

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



Agenda Item Number: 2

City Manager

Don Schwartz

dschwartz@Cityofsebastopol.gov

Assistant City Manager/City Clerk, MMC

Mary Gourley

mgourley@Cityofsebastopol.gov

City of Sebastopol

CITY COUNCIL MINUTES

MINUTES FOR Regular City Council Meeting of December 19, 2023

As Approved by the City Council at their regular meeting of January 16, 2024

Please note that minutes of meetings are not meant to be verbatim minutes and are meant to be the City's record of a summary of actions that took place at the meeting. The vote/action is the required information of the meeting actions that took place. Approved minutes are available on the City Council Meetings page.

Meeting was held in Person and Virtual /Remote Participation. Zoom Link used for providing public comment/Live Stream is utilized for viewing only of Meeting

The public is advised that pursuant to Government Code section 54957.5 all writings submitted to the City and City Council are public records and will be made available for review.

6:00 pm **City Council Regular Meeting**

Call to Order: Mayor Rich called the Regular Meeting to Order at 6:05 p.m.

Roll Call:

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

Absent: None

Staff: City Manager/City Attorney Larry McLaughlin
Assistant City Manager/City Clerk Mary Gourley
Building Official Steve Brown
Administrative Services Director Ana Kwong
City Engineer Mario Landeros/Toni Bertolero (GHD)
Interim Fire Chief Bruce Martin
Planning Director Kari Svanstrom
Police Chief Ron Nelson
Public Works Superintendent Dante Del Prete

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

PROCLAMATIONS/PRESENTATIONS:

The following was presented:

- Proclamation in Recognition of Larry McLaughlin as the City of Sebastopol City Manager from May 1, 2012 (As Interim City Manager); and from January 8, 2013 to January 1, 2024

Reference Order Number: 2023-278

City Manager/Attorney McLaughlin commented as follows: Thanked the Mayor and Council for the proclamation. I would like to take a minute to recognize and thank our dedicated group of employees starting with our

knowledgeable and experienced group of department heads as the proclamation outlined, have been through as a group and through fire, Citywide evacuation, a complete turnoff of power for about a week. A City that everyone had evacuated, and then went through the pandemic. This department has had to reinvent themselves time and again as all of these emergencies that hit and things that we had never experienced before had to be figured out, dealt with, and teams changed, especially during the pandemic, and this is a group that immediately changed stream and continued the work from home. I wanted to mention the dedicated group of public works employees, fire, and police, who stayed on the job during the pandemic when everybody else was worried and fearful they had to be out in the community, maintaining our vital public services. I really appreciate that and the group of department heads that had to create home offices and run the City on very little notice from their homes, that was awesome, as well. I think we did a good job on that. I really appreciate that effort and the institutional knowledge that they bring. I want to mention that there were some other people along the way that I would feel remiss if I did not mention. That would be our first finance director when I was City Manager, I took this job in 2012 on 30 days' notice. The City Manager that left at the time was the Finance Director, so we had to create a finance department on 30 days' notice. I am forever grateful to Karen, very knowledgeable person working in our finance department who stepped up and worked with me and became our first finance director that we had during my time as City Manager. We changed the budget considerably, we changed the way the budget was done. I think it made it more understandable. Our work was carried on by our Director of Administrative Services, who has carried our budget into the new millennium so to speak and won a number of awards for the budgets we have done. I also want to appreciate Sue Kelly. Sue Kelly was a longtime employee of the City that I worked with literally from the first moment she got here. She became our public works analyst and our engineering manager. We created a position the first time I was City Manager in 1999. We created that position for her as engineering manager or director. That was very effective when I became City Manager in 2012, it was just then beginning and I thank you, Sue, for your expertise and knowledge, background and institutional knowledge, you were quite helpful getting it opened at that time. I appreciate Sue Kelly. There are others I can mention, I do not want to be too long-winded. I go on into the next chapter of my life. I appreciate all of the City Councils that I have worked with, you have all been dedicated to serving the public. I served on committees with staff members, then the real work done directly by City Councilmembers and I appreciate all of the City Councilmembers I work with. Last but by no means least, publicly, the person that I worked with for 20 some odd years, if she was not here, there is no way that I could ever have survived 11 years as City Manager. So, she is the engine that drives the City, she is the hub with all of the City work. She is knowledgeable, she is acknowledged as the best City clerk. I want to acknowledge Mary for all of her help over the years. Excusing me but I am choking up on that one. It has been a real pleasure, Mary, and I look forward to working with you in the future. Thank you very much. I don't want to take any more time for everybody, but I just want to say, once again, thank you for the recognition. I appreciate that and I appreciate working with this Council. Thank you very much

STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS (Use of On Line Attendance/zoom/): There were no requests for this meeting for use of AB 2449.

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 stated conflicts of interest from Councilmembers.

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.

Linda Berg commented as follows: I recently found out that there is a new project planned behind the O'Reilly building of 6.1 acres. There is a proposal and a plan for all electric solar powered 224 townhouse condos containing their own elevator where the historic apple orchard currently is. I got my hands on the traffic report on hundred page of the environmental report, it is astounding but it is eye-opening about how all of these projects get approved because nobody reads this stuff. Nobody reads it. It is full of words and numbers. The point, one of the things that got my attention, the traffic part of it, their own estimate is an increased amount of 684 cars daily, vehicles on daily trips from that one project which will contain between 300 and 400 people on this contaminated site and that the wildlife corridor that is not recognized. I am suggesting everybody get their hands on the traffic impact reports for all of these, there are nine other projects that are in the works too. This is just not a good idea. The congestion of traffic.

Mayor Rich commented as follows: I wanted to indicate for the public, as I look at our meeting management, my goal is to try to get us done with this meeting by 10:00 p.m. at the very latest, 10:30. I'm shooting for 10:00 p.m. I noticed that historically when we have public comment there are often questions that are presented by the public and then we get involved in answering those questions. I want to alert everyone that for tonight's meeting, what we will do is calling for public comment and being patient and respectful of all comments that are made by the public, giving two minutes to each person but to the extent that there are questions asked by the public, we will not be answering those questions unless there is a particular point of misinformation that staff indicates or where Councilmembers indicate need to be corrected. I will invite all members of the public, if at the end of this meeting they have remaining questions to go ahead and email them to City Council. That way the questions can be answered. I want everyone to know that we are not dismissing questions, what we are doing is making sure we get through the business of the meeting and also encouraging you to send those questions to us so that they can be answered, not just for efficiency of this meeting, but honestly, if questions are submitted and staff has the time to answer them through the necessary research, you are likely to get better answers. That is an alert as to how the meeting is going to be managed here today.

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 Rich read the consent calendar.

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

Councilmember's Request(s): There were no requests for removal of any item from the consent calendar.

City staff stated that Councilmember Maurer provided corrections to the minutes and those corrections will be reflected in the approved minutes: Corrections for item #1 Nov. 21 minutes Page 13 and page 14 paragraph 2.

Mayor Rich opened for Public Comment(s):

Kyle commented as follows: This is really in regard to the Council minutes, as well as thinking about the way that they have been captured and documented over the last few years, especially since the beginning of the pandemic. I am kind of curious about things like automated transcripts, just one benefit of having meetings be held remotely and recorded in this manner, it is the ability to be able to have automated transcript and be able to produce those as part of the public record were also part of the process of which we are collecting minutes. I hope this Council reflects as a look at minutes and reflects on the minutes in the way that they have been captured over the years, more recently, and the benefit that having remote meetings can provide to generating and capturing those minutes.

Linda commented as follows: On the appointment to the various commissions, I realize the Mayors don't routinely answer questions and I don't expect an answer anyway, but I am interested in who is of the new representative on the board of the vector control. The previous one did a poor job. We are dealing with an epidemic of tick-borne diseases and we need to have more billboards put up in all kinds of things. It is costing millions of dollars by not acknowledging and treating Lyme disease, especially amongst the homeless. Also, also, I would like to mention that on the homeless thing, the RV village is just a failure despite all of the wonderful generosity and goodwill and everything. I was just saying that it is a colossal disaster and the liaison who is now our Mayor is a terrible failure at this whole, whole thing. The City has enabled more drug use and gambling and theft. It has not worked despite all of the generosity. I am just pointing out that everything the Mayor seems to touch doesn't turn out well.

CONSENT CALENDAR:

1. Approval of City Council Meeting Minutes for Meeting of November 21, 2023 (Responsible Department: City Administration)

City Council Action: **Approved City Council Meeting Minutes for Meeting of November 21, 2023**

Minute Order Number: **2023-279**

2. Receipt of Local Appointment List for City Commission, Board, Committees as of December 31, 2023 As Required by the Maddy Act Government Code 54972(Responsible Department: City Administration)

City Council Action: **Approved Receipt of Local Appointment List for City Commission, Board, Committees as of December 31, 2023 As Required by the Maddy Act Government Code 54972**

Minute Order Number: **2023-280**

3. Receipt of Code of Conduct Policy (Responsible Department: City Administration)

City Council Action: **Approved Receipt of Code of Conduct Policy**

Minute Order Number: **2023-281**

4. Approval of Calendar Year 2024 City Council Meeting Dates (Responsible Department: City Administration)

City Council Action: **Approved Calendar Year 2024 City Council Meeting Dates**

Minute Order Number: **2023-282**

Resolution Number: **6569-2023**

5. Extension of Proclamation Proclaiming the Existence of a Local Homeless Emergency. Government Code Section 8630, requires that the Council review the need for continuing the local emergency at least every 60 days until such local emergency is terminated.
 - a. First Proclaimed: November 30, 2021
 - b. First Extension was approved January 18, 2022

- c. Second Extension was approved: March 15, 2022
- d. Third Extension was approved: May 3, 2022
- e. Fourth Extension was approved: June 21, 2022
- f. Fifth Extension was approved: August 2, 2022
- g. Sixth Extension was approved: September 20, 2022
- h. Seventh Extension was approved: November 15, 2022
- i. Eighth Extension: January 3, 2023 City Council Meeting
- j. Ninth Extension: February 27, 2023 City Council Meeting
- k. Tenth Extension: April 18, 2023 Council Meeting
- l. Eleventh Extension: June 6, 2023
- m. Twelfth Extension: August 1, 2023
- n. Thirteenth Extension: September 19, 2023
- o. Fourteenth Extension: November 7, 2023
- p. Fifteenth Extension: January 2, 2024 (Will be heard Dec 19th as January 2nd Council Meeting is cancelled due to City Holidays in Personnel Rules and Regulations)
- q. Next Extension Needed within 60 days or (February 6, 2024)

City Council Action: Approved Extension of Proclamation Proclaiming the Existence of a Local Homeless Emergency. Government Code Section 8630, requires that the Council review the need for continuing the local emergency at least every 60 days until such local emergency is terminated.

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- p. Fifteenth Extension: January 2, 2024 (Will be heard Dec 19th as January 2nd Council Meeting is cancelled due to City Holidays in Personnel Rules and Regulations)
- q. Next Extension Needed within 60 days or (February 6, 2024)

Minute Order Number: 2023-283
Resolution Number: 6570-2023

MOTION:

Councilmember Hinton moved and Vice Mayor Zollman seconded the motion to approve Consent Calendar Items 1, 2, 3, 4, and 5 with correction to minutes.

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

VOTE:

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

Noes: None
Absent: None
Abstain: None

INFORMATIONAL ITEMS/PRESENTATIONS: Informational Items or Presentations are items that are informational only and do not require action by the City Council. Presentations shall be scheduled as necessary for the promotion of an event or service or general information items to the Council and should be limited to ten (10) minutes in length.

6. Informational Presentation on Budget At a Glance/Budget To Date (Requestor: Budget Committee/Responsible Department: Administrative Services)

Vice Mayor Zollman commented as follows: Discussed budget committee meetings; discussed page 2 of the report; thanked department heads for their preparation prior to budget meetings; explain budget requests for modifications; discussed requests from PW; SCCC, Ameri Corps project which are not for discussion tonight. Those requests will need to come before the City Council as a whole. Discussed the revenue recommendations on page 3 and stated more investigation will need to be completed.

