will have to look at this ordinance as perspective and acting the future.
- I don't believe we will be able to do anything about past rent increases.
- I will look into it.

MOTION:

Councilmember Zollman moved and Councilmember Maurer seconded the motion to

- Direct staff to prepare an ordinance; and reach out to various stakeholders
- Mayor Hinton called for a roll call vote. City staff conducted a roll call vote.

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: None

Absent: None

Abstain: None

City Council Action: Directed staff to prepare an ordinance; and reach out to various stakeholders

Minute Order Number: 2023-090

Mayor Hinton called for a break at 8:56 pm and reconvened the meeting at 9:01 pm

10. Approval of the Sebastopol Parklets Guidelines and Finding This Item is Exempt Pursuant to CEQA Guidelines Section 15301(e) (Responsible Departments: Engineering/GHD/Planning)

Mario Landeros, City Engineer, presented the agenda item recommending the City Council Approve the Sebastopol Parklets Guidelines and Finding This Item is Exempt Pursuant to CEQA Guidelines Section 15301(e)

Mayor Hinton opened for questions of presenters.

Mayor Hinton commented to clarify, this is our first look at this, and you are looking for feedback from us and the changes that you know need to be incorporated and then what are we looking for tonight?

Mr. Landeros commented I would like to receive your comment and input, address your questions, and add any additional information or comment into the guidelines. As the Council desires. I would like to move to finalize a document.

Councilmember Zollman commented as follows:

- I'm going to provide context.
- We received three emails. One from the design review board and two from the design guidelines subcommittee expressing dismay about how the San Francisco guidelines were not, in their opinion, fully considered.
- I have heard several things from you tonight. It's very concerning.
- What I want to know is, when you are consulted and reaching out by the City Council at that time, what direction were you provided?
- It sounded like what you said earlier that you received specific direction to consider two other municipalities. Is that what you heard as far as a directive?

Mr. Landeros commented that is correct. I didn't say specifically Sonoma. They asked, is it possible to work off of the work that other cities nearby have done? They've referenced the other Parklets.

Councilmember Zollman commented as follows:

- That is what was in the instructions because what one person cited, was the fact that they were aware of the fact that this process of permitting Parklets started in 2015.
- The Council then approved resolution establishing guidelines and procedures on April 21st, 2015.
- They didn't mention that to you when they were giving directives to you, and you didn't find that in your research?

Mr. Landeros commented as follows:

- We were aware of the resolution.
- I'm trying to recall if it was referenced in the staff report at that time.
- Since that 2015 action, to the best of my knowledge and any research, there has been no activity done on it. It did not go any further.

Councilmember Zollman commented as follows:

- There were established precedents.
- What I'm getting at, I am troubled by the fact that a prior City Council went through efforts and passed a resolution, and you were engaged, and now we are getting comments from experts in our own city saying that the fact that this resolution was not actually consulted.
- Then I heard you say earlier that you believe that Sonoma and Healdsburg's were built off of San Francisco.
- I guess I'm confused about why there is such a disconnect from what you are presenting to us to approve, and while experts here seem to be unhappy with the direction of the guidelines you are presenting to us.
- What do you have to say?

Mr. Landeros commented as follows:

- The resolution from 2015, what I believe it's reference there and one of the final points, was that the plans be designed using the San Francisco Parklets model from 2015.
- They do update throughout the years. At this point they have molded those provisions into what they call their Shared Space Manual

- The last manual on design, they still preserve it for resources for other agencies.
- The resolution identified that plans be designed at that time using the San Francisco manual
- What we are tasked to do is prepare design guidelines, not design a plan at this time but to prepare and design a guideline that would be used by designers to go forward with their applications for their Parklet requests.

Councilmember Zollman commented as follows:

- But also, one of the feedback from the people that submitted an email to us, they provided a link where I clicked on, it seemed like a fill in thing as far as how they would submit their information to see if someone would approve it for them.
- I'm concerned about what is you would like us to take our time to consider, based on the fact that three of the local experts we rely on routinely, seem to be very unhappy with this. It is troubling.
- Having lived in San Francisco, their Parklets are outstanding.
- I don't want to see personally a bunch of boring Parklets that are not appealing to the community.
- One person said that was their feelings about what has happened already in Sonoma. I will leave that topic there.
- Then you mention the fact from the results from the stakeholders. I'm troubled by nowhere in the staff report is there any consolidation.
- I guess I'm concerned by the fact that you said not all of the comments were put in there. But, I didn't see any comments from the stakeholders.
- What I saw was a grid that you had reached out to downtown business associations, the Chamber of Commerce, and one other entity. I didn't see it in a summary of what they said whether they liked your guidelines or whether they didn't. Did I miss that in the report?

Mr. Landeros commented no you did not. There was not anything like that included.

Councilmember Zollman commented I am requesting, that is what I would like to see. When I see something back, my request is, you specify what you took from San Francisco and the manual and what you incorporated from that into your guidelines.

Councilmember McLewis commented as follows:

- Questions about costs and talking about the budget.
- We all want beautiful spaces. We have many spaces that need help.
- The questions I have are, if the sponsor is responsible for the lease, who is responsible for the insurance?
- If I recall from previous meeting, there was talk but at some point, someone mentioned the insurance at \$16,000 a year.
- Who is responsible for that cost?
- Secondly, if we need to make this A.D.A. compliant, who is responsible for that and the cost of that? And the cost with the consultants and everyone else? That is not a simple process. It is often costly for many businesses. Is that a cost the city is responsible for? Or business?
- All of these businesses are leasing the spaces, and if they become a sponsor, but then they leave, there's always a possibility, then the cost I'm assuming, falls back on the city until they find someone else to sponsor that.
- Finally, I am wondering right around the corner from where that is right now, can someone clarify, is that a street that is the City of Sebastopol, are they responsible for that street around the corner? Was it ever considered to actually have that Parklet on the other side where we can control it more, and not go through all this with Caltrans all the time?

