

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



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City of Sebastopol

CITY COUNCIL MINUTES MINUTES FOR Regular City Council Meeting of January 16, 2024 As Approved by the City Council at their regular meeting of February 6, 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, In Person – Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA/Virtual Format (Zoom)

Call to Order: Mayor Rich called the Regular Meeting to Order at 6:16 p.m.

Roll Call:

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

Absent: None

Staff: City Manager Don Schwartz
City Attorney Larry McLaughlin
Assistant City Manager/City Clerk Mary Gourley
Planning Director Kari Svanstrom

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

Mayor Rich provided the following comments:
Martin Luther King Day

Mayor Rich introduced the new City Manager Don Schwartz.

REMOTE PARTICIPATION UNDER AB 2449 (IF NEEDED): To consider and take action on any request from a Councilmember to participate in a meeting remotely due to Just Cause or Emergency Circumstances pursuant to AB 2449 (Government Code Section 549539(f)).

PROCLAMATIONS/PRESENTATIONS: None

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.

Due to technical issues, the Mayor called for a break at 6:15 pm and reconvened the meeting at 6:38

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.

Mayor Rich moved public comment for items not on the agenda. It will be heard after item number 9.

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

Councilmember's Request(s):

- Councilmember Zollman pulled item number 6.
- Mayor Rich pulled item number 5.

City staff noted that Councilmember Maurer made a correction to page 104 of the minute orders regarding the motion and staff will correct the motion.

Mayor Rich opened for Public Comment(s):

Linda commented as follows: Discussed public comment and stated it just goes to show how important the input is from the public and discussed the current Mayor removing it, and then placing it somewhere else later where a lot of people may not be there. It is just all part of the transparency that this current leadership does not have. Regarding the consent calendar, item number 5, I would just like to say, for many, many, many years, I have thought that we need to have another walks. The former Mayor is responsible for these wonderful walks, marches, before everything got so toxic downtown with all the radiation. Anyway, on that same subject, I think we need to have a walk that is led by somebody with leaders that can show the public how toxic and increasingly so to speak, your policies are making this town, from a frequency, magnetic field point of view, whether we conceal it or not. I would like to have it walk on that. I would like to just mention that the planning commission meeting and how it was cancelled and was stressful getting that thing canceled. The last meeting, having it canceled and rescheduled because of a violation of the brown act.

MOTION:

Councilmember Maurer moved and Councilmember Hinton seconded the motion to approve Consent Calendar Items 1, 2, 3, 4, 7 and 8.
Items 5 and 6 have been pulled from the consent calendar.
Item number three as amended.

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

CONSENT CALENDAR:

1. Approval of City Council Meeting Minutes for Meeting of December 5, 2023 (Responsible Department: City Administration)
City Council Action: Approved City Council Meeting Minutes for Meeting of December 5, 2023
Minute Order Number: 2024-002
2. Approval of City Council Meeting Minutes for Meeting of December 19, 2023 (Responsible Department: City Administration)
City Council Action: Approved City Council Meeting Minutes for Meeting of December 19, 2023
Minute Order Number: 2024-003
3. Receipt of Minute/Reference Orders for Calendar Year 2023 (Responsible Department: City Administration)
City Council Action: Approved Receipt of Minute/Reference Orders for Calendar Year 2023
Minute Order Number: 2024-004
4. Approval of 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. This item was continued from the December 19, 2023 Council Meeting (Responsible Department: Mayor/City Administration)
City Council Action: Approved 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. This item was continued from the December 19, 2023 Council Meeting
Minute Order Number: 2024-005

- ~~5. Approval of Sebastopol Walks 2024 Program for City Sponsorship (Requestor: Agenda Review Committee)~~
- ~~6. Approval of New Sculptures for Community Sculpture Garden (Responsible Department: Planning/Public Art Committee)~~
- 7. Approval of Re-Appointment of Current Planning Commission Members (Responsible Department: Planning)

City Council Action: Approved Re-Appointment of Current Planning Commission Members:

Seth Hanley Resident Term December 31, 2027

Evert Fernandez Resident Term December 31, 2027

Minute Order Number: 2024-008

- 8. Receipt of Interview Date/Time for the following Applications/Opening: Climate Action Committee and Sonoma County Transportation Authority (SCT) County Bicycle and Pedestrian Citizen's Advisory Committee (Responsible Department: Planning)

City Council Action: Approved Receipt of Interview Date/Time for the following Applications/Opening: Climate Action Committee and Sonoma County Transportation Authority (SCT) County Bicycle and Pedestrian Citizen's Advisory Committee

Minute Order Number: 2024-009

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. None

PUBLIC HEARING(s): None

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

9. EIFD Ad Hoc Committee: Discussion and Direction Regarding EIFD Boundaries, Acceptance of \$50,000 County Funding for EIFD Consultant, and Next Steps for EIFD Formation Process: (The action tonight is:

- a. Receipt of the Report Out
- b. Decision whether to move forward/not move forward with forming an EIFD
- c. Decision regarding the boundaries of the EIFD
- d. Acceptance of \$50,000 County Funding (if approved at the January 23, 2024 Board of Supervisors Meeting) (if the boundaries are all of West Sonoma County)
- e. Decision regarding further steps (If the boundaries are the City of Sebastopol or Sebastopol plus a portion of West Sonoma County)

~~(Requestor: EIFD Ad Hoc Committee/Responsible Department: City Administration)~~

Mayor Rich and Vice Mayor Zollman provided the agenda report.

Mayor Rich provided the following comments: We have Supervisor Hopkins in attendance for this item. I'm going to outline quickly what the action items are for tonight, and we will assume that all Councilmembers have done a deep dive into this multipage document and are well informed. Action items for tonight are decisions whether to move forward or not move forward with forming an EIFD, decision regarding the boundaries of the EIFD, acceptance in \$50,000 in County funding, if approved by the Board of Supervisors at their Board meeting, and if the boundaries are all of West Sonoma County or a substantial portion. A decision we would have to make regarding expenses. Those are the action items. I will make some introductory comments, but I am not going to go through and summarize everything in this document. Then I will turn to my Vice Mayor, also on this ad hoc with me, and then we will invite our Supervisor to make comments and provide us with input, then we will bring it back for further discussion. So, looking at this document and the EIFD, the first thing I am going to say, to put out there in order to clarify what continues to be some confusion, is that the EIFD does not involve implementation.