Administrative Services Director Kwong presented the agenda item recommending the City Council receive the presentation.

Mayor Rich opened for questions from Council.

Councilmember Maurer commented as follows: What do you mean trending favorable; not heard that term before and asked for a definition.

Director Kwong commented as follows: If expenses were linear, the % available would be 58.3% instead of 68.7% as indicated available overall budget. If everything is all equal, it would be at 58.3% that would be available. Instead, there is available of 68.7%. We are trying to control expenses within each department, that is what I mean by favorable.

Councilmember Maurer commented as follows: We have not spent as much as we thought we were going to spend.

Director Kwong commented that is correct.

Councilmember Hinton commented as follows: A couple of numbers I was curious about. We talked a lot about our TOT and you are saying in this staff report that we are trending at \$41,600 per month. That seems pretty good but I was curious of what the breakdown is between our single hotel and our Airbnb properties in town. How much comes from Airbnb; how much comes from the hotel in town and if you don't have the number, I would just like to get it when you do have it because that is a lot more than I thought we might have. I am curious what the breakdown is. I also had another question and that is about the trail project. I got on Open Space when I was first elected so seven years and it appears that this report is saying that we are in possibility of losing our funding. I know that they have a limit, typically, of five years for any matching projects. Are we going to lose our funding? Is this coming to midyear budget request or is this a request now that we are supposed to take up with this agenda item? It seems a shame that this project has just gone on and on and on and we could lose our match funding that i would like to have an update on the project.

Director Kwong commented I don't know the answer to that. I would have to refer that to engineering or Public Works.

City staff commented that budget item is coming to the City Council at the next meeting and will be discussed then.

Councilmember McLewis commented as follows: How are we doing with the budgeting with the retention money for the fire department? We had only given \$40,000. I was curious where we were out but that bit how much we spent with that.

Director Kwong commented the City has paid half of the \$40,000 so far to date.

Mayor Rich commented as follows: I know that we received emails about errors and a lot of different things, but it sounds like staff has fixed them.

Director Kwong commented as follows: I do apologize, this is the first time I reported for the Council the financials and I am rusty but I have corrected the numbers. It was not the content of the numbers, but is a formula that did not carry all the way down. And then there is a column that did not take the right column. The web site and Council has the corrected version.

Mayor Rich commented as follows: In regards to your comment about expenses, it looks like you would've expected to have spent if all things are equal, 42% and expected to have 58% left, but it looks like we have spent more like 35% or so.

Director Kwong commented so far that is what we have spent.

Mayor Rich commented as follows: You did indicate that many of the expenses, they aren't in a quarterly pattern that some of the expenses that we might be expected to pay, are they at the end of the year, is that what you meant by that? Do they come later in the year?

Director Kwong commented as follows: Some could be in the second half of the year. Some could be towards the fourth quarter of the year. By the time you get to the third quarter, you will know more as far as how it is trending with budget.

Mayor Rich commented as follows: My next question was directed to the budget committee, can we expect to get quarterly reports moving forward, is that the plan?

Vice Mayor Zollman commented as follows: The plan is to get something out every month because we are now meeting every month. Regardless of if it is the same information or not, we are going to keep reporting out every month. I'm hoping, again, that the public is paying just as much attention as we are. If they have questions, please, send it, probably send it through Mary and she will make sure that we get it or send it directly to the budget committee. But we just want to keep people as current as possible when something grows through. Property taxes should hopefully come through. We want to make sure that is out as soon as we get it, send it out to everyone so everyone is in the loop as soon as possible.

Councilmember Hinton commented as follows: I guess this is a question for the budget committee, since we did deep cuts at the beginning of the year with what seems to be trending favorably. Do we expect opportunity for

department heads to come back for midyear budget review to make requests that they might have cut that has shorted them trying to help the City out. Now we have a little bit more money. Is the budget committee thinking of that?

Vice Mayor Zollman commented as follows: We are not doing a full mid year budget review as that was decided a while back as part of the budget. We are in a fiscal situation that we would actually do that upon request and then bring it full to the Council. At any time if they have an emergent need, something comes up, then they know to contact Mary or our new City Manager to alert us and then based on a monthly basis, we will be able to factor that in and give reports out.

Councilmember Hinton commented as follows: I am wondering about things like community grants or the Fire retention pay. These are things that we budget conservatively and we might want to revisit them. I am wondering if we are going to have an opportunity to do that is a full Council.

Vice Mayor Zollman commented as follows: If that is the will of the Council, then at our next meeting, which will be tomorrow, we can devise a memo sending it out to all department heads to say similar to what you said, that way they can report out and you guys can hear those requests on a monthly basis.

Councilmember Maurer commented as follows: We are meeting, just to clarify, we are meeting January 3rd, the first Wednesday. We have these budget committees and discussions. I think just because the expenses are trending favorably, we are still at a great deficit. I don't think it means that we can start paying for a lot of different projects, we need to balance the budget first. There are emergency things that are coming up like the pool had emergency repairs, the trail, like you mentioned, needs to be completed. There were some things with public works like numbers have not been transferred to this year that should have been. Things like that where we are taking care of things but we are not actually going out and spending a bunch more money. That is the way I see it.

Councilmember McLewis commented as follows: Doing this type of thing on a monthly basis, does that allow you proper time to repair if there are certain things that have to be done that you put off but thought we would take care of its midyear. If we change this process, how does that impact anything.

City Manager/Attorney McLaughlin commented as follows: As the Vice Mayor indicated at the present time we are going to be doing it by means of specific agenda items on upcoming agendas and as you saw in the report tonight, anticipating that a couple of these items will come back as regular agenda items. If Council goes forward into next year, you might take a look on how this is done. It we used to have an abbreviated midyear budget process to take care of a lot of little items in a short manner. It kind of became a much larger hearing process I think that is the reason we got away from it. You will see this come back as regular agenda items.

Director Kwong commented as follows: To address, the percentage of the TOT, \$35,000 of that from one hotel.

Mayor Rich opened for public comment.

Linda commented as follows: I would like to have you correct me if I am mistaken about the balance of the \$5 million loan that the Mayor was not aware that they took out a couple years ago. The information I have in my hands is the annual payment here goes on into 2036. Almost half a million dollars a year (\$374,000) every year on into 2036 with a balance of \$4,000,300 you did not know that this was included in \$2.2 billion that was totally wasted for wireless water meters. \$1.25 million of that went right off the top; please confirm or deny my figures. This goes to show how much the City knows what they are doing with this leadership presently included.

Kyle commented as follows: Discussed the budget subcommittee taking this option and coming forward and being regularly placed on agendas and being able to produce a report like this with updated numbers. What we saw tonight is that there is revenue that is higher than what is projected and we are seeing expenses that are lower than projected. Remember, please, that it was these revenue projections and expenditure projections that were the sole basis of evidence that was provided for a fiscal emergency. So along with that, backtracking, thinking about the 10% cuts that happened across many departments, we heard about the loss of community grants. There are lots of losses as a result of budget projecting when we choose to be aggressive with the prediction that we are making in the City. We are seeing a result of that. So much time in this Council was spent debating over things like property tax or sales tax as a result of predictions that were not accurate to what we see today. More importantly, what I saw so briefly mentioned tonight was the enterprise fund. I don't know how far back it was, an amazing presentation with raising the rates on our water and sewage rate by 75%, plus so many other magical, magical predictions in that. Tonight, all we saw was what the revenues were and we did not touch the bases on what those expenditures were. There was an interesting conversation about these allocations of expenditures. I would really hope to see some explanation of the hundreds of thousands of dollars in the last five months that have been allocated to public works and to finance that are coming from those enterprise funds. There should be some clear justification of that money that has been spent in the last five months or directly tied to those enterprising funds.

Max commented as follows: Just two quick comments on the revenue-generating side, I know a lot of smart people spent a lot of time looking at how to raise revenue from the City. I heard some statistic in a previous meeting that we sell our water to those of for-profit companies that pick up water down by where your meeting is. I think obviously those of us that live in the City that pay our water into air have got increased bills. I would be happy to see that raised. Also, speeding tickets, I am sure it has been mentioned before, there are lots of people speeding around town, if some of our police resource, the biggest expenditure in our budget, could also lean towards raising money, I don't personally know if speeding tickets get the City any income, but if they do, I would be happy to see more of that.

City Council Discussion, Deliberations, or Direction to Staff (if any):

Vice Mayor Zollman commented as follows: Please send in comments. There are a lot of concerns about the numbers and how steady they are, but if you have it, just type a few sentences, send it to Mary or directly to the two of us. This is a group effort. If you have other thoughts, please type them and send them. Thank you.

Councilmember Maurer stated she would also like information on the enterprise funds to be included.

Mayor Rich commented as follows: I do believe we will be taking a closer look at the enterprise funds in our subsequent meetings. I just wanted the public to know that.

Councilmember Hinton commented as follows: I leave it to the subcommittee to determine what the best process is, whether we have a little room to bring back some of the things that we nixed earlier in the year, and I can also appreciate that we have been bringing back separate agenda items because we have a big work calendar, to group some things together. Like we did before, previously, the midyear budget discussion might be a good use of our time for trying to run efficient meetings instead of always having a separate agenda item. That would be my feedback.

Councilmember McLewis commented as follows: I appreciate the public in their diligence in checking all of these numbers. In is a group effort. I just want to make sure that as we go forward, I know that you work hard in finance, I just want to make sure that we dial it in and we are diligent with the formulas.

Mayor Rich commented as follows: As I think it was pointed out, although arguably, even if we accepted it, it looks more favorable now than we would've anticipated, that still does not take us anywhere near to addressing our projected \$1.67 million deficit. So my personal perspective is to the extent that we are looking any better in terms of the numbers, we need to use that to reduce our projected deficit. We don't see a swing that would indicate that we have \$1.67 million coming in. Personally, I am not particularly interested in any reassessment of large expenditures that would bring us closer to adding to the \$1.67 million deficit. My general comment, which is causing me some concern and this is directed to the budget committee, we are moving forward now accepting this as being more favorable. I am not convinced that this is more favorable. I know that the revenue looks like it is better than it would have been expected five months in, I also hear that the expenses are lower than what would have been expected if you look at it as a quarter of the year. I am also hearing that there are many expenditures that aren't going to come in until later in the year. So I say this in order to then ask, is there a way, when we get reports back from the budget committee, from our Administrative Services Director, to give us some reference point that would allow us to assess if for this point in the year we are where we expect to be given the way that money flows in and money flows out or are we better or worse. For instance, I would think you could look at prior years and see a pattern. How much do we expect to be having at this point. I leave that with the budget committee as a thought. Otherwise, it feels like we are in a more favorable position and that troubles me unless it is accurate.

Councilmember Maurer commented as follows: Just some reassurance that in the staff report it does say the budget is trending as intended projected with overall expenditures tracking. So, I think that is the main message.

Mayor Rich commented as follows: That is basically what is in the staff report when terms like more favorable start getting tossed around.

No Motion Required for this item.

City Council Action: No action required for this item; informational only.

Reference Order Number: 2023-284

PUBLIC HEARING(s): None

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

7. Police Department Audit Update/Report out of Status of Actions (Responsible Department: Police)

Police Chief Nelson presented the agenda item recommending the City Council receive the presentation.

Mayor Rich opened for questions from Council.

46.13

The policy should provide that Tasers and similar electric conduction devices should be considered potentially lethal force options. There should be more significant restrictions on the use of Tasers on vulnerable populations, such as those who may be under the influence of drugs or alcohol, mentally ill or impaired, overweight, or obviously in poor health or infirm.

Vice Mayor Zollman commented as follows: So, that is your opinion about the safety of tasers or have you actually reached out to other similar police agencies were it is a similar demographic?

Chief Nelson commented as follows: This is based upon studies conducted taser use was the least likely to result in significant injury overall other uses of force tools.

46.19

The use of force policy should more specifically define what constitutes force, including both a general definition and an “including but not limited to” list of examples of force. Among the examples of force listed in this definition should be any threat of force by an officer against a community member and any officer pointing a weapon at a community member.