- That is an outdoor space right there. They have tables and it could be a nice extension.
- Not being on the council until after these decisions. I'm curious if that was considered?
- That becomes something we can control more, is my understanding versus it being on the highway with Caltrans.

Mayor Hinton commented as follows:

- When we analyzed Parklets, as a City Council, we voted to not apply for Caltrans permits except for one
- We had a lot of community feedback that wanted to keep Parklets.
- That drove the decision staff to come up with the guidelines, which would impact what Caltrans wanted and if other Parklets were created on streets we could control which is what we just had presented.

City Manager/Attorney McLaughlin commented as follows:

- In terms of how we got to this point. As far as why we did not create Parklets around the corner, like you're talking about, I know it was considered, it was in the middle of the pandemic.
- I cannot remember what was the reason why that didn't happen. Because we looked into it.
- I don't recall whether it was a business that did not want it at that point, that may be the answer.

Mayor Hinton commented as follows:

- There wasn't a business over there that was going to sponsor. It was not desirable to have it there.
- We did look at it. It was obvious at the time that we had more flexibility around the corner then we would have on the right-of-way for Caltrans.
- They were little bit loose about it. Still, we would have more flexibility around the corner. We did look into that. There was business related reason why we didn't go there.
- Do we 100% have someone sponsoring it right now?

City Manager/Attorney McLaughlin commented as follows:

- I think we are creating guidelines, or the idea was for the previous City Council to create guidelines for the future.
- Even if we don't have a sponsor, we want to create the guidelines all at once. If someone comes along, they know what path to take. That was the direction.
- It was not intended that these guidelines would be a manual on how to do a Parklet. It was to give designers guidance on what the city would have can centered important to be safety items, things that the city is concerned about. It would be present in these Parklets.
- Otherwise, there was flexibility to design them the way to sponsor one of them to look but to stay within the guidelines in terms of safety and construction standards.

Councilmember McLewis commented as follows:

- All of these finance questions, is that something they are expected to come back with?
- The city will pay the Caltrans encroachment fee and the interest. We had a budget item for that.
- I think it was in the \$30,000-\$40,000?

City Manager/Attorney McLaughlin commented the intent of the right of ways that someone would sponsor the cost.

Mayor Hinton commented as follows:

- The City Council previously directed these guidelines.
- I'm interested in how much we have invested in engineering cost to create guidelines? Not Parklets.

- The former City Council also did support a Parklet. I understand there are costs associated with it when we support the action.
- We can certainly hear back from the city. However, we are talking about guidelines.
- We have an estimate in this. Do we have any idea of what it has cost us so far for these guidelines?

Toni Bertolero, GHD, commented as follows:

- I thought it would jump in because of the fact that I was involved before Mario got involved. This is back in 2021 when we first were directed by City Council to move forward with the guidelines
- They wanted to make sure we didn't spend a lot of money developing guidelines. Because the San Francisco guidelines, probably cost them \$100,000.
- City Council certainly didn't want to move forward with something like that. What they did move forward with was, these guidelines are in the order of \$30,000 and the direction at the time was to not reinvent the wheel but to use something that was similar to a local agency nearby. Healdsburg was mentioned. It was also mentioned, Sonoma. At the time it was thought that Sonoma was able to get Parklets on Highway 12, on their state routes. But that wasn't the case. They were unable never able to get them on state routes. We followed the Healdsburg model. That is how Healdsburg came into play.
- The other question that was asked had to do with the cost. The preparation in the guidelines was in the order of \$30,000. However, that does not include the cost for designing a parklet. City Council authorized budget for the Parklet design and through the Caltrans process, get it constructed
- That was the other amount for \$50,000, to have it designed and constructed. That number was just thrown out. As you recall, we first needed to get the guidelines. We needed to come up with a framework to work with and then get it designed and get it through Caltrans.
- The idea was this was supposed to be a public space. The Parklet is not for a business, which meant that the city would have to be the applicant. Because of that, Caltrans would only allow the city to get the encroachment permit to pay the fees. They would have to come from the city and also have insurance required for that Parklet. That would be through the city as well. Not through a business.
- Right now, the city would be paying for those costs. We had discussion that maybe down the road, perhaps the businesses could participate in that cost. It is an annual cost to the city.
- That was a policy decision to be handled down the road. We wanted to take the first step of getting deep Parklet design. That is how that whole design was supposed to occur. The first phase is just the guidelines.

Councilmember Maurer commented as follows:

- My question is, based on these guidelines, can a Parklet be on any city street? In neighborhoods?
- If a neighborhood was asking if they were able to extend? They have a lot of parties in their neighborhood.
- Are these applicable to any city street? Or just the Caltrans right of way?

Toni Bertolero commented that the guidelines are intended for all city streets, as well as Caltrans. There isn't any distinction on location, if I'm not mistaken. I think the original intent was for economic vitality. The point was, Parklets were on city streets, but they would be focused on the downtown area.

Councilmember Maurer commented will the final approval of a Parklet come back to City Council? Would that be a City Council decision?

Toni Bertolero commented absolutely. In order to build a Parklet, you have to remove parking. Anytime you remove parking, that would have to come back to City Council anyway.

Councilmember Zollman commented as follows:

- Part of the reason I went on and on, my question, how this all came to be, it seems like money has been expended and not in an insignificant amount.
- A lot of experts in our community are not happy with the project.
- My major question to the manager, what would happen if we postponed this? Listening to my fellow councilmembers on the far right, we are in a different budget situation. We have a different awareness of where we are. Some of us more than others of where we are fiscally now.
- What would happen if we paused this entire thing, until we ended up being at a better fiscal situation

City Manager/Attorney McLaughlin commented as follows:

- Regarding the one near Retrograde for a moment. Pausing the guidelines at this point would have no effect, except on potentially someone who would want to sponsor Parklet and would have no way of doing that.
- We don't know that there is anyone who even wants to do that at this point. What would be of concern is the existing parklet in front of retrograde. The original one would remain, because they know we are in the process of applying to replace it with one that needs the Caltrans construction standards.
- If we do delay or suspend, I think we run a real risk of losing that Parklet. That would be my concern with respect to that one particular one.