What the EIFD does is, it sequesters by the agreement of the particular taxing entities within the district, sequesters a portion of already in existence incremental tax amounts, going to be collected as result of property taxes increasing, not as a result of a new tax being imposed. So, if it is the county and the city, then the county and city would decide to look at our future tax, incremental tax increases, and decide that we are going to collect a portion of that in the EIFD for future infrastructure projects. So, that is the first thing, no new taxes here. The second point I would make is that this is a process, and when you look at all the information in the packet tonight, there is a substantial amount of information. Admittedly, the challenge is that it raises so many questions, and we don't have all the answers. This committee does not pretend to have all the answers, we did our best to provide as much information as possible, but what really is needed here is a consultant to parse through all of the detail and provide information and advice to the city and the county in order to finally make a decision to move forward. The process with the consultant is projected to take a year and a half to two years. The projection is that in approximately a year and a half, the city and the county would be in a position to make a decision about whether the boundaries are agreeable, the projects are agreeable, and the contribution of taxes are agreeable to the EIFD. So, we have a process where in essence tonight, the City Council is being asked to agree to participate in good faith with the County in a process that would allow the evaluation of the potential benefits to the City of Sebastopol on our side, and the County of Sonoma on the other side, from an EIFD. It is an evaluation process that we would be agreeing to. The other piece is that in order to facilitate this, Supervisor Hopkins has been very helpful, and she will share her comments with you, but the purpose is to benefit all of West Sonoma County, and clearly that is within her vision. She has funding that would cover the consultancies for the stage in the process and that is a substantial sum. We projected to be \$50,000 based on the Santa Rosa experience. What that leaves for Sebastopol in this initial evaluation stage is an obligation, should we choose to take it on tonight, to participate with the County in this process. What that boils down to is you will see in the staff report, is the money piece on consulting the County, and we will know that later this month, hopefully we will cover that cost. The staff timepiece at the moment in the staff report is projected to be fairly minimal. The other piece, so, within the staff time, is the consultant selection process. We know that is going to take 20 to 30 hours and I think our city manager will be weighing in on this topic, too, time the city would have to take on, staff time to put out the, cooperate with the city, with the county as a partner in selection of consideration of the applicants, selection of the consultant, and then moving forward, there would be management of the consultant's activities. Vice Mayor Zollman and I recognize that there may be a need for us to step up and put substantial work and time into this EIFD process moving forward in order to manage and supervise the consultant. We have agreed that we are willing to step in and take the brunt of that work, because it is going to be work, to the extent that city staff needs to be supplemented. We wanted to make that offer upfront and make sure that that is clear, because we see that as the potential burden and obligation that could be a stressor in terms of the city's commitment to participate here. Those are the key points that I would like to make. I guess finally, I would say that there are a lot of questions that aren't answered. That is why we need a consultant. We need a consultant to come in. Oh, and actually, one point before we get there, it would be that in this process, we have to remember that the decision about the City of Sebastopol taking any portion of its future property tax increases and sequestering it into the EIFD, in other words, taking it out of our general fund, that decision is down the line, when we are much better informed through the consultant's efforts, through partnership with the County, and through the many hard efforts and difficult tasks that our budget committee is engaged in in order to develop some other options for us. Addressing the question, well, why in our fiscal crisis are we even considering this? It's because it's an opportunity to do something that infuses hope and future and addresses infrastructure problems that we all have. In a way that doesn't take more money out of the pockets of our residents and doesn't require that we make that decision now in the moment.

Vice Mayor Zollman provided the following comments: The thing that got me interested was posed to me by the Supervisor for the library. I know people are tired of hearing me talk about the library but was a concept and the fact that I realized that our capital improvement programs that we already have listed for us to do and that is on

page 23 totals \$27,000,580. The library is not listed. It occurred to me in the fact that it doesn't seem likely that we are ever going to be able to remotely be able to pay for any of these capital improvements. From my recollection and reading it now, it doesn't even touch on the basic things that the citizens are looking for, which are to make sure that our pipes are still working and water, all of that is coming down the pipe. So I think it is definitely something that people want to have good faith with our Supervisor that this will actually result in money for us for capital improvement plans and get us on the straight and narrow with our budget. Another interesting thing is that there won't be hard feelings if the County does get this. The suggested projects, even with her input, which would be 50% input as to the projects, if we don't like the products that are on the table, we can just back out. No one is going to cry. No one is going to hold our feelings. It is the reality. I am hopeful that this is something that will get us to the projects that we desperately need without having to gouge our citizens to pay for them, especially one thing after another. We need additional money to address our significant capital needs. It doesn't raise rates or create new taxes. It's an opportunity that few if any other options so we need to take advantage of that, even with the unanswered questions. The staff times, as I have learned in the last couple of days, is going to be more than anticipated in the report. I am not worried about that with the RFP selection. Longer-term, there are unforeseen circumstances to work on this. But they want to fill the void. It gives me even more confidence that we are going to find a way to work through this. Given our financial situation, think it is a rare opportunity to pursue it. Last thing I want to note is I had a wonderful conversation with the county administrator last Friday. She called me to talk about this. This is an opportunity for doing something truly in the spirit of collaboration and partnership. As I told her, we want to make sure you have a seat at the table if you want a seat at the table. But this is a partnership. As much as we can make that happen. We look forward to that.

City Manager Schwartz provided the following comments: Thank you for the opportunity to speak tonight. Everyone is tired of trying to fix old, broken things. That is the spirit with which I approach this. Right now, it just feels like we are fixing things that were built 50, 60, 70 years ago. That is the era when many of our buildings were built, especially in light of climate change, we have increased floods in Sebastopol as well as other places in the county. I want to be clear that one of the reasons that I'm really excited to work with Sebastopol and what I like about this model is that it allows a greater area to contribute to community infrastructure improvements that people from all over use and that serves a much broader area. I think there is an opportunity to utilize that revenue to facilitate improvements that benefit all these folks in Sebastopol. And in addition, I also want to acknowledge that we have various service areas in the County. Looking at potential revenue opportunities I feel like it can go a long way to improving amenities in this area. It will benefit all of those unincorporated folks in the watershed or those service areas. To me, it is important, in the spirit of collaboration and partnership, that we have that kind of spirit. I met with the ad hoc on this and there are budget concerns. One other thing that I want to add because I've had conversations with a few Councilmembers about this, that we can also at some point explore conversations around annexation. There are a number of different areas in Sonoma County that are looking at annexation. That would create additional revenue in the city. There are conversations happening in the county. Maybe it makes sense. You can do the infrastructure improvements that are needed to get those areas annexed and to set the stage for property improvements; that will boost your property tax revenue 25% or whatever it is. There is no ulterior motive. I truly just want to start this process to see where it goes. I'm totally open to considering a variety of different ideas for what the area could look like. I want to mention that we have resources in the County. I will be asking the County Counsel for their services through this process.

Supervisor Lynda Hopkins provided comments. Due to technical issues, Mayor Rich provided a summary of Supervisor Hopkins's comments as follows: Supervisor Hopkins expressed support for this. She wants to meet every other week with the ad hoc. She is focused on her commitment to western Sonoma County and the larger infrastructure projects.

After the technical issue was resolved, Supervisor Hopkins commented as follows: I think the last thing worth repeating is that there is really, truly no predetermined outcome here. This is a process. This is the very start of a somewhat lengthy process. And so looking forward to working through that process and hear from the community as we go through this process together.

Mayor Rich opened for questions from Council.

Councilmember Maurer commented as follows: Currently, where do the West County property taxes go? Do they go to a pot that can be used for anyone across the county, or are they specifically for anything generated in West County? Are they specifically used for infrastructure in the West County?

Supervisor Hopkins commented as follows: Currently, property taxes all go into the general fund of the county. It supports a huge variety of things, from infrastructure to social services, staff, et cetera. So it is all general fund.