Vice Mayor Zollman commented as follows: That would apply, your statement or opinion would apply in all observations with someone going to mental health decompensation.

Chief Nelson commented as follows: We are required to use de-escalation tactics by whatever means are available to us. That is up to and including calling in additional resources, if we need to and we have the ability to do so. So, if someone is decompensating, we are expected to utilize crisis negotiation tactics, certified crisis negotiators, if need be, if we have the time and ability to do it, and to reach out to clinical psychiatrists who might be able to respond to the scene. Whatever means are available to us at the time, if practical to do so, we are required by law to do so.

46.26

SPD should partner with an independent, civilian oversight partner to analyze use of force data, seeking relevant opportunities to decrease use of force incidents.

Vice Mayor Zollman commented as follows: I understand the situation for sure. It sounds like in your response to other items that in the meantime, you are going to be opening yourself up on a quarter basis and you are actually going to be meeting with and inviting people from different marginalized groups. So if they have thoughts or concerns you will be able to address them and that is sort of the answer until we can find one.

Chief Nelson commented as follows: That is correct. A series of community meetings reaching out to those segments of the population. In addition, I have an interest in forming, though I haven't thought of a nice acronym for it yet, but similar to what an advisory board would be where I meet regularly, quarterly with a specific group of people who are volunteering their time and the goal is to be completely transparent. I have no problem reviewing recent use of force incidents that we have had or any other issues or concerns they may have to solicit input that I can possibly implement into operations.

48.5

A prohibition on the use of kinetic weapon projectiles into a crowd for any purpose.

Vice Mayor Zollman commented as follows: I understand that the explanation will be the same explanation when we were talking about beanbags. So, my question again is about when you are dealing with somebody who clearly is dealing with a mental health, decompensation. Again, what would be the steps? I know de-escalation is something. Can you fill in the rest?

Chief Nelson commented as follows: We are going to try and de-escalate this, trying to talk to the person, trying to use every tool we have available prior to using any sort of physical force which a kinetic energy weapon is. If that were to occur, we would likely have those less lethal type tools available to us on scene at the ready. Sometimes when people are decompensating, they are holding weapons. Our primary focus is being able to take them into custody and get them the resources and help that they need, but we need to disarm them. Our police officers, they are not getting paid to approach a person and get stabbed, clubbed, et cetera. If the person gets to a point where they charge at us and we have no opportunity or choice but to use those specific tools that we have available to us, we would, but it would be as a last resort.

51.6

The Department should improve its documentation of interviews by moving from digital sound recording, which is usually currently employed, to digital video recording with both sound and visual information that the investigator, supervisors, and any independent reviewer can review.

Chief Nelson commented as follows: We do that now, unfortunately, what he is referring more to is actually having a fixed system in place in a designated interview room in the police department. Using a body camera to record video and audio, is somewhat clunky, it makes some people uncomfortable because we have to place it in close proximity to them sitting on a table, sitting with them. So, we do use digital and audio recording now and we retain those recordings as per the records retention policies and laws. If it is a personnel investigation, it is retained in perpetuity until the law says we have to purge those investigations. Moving forward on down the road, we do need some upgrading and we are looking to use the endowment funds and dedicating a room within the police department and adding into that a system if it were approved by Council and met citizen approval.

51.9

Each investigation should include the following information about any employee: a.) previous complaints filed, b.) previous administrative investigations and outcomes, c.) performance evaluations, commendations awarded and/or discipline imposed and why, and d.) information related to an employee's inclusion on the agency's Brady list, including any investigative or complaint file associated with that inclusion. This information should be considered and weighed carefully by the investigator, especially where the credibility of witness statements could influence the outcome of investigative findings.

Chief Nelson commented as follows: Generally, that is not best practice, that is not what is conducted. Those things are factored in and generally noted. Once an investigation is completed there is the facts, there is what occurred, there is a decision made on whether each allegation was sustained, unfounded or if the person was exonerated. If there are sustained allegations, the captain writes a summary record recommending discipline, but it is not part of the body of the actual investigation. We let that stand on its own and we factor all of that in the end, and the chief of police makes the final recommendation. We are kind of doing that, but it is not part of the investigation.

Vice Mayor Zollman commented as follows: So, what you just stated is that industry-standard.

Chief Nelson commented as follows: It is. The two police departments that I worked at, and at the sheriff's department where Captain Hickey worked, that is typically how it is done. This is typically how they teach it in the internal affairs investigation school.

Vice Mayor Zollman commented as follows: That is based upon your experience where?

Chief Nelson commented as follows: From my experience at the Santa Rosa Police Department and El Monte police department and from Captain Hickley's experience at the Marin County Sheriff's Department.

52.6

Include in the policy a notice that the failure to activate a BWC where required, and without a reasonable explanation for such failure, will result in discipline.

52.7

Communicate to officers that a violation of the BWC Policy will be considered a serious violation deserving of significant discipline.

Chief Nelson commented as follows: This response is for both 52.6 and 52.7. This is true of every policy we have, that is why we have policies. We would almost have to put that disclaimer into almost every policy. We absolutely understand the significance of making officers use body worn cameras, and they also understand that. Controlling police behavior by a threat is what I would draw an analogy to parenting. You can only tell your kids so many times we don't do this or you are going to suffer this consequence. It starts falling on deaf ears. Our staff understands the consequences of not following policy. They can understand that they can be subject to an internal affairs investigation for any policy violation and any policy violation is a serious violation. More importantly, they have become to rely upon their body worn cameras. They know that it is an insurance policy for them. It tempers their behavior. We have seen that throughout time. It also provides accountability of for the public as well. We have had false accusations made against police officers when we immediately let the person know they were recorded. By the way, we have you on video, would you like to see it? They have immediately withdrawn the complaint. Our officers utilize BWC daily as a tool to help them write their reports and to be as accurate as possible when they are writing these reports.

Mayor Rich commented as follows: It sounds like your position is that a violation of any policy applies to the discipline and you don't feel the need to call out.

Chief Nelson commented as follows: We do not need to threaten our police officers to do the right thing.

Mayor Rich commented as follows: The items that have not been set that we haven't drawn questions on are the digital and audio recording in the body worn cameras. We have eight items that you have listed here that you don't feel it would be appropriate for our police department to pursue, then you also have a number of items at the end of your report that you are saying you plan on completing by a June of 2024 date.

Chief Nelson commented as follows: That is correct.

Mayor Rich commented as follows: Then the remaining items, your expectation is to work on them as policy items moving forward without any particular target date. All of the remaining items, the 130 items, those have all been implemented. We have taken action on them either by policy or by procedure. They have all been implemented. They are part of our daily practices now. All we are talking about tonight are these eight items that you don't feel are appropriate and then the items that you expect to complete by June of 2024.

Chief Nelson commented that is correct.

Mayor Rich commented as follows: The items that you expect to complete by June of 2024, it looks like are listed beginning on page 44? I see that you have called them out by reference to the numbers. That goes through page 46 and is 12 items.

Chief Nelson ran through the remaining 12 items as follows:

18. The Chief should hold regular community meetings with Sebastopol area community organizations to gather input and share information on the Department's policing philosophies and strategies.

Outreach and notification will be conducted and regular quarterly community meetings with command staff and management will be scheduled beginning in Spring 2024.

34. The Department should share with the public on its website information about complaints and internal investigations, including the nature of the allegations, and the outcomes of investigations. Providing more openness in this area helps increase public trust and strengthen community relationships. This same transparency should also exist around data on uses of force.

The “Transparency” section of the police department website will be updated to list this information under separate subsections.

38. The Department should consider simplifying the employee appeal process for imposition of discipline. This could include eliminating appeal steps in the process. It also could include creating a presumption that the Chief’s decision is correct and valid, absent evidence of bias or bad faith.

When labor negotiations open in early 2024, police management will provide input and attempt to streamline the appeals process by eliminating an existing step.

47.2 The Department should make clear in policy that a violation of the Bias Free Policing Policy is a serious matter justifying significant discipline.

SPD’s internal policy 402 does state that “employees found to be in violation of this policy are subject to discipline in accordance with this department’s disciplinary policy.” During the upcoming revision of this policy, we will add stronger language reflecting the seriousness of any violations and the significant consequences for violations.

49.7 Conduct regular departmental outreach and engagement to immigrant communities whose members may work or reside in or travel through Sebastopol.

SPD will reach out to the Hispanic Chamber of Commerce and the Hispanic community in the first half of 2024 to schedule an event for our Latin X community. Likely a community barbeque combined with a town hall with Q&A session.

51.3 Where possible, the investigator also should interview at least one third-party witness outside SPD in any investigation involving serious allegations, such as excessive force, racial bias, etc.

We will incorporate similar verbiage with the update of policy 1007 to be completed by June 1, 2024.

51.6 The Department should improve its documentation of interviews by moving from digital sound recording, which is usually currently employed, to digital video recording with both sound and visual information that the investigator, supervisors, and any independent reviewer can review.

This item is not currently budgeted for; however, the department is exploring options to update its antiquated security system and determine costs. Adding audio/video capability to a dedicated interview room during an overall security system update is likely the most cost-efficient method. Endowment funding may be a source to accomplish this recommendation.

51.13 The Department should include this non-retaliation policy on its formal complaint forms and any other written materials that describe the complaint process.

This recommendation suggests that language on our complaint forms should state that SPD forbids any retaliatory acts by agency employees against community members who file complaints against, or provide evidence in

investigations of complaints against, Department employees. We agree and the form will be modified to reflect this change as soon as possible.

52.1 Define the overall purpose of body-worn cameras (BWC) as providing an accurate video record of interactions between police officers and the public, without limited that purpose to collecting evidence for criminal or administrative investigations.

We will modify our BWC policy during the update to include similar language as recommended.

52.3 Once activated, require officers to maintain their BWC in an active state until the officer's participation in the incident has ceased, including any transport by the officer of a suspect to a detention or medical facility.

We will update our policy to reflect that officers are mandated to leave their BWC's during the entire incident once activated, including transports.

52.4 Require officers to notify a member of the public when they are being recorded by the BWC, where possible given the nature of the interaction.

We will modify the language in the updated policy to include "whenever practicable, officers should advise members of the public they are being recorded by the BWC".

52.9 Clearly state the Department's commitment to transparency in the release of BWC camera footage for high-profile events at the earliest opportunity that will not substantially interfere with an open investigation.

SPD is committed to transparency and I wholeheartedly support police transparency. We will incorporate a statement to this effect into our body worn camera policy during this update.

Councilmember McLewis commented as follows: Are there daily logs for what police officers are doing?

Chief Nelson commented as follows: We have an electronic log of what the officers do.

Councilmember McLewis commented it says that the officer meets weekly with the homeless coordinator. Who is that and is there a log of who they have met with and when.

Chief Nelson commented as follows: The current officer is Officer Thomas. If they go out on the full patrol it should be logged.

Councilmember McLewis commented as follows: Questioned if the citizens volunteer program that we've spoken about was this report has happened yet.

Chief Nelson commented this has not yet happened.

Councilmember McLewis questioned why it has not happened yet as the Chief indicated this would start in August 2023.

Chief Nelson commented as follows: Bandwidth, time restraints, and the Captain recently had a meeting with our volunteer within the last two weeks talking about getting it moving forward so progress is being made.

Councilmember McLewis commented as follows: What is happening with community policing in our City? We've had discussions about that, we've met with businesses in town in various conversations, we discussed having police officers walking around downtown because of the increase in theft and shoplifting. So I'm wondering how is that going and what is happening with that?

Chief Nelson commented as follows: It can always be better. We are still requiring them to go out daily and address issues in the plaza, walk the trail, get downtown. As far as I know that is still continuing. I just had to have a stern conversation with a few officers and supervisors less than a week ago regarding some issues with the homeless in specific areas of the City so it is ongoing.

Vice Mayor Zollman commented as follows: Discussed the citizen volunteers in policing and asked has the description and implementation of that come before Council and been approved?