Councilmember Zollman commented as follows:

- What would be your suggestion if we pause where we are now?
- We would need to have another agenda for the review, in order to have a public hearing about what we need to do, considering our current school situation outside of the place you mentioned.

City Manager/Attorney McLaughlin commented as follows:

- Correct me if I'm wrong, engineering staff, but I think it would be possible to design a Parklet in front of Retrograde that meets Caltrans' standard.
- But if the City Council wanted a Parklet there, notwithstanding where the guidelines are now, I think that could be accomplished by focusing on that one Parklet, if that's what they want to do.
- That would be the only way to preserve that Parklet. Sooner or later, they will pull the plug on the temporary permit granted for the existing Parklet.

Vice Mayor rich commented as follows:

- My situation is when we look at this, whether we could instead, pass the cost?
- It happens to be an issue of mine.
- Without going into a lot of discussion, the question becomes, could we instead approve some guidelines with specific direction from the City Council? Move forward with that process? But retain some control to at a future date deal with the cost?
- Do the guidelines determine at a later date what we will do in terms of who will pay for it? Who will pay for the insurance? Those costs associated pieces.
- We have guidelines in place which in fact, I think, would help direct and place the cost on the shoulders of the businesses.
- It would help create an opportunity to fill out the retrograde Parklet but retain our control over future decisions regarding the cause.

City Manager/Attorney McLaughlin commented as follows:

- Everything you're asking about is simply something we can do.
- We can complete the guidelines. There will be a cost associated with that.
- The discussion I am hearing is a concern about that cost. If we want the cost to stop, basically, we would suspend work on the guidelines at this point.
- We would have no mechanism in place for people desiring a Parklet to pursue that. Because we have not completed the guideline process.
- If we do complete the guideline process, there will be a cost associated with that. Notwithstanding all of those things, you can deal with the Parklet in front of Retrograde, notwithstanding everything I just said.
- I'm sure we could design that one without doing the other.

Mayor Hinton commented as follows:

- As I mentioned earlier, before us are guidelines. We have invested money and that's what we are looking at.
- Do you have an approximate cost if we were to basically finish this without really finishing?
- We have a park plan on the shelf for how many years?
- It feels like it's close to done. Do you have an idea of how much it costs?

Toni Bertolero commented as follows:

- Mario's closer than I am. He has been working with the team on that.
- My understanding is, these guidelines, with those recommended revisions that Mario was talking about earlier, the contract is \$30,000 right now. Maybe another couple thousand dollars to finalize it.

Mario Landeros commented as follows:

- Yes. Just for the guidelines. To finalize what we have including the comments that you addressed that was going to be changed?
- It was a thin contract to begin with. It is about expended. Where we are right now, it would certainly help. A few thousand dollars.

Toni Bertolero commented as follows:

- Yes. And so, if it could be completed, it could even be called interim.
- That just means there will be additional information in the guidelines, after we find out more from Caltrans, for example.
- Also, if we find out more about who is paying for what. Those could be added to the guidelines. It does not have to be a static document. It could be revised, just like we have standards that are revised periodically when the situation changes. That is one suggestion.
- Get that completed to a point where it can be used for the Retrograde Parklet.

Councilmember McLewis commented as follows:

- Just from what he mentioned earlier, the number of people that we received emails from who worked happy with the actual guidelines we have, and we're talking pausing and also looking at people who are not happy.
- If we approve these because we are trying to mitigate the cost, but that's actually what people want

Mayor Hinton opened for public comment. Sebastopol Parklets Guidelines.

Paul Fritz commented as follows:

- Thanks for taking this on. I have to say, I am super excited. I have been excited for Parklets for years. I think they're great and add a lot to the community.
- I am incredibly bored by this conversation. I am incredibly bored by the guidelines. I hope you got a chance to look at the San Francisco guidelines that I emailed. Just open it and it's exciting. Parklets should be exciting and fun.
- The guidelines we have drafted, even if they contain the same general information, it's just a bunch of texts. There are a few pictures here and there. It's boring. It doesn't get people excited.
- As a designer and someone who designs things, the San Francisco manual is so much more inspirational. And extremely clear as to what they are looking for. They are saying the same thing, but in a super clear way.
- Our guidelines are not, they are complicated, to be quite honest. It's just text.
- I would suggest not spending any more money on the guidelines we have. Adopting the San Francisco shared spaces manual as the guiding design document for Parklets in Sebastopol and send it back to the subcommittee. Which is myself and Lars and Christine
- There are parts of the manual to talk about closing street down. That is not something that is relevant to Sebastopol. We are not contemplating that.
- Let's go through and say the page or section does not apply to Sebastopol, take it out and we can edit it ourselves. We are volunteers. I'm speaking for the other two members, maybe I shouldn't be. I have not consulted about this.
- I think that might help us get to something that, at least from a design standpoint, we would have a nice, exciting set of guidelines for a Parklet that could be developed.
- Happy to answer questions. I have been involved for a long time. I know a lot of history, more than anyone else in this room.

Linda commented as follows:

- I would be so excited if I could go downtown or to the store safely. I would be exposed to the wireless radiation and electromagnetic radiation. The point about the Parklets it's something that has not been addressed. It's the level of pollutants that people are exposed to.
- Something that needs to be addressed is the level of pollutants that people that go to these Parklets are exposed to. Is that on-topic?
- There are no electronics in the Parklets. I'm not sure it's on topic .
- People are unaware of the radiation coming off of wireless water meters that are put indiscriminately downtown and businesses that do not have the right to opt out. So, everyone that goes downtown on the sidewalks, not only the residences but businesses downtown will admit microwave radiation exposing them to radiation.
- In addition to the air pollutants from the cars. All of this stuff is measurable. It needs to be considered when establishing a space for people.
- That is my point. Again, this is a legal thing about the wireless water meters. The option is not available to business owners downtown. That is not good. I'm pleased to hear our new members are finding a voice.