Councilmember Maurer commented as follows: Do unincorporated cities in the West County, for example, receive funding? If so, can you give an example of what they might receive?

Supervisor Hopkins commented as follows: Unincorporated receive general county services. We actually watched a governance study that analyzes how much they're spending in the lower Russian River. I will send you a link to that study. It explains where the money flows from and to come like how much revenue is generated in those areas, and what services are received, but broadly, there is no precise return to source mechanism outside of some small amount of TOT to the tune of a couple hundred thousand dollars per year that is divided up by district designed to focus on tourism impact. In general, there is a general fund and a general support.

Councilmember Hinton commented as follows: I heard you say possibly \$50,000 from the County, putting this together, but what if it runs over.

Supervisor Hopkins commented as follows: I don't think I said a number, but I'm open to what it takes. So \$50,000 is the current proposal, and then we can see how it goes and potentially augment if needed.

Councilmember Hinton commented as follows: You mentioned communities but you did not mention Bodega Bay. I want to make sure that is one of the communities in the district.

Supervisor Hopkins commented as follows: It is. Construction projects are considerably more complicated on the coast. There are a lot less development potential in the coastal zone. The main needs I hear about in Bodega Bay pertains to the harbor. We have been going for funding for the dock out there. I think that is another thing worth mentioning, that periodically, suddenly huge grant opportunities are at the state and federal level. Right now, not so much. Having this kind of pot of money could also allow us to potentially draw down state or federal dollars as part of the much for some of the projects if they are eligible. But thank you for adding Bodega Bay.

Councilmember Hinton commented as follows: We talked about that we could pull out at any time. We know that probably the projects come after a lot of work, I would assume before we start talking about projects. We would want to represent, of course, our area as best we can. We talked about not going through what happened with the Palm Drive District as people started to pull out. Can we pull out? Because that would not be in the spirit of it. I was thinking about that and then I was thinking about, can somebody pull out five or 10 years down the road? The pull out process is what I wanted to ask about.

Supervisor Hopkins commented as follows: That is a good question. I don't know if anyone who knows more about this process than I do. We are learning. Once you're in, the county couldn't pull out of certain communities. The county is either in or not in. Once they make that commitment, we would likely be bonding against future revenue. Then you're in its until the entire term.

Mayor Rich commented that is my understanding as well.

City Manager Schartz commented as follows: That is my understanding from my conversations and my inquiries. There is a point at which City Council, about a year and a half into the process is going to have to make a decision about the projects and the contribution. From there on out, the commandment is set. The next January, that is the reference year. One of the differences is that there is no additional tax burden. If you pull out, you don't get any tax benefit from doing that. The incentive that might occur in other environments or financial situations does not apply in this one.

Councilmember McLewis commented as follows: I'm looking at this list here in Sebastopol and all these things. What I struggle with is understanding why anyone in West County would want to do the majority of these projects as they are about our infrastructure. When we were looking at the idea of putting a sales tax in the city, we received emails from people in the county saying, I don't want the sales tax because I'm in West County and I don't want to pay for your infrastructure. Having read those emails, months ago, weeks ago, it is hard for me to understand why now we think that they would actually want to help because we receive messaging that they didn't. I'm just wondering, you know, what your thoughts are on that, and how do we wrap our head around that.

Supervisor Hopkins commented as follows: I think it is a really good question. I think there are two parts to that answer. Number one, this is not new taxes for anybody. They are not facing increase in their cost of living, which I think is an important message to share. I would also say that I have certainly found it to be true in my role we often hear from people who are upset or opposed to something. Often, that is not indicative of the majority of people's viewpoint. For instance, like it's play soccer through West County which uses a bunch of Sebastopol area schools. I met folks from Bodega Bay and all over West County and western Santa Rosa. They all converge on those fields. They all have a stake in asking why the fields are so full of gopher holes and what are we going to do about this? I actually think that the majority of folks want to see improvements in their town. I would be happy if, for instance, flooding doesn't shut down the ability to have concerts that they attend in the City of Sebastopol. Things like that. I actually think that the majority of folks want to see things better. There is less territoriality than some people express.

Councilmember McLewis commented as follows: So based on that, you have spent more time working on this but I'm just curious, do you know of any EIFDs where people backed out and why? I don't have any of that history. I am curious if you do.

Supervisor Hopkins commented as follows: I don't know about that, but that is something we can have the consultant research. I also wanted to share a little bit about timing. This \$50,000 allocation is potentially on the agenda for next Tuesday at the Board of Supervisors. The following Tuesday, the Board will have the first discussion around EIFD policy, which is how much money are we willing to put in? Is there a required match from the city jurisdiction, or can they do less in the county does more? How does it work? I know that county staff has been looking at LA County because there are a number of EIFDs that have city/county partnerships. We could definitely sort of look through those examples and find out if any of them went south or how they are doing.

Councilmember McLewis commented as follows: I'm just curious about any other cities here. I know Santa Rosa has done that. I know you commented that you were trying to get in first or whatever. At the same time, I'm

curious, why aren't other cities trying to do this with the county right now as well? Or are they? Is there competition? How does that impact, if we were to approve this, how does that impact us?

Supervisor Hopkins commented as follows: That is a great question. I don't have all the answers about how it would impact you, but I can say that Susan (Gorin) and I serve on the ad hoc committee for the county, and EIFDs came up in conversation, and I believe that she is also looking at a potential EIFD with the City of Sonoma out of eastern Sonoma County for similar reasons. They're having preliminary conversations around a large annexation there. We saw some chatter on social media about it. It is out in the public sphere, as well. So I think probably, a lot of it comes down to capacity. Just sitting down and having that conversation with the Mayor and having your Mayor talk to the CAO. I think everyone in local government is exhausted because there has been so much going on the last few years. I would guess that it is more about capacity as opposed to lack of interest or desire.

Councilmember Maurer commented as follows: I believe it was Vice Mayor Zollman that said we are facing about \$23 million in infrastructure needs. What I would like to know is, what are the current infrastructure needs for the West County? What are the associated costs?

Supervisor Hopkins commented as follows: We have not done any kind of analysis about that. Actually think that is why it is important to sit down and find out what are your needs? Also hear from your constituents about their wish list. What we have to do and the nice to have, how many of that will fit in. We have inserted that conversation. It is really up in the air.

Councilmember Maurer commented as follow: How likely is it that Sebastopol will get substantially more revenue for our projects than what we contribute?

Supervisor Hopkins commented as follows: Again, I feel like that ultimately is part of the process. But if I were you, I would be advocating for the City of Sebastopol, recognizing again that you have facilities here that are not found in any neighboring communities that are used by unincorporated residents, and use that to justify increasing the residences. There are only so many places where we can put physical infrastructure projects and those kinds of improvements. We don't have many source systems. It is mostly septic, for instance.

Councilmember Maurer commented as follows: What would inspire the county, the Board of Supervisors, to agree to this.