Chief Nelson commented as follows: It's been a program we've had for many years and at one point we had a cadre of volunteers and those have drifted away. A lot of times it's seniors that want to get involved so we are going to mold a citizen's police experience where we have them attend an evening class for approximately six sessions to give them an overview of the police department and what we do and what we would like them to do and see if they are interested in participating and being part of our team.

Vice Mayor Zollman commented as follows: Following up on community policing has that brought before Council?

Chief Nelson commented as follows: I'm not sure what you are asking. Community policing is a policing philosophy where officers get out of their cars, they walk around, we engage in community policing every day whether it's at schools, interacting with our unhoused, whether it's interacting with businesspeople downtown, going to events, that is all community policing and staff understands that is part of our philosophy as a police department.

Vice Mayor Zollman commented as follows: If there are issues and concerns with community policing those would go through the normal protocols that you just went through. We would look at up on site and we would find it there.

Chief Nelson commented that is correct.

Vice Mayor Zollman commented as follows: You mentioned that one report was issued and in fact has issued two reports, where you are around to explain why the first one was not and has not been disclosed?

Chief Nelson commented as follows: I was not part of that process during the presentation and the release of it. I'm not sure whose responsibility it would have been to put it on a section of the City website, however I will state that this particular report will be posted on the police department website and I have no problem posting the original report on the website as well.

Vice Mayor Zollman commented as follows: I am putting forth a formal request for that and you can do what you want with that request but I am definitely requesting that, chief, you indicated it would not be possible to have the last date of review of any of these ongoing things that you're going to work on. It sounded like it would be impossible. Would it be possible to state the last action taken like if there is a change of law or a good policy? Is there some way to say there was action taken? I don't think anyone is going to be reviewing that list. Thank you for having the list but no one is going to systemically go through that. Is that possible?

Chief Nelson commented as follows: For policy revisions, there is generally a date attached as to when certain policies may have revised and the date of revision. I don't know if you are asking when that occurs in the future to regularly post that information?

Vice Mayor Zollman commented as follows: I guess I'm lost when you would refer to the prior chief having an excel sheet that said this is ongoing, this is ongoing, this is ongoing. For those that will technically be ongoing until a change of law happens, is there any way to annotate that it is the last action, reviewing law? Or are we just trusting the fact that you will do that automatically.

Mayor Rich commented as follows: It seems like this would be a substantial staffing obligation to keep doing that.

Chief Nelson commented as follows: It is a time thing probably more than anything. Any time a law gets passed we are required to implement it. Generally, our providers, we subscribe to a service for police policies and they send out and updates and then the California police chiefs association will send out a bulletin stating effective January 1 these changes have occurred, review your policies and things like that. That's what I mean when I say it's ongoing, it is constantly in flux.

Vice Mayor Zollman commented as follows: But you are not using ongoing? You are stating the fact that when something is anticipated to be done it's going to be done unless there is an explanation?

Chief Nelson commented as follows: Yes, and as far as ongoing review, we have implemented these and the majority of them have been accomplished so there's no more ongoing review. These are now policies, practices and procedures within the department that we are abiding to, so a lot of the things maybe that were listed as ongoing are not necessarily ongoing any more. I guess my spiel that I made was to elucidate the fact that we are constantly looking at things and making changes. We are required to do so, or anything that we feel is in the best interest of the community.

Vice Mayor Zollman commented as follows: Thank you for saying the fact that policies have all been reviewed. So you're confident that if a response to one of the recommendations says it is based on policy and you are feeling confident that it really is based on that policy and someone could search their wit and they will find it, is that correct?

Chief Nelson commented that is correct.

Vice Mayor Zollman commented as follows: We are now connected to the regular national databases that all law enforcement have.

Chief Nelson commented we are.

Vice Mayor Zollman commented as follows: You are confident that whatever is requested is provided in a timely fashion?

Chief Nelson commented as follows: The State department of justice requires us to provide this data.

Vice Mayor Zollman commented as follows: Discussed the most recent email from a member of the public and asked if it was responded to.

Chief Nelson commented as follows: I have not had the chance to reach back out to him. I will reach out to him this week. I want to find specifically what he is interested in but I've had conversations with tech people. The information that is reported to the press as far as weekly police logs, is not accessible to the public right now but there's no reason it shouldn't be. There's another feature in our system, a software upgrade which we learned about in October and at some point, I would imagine that will be available and we will post that on the website.

Mayor Rich commented as follows: There was a request, an individual requested to have access to police logs and sent an email with a question about why he could not, and it sounds like Chief Nelson you're going to look into whether there is a way to respond to his request?

Chief Nelson commented yes.

Councilmember McLewis commented as follows: I would like to be sent that information as well. Also there is something called crime spotter as well is online that connects this particular feature.

Chief Nelson commented this is known as Citizen RIMS.

Mayor Rich commented as follows: If you could share that information with full Council I would be helpful.

Councilmember Maurer commented as follows: When you said the information would be on your website is that on the City of Sebastopol website?

Chief Nelson commented as follows: It is on police department page on the City of Sebastopol website.

Mayor Rich commented as follows: You said by June 2024 can we expect to have any follow-up reports from you before City Council?

Chief Nelson commented as follows: Once this is done I will provide you with an informational item on the agenda to report back.

Mayor Rich commented as follows: To the extent that is not going to be June 2024 that would be good to know early.

City Manager/Attorney McLaughlin commented as follows: Discussed the two reports. It is my recollection on that, is that one report was deemed to be confidential because it had more information of a personnel nature set forth in the report and we would have to now scrutinize it to see if it is possible to release it at this point in time. But I believe it was confidential personnel matters as it was deemed to be confidential.

Mayor Rich opened for public comment.

Kyle commented as follows: This has been a request for three years and it has regressed to where we are today and I feel it has lost a lot of history in the process which is what I was really fearful of three years ago when this Council began the conversation that was happening. Remember, this was a national debate about policing happening in the summer of 2020 and it was a national conversation about police practices that came to a point where the City made some clear decisions. Those decisions got delayed and delayed and delayed to a point where there's no oversight about the things that didn't happen that were approved. So number one, a citizen oversight committee was approved by this Council, that has gone nowhere. There was a call for fiscal audit that was also in the approved agenda item, but has not come to fruition. And this Council did, with the report, was forward the

recommendations of what our City has decided on as being police practices that we were agreeing to with consult with our department. So here we are three years later reeling back on a lot of those and it's really unfortunate that when we saw the previous reports that we saw things that were in progress or ongoing and now we are hearing those are no longer ongoing and no longer in progress because they don't agree with current police department philosophy. That is not what this Council agreed upon. We haven't had any sort of movement in the direction of a model which was funded back in 2020 and going even further away we don't even have a public online complaint mechanism that was approved, paid for, and then cut back. We are much further away than what we agreed upon and it looks like we are actually going in the opposite direction.

Linda commented as follows: Chief, I want to thank you and the entire Sebastopol police department for your service which, as I keep trying to point out to the public, is exemplary and we've been privileged to have the legendary Jeff Weaver to set this high standard for performance for service and is just the opposite of the stuff that happened in Minneapolis and all of the rest. But unfortunately I am apologizing for members of City Council that are unaware of your outstanding behaviors as police officers. That said, I am also speaking, thanking you for the treatment of my new neighbors, the criminals. We've all had our own personal experiences with other officers and mine specifically was from the sheriff's department where at the wrong address, beat up, jailed, and verbally abused. So anyway, that's how I know the difference between police behavior. That said, I want to also thank Jacques. I love this new campaign thing, the letter that went out asking for donation support for the police department. It is exactly what I wanted to happen so we are going to find out how much public support that you got financially so I think that's wonderful and also apologizing, the whole thing about the audit is a complete and total waste of time and I would like to know how much it costs.

Oliver commented as follows: Thank you to the police. My take on this is, the report came back with a kind of hysteria about policing which was miles away and as the police chief says nothing much ever happens here. An awful lot of overkill and probably a formula there somewhere that, more layers of bureaucracy put on the police, the less they can do. I don't know if there's a tv in the break room at the police station but I wouldn't blame the police for sitting and watching tv all day. Because, if you are risk-averse, it seems to be that the less you do apart from barbecues with immigrants and glad-handing people at meetings and stuff, meanwhile what's going on in the City since I've lived here. There is a huge up take in homeless people, people who are drugged out of their minds, retail theft, on and on. Very difficult for the police to deal with all of this bureaucracy. So, the last half-hour of this meeting I think is being pretty well irrelevant in terms of what is going on in this City. One other thing I know the City had the first police on electric bicycles in the country. I would love to see more police downtown. There's an awful lot of people just laying around shooting up and stealing stuff, and so on. That's what I would personally really like to see.

City Council Discussion, Deliberations, or Direction to Staff (if any):

Councilmember Maurer commented as follows: Thank you so much for your report. Obviously a lot of time was put into that and I did read it, so thank you.

Councilmember Hinton commented as follows: I am a little concerned about the recommendation to not move forward on 52.6 and 52.7. I think that it's really important for transparency to have the body cameras on. It was addressed earlier in the report. In other places as a practice, it was admitted tonight that it had not been turned on a lot of times in transport and I do believe, I don't believe setting policies, white noise, I think setting policy is really important for staff so I think I felt very strongly that that should be in our policies. Obviously you can't follow people around and make them turn it on but I think that is an expectation that I had as a member of the public and a member of City Council. I did want to address that one.

Councilmember McLewis commented as follows: The first thing I want to say is that I, too, share the same concerns as Councilmember Hinton regarding that. But I also have something else that I wanted to comment on and share some feedback that I have received from the community. I appreciate the report that you've done and I know you put a lot of work into it. You know that I am supportive of the police department and I also believe the police impact the atmosphere of the City and keeping organization is important. I worked on the other end of the spectrum in trauma centers for nearly 2 decades so I've seen the other side of a lot of different things that you also see in the film. That being said when I brought up the community policing, I brought it up for a specific purpose, because we have an ongoing issue with, and for the public who doesn't know, being a business owner I communicate regularly with all the business owners here so every time there is a shoplifting, some kind of shoplifting or theft or all the different things that go on, there are businesses hit worse than others and it's hard as small businesses especially with inflation, the business owners are dealing with a lot. I think we need to see more walking around downtown and I've had a discussion with various business owners and that is the general consensus. They don't feel they see officers at all. One person saw someone once last week they can't recall since some are really seeing people. Some even went so far as to say they see a decline in the downtown area. They have a lot of nefarious activities going on, people doing drugs behind their businesses, they find them in the morning laying around and say where are the police? Some have even proposed, should we get the chamber for someone to hire security officers. I really believe police officers should be doing community policing. When we did the budgeting it was important that we see the extra police officer doing community policing. I am one of the people who really fought for that and in our discussions, I believe we can have more community policing if we have the extra officer and I'm concerned we haven't seen that one. I know that it's anecdotal and that's why I asked if there are logs. We all have different views and see things at a different time. If there's a log showing that we are there, we have to make it more apparent to everyone. If business owners are not seeing it, clearly the people who are lying around downtown aren't seeing it either. I'm concerned about that and would like to see a more proactive approach dealing with the transient population. I know I've had a couple of incidents where I could not get into City Hall because there were men who were altered sleeping up against the doors and I felt uncomfortable as a woman trying to enter City Hall. I was told that it was addressed but it happened last week again and I understand people can't be everywhere, but these are personal incidents that I've experienced myself and I know that other people are, as well. We've got video of the fight that happened at Safeway a week ago, girls banging their heads against the pavement, we received emails about a student being mugged and beat up and robbed in the last couple of weeks. And then we've heard that has happened more than once and none of us are even aware of that. I just see a degradation in my opinion of what's going on. So I really think that it is incumbent on the police department to feel that ownership and to really understand that as we watch this going on downtown, and I am here every day downtown talking with people, it's concerning. Very concerning to me and honestly it's sad and I don't like to see that. I truly believe that the officers could make a difference for us. I'm just, I'm not sure they feel the same. So, I would just like to communicate that to you, that for the community, for business owners, we need to see more police. We need to see people walking around and I'm not saying harassing people but when I brought up community placing, it's the philosophy and it's what used to happen in Sebastopol according to previous police officers. They would be downtown saying hello to people, the business owners knew who they were. I think that is super important and I want to make certain to represent many different people that I've spoken to ensure that we are trying and that I'm communicating that to you. I'm hoping that somehow, we can work together and talk about this and get a report back or figure out. Are they downtown and we don't see it? Just to close the loop, how do we best understand what you are doing and if there are challenges you are facing, if there's something we can do here to help. How do we take care of this?