Kyle commented as follows:

- I too have grown bored of this conversation. I was disappointed with the dragging of heels that our council took to actually allow Parklets in our city with the middle of the pandemic and all of our business is hurting.
- I feel like there is a strong disconnect between the actual use of Parklets for business purposes and the ability for city to capture revenue as a business within our city.

- Discussed the wide variety of Parklets and the approach that they have taken across the bay area. None of that is seen and what we've seen so far with the way Parklets are represented in our city.
- I would encourage decision-makers, people going through this process trying to design guidelines for Parklets in our city, to look at cities like Oakland. Look at cities like Napa. Look at models of revenue streams that the cities are using to generate revenue for a city. Rather than spending massive amounts of money on consulting fees.
- In fact, I'm not sure we capture the money in the consulting fees from the revenue that can be generated from the Parklets for the next five years. Even if you were just widespread allow Parklets all over the city at this point.

Oliver commented as follows:

- The one comment I have is, San Francisco Parklet ordinance is similar to what we are proposing with Caltrans.
- For example, there are no Parklets on Van Nuys 101 through the City of Sebastopol.
- We are making a complicated mess trying to deal with Caltrans. \$16,000 a year and the endless compliance issues.
- We could have our city parklet just around the corner, off the road of the highways
- I feel like one of the most important things we could do right now is put this here through Sebastopol and people stop on the way to the coast.
- They find the park on the side street rather than hoping people will drive down 116 and seeing a Parklet and stopping to go to the parklet there.
- Regarding the Caltrans Parklets, you cannot have anything in them. There's no table service. All of that stuff is forbidden. It's basically an empty space.
- I am in favor of them. I feel like this has become a mess.

City Council Discussion and/or Deliberations:

Mayor Hinton commented as follows:

- Asked questions of Paul Fritz
- The subcommittee is volunteering to do what tasks

Mr. Fritz commented as follows:

- I am volunteering the subcommittee to go to the same physical manual and take out the parts that don't apply to Sebastopol.
- Let us adopt as its original resolution set in 2015, refer to the San Francisco design manual for the process of designing a Parklet.

Mayor Hinton commented are you recommending scrapping this?

Mr. Fritz commented as follows:

- Yes. It's unfortunate.
- From the beginning of last year, when we were talking about making his permanent, I suggested, look at the separate San Francisco manual. Let's not reinvent the wheel.
- They took that to look at Healdsburg and Sonoma. They have been doing Parklets in the pandemic. San Francisco has done for over a decade. They have experience. They just issued a re-updated manual. They have a lot of experience in what works and what doesn't. Healdsburg doesn't. They are as new as we are. It is like the blind leading the blind. I don't know why there's were chosen to be the models, to be quite honest with you.

Councilmember McLewis commented as follows:

- Based on your knowledge and history, we are talking in Sebastopol about Caltrans Highway.
- Are any of these on Caltrans' Highway that you are aware of?
- We are comparing apples and oranges. I fully support business.
- They can't actually use it for their business.

Mr. Fritz commented as follows:

- From my understanding, I don't think there are any permanent Parklets approved on Caltrans' right of way. There were some in the pandemic approved.
- From my reading of the Caltrans requirements, what San Francisco proposed could work on Caltrans right away.
- Other than to comply with A.D.A. and drainage, you can't attach the street. Those are standard.
- We would do all of those things. The San Francisco manual addresses all of those things.
- I think that could completely work on a Caltrans right of way.

Councilmember McLewis commented I have one other thing. In your mind, where talking right now. Is it possible to investigate using our city street instead of the Caltrans? Then, it's not so restricting.

Mr. Fritz commented as follows:

- The design guidelines, what is being proposed before you, work on city streets and Caltrans.
- It works everywhere. Whatever we do, it could apply anywhere.
- It's up to whoever wants to build a Parklet, if they want to go on the Caltrans and go through that process, it's an additional step.
- If they want to go the easy route around the corner, they could do that too.

Councilmember McLewis commented as follows:

- Would take more sense if we had where it was less restrictive Lexi and businesses could utilize it?
- It seems to me they would be more apt to be a sponsor of something they can actually use versus just a public space.

Mr. Fritz commented as follows:

- Possibly. You also have to consider for example, Sunshine Cafe wanted a Parklet. The frontage is on Caltrans right-of-way. It would be awkward to have it on a side street.
- If you have a business that has space on a side street that wants to open it, it makes sense.
- Many businesses would have a hard time operating a Parklet not adjacent to the business. More apt to be sponsor

Mayor Hinton commented as follows:

- I have to speak up for retrograde and Sunshine Cafe work here tonight.
- They definitely were at previous meetings and offered to contribute to this Parklet to stay.
- This is why we went down this direction. They have a plan. They understand the rules, is my understanding. They know they can't serve food or signage.
- They have something else in mind, as they believe this Parklet has been approved.

Councilmember Maurer commented as follows:

- I have a comment and a question.

- I'm in favor of Parklets. Very much in favor of Parklets. I have heard good things about Parklet.
- I respect that you love them. I respect your opinion.
- It would be great if we didn't spend any more money on this. I'm sensitive to the issues of the budget.
- I'm thinking it would be a good idea to have guidelines that work interim guidelines. We need that. We need the guidelines. This is the culmination of a project.
- I would like to see interim guidelines. I also want to respect the members of the design and review board who feel like their feedback wasn't integrated.
- It wasn't represented in this report. Is that correct?

Mr. Fritz commented as follows:

- They did incorporate some of our feedback
- It's not that exciting. You are responding to something that is not really what you're looking for in the first place.
- I refer to the manual and suggest that we look at that. I believe Christine said in her email she was suspicious of Parklets the whole time. When she finally got around to looking at the San Francisco manual and was a complete convert. She owns a building downtown. She wants one in front of her building because she so excited after reading the San Francisco manual.
- It's just the fact that none of us were enthusiastic when it was given to us in the first place. We were trying to do what we could to make suggestions to make it better. There were things here and there. We all struggled with how to make this better.

Councilmember Maurer commented you said basically, the San Francisco document and this one being presented are basically saying the same thing, but there's not enough pictures?