Supervisor Hopkins commented as follows: What I have found is that you make sure that there's something for everyone. On this for was county because I believe in it. I believe in making infrastructure investments that are, quite frankly, decades overdue in many cases. But I know that Chris Coursey is very supportive because he is working with the City of Santa Rosa. I know also that Susan Gorin is interested in this in east county. That is three votes. I think another answer to the sort of question about why hasn't anyone else done that is no one has really realized that was an option or the county was interested in playing ball. Now that the county is actually going through the process to create a formal policy that will open it up to any of the cities to partner with us, once the board has that policy, they can't say yes to Santa Rosa and no to Sebastopol. At the end of the day, what comes around goes around and you can't just pick one product over another equally with the project in the county.

Councilmember McLewis commented as follows: Now that we have talked about you got the three votes, but why would Supervisors be concerned about this and not approve this? I'm curious. We all have our concerns. I'm just curious, from your perspective, what would be the concerns?

Supervisor Hopkins commented as follows: That is a really good question. I would say that the concerns are that we sort of lose revenue, decrease the general fund capacity and that there isn't sufficient property tax growth to offset that loss. I think that is a really important portion of this analysis and whether the consultant that we hire is capable of that or whether we also need to get of traditional funding, I think that is going to be an important component. How can we make sure that these investments ultimately result in increased tax growth over time? This is redevelopment two-point zero, basically. I can hear my colleague who is always our physical hawk on the board, Supervisor Rabbittt, saying, what does this mean for the fund? Will we have less money for core functions and the sheriff's office, et cetera. I think that is the main hurdle that the board is going to have to overcome. Our CAO is wonderful. She was a budget person for many years. She is going to be looking at this with a fine tooth comb.

Councilmember McLewis commented as follows: Questioned if Mayor Rich was willing to continue, whether or not you are on Council.

Mayor Rich commented as follows: Yes. To the extent that fell within the rules of the City Council. I would be willing. That would be subject to the limits and to the extent that the ad hoc would require two Councilmembers who are currently on the City Council . I might be disqualified to the extent that I was qualified within those roles, of course I would.

Vice Mayor Zollman commented yes as well.

Councilmember McLewis commented as follows: Echoing the concerns that the Supervisor had regarding general fund, I'm curious, from your perspective, if we are taking any kind of growth that we might have in our taxes which we are then taking from the general fund, we are in a financial crisis. How can we keep up with inflationary cost if we are actually taking off the top constantly? If that is the concern. I'm curious, for me, I'm wondering what your thoughts are on that.

City Manager Schwartz commented as follows: I share those concerns from the city perspective. By the time we need to make a decision on this, I expect you will have a much clearer and hopefully better picture of where our finances are. I'll be painting as much as possible a picture in the coming months of Sebastopol finances. We look at the operating expenses. We will bring information and we started working on it. They started working on it, like what we need for our fleet? We already have this for our streets. We don't have a good idea for water systems and sewer systems. What we need for information technology? What we need for buildings? I want to paint that whole picture for you so you can make budget decisions with a holistic long-term perspective. It may well be that certain pieces of infrastructure are in such a state that we would, regardless of EIFD or not, we need to dedicate some of it to infrastructure to ensure that bases are functioning well. In the end, EIFD gives us an opportunity to do that, plus more. Plus leverage what is potentially available from the county. That leverage possibility is really what is in it for us from a dollars and cents perspective. We want to make that recommendation to do that now. I don't know enough about her situation. But I would like to have that opportunity in the future. To give you that option to leverage what we can put in to get more in the long run. If that makes sense.

Councilmember Maurer commented as follows: Is there a mechanism whereby the county can't just donate to Sebastopol for shared services with the West County , for like the pool, the senior center, the community center, the services that we share? Is there a mechanism for that?

Supervisor Hopkins commented as follows: So the mechanism for that would be sort of going to the county for a general fund one-time allocation during budget hearings. I can tell you that I do not see sort of being honest a successful political path for that because then it becomes what about Sonoma? It kind of creates a one-time ask

rush, I guess, where colleagues might not see what's in it for them to contribute. However, separately, I was able to secure some community infrastructure funds. We already dedicated funds from the sort of first round to the City of Sebastopol for an improvement over by the high school. And we look forward to also, because we receive another allocation, working with you on what he wants. But again, that's small potatoes compared to \$200,000 or \$200 million. It is a skill difference. It is always like arm wrestling. Gets ugly during budget hearings when it gets into that. The question is what do you want and what do I want? I feel like setting something of that is a process is more likely to be successful if there is an equitable policy that any city can access.

Mayor Rich opened for public comment.

Kyle commented as follows: So one of the things that was alarming in this agenda item as opposed to what we saw in the last meeting was that it seems like there are some strings attached to the \$50,000, that in order for us to receive that \$50,000, we need to only be exploring a District 5. We hear tonight from Supervisor Hopkins that she is open to exploring other maps. I just want to make sure that we are keeping very much open the possibility of different maps as we go forward. We already heard tonight that Occidental is trucking out their sewage. We've got Guerneville that is living in a floodplain that is regularly flooding. I recognize that there are many infrastructure needs in District 5 that are not necessarily, as we also heard tonight, not quantifiable at this time. The City of Sebastopol mix is 1/10 of the public of District 5. The number of households is about 1/10 of District 5. So it is not clear to me that if we were to form an EIFD with District 5 that Sebastopol will have any majority control over that. I think it is really important that we recognize that the purpose of going into this is about the needs, the physical needs for the City of Sebastopol. We are really looking at the surrounding area that utilizes our services and providing infrastructure projects that are dedicated to Sebastopol that serve that outer area. I think the district maps we are looking at are elementary school districts, which serve our western high school district, specifically, Anay High School historically. We can maybe expand from there, but including the entire District 5 does not necessarily say to me that we are going to be capturing the lion's share of that revenue for infrastructure projects for Sebastopol.

Linda commented as follows: Commented she has been unable to hear the speakers. There's about 45 minutes in the first part of it. There's a lot of it that I have not heard due to technical problems. Discussed the project on the north end of town and the EIR and stated she has gone over and read it and would suggest to the Council that they need to run. Don't walk. The current Mayor has demonstrated time and time again she does not know what she is doing. They have gotten us into \$5 million in debt which we will continue to pay for the next 13 years. We spent over \$4 million on it, which was supposed to be partly for infrastructure. They went on and signed onto that, not knowing what they were signing. This is a similar kind of thing. The acronym, EIFD has been mentioned by Mayor Rich nine times without anybody ever saying what it stands for. Once you find out what it stands for, which apparently is enhanced infrastructure financing district, it tells you nothing. Everything that they have done, was a complete disaster.

Oliver commented as follows: I don't think you can vote on this tonight. You moved the agenda item that was at the end to the beginning and nobody could hear you. I think should put this off to another date before you have the vote. Apart from that, I think this is what the EIFD is for, it is for District 5 and not for the City of Sebastopol. EIFDs are good for civic entities. We are already overloaded with various county services and so on. I don't trust having (Mayor) Rich and (Supervisor) Hopkins organizing the thing independently of the City and the citizens. So overall, I think it is a very broad and shallow and very confusing document. I think, back to the drawing board and vote another day.