Chief Nelson commented as follows: One of the challenges is, it's a matter of them having time. We have two police officers on at any given time and they are busy. I can tell you they are busy and it's not just a matter of running to a call. It takes time to do reports, to book evidence, time in between. They are expected to be proactive policing. They are expected to deal with all the homeless issues, traffic enforcement, expected to go on

foot patrols and they are doing that, but I'm going to run the data over the last 90 days and let's find out if they are doing what they're supposed to be doing and where they are supposed to be doing as far as foot patrols because that is logged. Frankly they better hope they are doing it. But I can tell you, it's difficult. It's very, very difficult. We are demanding a lot from them and as far as I know, like I said, can we always do better? Yeah, we can do better. It's a matter of reemphasizing. But I will look at the data and make sure they are doing it and if not we are going to have a significant conversation.

Mayor Rich commented as follows: I think it's messaging and an awareness that Councilmember McLewis is trying to emphasize and it sounds like you are taking it in and you did in fact referenced earlier that there had been a bit of the talking to on this very issue. I think we have a comment from Councilmember Hinton or a question, and that I want to make sure before we close this item that we bring it back to whether there is consensus to reassess the body worn camera suggestion from our police chief that was 52.6 and 52.7.

Councilmember Hinton commented as follows: I did want to just mention the things that the members of the public brought up about when we received the original audit. And of course my memory is usually pretty good but may not be perfect. But I will say I was never in support of a Cahoots model. We did, as a Council, I believe representing myself but others felt it was an expensive model. We knew other bigger cities like Santa Rosa are looking at it but we did have our homeless person that still helps us today and that we felt was going towards a cahoots model was not exactly for us. It was an expensive proposition and, in my mind, I remember that and I was not in support of it for that reason. I also want to represent that the Threet report had a lot of recommendations. The report was accepted by Council and that we counted on our police chief to help implement those recommendations. Or as you've done tonight, and I do appreciate someone saying, we don't believe that's right for us. We never heard that because as he mentioned it was ongoing. So it was like okay let's implement maybe the easy stuff first, the stuff we could do, and figure that out down the road. I'm glad we don't have an unending, ongoing, we've heard from you tonight on that. And somebody brought up how will the public know about your recommendations? I heard you say these things would be completed by June 2024. Of course, time moves fast and maybe that can be time stamped if we did all those things, stamped June 2024 or something like that. I was the one that called for the fiscal oversight report, as I was very interested in seeing how the police department was spending their money at that point. We don't have all the money in the world so the rest of Council felt like the report was the way to go and left it to the budget committee to look at police spending and City management. Anyway just wanted to address those because they were brought up again tonight but those are my recollections from that.

The Council conducted thumbs up and down on the items as listed below of items not to be pursued:

46.13	Tasers	3 thumbs up	2 thumbs down (McLewis/Zollman)
46.19	Warning	5 thumbs up	
46.26	Oversight Partner	4 up (Zollman no)	
48.5	Kinetic	4 up (Zollman no)	
51.6	Digital Audio (room)	5 thumbs up	
51.9	Personnel in Internal Inv/all prior discipline	4 thumbs (Zollman No)	
52.6 and 52.7	Body worn cameras	4 thumbs (Maurer no)	

Vice Mayor Zollman commented as follows: The question was whether in the body worn camera policy it should specifically state that a failure to follow the body worn camera policy would result in discipline. Isn't that the question?

Councilmember Hinton commented that the Chief has agreed that they should be on during transport even.

Chief Nelson commented as follows: They are required by policy to have them on, activate them at all times when conducting investigations and interacting with the public. They were not previously required to have them on during transport. We are going to make that a requirement, but they are currently required to have them on and if they do not activate them while on a call they are subject to discipline right now.

Vice Mayor Zollman commented as follows: The question is whether the body worn camera policy needs to, itself, include that warning that if you violate the policy you will be subject to discipline.

Councilmember Hinton commented as follows: My feeling was why not? It needs to be spelled out to employees what the rules are, so why not? That's how I felt about it.

Councilmember McLewis commented as follows: For me as well I feel that's where you create boundaries for employees and you communicate expectations and they understand what the expectations are and there's nothing that's gray.

Mayor Rich commented as follows: My contribution would be that there are many, many policies that the police department imposes and we are calling this one out but I'm sure the use of lethal force that's going to result in discipline, too. I guess I feel like if everything is subject to discipline, everything is subject to discipline and we should not call out any particular violation as more meritorious of consequences than another. That would be my argument.

Councilmember Hinton commented as follows: I feel like it is in the report because it wasn't being done regularly and we heard it tonight it wasn't being done during transport. And we know there was a history especially three years ago of it not being done. So for me, it's special and that's why it was included in the report. So I would like to follow the recommendation with the report on this issue.

Mayor Rich commented as follows: I think we know the various options before we take a vote here. I have a feeling where it's going to go. Do we have any overriding concerns.

Chief Nelson commented as follows: To me, I questioned the necessity. However I understand the view of Council on it as well and I don't have a lot of heartburn over it. It will be done.

City Council Action: No action required. Informational only.
Minute Order Number: 2023-285

Mayor Rich called for a break at 8:14 pm and reconvened the meeting at 8:29 pm.

13. City Council Reports/Committee/Sub-Committee Meeting Reports: (Reports by Mayor/City Councilmembers Regarding Various Agency Meetings/Committee Meetings/Sub-Committee Meeting /Conferences Attended and Possible Direction to its Representatives (If Needed) on Pending issues before such Boards. (This will be either verbal or written reports provided at the meeting)
 - a. Report out from the Ad Hoc Committee on EIFD (Enhanced Infrastructure Financing District (Mayor Rich/Vice Mayor Zollman)

Mayor Rich and Vice Mayor Zollman provided the Ad Hoc Committee report out.

Vice Mayor Zollman provided additional information.

Supervisor Hopkins commented as follows: I just want to mention that to me one of the things that I really see around west county and in Sebastopol is the need for critical downtown improvements. Civic infrastructure, community spaces, recreational amenities, pedestrian infrastructure. It feels like there is a long wish list and unless we come up with a creative funding messianism it is pretty impossible for us to budget this in. First of all I'm happy to answer any questions. This is a process that I've been researching since I got on the board and was always kind of told that it was too much for the county to bite off and then suddenly Santa Rosa started doing it and has a consultant moving forward so a couple of things. The Board of Supervisors will be considering a policy early next year and that is because I didn't want Santa Rosa to be the first one to cross the finish line and to not have that opportunity extended to other City partners so that would kind of allow us to formalize what a county contribution could look like to an EIFD in partnership with the City and I would love to hear from Council today about whether there is an interest in exploring this with the county because we've had some preliminary conversations with my staff team and the counties office regarding potentially a \$50,000 extension of funds to the City to be able to look into this and get a consultant on board and really do the analysis and come up with a list of projects. Looking at forming the public financing authority required in order to move forward with this. So I just want to mention that opportunity. I know that it's not part of this but I also wanted to let you know that we are also moving forward and can actually add it to that item with a \$10,000 allocation for a warming center so we are looking at bundling that as an agenda item if there's interest. If not and we need to explore this further I am happy with that, as well.

Mayor Rich opened for questions from the Council.

Councilmember Hinton commented as follows: I guess I have time to still learn about it but it's saying that part of the process is to survey the properties, which makes me think we are looking closer at people's properties and yet when I look online it says it does not increase property taxes. So I'm not sure if surveying the properties, is that to reassess properties? I was curious about that, if we are not reassessing anything why are we surveying properties? And maybe again we will learn more but I thought that was I questioned that.

Mayor Rich commented as follows: The quick answer is no, it's not a matter of new taxes. As I said, we are just at the beginning of the inquiry into it. But my understanding of the need to survey properties is that once the boundaries have been submitted to the board of equalization, that district has to be defined accurately. I think it's just an obligation to make sure that for the taxing entity or board of equalization they know exactly which properties are included. That's my understanding.

Supervisor Hopkins commented as follows: That is my understanding as well and I want to emphasize the reason I love it so much is that it is not new taxes. It is taking tax increment financing a property tax increase and reinvesting it in the community but the assessment is my understanding as well.

Councilmember McLewis commented as follows: If it's beyond the boundaries of Sebastopol how will it be allocated if we include west county areas?

Supervisor Hopkins commented as follows: That is a great question of how do I know that Sebastopol is going to get its fair share? My understanding of the process is, first we look at the initial work but the last step of the first phase is to create a public financing authority which would involve appointed members from all the jurisdictions participating. If you were to work with the county it would be the City of Sebastopol and the County of Sonoma and there are requirements for members of the public to sit on it, as well. That's when you come up with a list of projects. After that, the financing authority comes up with a list of projects. Any of the entities can still back out so with the public financing came up with a list of projects and that came back to City Council and City Council said you know what? This isn't good enough for Sebastopol, I feel the money is being siphoned off elsewhere or

does not match our priorities, at that point you say will be are going to not give any shares of our tax increment into this effort so you would have the opportunity to pull out so you have a veto power essentially over that list. But I also want to share from my personal perspective I consider myself a Sebastopol resident but I don't get to vote for any of you because I am just outside of City limits. Sebastopol is my town as well so I strongly believe that even if you were to draw a boundary, that it would make sense to include people like me because we use all of the amenities of the City. So I think because we have so few urban service areas in western Sonoma County, those areas would benefit from a larger EIFD boundary because that's where all the infrastructure has to go, in the places that have water and sewer. So outside the City limits of Santa Rosa that is Sebastopol. Forestville, Guerneville, that's it for urban service areas, and right now they don't have a functioning sewer so pipeline. Long story short there are few places I can actually accept the types of projects associated with EIFD's.

Councilmember Maurer commented as follows: My first priority is to protect the City's budget so the idea of giving any incremental growth in our property taxes for our City considering our current status, would not be okay. But I see that this report is not including contributions from Sebastopol residents. Could you clarify that that is the case? Is that true? I'm asking our supervisor.

Supervisor Hopkins commented as follows: The question being with the City of Sebastopol be required to contribute a portion of incremental tax increases? That's a great question and the part that would depend on what the county decides to do with respect to the formal EIFD policy. It's unlikely that the county would sort of just put in there is without the City of Sebastopol having some kind of a match. As far as I know the only county that has a formal policy is Los Angeles because they have so many cities inside of their jurisdiction so they set a minimum contribution of those cities in order for the county to kick in their share. I think the really important thing to do to recognize is that this is redevelopment 2.0. As part of the analysis you would need to be assured that the investments in the community will actually result in increased property taxes and revenue overtime to compensate for the money that has been invested in those improvements and that is the vision that Santa Rosa is operating under and why they believe it will benefit the City and the county in the long run with respect to property tax values overtime.

Councilmember Maurer commented as follows: Will all residents who would be part of this EIFD, the property owners, will they get a vote or is this something that skirts around a vote?

Supervisor Hopkins commented as follows: They don't need to vote on it because it's not actually a new tax. It's just investing a portion of their property tax increase over time back into the community so it's not something that goes to the vote of the people.

Councilmember McLewis commented as follows: There was talk about combining this with warming stations but the question I have is does the warming station need to be in Sebastopol? Are there other locations? I'm just asking because we are talking about all these different areas and participating so I'm just wondering do all the other areas participate in warming centers as well or is it just Sebastopol?

Supervisor Hopkins commented as follows: I feel I may have made that a little unclear because my point was just that it's very difficult to get on the board of supervisors agenda so if there was interest in pursuing the EIFD, we would include that allocation to the City of Sebastopol with a distinct allocation for \$10,000 for supporting a warming center which we had been in discussion with Mayor Rich about. That I will move forward regardless and a similar set up has occurred in eastern Sonoma County. This would just streamline the process where we can get you \$60,000 earmarked for different things so I apologize for the confusion.