Mr. Fritz commented there are things that San Francisco does enter, because it is more thorough. They cover the same topics in terms of safety and accessibility and design. But the San Francisco one does it in a much more thorough manner, to be quite honest. They have experienced doing it. They know what works and doesn't.

Councilmember Maurer commented do you think you could take what is created with these current guidelines that are being proposed, do you think you could take those and embellish it so it became a document that was more inspiring?

Mr. Fritz commented as follows:

- No. Someone could. I wouldn't volunteer to do that.
- As was mentioned, they probably spent a considerable amount of money putting it together. It is graphically beautiful. You would have to hire a design company. I'm not a graphic designer. I'm an architect. I wouldn't take doing that on.
- People do make inspiring Parklets out of it. I'm telling you from my perspective, it's not the most inspiring document. It's not thorough and well-crafted as it could be.

Vice Mayor Rich commented as follows:

- I understand that this document could be much prettier and much more inspiring. I also know that we have to be fiscally conscious of the budget
- I hear the locals being identified as experts. I would like to remind all of us that we have experts in the room that we paid to put together these guidelines.
- That with the limited budget they were given, they produce something that is pretty darn impressive.
- Although we could pick it apart, the highlights are really there and respond to what we asked them to do.

- I also noted the comments and have great respect for Paul and other members. Very dedicated citizen volunteers. But he did say that basically, as was pointed out, the San Francisco guidelines are basically saying the same thing. They are doing it in a way that is inspiring or exciting.
- We don't have \$100,000, as was pointed out. We did not allocate a huge amount of money to put together guidelines that are inspiring or beautiful. We did ask that the basics that our community could rely on be put into a written document.
- After having read these and listened to the presentation, and confident that that request has been met by our expert that we have paid to meet those expectations. I would hate to see us abandon this in the estimate for want of \$2000 more in order to complete it. Abandon the opportunity to provide workable guidelines to this one Parklet that has, we know Danielle. She is invested. It's an opportunity and she's just waiting to have guidance, so she can make it even more beautiful.
- I am in favor of approving these guidelines with input from us, in terms of specific changes. Calling it interim guidelines, providing structure for our one businessperson who has really embraced this concept and then coming back if we need to in order to make modifications.
- I'm not interested personally in investing more money, unfortunately, because we don't have it, and we have other obligations, to make this a prettier, more exciting document.
- I'm also not interested in taking what has been put together, and instead, asking our volunteers to put together something new edited. When we know that ultimately someone from the city staff or engineering will have to go through and finesse and finalize it. We have gone down this line. We have embraced this plan. I don't think we should abandon it.
- In terms of these guidelines, I appreciate the fact that from what I read, they placed the burden on any improvements of any cost, associated with Parklets, on the shoulders of the businessperson. I'm not interested in taking on the situation as was suggested, where we don't do these guidelines, and instead the city pays for designing a Parklet. Not interested.
- I hear all the experts and the locals. I hear all the concerns. We have guidelines. We need to just move forward and call interim guidelines. Let the planning department deal with the cost

Mayor Hinton commented as follows:

- I just wanted clarification.
- The previous council gave approval for \$50,000 for designing after this.
- That is my biggest concern. Whatever we do, the cost needs to be on the businesses.
- It was put in a budget. Correct?

City Manager/Attorney McLaughlin stated that is correct.

Mayor Hinton commented as follows:

- This is taken a while to get here.
- We are almost at another budget year.
- I was on that City Council and I'm on this City Council. It's hard when you move between councils and elected officials that see it one way our approving moving forward. They authorized the consultant to come up with the guidelines. We have spent almost \$30,000. I don't want to throw it away.
- I understand what Paul and others have to say. I would like to see if they want to volunteer and come up with examples. I have eaten at the Parklets in San Francisco. They are exciting. They are nice. The businesses want to invest.
- Maybe we can come up with a number we can stick with the technical guidelines we have. Even though they are a lot of writing and come up with some sort of addendum. I am for making the adjustments as recommended by engineering. Call them interim and move these guidelines to a place where they are

actually in place. Especially because we have a Caltrans issue with a Parklet we didn't take down by the deadline which was December 31st, 2022.

- We need interim guidelines. That's it. Otherwise, Caltrans can pull the plug. I also want to not leave those businesses in the lurch.

Councilmember McLewis commented as follows:

- I just want to make sure that the cost and everything come back to us so -- from all of the questions, all of that. Otherwise I'm not supportive moving forward.
- We are talking about the guidelines.

Vice Mayor Rich commented as follows:

- I agree with you. But, I don't see our decision tonight as bootstrapping us into an obligation to improve the park let that sits in front of retrograde. Is that correct?
- We are not under an obligation to improve it but it was going to remain. Someone will have to. I presume it's the adjoining business.

MOTION:

Mayor Hinton moved and Vice Mayor Rich seconded the motion to Approve the Sebastopol Parklets Guidelines as Interim and Finding This Item is Exempt Pursuant to CEQA Guidelines Section 15301(e) with exceptions as discussed tonight:

- Cost associated with Caltrans of annual fee
- Canopy height
- Sample exhibits
- Reference San Francisco Manual as resource
- Permit process revision call for applications submitted to go to Design Review Board and fees applied not be tied to staff listed few in master schedule but minor review fee

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton
Noes: None
Absent: None
Abstain: None

City Council Action: Approved the Sebastopol Parklets Guidelines as Interim and Finding This Item is Exempt Pursuant to CEQA Guidelines Section 15301(e) with exceptions as discussed tonight:

- Cost associated with Caltrans of annual fee
- Canopy height
- Sample exhibits
- Reference San Francisco Manual as resource
- Permit process revision call for applications submitted to go to Design Review Board and fees applied not be tied to staff listed few in master schedule but minor review fee

Minute Order Number: 2023-089

The Council was unanimous to continue the meeting beyond the 10:30 ending meeting time.