Robert commented as follows: Supervisor Hopkins at the last meeting has commented on the fact that the county is discussing a policy. That policy conceivably could require a city match in order to participate. The

documents that we have looked at so far and the story that we have been given is that this is coming from a 2% increase in property taxes, that we are going to contribute 25% of that. It will have a minimal effect on the city's budget because it is only \$7000 per year. That's initially. Can somebody explain the county policy and the match and how that would work and what might make it different from 2% increase in 25%?

City Council Discussion, Deliberations, and /or Direction to Staff:

Councilmember Hinton commented as follows: So just want to make some comments. First of all, I appreciate the ad hoc committee that put together this agenda item. I really appreciate that. I appreciate the offer, frankly. The offer to help work with staff if we decide to move forward on this tonight since we are short on staff, takes a lot of work to put these things together to get us to this point. I want to say I appreciate that. We can look at us a couple of ways. I'm a glass half-full kind of girl. I happened to pull up, coincidentally, a letter that when I was Mayor, I got a copy of. It said the increase of property taxes in Sebastopol for the value of taxable property, 2023-2024, 5.6% and the County overall was 5.9%. So we are talking about 2%, but the reality is we are pacing at a little bit over 5%. And they are asking for 25% of that, if I'm doing the math in my head. When I look at those projects, as a city manager pointed out, we are funding some of those from our general fund now. So to be able to fund those from this district, it would help ease a little bit, that we are pulling directly from the general fund right now. I'm in favor of a EIFD district map. I think it will save money in the long call, versus look at all the different mapping options. And I'm a collaborative person. I can remember when I joined rotary years ago, they said, when you work as a group, you get more done. I mean, it's just the way it works. If we are going to have three seats from Sebastopol, three seats from the county, and another mutually agreed-upon seventh seat, to make decisions, and I mean, I just don't see how we can't get more, as it was pointed out by a member of the public, that we have 10%. We are going to get more than 10%. I don't see where we are in a losing situation. I just see it as a winning situation. I appreciate our Supervisor coming up with this extra money. It is because she is excited about the project and she doesn't want the West County to lose out, and neither do I. I'm going to be voting in favor of this tonight. We know we have a polite opportunity, I only see upside for us at this stage of the game. I really think it is an exciting project, and an exciting way to look at things. I have lived in this county, in this district for a very long time. I love our neighbors. I left to go to Forestville and have breakfast and all of that. I'm sure that by having \$16 million to work with, we can all help each other. I look forward to working as a team on the project.

Councilmember Maurer commented as follows: For me, an EIFD, it must be mutually beneficial. In the projects listed in the report, the roads are not a compelling vision to me as far as why residents would want to support that. I could imagine a vision of enhanced services would be more compelling, enhanced art, school, city services in the library. Something that Sebastopol and the rest could share and benefit from. Also considering Sebastopol's financial situation, it seems like a terrible time to consider enhancements when we have a huge fundamental need with water, sewer projects, et cetera. However, what inspires me much is the Supervisor, the Mayor, and the Vice Mayor, and the new City Manager's positive view of this opportunity. So I would support, at this time, inching this forward.

Councilmember McLewis commented as follows: I guess my biggest concern with this is just a couple of things. One is city staff time. We keep talking about staffing shortages and all of that. That is super concerning to me. What is even more concerning to me personally is just that I would want to make sure, and I appreciate the offers from Councilmembers to be in the process, but I also think that it should be staff handling that. It just doesn't seem appropriate and out of the scope of the Councilmember managing that. I'm not sure how that would work and where the oversight is at. There are always biases with all of us here. I think that city staff brings that objectivity to it. I just want to express that concern. The other thing is, just because we are in a fiscal emergency, having staff spent time on this right now, when we should be spending it on, I understand that down the road, it could bring money to us, and help fix things, but at the same time, in the short-term, it is very concerning to me

that we have so many things going on, and we really could use our staff time in a different way such as economic development. Those are some of the things that I agree with the comments that Councilmember Maurer said. I do see the benefits of this. I absolutely understand it all. But, I just have to say this. I haven't had great experiences when you bring things here. I had a business that was impacted by Elderberry Commons. I was told it wouldn't impact us and it impacted us tremendously. I approach these things with trepidation because of the lack of concern that was shown to any of the businesses impacted by that, by you. Supervisor Hopkins, I can't sit here and not express that because that has been my own experience. I haven't seen a lot of good things happen with Sebastopol when you bring projects and I do approach this with concern. That was my personal experience. On the other hand, because we have our city manager supporting it, I respect his opinion. That is basically if I vote for this, I'm going to trust that he's going to help manage this and keep it on track because I just have a lot of concerns and trepidation with this and partnering with the county and our current Supervisor. So those are my thoughts. I just have to speak the honest truth. That is why I got elected.

Mayor Rich commented as follows: The projects, those are all the questions. Those really need to remain for the consultants active participation in the discussion within the PFA, the groups that would include city and county interest in order to determine those projects boundaries and contributions. All those questions are very relevant but those questions are why we need a consultant. I want to make sure that there has been no decision that there will be 20 or 25% contribution. That there will or will not be a district five boundary. We know from the discussion here that multiple boundaries will be considered. But we do not know yet so many pieces about all of this.

Vice Mayor Zollman commented as follows: We just keep talking about how much money it is, yet we still don't have any money and ultimately the projection of the end of the year would be \$1.6 million in the hole plus it has been identified millions worth of capital improvements. I just don't see a road forward. Unless we actually do try to do something that is different outside of the box and especially more comforted in the fact that I have different experiences with our Supervisor and I do take it that'll work hand-in-hand for this to be a win-win. Because I do care but I'm also concerned about what our citizens ultimately will get if we continue to think out of the box and really try to make their lives happier and easier so thank you.

Mayor Rich commented as follows: I will also add that my experience with Supervisor Hopkins has developed trust. That has conveyed to me her commitment to being reliable, committed to our greater West County interest and making good on her promises and commitments including collaboration. And we all have our experiences and I respect each of our experiences but I absolutely have to share that and I am confident that Supervisor Hopkins will take the challenge of ensuring the trust is built with this entire City Council. No matter how challenging that may be. I appreciate Councilmember McLewis sharing her thoughts and giving the opportunity for the healing of that experience, but obviously it has really affected her perspective and she speaks for others in the community I think that is important to recognize.

City Manager Schwartz commented as follows: This is an unusual City Council, I can say that with some confidence even though this is the end of day seven. The staff time was not able to get as much information in the seven days that I would ideally liked but we are on an accelerated schedule so we have to make decisions with the best information we have. If we can find the staff time to dedicate to this, we will. At a minimum will put enough to monitor what is going on and have our opinions. One thing I committed to you through my hiring process, I'm not going to be afraid to disagree with what the ad hoc committee says. I know I might make some of you unhappy some of the time but we will offer you our best professional judgment regardless of what an ad hoc of Councilmembers believes because I think that's what we should do and leave it up to the Council as a whole to decide. One other thought is, we are in a crisis at the moment. And I will say this many times and I'm sure really the only ones that I'll be looking at recommendations to you what is in the best long-term interest for the

residents of Sebastopol . This is a long game with a short startup that doesn't really cost us that much. We will do the best to support the successful effort. We are keeping our eye on the long haul at this point.