Councilmember Maurer commented as follows: To clarify you are offering \$50,000 to get this started, and what will it cost Sebastopol in order to get this started? Do we have to do anything matching, and what does that commit us to in terms of accepting the \$50,000?

Supervisor Hopkins commented as follows: That is a great question. As I stated and shared before you can really pull out of this process at any time. Would basically facilitate funding to start the process so you can decide whether or not it makes sense to continue or whether or not to. Given your current budgetary and financial challenges that you are facing that a match of just staff time to oversee the contract would be appropriate. If we are able to partner with your staff from our office and the City we are able to take the lead on doing the RFP and moving forward, that that would be an adequate kind of match from the City.

Councilmember Hinton commented as follows: So this isn't an action item right now we are talking about are we going to bring it back really quickly? Because we have another meeting.

Mayor Rich commented as follows: I think all we could do, and I have to check in with the City Manager but the question would be whether we can do a thumbs up support for this item. I think that's what Supervisor Hopkins is looking for it. Is there majority support? Would you need a formal motion? Because we cannot do that at this meeting.

Supervisor Hopkins commented as follows: If we had a majority of Council expressing interest in this then my staff and my team could start working with the Supervisors office to figure out when we can get on the board of supervisors agenda which would also not be until January because we are not meeting until then either. And if you feel like after consulting with your team but you need to have a formal action and that could happen in January before it happens at our meeting, but it would be help to know if you are not interested at all then we will leave it but if you are it would be great to keep working on it.

City Manager/Attorney McLaughlin commented as follows: To answer the question, agenda item 13, the reports indicate there was language that says for any of these report items, City Council can give direction to the committee that brought the report. So it would be possible to take a thumbs up this evening from the committee in order to indicate a willingness to support the EIFD and get involved in potential funding and to continue its work.

Councilmember Hinton commented as follows: Supervisor Hopkins, are saying you are willing to support us at the board of supervisors in a \$50,000 grant, let's say, to get this started? Because I didn't read that in the report but I love free money so I need to really be clear because with up or down, yet. I just want to say that bluntly. Is that what's going on?

Mayor Rich commented as follows: I think Supervisor Hopkins was not at that point in her process which is why she has shown up tonight but that's what I'm hearing as well.

Councilmember Maurer commented as follows: I would like to know what staff things about this idea including, can we match the offer with staff time, which is what she stated, in order to accept the \$50,000? We would need to match it with staff time. And the third thing is, has anyone talked to our incoming City manager Don Schwartz about this idea?

Mayor Rich commented as follows: In terms of the incoming City Manager I know he's aware of it but I haven't had any in-depth conversations with him about it. My instinct is that he would not have any opposition to it. He didn't express any opposition to it. As far as staff time ever ready done some work with the ad hoc library

committee. Director Svanstrom is the likely person to be leading this effort so I think that is a relevant question. Is it on your plan? \$50,000? Is this why you wanted to discuss this before the work plan?

Director Svanstrom commented as follows: I think investigating this makes a lot of sense for this committee because I used to live south of town quite a ways and I considered Sebastopol my town so I think that is the sense that I have in the planning department every day we get calls from people outside of City boundaries. So I think there's a sense that it's a larger community than just our City boundary for that. Certainly writing an RFP with existing staff is something we certainly could do.

Mayor Rich commented as follows: Supervisor Hopkins is that the sort of stuff commitment you were looking for.

Supervisor Hopkins commented as follows: Absolutely and like I said we will be willing partners in terms of our office team and support however we can.

Councilmember McLewis commented as follows: To clarify when you are saying we could opt out at any time, I'm assuming that would be Council who would make that decision?

Mayor Rich commented that is correct. The ad hoc committee's only task has been to gather information, bring it to Council on January 16th. Question when is the Board of Supervisors meeting?

Supervisor Hopkins commented as follows: I don't think it would make it for January 8th so it would probably be the next one which would likely be after that. It would be the 23rd I believe.

Mayor Rich commented as follows: I believe January 16th is the date when hopefully it will come back to Council.

Councilmember McLewis commented as follows: I just wondered, could you clarify for me when you say we have infrastructure needs, what does that mean for you? Everyone has different definitions of infrastructure and I ask that because I hear a lot of talk around the library and for me, that's not our infrastructure. That's a county facility and we have many other infrastructure issues that we have to deal with so I'm curious what your definition is of that versus everybody else.

Supervisor Hopkins commented as follows: Infrastructure is defined in the legislation that created EIFD 's so it would refer to that and what is and is not allowed to be funded but in terms of infrastructure for the City of Sebastopol that is definitely not on me to decide, that's on you so I would not purport to assume what it is that you would want to fund.

Councilmember McLewis commented as follows: I'm not asking you to identify what we would identify, I'm just curious what infrastructure means to you. What is the definition of that? For me it's roads and water and that type of thing and I'm curious if that's what yours is as well because again I keep hearing about the library and I feel it. Intruding I wanted to make sure that it's something that Sebastopol, we have a lot of things that need to be taken care of.

Supervisor Hopkins commented as follows: When I think about infrastructure I think about roads, sidewalks, crosswalks, bike lanes, buildings, parks. I have a pretty expensive mental definition but really all of those public amenities that communities rely on to function on a day-to-day basis.

Mayor Rich opened for public comments.

Kyle commented as follows: I'll make this quick. I think this is a wonderful idea but I hope the Council can give this ad hoc a little more direction in terms of scope. Maybe spend some time thinking about what does this kind of boundary look like? I think many times we've heard reference that it's a City of eight reference that it's a City of 8000 but serves 50,000 so maybe that's your ballpark place to start in terms of population and size of the boundary but again that's a for Council to decide but please try to give some more direction tonight.

Oliver commented as follows: I just looked it up and it seems like all of the cities in California are much, much bigger places. This seems to be incredibly squishy to me, very vague what this is and given the Mayor and the Vice Mayor plus Lynda Hopkins, this could go very badly wrong, I think based on the proclivities of these people. So before proceeding I would like to know a heck of a lot more. I think the question about infrastructure was interesting because we just discuss the police earlier this evening. More warming centers and more infrastructure or whatever you want to call them means more overhead for the City. So I would like a heck of a lot more detail on this before we get any further.

Kate commented as follows: I think this is an interesting idea, I wondering how this differentiates from maybe doing a broader leap which would just be having the county absorb the City of Sebastopol given the City's financial crisis and inability to really cover its infrastructure? I think wastewater and the water fund are now in a deficit and it seems like a lot of, in terms of fire and police staffing, where very short-staffed. So that is one question that I have. My other question is, would it be possible to place the warming center in another City? Because Sebastopol has the highest per capita of homeless services and also the highest per capita of homeless people and if you remember, you, Supervisor Hopkins took the hotel and all the revenue associated with that. So I would also instead of \$50,000 going toward this I would like to see it as \$300,000 or \$400,000 annual reimbursement to the citizens of Sebastopol for all of the money that we lost when the hotel was converted into homeless housing. I know Forestville doesn't have any homeless services whatsoever so maybe they could take the warming center. Another City but right now, we are kind of tapped out. We just declared a fiscal emergency. Police are overwhelmed, so I would kindly ask if you could take that beautiful offering and give it to another City.

Linda commented as follows Did I understand you Lynda, something about open spaces and parks and stuff? You will need to know that there are 10 developments in the pipeline right now including the hotel, a 96 unit, three-story monstrosity slated to go into an apple orchard up here behind the O'Reilly building so we are filling up, in my opinion all of the open spaces and potential parks that are possible at all and absolutely no consideration, these studies and stuff, I'm reading the draft, the environmental draft environmental impact reports and they are finding that there is no significant impact on traffic despite the finding here at this one project, 684 added vehicle trips daily on Healdsburg Avenue and 116. This does not sound like a good idea to me. We really do need to have open spaces and stuff and we need to slam the brakes on the developments in my opinion and put a moratorium on building until people start looking at these impact reports. Water, the cops, traffic and everything else.

Mary commented as follows: I would like to know clearly that there will be no increase in property taxes. That's what I would like to know from Lynda Hopkins and anybody on City Council. That's it.

Council discussions/deliberations/direction to committee:

Mayor Rich commented as follows: I will say, and have Supervisor Hopkins confirm this also, an EIFD does not include unambiguous, it does not include an increase in property taxes. It is taking a portion of existing property taxes and having it contribute a portion of those existing property taxes to a new legal entity, an EIFD, a new district. So no new taxes. Supervisor Hopkins do you want to chime in to confirm that is the case?

Supervisor Hopkins commented as follows: I want to echo everything you said. Thank you Mayor Rich and if we were to do anything that would require a different process such as if we were to assess property taxes it would be a two thirds vote. The reason this is not have to go to a vote is because we are not actually putting any new taxes on anyone. It is diverting an increase over time into a pot of funds for improvements in infrastructure.

Councilmember Hinton commented as follows: I wanted to say in the brief research I've been able to do that it says that these are to fund projects that demonstrate a communitywide benefit and in that brief research it says that they can also fund local water projects. We know we have a lot of water infrastructure that needs help, so I'm excited about it and the possibilities. I know we don't have it all vetted but this would be the first start and it looks good to me. So I just wanted to say that. In my brief research it looks like this might be a solution for some of our infrastructure.

Councilmember Maurer commented as follows: I would like when you bring this back , to spell out how you came up with that \$82 million. I would like to know more about how you arrived at that number and I would like to see a defined boundary and define potential projects.

Mayor Rich commented as follows: Thank you for that input and that direction. We do have a spreadsheet that was provided by the county's administrative office, so that will be attached and be part of the January 16th report. So yes, we have all of that that we can submit and that is the expectation and the plan.

Councilmember McLewis commented as follows: I just want to clarify, I know we talked about property taxes but I just want to clarify, would that mean that our property tax that the City is receiving remain stagnant? If the increase is actually going to the EIFD?

Supervisor Hopkins commented as follows: It would not be diverting all of the increase in property taxes. It would be taking a portion. So there have been conversations about what 25% look like? And then again the goal is to make those investments so that you actually make that 25% up because you see an increase in property tax and growth over time whether it is through incentivizing new housing developments or creating a place where people are willing to pay more to live there because of the enhanced amenities.

Mayor Rich commented as follows: I guess the comment I would make is that this is the beginning of a multi-year process. There's absolutely nothing that can be contributed from the City portion of property taxes that we already collect, none of that could be allocated to this district without City Council action.

Councilmember McLewis commented as follows: Right, but if we have a portion going into a fund that is decided by a different group of people other than people that are all in Sebastopol, doesn't that impact the overall funding that we have in our budget that is being decided by elsewhere rather than here and as we sit here and talk about a fiscal emergency and now we're talking about diverting funding somewhere else? Where other people in the county You know what I mean? It wouldn't just be people in Sebastopol deciding on this so aren't we in effect taking our own power away, giving that away?

Mayor Rich commented as follows: I think that will be one of the many questions that we will address if we decide on January 16th or beyond that, to participate in this fully. There is so much that has not been answered yet.

Councilmember McLewis commented as follows: For me the concern that I have tonight, and I won't be in line but I believe we have to have some sort of scope or boundaries around it because it is concerning to me, just a wide-open thing. And I understand free money but what do they say, if it's too good to be true? So I just think

that, I have some concerns and I feel for me tonight I don't have enough information to say yeah, let's go. That's where I'm at.

Mayor Rich commented as follows: It sounds like we have a lot of questions we still need to answer. I get that. I actually get that. Honestly, Stephen Zollman and I have a lot of questions we have not answered and it has just been a couple of weeks.

Councilmember Maurer commented as follows: Just one more idea. Is the idea of engaging anyone who would be within this boundary. I love how you put it, Supervisor Hopkins, that you love this town and I think it's true for a lot of people who live in the west county. They identify with Sebastopol as their town and I want to maintain that relationship and not just assume. I think this has the potential for being very political so however we proceed with it, I would like to proceed with care because this is property taxes that people are paying, I just think we need to be careful and transparent with the public.