11. Approval to Select Raftelis to conduct the Water Rate Study and Authorize the City Manager to execute the related contract with Raftelis not to exceed \$74,143 (Responsible Department: City Engineer)

Administrative Services Director Kwong presented the agenda item recommending the City Council Approval to Select Raftelis to conduct the Water Rate Study and Authorize the City Manager to execute the related contract with Raftelis not to exceed \$74,143.

Vice Mayor Rich commented as follows:

- Looking at the budget, there are elements of the study that perhaps don't need to be done right away.
- One of the options might be dropped portion.
- Is there room for you to go back to these consultants who you have identified as the most qualified and reduce the scope of the project that narrows it down to what is essential for us.

Administrative Services Director Kwong commented as follows:

- It is \$5600. It was part of the RFP that was included. When we issue the request for proposals that is what was submitted. The other two consultants did not respond to the surcharge.
- I would not recommend we move any scope of the work. If you take the surcharge away from this work now, and do a different RFP, it would cost the city more. I would not recommend the Council remove or reduce any of the scope of the studies. We don't want to have an inferior product going forward when we spend this much amount of money.

Vice Mayor Rich commented as follows:

- I want to understand our freedom to negotiate with this consultant. I am now unclear on what our options are.
- I will ask our city attorney to chime in on that topic. I am not interested in an inferior product. The real question is whether the drought rate study portion of it is really important at this point, given that we might in the future be looking at this water rate.
- We don't have a drought. We are with the Wilson water table. The water situation seems secure.
- I need to know, and the City Council needs to know, whether it will require a new RFP to negotiate the nature of the scope of the project.

City Manager/Attorney McLaughlin commented as follows:

- The director indicated this is not a competitive meeting item. This is an item where you choose the consultant based on qualifications. The law provides after you choose a consultant, you negotiate an agreement.
- I do believe the Council is free to modify the scope after the fact so long as the consultant is still willing to do the job. That is a two-way street. There can be items that's the way it works. They can be legally free to do that.
- The Administrative Services Director said that she feels that this item should be done for reasons that relate to some engineering aspect. I don't know what they are. And that the cost is not that great. \$5600.

Toni Bertolero, GHD, commented as follows:

- The reason it comes up is, we have had a lot of rain recently. We don't seem to be facing a drought in the near future.
- I did want to talk a little bit about that drought surcharge. It's not something that the City Council would be imposing a residence right away. It is something that the state is actually going to be requiring in the future when the city is required to do what is called an urban water management plan.

- When a city becomes a certain size and reaches so many connections, and the city will probably reach that within the next year possibly two they will be required to complete an urban water management plan
- That is when the plan will look at enforcement measures for when there is a drought that occurs.
- For example, when the Governor declared a drought, and everyone follows a stage the drought surcharges will come into play. The purpose of having it is really for future planning.
- If we do that later, as part of the water management plan, it will cost more. It will cost more in the future. That future is in the next year or two. Rather than being \$5600 in the future, it might be \$10,000 or more.
- You could very well talk to the consultant and ask if that part of the proposal be that scope? That would save on the budget.

Vice Mayor Rich commented that you are indicating that in fact it's a short-term savings and eventually you would have to spend the money anyway. It would likely be more expensive. It's more like a year from now.

Toni Bertolero commented that is correct.

Mayor Hinton commented as follows:

- I don't know what our growth rate in the city is.
- The other two consultants did not put that in their proposals.
- It makes me wonder if they think it necessary at this time.
- I am looking at the low bidder. It's by \$26,000. Is there reason why we are not going with the low bidder on this?

City Manager/Attorney McLaughlin commented you have to follow the law. This is not a competitive situation. The choice of the consultant requires a qualifications based choice. City Council should not consider cost.

Toni Bertolero commented as follows:

- If I can, if you look at the hours. It is correlated with the cost.
- Raftelis had a bit more time there for project management. I thought it was actually good thing. That meant that they would be informing the city more often as to what is happening with the study. Versus just completing the study ended done.
- I thought some of the hours were attributed to public communication. I thought that was a good thing as well.

Mayor Hinton opened for public comment. Water Rate Study contract

Linda commented as follows:

- These new wireless digital water meters, just by their manner of measuring, the water consumption, come in with higher but inaccurate amount of consumption as compared to the analog meter which measures only that which is used.
- It's measured by the peak spikes. Not the real consumption.
- They are going towards higher rates of money.
- Not to mention, the pieces of junk last only 5-7 years. The lithium batteries made in China are pieces of junk that go into our landfills and oceans.

City Council Discussion and/or Deliberations:

Vice Mayor Rich commented as follows:

- First of all, I want to make a comment. The one piece missing for me in the staff report, and I know the director has clarified it here at the meeting, it would've been helpful to know clearly that you felt that the entity you were recommending was the most qualified.
- That didn't come across in the staff report.
- For the future, that would've been helpful for me.
- I have great respect for our Administrative Services Director.

Vice Mayor Rich moved and Councilmember Maurer seconded the motion to approve Raftelis to conduct the Water Rate Study and Authorize the City Manager to execute the related contract with Raftelis not to exceed \$74,143.

Mayor Hinton called for a roll call vote.

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: None

Absent: None

Abstain: None

City Council Action:

Minute Order Number: 2023-081

Resolution Number: 6522-2023

12. Adoption of Resolution for CIP budget amendment for new CIP for the Analy High School Sunset/Taft Pedestrian Improvement Project and Finding the Project Exempt pursuant to CEQA Section 15301(c) (Responsible Department: Engineering/GHD)

There was no formal presentation of the report.

Councilmember Maurer commented as follows:

- I wanted to check in with the Council to discuss the possibility of scaling down the project.
- There is a \$200,000 grant that goes with this project. \$90,000 additional funds coming out of the general fund.
- I was thinking about the budget and how to save money. Could we scale the project down?
- I sent an email to Toni Bertolero. She did say that she could go back to the group and ask about scaling it down. It could be that if the project was scaled down, there could be a cost to having a redesign.
- This item is scheduled to be heard at the next planning commission. I was wondering if perhaps we can ask for a scaled-down project and have the planning commission review that?
- My interest is in saving money for the budget. I also felt bad when I heard from people that wanted to support the project. We would hope that if we did this, we would not jeopardize the \$200,000 grant and we would ensure the area had the safety needs met.