Supervisor Hopkins commented as follows: I just want to say thank you for your incredibly insightful questions and also comments. I take this in a very serious way, not only to uphold trust that I've already earned but to earn trust that I don't yet have. I really do believe that we have an opportunity to really make a generational impact on our infrastructure. I also want to acknowledge, Councilmember Maurer, one thing you said, there are some bread-and-butter things that need to happen but in order for us to be visible to the community we have to take care of those and also bring some exciting things in. I think that is an excellent way of looking at it. Essentially you are spending the general fund that you would have been spending but then hopefully by aggregating and increasing the revenue from contributions from the county you also have an opportunity to do more exciting things. Whether it is a library or additional amenities for the community at large. I look forward to work on this process with you and I also have one question from a member of the public about the policy. I just want to reaffirm their as yet no policy from the Board of Supervisors. That conversation will start at the county on the 30th and continue about a month after that to set whatever the number is that we don't know. Also there was another question about clarity around the map. I want to make sure that a West County EIFD is one of the options but it doesn't need to be the only option. We could look at a variety of options to just be really counted. If we grow the pot that is more from anybody and thank you very much for your consideration and again for really, really good questions.

MOTION:

Councilmember Hinton moved and Vice Mayor Zolman seconded the motion to approve

- a) Receipt of the Report Out
- b) Decision to engage in a formal discussion process with the County (Supervisor Lynda Hopkins) to move forward with forming an EIFD
- c) To accept consideration of all possible EIFD boundaries within Supervisorial District 5, including but not limited to a possible full West Sonoma County EIFD,
- d) Acceptance of \$50,000 County Funding (if approved at the January 23, 2024 Board of Supervisors Meeting)

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 a) Receipt of the Report Out

b) Decision to engage in a formal discussion process with the County (Supervisor Lynda Hopkins) to move forward with forming an EIFD

c) To accept consideration of all possible EIFD boundaries within Supervisorial District 5, including but not limited to a possible full West Sonoma County EIFD,

d) Acceptance of \$50,000 County Funding (if approved at the January 23, 2024 Board of Supervisors Meeting)

Minute Order Number: 2024-010

Mayor Rich called for a break at 8:12 pm and reconvened the meeting at 8:22 pm.

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.

Arthur commented as follows: I want to talk about was warming centers and the fact that Sebastopol had provided emergency warming centers on its own where the county has generally failed. We do appreciate the fact that Supervisor Hopkins did give funding assistance to the city two weeks ago and once again Sebastopol was the only city in the county that is setting up warming centers when temperatures approached freezing. A number of those guests were elders and elder women. Not the expected profile of unhoused persons. Sebastopol is proactive to the extent it can be. I have provided you with my written materials and attachments with Santa Rosa's warming center plan as a model of what can be done in the counties; and a document detailing the health risks of exposure to cold. Other jurisdictions, other advocates debate about whether the discomfort of 45 degrees should be the trigger for a warming center. Respectively, with Sebastopol's limited resources 32 degree benchmark implements that which is necessary against truly extreme cold preventing death of the unhoused two exposure. I understand the plan is in development as we move deeply into winter. Question whether that plan will utilize first responders already within the city budget or require outside private providers at higher expense. Volunteers remain available ready to assist with the outreach coordinator of West County Community Services. Those cold nights are coming. Separately, and must occur in six short weeks not with articles. In fact there is little readiness despite the best readiness of caseworkers. To raise an alert, the concern is for the welfare of those villagers, the welfare of the city and the concern for public safety if there are force evictions and displacements.

Lena commented as follows: I live in Burbank Heights in Sebastopol. I am here with three other neighbors tonight. We want to ask the City Council to consider signing on to the cease-fire resolution in Gaza. Different towns and cities have been signing onto all around the country and around the world. I would like to read a letter that this woman, a Jewish woman, wrote to city hall and the City Council. She is on the board of the congregation in she says I am deeply committed to Jewish practices for myself and family. In fact my twins are having their twins at the end of the month. I say this because I want to be clear that my love and connection to the Jewish people, my people is lifelong and deep. I have Israeli friends and family and have visited Israel a number of times. I believe in Israel's right to exist and even to defend self. This is a very important issue. 24,000 people have been murdered in Gaza already. She says, I believe the only way forward is a safety and security when the region is in an immediate cease-fire. We urge you to pass the cease-fire resolution, there are 7 million in Israel and close to 7 million Palestinians in Israel. None of those people are going anywhere. They have nowhere else to go. Ultimately the only way forward is to in some fashion or another if this continues and more people are killed harder and harder the future becomes.

Colin commented as follows: Good evening esteemed members of the Sebastopol City Council, distinguish guest and fellow citizens. It is an honor to be here today to introduce you to gov-gpt. It is dedicated to revolutionizing the power of generative artificial intelligence. Our mission is centered around enhancing democratic processes making them more efficient to the voices of the community. We offer a range of innovative solutions designed to optimize various aspects of city administration and the engagement. Our products include advanced tools for analyzing public sentiment, and decision-making. These solutions are crafted to adapt to the unique needs of each city and showing each citizens voice is not just heard, but also valued. Our technology is about bridging the gap between local government and the community fostering a more connected and responsive governance model. I look forward to discussing how gov-gpt can specifically benefit Sebastopol in more detail. Following this meeting I will be reaching out to all of you to potentially schedule individual demonstrations if interested and answer any questions that you may have. They give us opportunity to present gov-gpt and together we can

embark on a journey toward smarter more inclusive governance. I'm excited about the potential collaboration on the positive changes we can bring to our community. Thank you for your time.

Linda commented as follows: This is scary. We were talking a need for better infrastructure, and has come up a couple of times. Roads and so forth. They are in the best condition as you know. Anyway, here's the thing. A block or so for me, this project called canopy is in the pipeline and they think if things go well for them they will start construction in June of this year. Anyway, the thing is in it is a disaster. I have my hands on the impact report and our roads could not handle 600 to 700 more cars per day. That is 214 tons of waste per year. 18,000 gallons of sewage per day. Usage on our water wells. There is consumption is 10.3 million gallons of water per year. It is just a disaster if anybody reads it. I think nobody knows and it is by design that the public is not largely informed. These pipelines are under construction. The City Council needs to understand, once again I am asking for slamming the brakes on this and looking at the consequences of the policy that you are passing.

Michael commented as follows: I wanted to talk about the fire department . If you ask any fire agents in California or across the County, the biggest problem they have is finding affordable housing for both their paid or volunteers. Ask any of them. When I got off of Council in 2021 I met with the owners of Woodmark apartment complex and we sat down with the owners and they agreed to reserve six of those apartments at low income, low cost apartments for Sebastopol firefighters . All we had to do is get them to fill out the application and make sure they fit the median range for the income. The way I understood it, we have 20 or more volunteers with Sebastopol fire department. 20 new guys. Some of them are leaving home. There is no question that they will fit the income bracket. But nobody has said anything. I talked to the fire department, and nobody would know this is in existence. Now I am seeing them being built and I'm like, we are going to miss out on a huge golden opportunity to house our fire department. Six firefighters within running distance of the station. If you want me to get involved with it or whatnot you can get a hold of me. I can give you the contact details of Lauren Alexander. I can do some follow up on it but we should really not lose this opportunity because that is a major, major component to helping our fire department.