Councilmember Hinton commented as follows: I just want to make one more comment. Sebastopol was always my town. I lived in west county and even if we are giving up a little bit by drawing a larger district of people that come to our City we will probably get more than we are giving up. It's just a math equation. To me, it's probably a win. I know there's a lot to be vetted and I agree we should what carefully but I am interested in pursuing it because I do see the benefits and all of the households not just the ones as Supervisor Hopkins says right over the border but many households that view Sebastopol. And if we could get a portion to help us contribute to infrastructure in our town I think that would be an overall benefit so I'm supporting that tonight.

There were four thumbs up (McLewis No) on giving supervisor Hopkins our support for pursuing a \$50,000 grant to cover the initial consulting fee.

City Council Action: Four thumbs up to support for pursuing the EIFD \$50,000 grant for initial consulting fee
Reference Order Number: 2023-290 (a)

8. Planning Commission Workplan (Responsible Department: Planning)

Planning Director Svanstrom presented the agenda item recommending the Sebastopol City Council receive the presentation, review the workplan and provide any input, and approve the workplan.

Mayor Rich opened for questions from the Council.

Mayor Rich commented as follows: The question that I would have on that comment is, what would be the timing of that joint session and what would have to happen first? Would there have to be a decision about which items they were interested in or could it just be a meeting where all items were discussed?

Director Svanstrom commented as follows: First of all the chair of the planning commission is here tonight and I do have a meeting to review the forecast. It would probably happen a couple of months at least into the new year given our schedule. Hearing tonight about items to put on that I would like to provide a little context if we can. Up the planning commission and city council have had presentations from legal aid in terms of tenant right issues and that is one where the planning commission would need direction to move forward on those. We could do a little bit of a discussion kick off for rent funding to get some direction as we go into that project as well which is related to the housing element as well.

Mayor Rich commented as follows: Looking at this at the workplan that you've presented, which items are definitely on your workplan and included? Does that go through page 4?

Director Svanstrom commented as follows: Items one through five are immediate, this next year. The vacation rental ordinance I think we need discussion between planning commission and city council with new council members and thoughts about revenue and those types of things. Items seven and eight, well seven is, the state passes laws every single year and a lot of them relate to housing or planning and we need to respond to those so we do have a couple of items, and then item 8 are items that we have found and a couple of these fall under the budget committee. Are there ways we can make doing business in Sebastopol more friendly? We should be looking at our ordinances so there are a couple, especially item 4 that both staff and planning commission recognize need some adjustments in terms of use permits. So we may or may not be able to get to those. Part of that is priorities of council, staff time, other things that get assigned to the department and balancing that all out. I would say there's background work being done with identifying needs of the department and talking with folks. For instance, I met today with the rotary and last week with friends of Ives park so there are a lot of background things looking for funding and ways to move that forward in the background but not a major initiative like the creek naturalization project that was done a couple of years ago.

Mayor Rich commented as follows: If we can clarify, the items that you don't currently have prioritized that you could prioritize or consider prioritizing with council direction. Are those items six, the vacation rental ordinance, item 8 which is kind of the municipal code cleanup, and item 9 which is the Ives park master plan?

Director Svanstrom commented as follows: Yes, and obviously that's kind of where we stopped numbering because we want to be realistic. In a two year timeframe how much could you possibly get done, so the creek ordinance and everything after page 5 is not on the workplan at this point. It's not on the plate, it is in the cupboard, so to speak.

Mayor Rich commented as follows: Can we assume that to the extent what council wants to prioritize anything in number 6 or later, that would propose a joint meeting?

Director Svanstrom commented as follows: What has happened in the past, council has said, it has not been quite so grant loaded or with a need to do some of these in the past but there have been some times where council says don't worry about this. This is not a priority for us. Move it down or move it up, so that is why we are coming to you with this. This is what staff and the commission have discussed as priorities but we need your guidance as well.

Councilmember Maurer commented as follows: Looking at the rights of nature ordinance- because it is not on the plan, does that mean it may not be addressed this year? Acted on with a not be able to be acted on?

Director Svanstrom commented as follows: We would not be working on it this year if it's not in the workplan. That's a good question. I did look at what went to the climate action committee for the rights of nature item and that item would need a lot of staff work in terms of writing it as an ordinance that could be understood and be very clear to everyone what the regulations are sort of a general policy at this point. There's a lot of staff work that would need to go into that that I don't see my department having time for this year. If council wanted to that to happen you would need to discuss that, is there something here you are requesting be de-prioritized to be able to do that?

Vice Mayor Zollman commented as follows: Because in the interest of time I always like to submit questions ahead of time and a couple I had submitted. Something you said I should express interest in is under number five which, it doesn't sound like it is prioritized, it would be great to really have the meeting with the Planning Commission to talk about how we can achieve two things under workplan number 5. As we heard from the housing element the best and cheapest way to keep housing is to keep people in the houses. As far as rent

control we had heard from legal aid. In order to keep people in their houses would be some type of tenant protection. What I also heard was some sort of tenant harassment protections along with a registry so I want to ask you for information for council, those type of issues would be under number five. Is that were you see them?

Director Svanstrom commented as follows: Correct and specifically the top of page 3. These are some items that came up either at the planning commission. We had a couple of commenters in the room tonight who attended that meeting and talked about the tiny homes and other issues, if council has other issues, we note it's a potential discussion.

Vice Mayor Zollman commented as follows: You also see that as being under number five as well?

Director Svanstrom commented as follows: That is correct and something that should be discussed in terms of is it a priority? What needs to be done?

Vice Mayor Zollman commented as follows: That is right because I've heard from a number of people including here the audience that tiny homes is important for at least having more homes for people to take advantage of. Law enforcement, teachers, to open more stocks.

Mayor Rich commented as follows: I think it would be worthwhile to capture any items that are not on the work plan list that city council would like to consider having prioritized. Even within the work plan list, there are items that you feel we need to discuss if they were going to be prioritized and that would be the housing element and implementation and other implementation items that were just discussed by Vice Mayor Zollman. We also have the rights of nature question.

Councilmember Hinton commented as follows: I think we need to do a thumbs up thumbs down because just because someone has a special interest-- that's my only comment - in general just go through it.

Mayor Rich commented as follows: I appreciate that suggestion what I'm hearing for Councilmember Hinton is that perhaps after we go to public comment we can come up and do thumbs up and thumbs down on each of the items in the list. We will see if there are other questions and we look at out to public comment.

Councilmember Maurer commented as follows: I'm not asking for a vote on the rights of nature ordinance. It's okay where it is.

Mayor Rich opened for public comments.

Steve commented as follows: I'm here tonight to speak on behalf of the tiny homes it's part of the up date to the workplan. It's prioritized but I want to make sure council has a little bit of background and why this would be important to the town. Moving in directions of tiny homes that are on wheels. They can be moved to people's lots, a sewer hookup, and electrical hookup, probably the cheapest housing that can be had. They can be rented and owned, they can on their own, and bring in a tiny house on wheels to a lot that is provided. The city of Santa Cruz has done a good job and it's one that I recommend the city to look at. It can cost as little as \$650 a month to rent a space and bring in your own tiny home. You are a homeowner in town. That cannot be had anywhere else. You can purchase these things, they are quite nice-looking and looking online there are all sorts of tv shows that are out there now about tiny house on wheels. They meet the code requirements, they meet the energy requirements and becoming the future of affordable housing. They can be 20 or \$30,000 to put up a foundation to plunk down and ADU on top of it. It's mobile. If you don't like where you are living you can move it to another place. The county has allowed tiny homes on wheels but unfortunately they didn't do it as an ADU.

Loretta commented as follows: I just have one quick question. Can you show us the list you are talking about?

City staff commented it will be put on display.

Kate commented as follows: The comment about the easiest way to produce more housing is through keeping people in their houses, and I would say that relates to vacation rentals, so clearly if you have a very strong vacation rental policy, you are retaining more housing stock for long-term renters. I believe that the housing policy should really narrow down the number of Airbnb and vacation rentals within city limits to preserve existing housing for people who live and work in town. My other comment would be once again I think that any sort of structure that brings people into town whether it is an ADU or a tiny home should also pay impact fees because of those people regardless of the size of the house use infrastructure in the city. So we lose infrastructure monies when smaller homes do not pay toward infrastructure. But a hotel always has to pay it even though the rooms may be very small, the person still flushing the toilet and using the sewer are still calling the fire department. So I would stress once again regardless of the size of the home, they should still be paying towards infrastructure.

Kyle commented as follows: Discussed grant funding and deadlines and commented recently as result of grant deadlines when they don't have the opportunity to weigh in and make changes and improvements on this project, happening within a one month period within the last meeting, when you're working on this that you can prioritize and prioritize the grant funded opportunities earlier in the schedule that way there's plenty of time for public input and council input so it's not butting up against the deadline, pass it or you pay for it kind of a situation that we've experienced more recently. The other thing to echo what I'm kind of hearing is that if you're going to go anywhere in terms of rent control, which in the future we are going to it needs to be prefaced with a strong update to the Airbnb policy. They all jump over and go into Airbnb world and you've defeated the purpose of rent control in the first place.

Linda commented as follows: As usual you know, I am computer free so frankly I don't have much of a clue about what's going on what you're talking about but just picking up on what some of the other speakers are talking about, housing, like to mention that one of my neighbors is living in a cargo container. I think it's very interesting and also, I am intrigued with the idea with alternate housing, tiny homes and all of that is something that should be explored. But in the meantime, people need to start looking at what the cost-- consequences of building everything that's in the pipeline, already been approved need to start looking at the traffic impact because it's going to be derailed. It's going to be worse than it already is and I understand it's not good right now, but it's also going to have an impact on our wonderful-- department that is under respected, understaffed and same way with the fire department which, city council and city leaders keep creating disincentives for housing. I'm talking about levels of service as far as I'm concerned. So anyway, we need to start looking at what you've already approved and the consequences which aren't going to be good at all.

City Council Discussion, Deliberations, or Direction to Staff:

The Council conducted thumbs up/down on the work plan and was in consensus to support the work plan and conduct a joint Planning Commission/City Council meeting and requested specific items to be returned to the City Council for further discussion (housing element implementation items and vacation rental ordinance)

MOTION:

Mayor Rich moved and Vice Mayor Zollman seconded the motion to approve the work plan as follows:

Approved all items for the 23-24 work plan

Requested specific items in 5 titled housing element implementation items and vacation rental ordinance to be presented to the City Council for further discussion

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

VOTE:

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

Noes: None

Absent: None

Abstain: None

City Council Action: Approved the work plan as follows:

Approved all items for the 23-24 work plan

Requested specific items in 5 titled housing element implementation items and vacation rental ordinance to be presented to the City Council for further discussion

Minute Order Number: 2023-286

Resolution Number: 6571-2023

9. Receipt of Annual Level of Service Report (Responsible Department: Planning)

Planning Director Svanstrom presented the agenda item recommending the City Council receive the report.

Mayor Rich opened for questions.

Mayor Rich commented as follows: The Police have not met their goals? Is that what I heard you saying?

Chief Nelson commented as follows: One area in our General Plan recommended response time of three minutes for priority one calls. We were arrived at 3:33 as an average. Discussed the three minute response time, I want to drill into it further at some point. I have a feeling that marker was set many years ago. Times have changed. We have considerable traffic. Our officers are using shortcuts.

Mayor Rich opened for public comment. Level of Service Report

Kyle commented as follows: I'm impressed with this report. It is very often that there is a limited amount of access to data and information in terms of our city. It feels like very often times, things are thrown in at the last minute. This report does not do that. I would highly encourage councilmembers to review this document. Multiple times to look. There are interesting things in here that did not get covered. Kari did a great job doing a similar presentation at the planning commission. It is unfortunate to rush through. There a lot of details in their that are not getting expressed tonight. Councilmembers, please review this document. As you look through the details, there are lots of things that should be bringing up questions. They should be driving the agenda. Basically, this is giving you a good agenda for what we should look at in the next year.