Mayor Hinton commented that we have a \$200,000 grant here. How does scaling the project or pulling some of the \$90000 impact the grant?

Vice Mayor Rich commented as follows:

- I did have a conversation with the District 5 Administrator. This grant came from the county, Sonoma County. Was directed through Linda Hopkins, our supervisor. Leo assured me that the interest she had was in this project. As a priority.

- There were number of projects as was indicated in the staff report that money was was requested for. This was the key one for Linda Hopkins. He assured me that the city understands the constraints. And that the decision to not contribute \$90,000 to this project would not reflect poorly on the city of Sebastopol.
- In terms of jeopardizing the grant, we don't jeopardize the grant of \$200,000. In terms of the impact on the project, that is a different question.

Mario Landeros commented as follows:

- I did have conversations with the consultant on the cost layout.
- In the initial project option, which results in the cost of the \$90,000, that includes the various safety elements at the crossing. Identified as being at Sunset and Taft. For descriptive purposes, that is the crossing that is at the corner of Sunset and Johnson. Or Taft.
- It extends diagonally. It's a nonstandard angle into a driveway. On both sides it has two substandard ramps. The project incorporated making the safety improvements. Installing a pedestrian crossing. Improved lighting. Warning vehicles of pedestrian crossing, as well as making other ramps at the intersections of sunset and Johnson, and Johnson and Eddie. These have been identified on the prior school study from 2019. The entire scheme of improvement totals \$290,000.
- The consultant looked at this on how to scale it down. One of the goals was to try to maximize use of the grant. The most direct types of items that would be removed are the more extreme ramp improvements. That would be Sunset and Johnson and Eddie. Removing those ramps and the associated pavement markings that would go along with that. There are markings we see out there on the pavement. And the crosswalks. That would bring the total project cost to \$171,000. As estimated. By doing that type of reduction, it does get us back down without the need for the \$90,000.
- That leaves grant money on the table, if you will. Doing other types of reductions, that was looked at. That brings the total down from the \$290,000. We are still about that \$200,000 threshold.
- Removing one set of ramps brings us down to \$314,000. But to be clear, those are pedestrian ramps at the street corners that have to be constructed to meet the A.D.A. standards. Typically, they have the yellow warning textile services.

Vice Mayor Rich commented I would describe them as I the corner, the sidewalk is cut out so there is effectively a ramp like surface. You can go from the sidewalk onto the street in a wheelchair or that sort of thing.

Mario Landeros commented that is correct.

Vice Mayor Rich commented that you would be saying that we would use or lose and reduce from the \$290,000 somewhat. Although we would stay above the \$200,000 amount by eliminating ramps?

Mario Landeros commented as follows:

- Yes. I was looking to see if he gave me that kind of detail. This is a high-altitude analysis.
- I am also surprised with A.D.A. rules being what they are that we can even skip the ramps.
- Two put in new safety crossing, we have to put those in. That is the item that would get us down to the \$170,000 project costs.

Mayor Hinton commented basically, the answer is, we would how to reduce the funding, we would have to eliminate ramps.

Mario Landeros commented yes and crossing also.

Mayor Hinton opened for Public Comment.

Lily commented as follows:

- I am a teacher at Analy. I teach Spanish and a learner program. I am also a president of the teacher Association program.
- This area between the school properties has always had a concern. I have driven that route as it is widely using the former Laguna campus as part of our Analy curriculum.
- Our students cross that street multiple times per day. Many hundreds of students. Our staff does as well.
- I would ask that the City of Sebastopol please prioritize the safety of our staff and by not trying to find ways to cut corners on this project. It is truly long overdue.
- Please, put the investment with our people and our children and do whatever you can to make this A.D.A. compliant and to go above and beyond safety.

Jennie commented as follows:

- Thank you for allowing me to speak. It is such a late hour.
- I want to echo everything that Lily just said. I think the safety of our 1500 students that travel around that campus, any given 181 plus school days per year, is paramount to the Council. I would hate to see as cut corners, or ramps, for lack of a better word and not consider the safety aspects of all of the areas they are suggesting.
- I have reviewed the plan. I have seen the cost. I just struggle with the fact that I personally have walked across several of these areas and am constantly sticking my neck out. We have kids traveling these all of the time. I see small children; I see our community users from all of our athletics facilities using these crosswalks. It's well overdue.
- We would love to see it accomplished. I hope the City Council takes that into consideration tonight.
- I am the director of facilities and construction management for the district. I oversee our \$91 million bond program in which we are making a plethora of facility upgrades.
- I am intimately familiar with the work that Mario and his team presented and appreciate all of their efforts and communication with us over the last couple of months as is made in this way.

Linda commented as follows:

- Discussed technology.
- On this topic, what works with the City Council is the threat of a lawsuit. If they are reluctant or refuse to remove the radiation waves that will end up being more expensive

City Council Discussion and/or Deliberations:

There was no further discussion.

Vice Mayor Rich moved and Mayor Hinton seconded the motion to approve Adoption of Resolution for CIP budget amendment for new CIP for the Analy High School Sunset/Taft Pedestrian Improvement Project and Finding the Project Exempt pursuant to CEQA Section 15301(c)

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton
Noes: None
Absent: None
Abstain: None

City Council Action: Approved Resolution for CIP budget amendment for new CIP for the Analy High School Sunset/Taft Pedestrian Improvement Project and Finding the Project Exempt pursuant to CEQA Section 15301(c)
Minute Order Number: 2023-085
Resolution Number: 6524-2023

12. Discussion and Consideration of Request from SAVS for Remainder of Funding (\$20,000) that was provided to the City of Sebastopol from the County of Sonoma (Requestor: Vice Mayor Rich)

Vice Mayor Rich presented the agenda item recommending the City Council discuss and consider the request from SAVS for Remainder of Funding (\$20,000) that was provided to the City of Sebastopol from the County of Sonoma.

Mayor Hinton opened for questions of presenters. There were none.