Myra commented as follows: Supports the resolution for cease fire.

Kyle commented as follows: I'll make this very brief , but I just wanted to inform the Council as well as members of the public that the California Faculty Association which is the faculty union that represents faculty at the California State University system, will be going on strike Jan 22nd - January 26. They are looking for a fair wage. They are looking for bringing in the lowest paid faculty members up in terms of their income and looking for safe lactation spaces, having a safe working environment at a fair wage. I encourage you to reach out to anyone that you know in the CSU system, not necessarily faculty but administrators, staff and show your support. Again if you want to show up and show your support publicly, that'll be great. They'll be striking from January 22nd to January 26th from 7:00 a.m. Until 5:00 p.m. Each day. When we fight, we win. With your support they can get closer to that goal.

10. Discussion and Consideration of 2024 City Council and City Staff Committee and Liaison Appointments (Requestor: Mayor/Responsible Department: City Administration)

Mayor Rich provided the agenda report.

Mayor Rich opened for questions from Council. There were none at this time.

Mayor Rich opened for public comment.

Linda commented as follows: What I want to say is I want to preface my comment with just a little bit of clarification. The canopy project that I was referring to, which is 96 unit long monstrosity is located, they're planning on clearing out that wonderful apple orchard behind O'Reilly and so that is where that is located and it needs to be stopped. I'm in communication with the project director and she is very reasonable person. So that said my comment is also so I heard here Diana Rich is once again the representative for the Sonoma Marin Mosquito and Vector Control district, which I spent an enormous amount of time dealing with and grand jury complaint and all that. But anyway, it sort of worked and I got a front-page article after having four years for a support group for Lyme disease, which is an epidemic here and it has only gotten worse. The point is that Diana Rich, I cannot believe that you are doing your job there will, we were vocal. I was active, we got the Marin Sonoma vector control to put up billboards regarding Lyme disease, like 101. Anyways, they are still gouging people and paying exorbitant salaries and unnecessarily vehicles that we've got an epic to make of Lyme disease which is not being properly addressed and the signs are not being properly put where they should like in the laguna.

Kyle commented as follows: I just want to use this opportunity to remind this Council that the reporting mechanism isn't for these very very important committee assignments, should really be that you are able to provide good regular written reports out to Council so that way any inevitability that we hit 10:30 and we aren't able to accurately schedule or reporting out from the subcommittees or from other liaison assignments, that there is a nice record of your attendance, participation and I really want to look at the EIFD ad hoc as kind of an example of what good reporting out might look like. I think that we have seen some other reporting out from other committees that just doesn't provide the level of detail about what is actually happening at these meetings. I would really highly encouraged that we start to see good, strong reporting out moving forward from all of these assignments, thanks so much.

City Council Discussion, Deliberations, and /or Direction to Staff:

The Council discussed the amendments as proposed to the Committee Assignments.

City Manager Schwartz commented as follows: Discussed staff assignments. Stated one is the recommendation for costs savings is to have staff rather than GHD be the representatives. Requested need for flexibility and not have to come back to Council to substitute for City staff assignment. Requested discretion be given to the City Manager to appoint the most appropriate person available in the seat at the time.

The Council was in concurrence with the request.

MOTION:

Councilmember Hinton moved and Councilmember Maurer seconded the motion to approve the appointments as discussed and for any staff assignments, the City Manager has discretion to designate staff as appropriate.

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 appointments as discussed and for any staff assignments, the City Manager has discretion to designate staff as appropriate.

Minute Order Number: 2024-011

Consent Calendar Items Pulled:

5. Approval of Sebastopol Walks 2024 Program for City Sponsorship (Requestor: Agenda Review Committee)

Mayor Rich commented as follows: The reason for pulling this was twofold. One is to request that the three Councilmembers who are leading the walks, and those would be me and Councilmember Hinton and Vice Mayor Zollman, consider inviting the remaining Councilmembers, Councilmember Maurer and Councilmember McLewis to co-lead, not to join but to officially co-lead. The purpose there is to make sure that in terms of our participation from all Councilmembers, we provide any equal opportunity for all Councilmembers to participate. So that is the first piece. And so I would ask for consideration of that proposal and I would lead on that in, inviting Councilmember Maurer and Councilmember McLewis to join me on the particular walk that I am scheduled to lead.

The Council discussed co-leads for the walks.

Councilmember Maurer commented as follows: Requested the flyer be updated to include the co-leaders. Also requested in the future, just to be sure that all Councilmembers that are invited to lead so that it is equitable. Unless it was just the Mayor being invited. So that is our request for the future.

Councilmember Hinton commented as follows: I will say that I have made this request in the past and how I got the situation solved was to offer co-leaders. Sebastopol Walks feel like on their side that they are a nonprofit group and that it is really hard to include their entire group and also have five of us with separate walks so that is how we did the co-leader three years ago. That is when Diana and Una (Glass) joined me on the food walk when they weren't part of the organization, I will just say. So I just want to say that we have had this discussion with the walks group before and that is the feedback we have gotten and it might just take some more advanced ordination with us to make sure that we do some co-leads because it comes around every year and we can certainly send that feedback but I want to give the feedback from the group, as well.

Mayor Rich commented as follows: I think what we would be doing as a City Council, my proposal would be that we are making this a condition of sponsorship. If they want the city to sponsor this walk, then at the outset, they need to reach out to all the City Councilmembers and that might mean that we are not saying that they have to give us five blocks but that there would be a co-lead offer.

Mayor Rich opened for public comment.

Kyle commented as follows: The one thing I want to mention is that I really hope the city will keep along the lines of the food ware ordinance that the city passed in 2022. That ordinance requires very specifics regarding reusable utensils for food, basically zero waste as the policy has stated. So it would be my hope, especially with Councilmember lead walks, that we are actually upholding the ordinance that we as a body have enacted for those walks.

Linda commented as follows: I used to love those walks. I was on them all the time and I met some really wonderful people there. I did it until I could no longer do it because of the levels of radiation and my sensitivity to it where I was developing nosebleeds from people's cell phones and the other wireless radiation and I also the massive migraines from being around the same thing. So I am once again suggesting that it would be really interesting to have somebody lead a walk to point out the mega macro cell towers, we got more of them throughout the city and that will raise the consciousness about the harm and danger from electromagnetic fields,

frequencies, energy radiation and signals, which is only good and our cancer rates are just sky-high. Most of our calls for our fire department are medical calls, 60% of them are medical calls. That is something that needs to be done. People need to start being more aware of harm and danger of man-made electromagnetic fields. Another interesting walk that I would recommend is that some of the people come over here and meet the residents of the RV village. My neighbors of the last two years, I can guarantee you they are very an interesting group.

MOTION:

Councilmember Maurer moved and Vice Mayor Zollman seconded the motion to approve the walk schedule for 2024 with the following revisions: Councilmember McLewis will be walking on the day that Councilmember Hinton and Councilmember Maurer will be walking with the Mayor and Vice Mayor Zollman on their walks. Request that an updated flyer be provided to the City to be circulated about those changes and request for the future that all Councilmembers be invited to do the walks.