Kate commented as follows: I had a question for Chief Nelson. If you had more officers, would you have better response times? I put several public comment regarding the large fight at Safeway and the muggings in the parks. If you had more resources, do you feel like you would have better response times? I don't agree with the mayor that we should actually lowered the response times. I think if there is an emergency, you want your officers responding within three minutes. That is my question.

Linda commented as follows: Like I said, people need to start taking a look at the environmental impact report. [indiscernible] you add that traffic. 684 estimated vehicle trips daily from the canopy. And then you're going down. We already know how that works. Particularly on the fourth of July. Two years ago we had a near fatal accident. Because the sun was directly in the eyes of the stone sober librarian coming home from work. There

was a 15-year-old girl in the crosswalk. All the people that are blinded, they cannot see. That includes emergency vehicles trying to go north and west on the avenue. Those projects should not be approved.

Oliver commented as follows: Page nine of the historic resources about the city and the city center. There's nothing else where have found about the hotel development. I have brought this up before. [indiscernible] I am very cynical about this report. I have read all of this stuff. It is all very nice. [indiscernible] I don't see intent to develop the city. I guess nobody is asking questions. It is very concerning. It seems like more bureaucracy. Maybe somebody can answer that question sometime in the next 12 months.

City Council Discussion, Deliberations, or Direction to Staff (if any):

Mayor Rich commented as follows: We will not be answering questions tonight from the public. I do know the questions that we have heard I assume, have already been written to the chief of police. I'm sure he will follow up to answer those questions. I am impressed by this report. I very much appreciate having the opportunity to have it presented to understand the detail of the work that our staff engages in. This captures a huge report. It captures a lot of work from our amazing staff. Thank you to our members who are actually here. The fact that everything is basically yes, everything is great, I mean, it doesn't take a lot of time to say that. It is impressive.

Councilmember Maurer commented as follows: I wanted to thank him and our mayor for pointing out the importance of this report. And thank you Kari for writing it. I wish it had been given a different time slot. There is so much good information. At this hour I start to get decision fatigue and tired. There is so much information. I apologize if I wasn't as attentive as I should be. I will definitely save this report and reread it and I want you to know I appreciate it very much.

Mayor Rich commented as follows: I feel like this report next year needs a solid two hours at the beginning of a City Council meeting. There is a lot in here. It needed to be gone through more thorough. We have received it and done our part.

City Council Action: None required. Informational Only

Minute Order Number: 2023-287

Mayor Rich called for a break at 10:05 pm and reconvened the meeting at 10:08 pm

10. Consideration of Amendment to City Council Protocols: (Requestor: Agenda Review Committee/Responsible Department: City Administration)

a. Reorganization of Agenda Format

City Council Action: None taken – item continued.

Minute Order Number: 2023-288 (a)

b. Consideration of Return to In Person Meetings Only – City Wide

City staff presented the agenda item recommending the City Council consider return to in person meetings.

City Manager/Attorney McLaughlin commented as follows: The City was exploring issues about removing people and utilizing the zoom format. It is difficult to make that judgment call in a matter of seconds. It involves knowing what the court cases are about. And first amendment court cases of what constitutes hate speech and what does not. It is extremely difficult to make that call. In just a matter seconds even if we had a delay. We had to deal with that problem before. One person commented that they thought their speech was protected by the first

amendment. I determined to cut them off at the time. That is a tough judgment call to make on-the-fly. I saw comments about that for members of the public. I would tend to agree it's an issue.

Mayor Rich opened for questions from the Council.

Councilmember McLewis commented as follows: You mention the cost savings from discontinuing. But the flipside alternatively having to have all of our experts come here in person, how is that going to impact us as far as when we have attorneys, they just get on and they charge us for the time on the zoom. But if they have to be here all night like this, how is that going to impact cost?

City staff commented as follows: You are correct. I will not have a number as it is dependent on the length of the meetings that consultants would need to sit through. It would be dependent if this Council will require them to be in person. I did reach out to other cities. They are allowing staff and consultants to login. How fair is that? It would save the City money not having them in person to have them zoom in and explained the prior process. City staff commented that before COVID, consultants were in person; and then now, consultants could call in on zoom. This Council could make a decision that staff and consultants would be able to login and we would make sure it was shown on livestream which it was before. City staff was asked how other cities practices were for consultants and City staff commented we are not aware if they are in person or can zoom in to meetings.

Mayor Rich commented as follows: In terms of if we don't have zoom, we discontinued that practice. Under what circumstance under any rules, under what circumstances could a Councilmember participate remotely?

City staff discussed traditional Brown Act requirements.

Mayor Rich commented as follows: If we discontinued zoom for the public, we go away from the hybrid format. And we are in essence requiring in person, are there circumstances we have talked about the potential for consultants. Are there consultants or circumstances when Councilmembers could legally participate remotely, even if we are not doing hybrid for the public?

City staff commented as follows: For traditional brown act, yes. It would need to be posted. You would need to call in. The agenda would need to have your location. If you're on vacation, you would need to know if the hotel or room it's going to be in, as the information needs to be posted on the agenda. It also needs to be posted at that site as well. Whether it is a hotel, vacation rental, house, and it has to be available for the public to attend that location.

Councilmember McLewis commented as follows: Are there any processes in place that we aren't doing? I'm just trying to figure out, this is an age-old problem with technology. When the internet came out, everyone had issues with the different things people could be exposed to and now here we are. Decades later, we adjusted and figured out boundaries.

City staff commented as follows: I don't believe they are doing anything different. They may have put passwords in that they do not put on agendas and verification of emails that we have not done that.

Mayor Rich commented as follows: Do we have a policy regarding Councilmember attendance at meetings? Do we have a requirement that Councilmembers can only be absent for a certain number of meetings?

City staff discussed government code. If a City Councilmember is absent without permission from all regular City Council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

Mayor Rich opened for public comment.

Oliver commented as follows: This is a terrible idea. I think we should keep the zoom meetings. Most businesses are hybrid these days. Technology is moving. There are a lot of alternatives to zoom. Stated free speech is important. I think basically if zoom is cut off, this is a slow and insidious slope. It is very bad. What is far more important is driving engagement locally. Nine people on zoom. That is a good sign. Two people in the room. It's very cold and rainy outside. It is not working.

Kyle commented as follows: At my place of employment I happen to be a zoom administrator. I am speaking as an expert to know that being able to manage both meetings in an efficient manner that do not have the hiccups that the at the item is claiming, as justification, as well as being able to manage bombing is completely within the scope of current City staff. What is unfortunate is that we feel like we have to put ourselves in a position to be hiring outside contractors do this work. It is unfortunate that we have chosen not to prioritize IT services in meaningful capacities, if you recall resulted in the loss of \$1.5 million as a result of cyber fraud because of our lack of keeping up with IT services that would be needed to run the City. Before we start jumping to make huge decisions, we heard tonight that we have not explored all of the possible options of methods that can be used to manage zoom meetings in a professional and technologically sound manner. Secondly, if we are talking about disruption of meetings, that is a criminal act. I would like to know maybe from our chief or City manager, what have been the legal ramifications that have been taking place? You can give the IP address to law enforcement and they can follow up and performing terminal investigation on people illegally disrupting meetings. I understand there's an issue regarding free speech. But the disruption part of the meeting is separate from the free speech activity. I think we need to separate those two and discuss them separately.

Kate commented as follows: I just want to say that we cannot let a few bad actors control our democratic process. We unfortunately have that going on and at a damaging rate. I personally do not think that the bombers should control the outcome of our public participation in our meetings. Many of the bombers might not live in Sebastopol, yet they are controlling our process of community engagement. Which I think is not the direction to go in. I don't think Council should let the bad actors win the day. I think Council should stand up and preserve public participation. It is the cornerstone of our community. Many people are elderly and cannot drive at night. They are only able to participate through zoom. Many people have disabilities and might not be able to drive. People with children cannot drive because like myself, they cannot leave their house to come to a four hour meeting. It was highly disrespectful that you're talking about consultants and Councilmembers being able to participate when you're cutting out the general public. The public is the priority over consultants in terms of participation in community meetings. If Supervisor Hopkins wants to give us money, I would suggest asking for the \$10,000 for the center to perhaps go towards IT so that we can continue robust public participation and make it accessible for all people in our community to participate and give public comment in these very important Council meetings.

Loretta commented as follows: I sent a letter in. I said all of the things she just said. It is good for family people that have small children and cannot come to meetings. They can stay home with their kids and do their homework. Get them in bed and still participate. It is good for senior citizens like me that don't drive at night. It is good to have participation. I was looking at the home page and the first thing in capital letter says, participation is the cornerstone of our community. That is your benchmark. If you want to cut out participation, it sounds like you don't want the community to participate. There were seven or nine people in person and I've been watching. We

have had 30 people on a meeting that didn't have huge things. With the fire department discussion there were over 100 people online. If you want your City involved, then we need opportunities for them to have this. And like she said, you cannot let a few bad apples spoil the pot. There are ways that you can solve that. We are all used to having things happen like that in this century, unfortunately. It is what it is. I'm 100% in favor of the meetings.

Robert commented as follows: The best thing about Covid was the zoom meetings. The opportunity to participate without having to drive or leave work early. Without having to sit in that room without dinner yet. On uncomfortable chairs. The unfortunate part is, we fell into this without having a plan to really do it. It would be nice to provide training or instruction to make it more accessible to people who would be trying for the first time. We could do much better for participation. It is unfortunate that you're going to vote at 10:30 p.m. to continue the process of making these difficult votes in an hour when there are only nine people left. I support the hybrid meetings. Keep doing this. Unfortunately, I don't think you're going to.

Due to Council protocols, the Council unanimously supported going beyond the City Council meeting end time of 10:30 pm to complete public comment on this item.

Dennis commented as follows: Supports continuation of zoom meetings especially for families like himself where it is difficult to attend meetings if kids have homework, late dinners, etc.

Linda commented as follows: Everybody is in agreement to keep zoom. There are good reasons. There are many wonderful people who are not driving anymore. They are people like myself unable to attend these meetings. I am fully dependent on zoom to participate. It is a violation of my civil rights and the ADA if you were to not allow participation. In the event that you did not, I am afraid that I would have to contact legal aid to make a case for me. I've already done that. I have faith that I would probably prevail. I wouldn't want to have to go legal. But, I would.

Due to Council protocols, there was no further action on this item or remaining items on the agenda.

City Council Action: None taken – item continued.

Minute Order Number: 2023-288 (b)

11. Designating Voting Delegate and Alternate(s) to Vote in the Mayor's Absence for the 2024 Sonoma County Mayors and Councilmembers City Selection Committee Meetings and Sonoma County Mayors and Councilmembers Board and General Membership Association Meetings (Responsible Department: City Administration)

City Council Action: None taken – item continued.

Minute Order Number: 2023-289

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.

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

12. City Manager-Attorney/City Clerk Reports: (This will be either verbal or written reports provided at or prior to the meeting).

13. City Council Reports/Committee/Sub-Committee Meeting Reports: (Reports by Mayor/City Councilmembers Regarding Various Agency Meetings/Committee Meetings/Sub-Committee Meeting /Conferences Attended and Possible Direction to its Representatives (If Needed) on Pending issues before such Boards. (This will be either verbal or written reports provided at the meeting)
 - a. Report out from the Ad Hoc Committee on EIFD (Enhanced Infrastructure Financing District (Mayor Rich/Vice Mayor Zollman) – Item heard earlier in the agenda.
 - b. Report out from the Fire Ad Hoc Committee (Fire Ad Hoc Committee/Responsible Department: Interim Fire Chief)

Reference Order Number: 2023-290 (b)

14. Council Communications Received (Information/Meetings/Correspondence Received from the General Public to Councilmembers)
15. 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

December 19, 2023 Meeting will be adjourned to the City Council Meeting of January 16, 2024 at 6:00 pm. The regular City Council Meeting of January 2, 2024 has been cancelled.

Mayor Rich adjourned the City Council Meeting at 10:40 p.m. to the next regular scheduled Council Meeting of January 16, 2024.

Respectfully Submitted,

Mary C. Gourley
Assistant City Manager/City Clerk