Mayor Hinton opened for public comment. Request from SAVS for Remainder of Funding (\$20,000) that was provided to the City of Sebastopol from the County of Sonoma

Linda commented as follows:

- I have bumped into several people there.
- We need to report what is going on.
- The place is imploding despite all the generosity.
- Everybody has been nice to me. They are all interesting.
- The thing is, I'm sorry to say, it's not working.

City Council Discussion and/or Deliberations:

There was no further discussion.

MOTION:

Councilmember Zollman moved and Councilmember Maurer seconded the motion to approve the Resolution for a Budget Amendment approving the request from SAVS for Remainder of Funding (\$20,000) that was provided to the City of Sebastopol from the County of Sonoma

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: None

Absent: None

Abstain: None

City Council Action: Approved Resolution for a Budget Amendment approving the request from SAVS for Remainder of Funding (\$20,000) that was provided to the City of Sebastopol from the County of Sonoma

Minute Order Number: 2023-092

Resolution Number: 6525-2023

13. Discussion/Update of Mental Health Response Program (Responsible Department: Police Department)

This item was continued to a future City Council meeting.

City Council Action:

Minute Order Number: 2023-093

14. Consideration and Direction to Mayor or his/her Designated Representative for Voting for Various Boards and Committee Vacancies at the April 20, 2023 City Selection Committee and Sonoma County Mayors' and Councilmembers Association Meeting (Responsible Department: Mayor/City Administration)

Mayor Hinton presented the agenda item recommending Direction to Mayor or his/her Designated Representative for Voting for Various Boards and Committee Vacancies at the April 20, 2023 City Selection Committee and Sonoma County Mayors and Councilmembers Association Meeting. The Council conducted thumbs up consensus for recommendations.

Mayors' and Councilmembers' Association Board Appointments

Association of Bay Area Government Executive Board

One position and one alternate to fill the expired terms of Susan Hollingsworth Adams (Rohnert Park) and Stephen Zollman (Sebastopol).

Letter(s) Received for Position: Susan Hollingsworth Adams (Rohnert Park)

Letter(s) Received for Alternate: Stephen Zollman (Sebastopol)

Thumbs up for both applicants.

North Bay Division, LOCC, Executive Board

One position and one alternate position to fill seat vacated by former Council Member Mike Healy (Petaluma) and the vacant alternate seat, term expires two years from appointment.

Letter Received: None

Direction Mayor to vote if nominations received.

Sonoma County Agricultural Preservation and Open Space District Citizens Advisory Committee

Two positions to fill expired terms of Brian Barnacle (Petaluma) and Neysa Hinton (Sebastopol).

Letter(s) Received: John Shribbs (Petaluma) and Kevin McDonnell (Petaluma)

Thumbs up for both applicants.

City Selection Committee Appointments

Metropolitan Transportation Commission

One position to fill expired term of Council Member Victoria Fleming (Santa Rosa) (per Gov. Code 66503(b), the City Selection Committee submits 3 names, and the appointment is made by the Board of Supervisors).

Letter(s) Received: Victoria Fleming (Santa Rosa)

Thumbs up for applicant.

Airport Land Use Commission

One position, to be effective May 2023, to fill expired term of Sam Salmon (Windsor).

Letter(s) Received: None

Direction Mayor to vote if nominations received.

Golden Gate Bridge, Highway & Transportation District

One position to fill seat vacated by former Council Member Pam Stafford, Rohnert Park and Mark Landman, Cotati and the alternate seat vacated by former Council Member Patrick Slayter, Sebastopol term expires 4-years from appointment.

Letter(s) Received: Gerard Giudice (Rohnert Park)

Thumbs up for applicant.

Mayor Hinton opened for questions. There was none.

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

City Council Discussion and/or Deliberations:

There was no further discussion.

MOTION:

Vice Mayor Rich moved and Councilmember Maurer seconded the motion to Direct the Mayor or his/her Designated Representative for Voting for Various Boards and Committee Vacancies at the April 20, 2023 City Selection Committee and Sonoma County Mayors and Councilmembers Association Meeting as discussed and indicated above and authorized the Mayor or Voting Delegate to Have the authority to vote on these late nominations or recommendations at the City Selection Committee and Sonoma County Mayors and Councilmembers Board of Directors Association Meetings.

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: None

Absent: None

Abstain: None

City Council Action: Approved

Minute Order Number: 2023-094

ADDITIONAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA: Three minutes per speaker for up to twenty (20) minutes total for public comments but can be reduced at Mayor's discretion depending upon the number of speakers or Mayor has discretion to allow for additional time beyond the 20 minutes allocated for public comment dependent upon the subject matter or number of speakers.

There was no further public comment.

The following items were not discussed due to the lateness of the hour.

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

15. City Manager-Attorney/City Clerk Reports: (This will be either verbal or written reports provided at or prior to the meeting).
16. 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)
 - i. (This will be either verbal or written reports provided at the meeting)
17. Council Communications Received (Information/Meetings/Correspondence Received from the General Public to Councilmembers)
18. Future City Meeting Dates/Events (Informational Only): (See City Web Site for Up-to-Date Meeting Dates/Times)

CLOSED SESSION: NONE

ADJOURNMENT OF CITY COUNCIL MEETING

April 4, 2023 Meeting will be adjourned to the City Council Special Meeting – Closed Session to be held April 5, 2023 at 9:00 am (In Person and Remote/Zoom Virtual Meeting Format)

April 5, 2023 City Council Special Meeting Closed Session will be adjourned to the Regular City Council Meeting of April 18, 2023 at 6:00 pm (In Person and Remote/Zoom Virtual Meeting Format)

Mayor Hinton adjourned the City Council Meeting of April 4, 2023 at 11:22 p.m. to the Closed Session Meeting of April 5, 2023 In person and zoom virtual meeting format. In person meeting to be held at the Sebastopol City Hall, 7120 Bodega Avenue, Sebastopol, CA 95472.

Respectfully Submitted,


Mary Gourley
Assistant City Manager/Attorney/City Clerk