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 walk schedule for 2024 with the following revisions: Councilmember McLewis will be walking on the day that Councilmember Hinton and Councilmember Maurer will be walking with the Mayor and Vice Mayor Zollman on their walks. Request that an updated flyer be provided to the City to be circulated about those changes and request for the future that all Councilmembers be invited to do the walks.

Minute Order Number: 2024-006

6. Approval of New Sculptures for Community Sculpture Garden (Responsible Department: Planning/Public Art Committee)

Vice Mayor Zollman commented as follows: In an effort to kind of keep things moving along I sent two questions to Kari (Svanstrom). As we all know things that are free are always, I think I'm quoting Councilmember McLewis on that, things that are free usually aren't always free. I'm a very appreciative of those people volunteering their sculptures, I think it's great. As a member of the public pointed out earlier, things break and when they break, who is responsible the is it to fix it so that it doesn't create a public nuisance. Which I did agree with her, when she submitted photographs. So I want to know from Kari (Svanstrom), what's the public works time is involved in this entire process. Like if something breaks, do they have to honor installation? Now I really want to be mindful of what hours are involved for various staff. She answered the fact that she thinks that the PAC members do most of the logistic, public works has a day to assist with installations, likely one or two hours of planning staff time. But that doesn't really cover the first question, which is, as indicated, who is responsible for the cost of grounding the sculptures? And in heaven forbid they break, as has happened in the past, who is responsible for fixing it so it doesn't become a hazard so those are my two questions.

Planning Director Svanstrom commented as follows: We do have in our call that any damage to the sculptures is the responsibility of the sculptor to fix. Obviously most people, artists would not want someone else fixing their piece anyway, and that there is a liability to the city if it does break and yes, we did have that happen with a couple of sculptures last year, happy to say after that the rest of them have been in place without any issues. When those damages did happen, I actually got an email from one of the PAC members, one of our committee members and ask them to contact the artist. The PAC chair is actually working with contacting all of the sculptors in terms of the time they need and figuring it out so it is condensed, the public works only needs to be out there for two or three hours, minimal time. Just understanding that obviously this is a concern and I also want to

respect our public works staff, they do a lot of hard work except when something was damaged last time it was the PAC committee member contacting the artist and the artist dealing with it. As a reminder the art is paid for out of the public art fund, which is a development impact fee to certain commercial development into restricted fund that can only be used for public art. It does not affect the general fund at all in that way.

Vice Mayor Zollman commented as follows: Is it in their contract that the sculptures have to do it, then they have like how much time, 24 hours, whatever to remedy the nuisance.

Director Svanstrom commented as follows: I do not think there is not a specified time. Our PAC actually talked about having a more specific this time around, since it is a learning process. We could certainly specify a set amount of time, this culture I am thinking of, the rebar one, was fixed and then it was re-damaged and so I will work on the timing.

Councilmember McLewis commented as follows: The rebar was like that for a couple of weeks. It is concerning to me to have rebar in a park. Anyone falling on that could be impaled. So that was a concern of mine and then can you clarify for me, it is public works that installs all of the pieces or the artists. Also how much time does that take? Because in my recollection, when I talked to someone in public works they said it was a decent amount of time for their staff.

Director Svanstrom commented as follows: PW staff time is a couple of days.

Councilmember McLewis commented as follows: But they're not doing any more maintenance on that at all? Or there is no time from them whatsoever?

Director Svanstrom commented as follows: They will be there probably about half a day, usually two people, half a day on the day of installation. Three of the sculptures will require assistance because of the weight and size of them. The 210 foot ones and the marble one, which is a couple hundred pounds. The other one will not require assistance it will be installed by the artist entirely.

Councilmember McLewis commented as follows: I am curious with having the artist responsible for those, if it's in our city park and they're not repaired, like that rebar, really concerned me. Where does the liability lie? It is our park, but do we have some sort of contract with them? How does that work? I am seriously worried about someone falling on that because I have a friend that had a rebar through her leg and she is currently disfigured from that. It is a continuous problem. So as responsible for the city here, I would like to better understand that.

City Attorney McLaughlin commented as follows: We do have them sign the volunteer waiver release of liability kind of stuff for this. But it is possible that there is the dangers that someone got injured. This sounds like an issue that needs to be inquired further in terms of liability and the cost involved.

Mayor Rich commented as follows: I am not sure how to handle that. Maybe a future question in terms of the sculptures they have already been approved. They are scheduled to be installed. I wonder if there is a resolution here that would work for everyone that would allow the installation of the sculptures and maybe bump it back to our city to come back to the City Council with recommendations of advice regarding the future treatment. I share Councilmember Lewis's concern on the fact that we as a city are allowing these things on our own property. So being the injury attorney, that brings a lot of issues for me as far as I know. I don't want to demonize but at the same token we are who we are and I'm not ready to set aside liability. We need some idea of what we should do in this particular situation. I think the question is, is there a path forward that would allow approval of the

sculptures with some future assessment of a policy moving forward, or some serious concern from at least two City Councilmembers that they aren't even interested in moving this project now.

City Manager Schwartz commented as follows: It is a matter of how concerned do you want to be. In the most conservative tactic is say we are not installing the sculptures, there is no way out, but appropriate protection from the city, I don't know how long it will take to put that together because that will look like can take back and work on and that we would be my recommendation on how we ought to handle this is take it back, let's do it and come back to you if we need to consult the arts commission on that, then I think we at least need to inform them. But we will take a look at that.

City Attorney McLaughlin commented as follows: These are all being loaned to the city at no cost, there is no insurance required by the artist or its sculptures in this case so that would obviously be a financial component for them if that were to happen.

Councilmember McLewis commented as follows: Other thing I'm interested in is learning from public works, how much time they, because I know we kind of talked about they did those things but it always seems like when I talk to them, there's a lot more time involved than what we actually anticipated. I want to know what kind of all that takes because it is staff time.

Councilmember Hinton commented as follows: I understand the liability and there is a problem. But I also think that art is really important. It is enjoyment of our community. We have not got another big art project even I don't know where that is these days. So I mean, I hear you guys, and I don't want the city to be sued but on the other hand, it would seem like we have a city attorney right on payroll here that could write a little contract that says hey to cover us and call our insurance company and make sure we are covered. I just don't want to say no, I guess. I understand maybe we have kind of let it get loosey-goosey but can't we just tighten that up and approve it?

City Attorney McLaughlin commented as follows: We could write a contract that would require the liability be assumed by the artist. That contract in real life would only be as good as the financial ability of that particular artist to respond so we still see it as essentially the city with the insurance itself.

Councilmember Hinton commented as follows: We know that every property we own, if somebody trips and falls, we are liable. This is the property we own. So anything on it, kid falls off the swing, they can sue the city. I don't want to take the swings out. So I just feel really passionate about it that I don't want to go down this road all the way. Can't we just tighten things up, right? I don't know. I hear you but I don't want to take the art away.

Councilmember Maurer commented as follows: I am with Councilmember Hinton and I just want to thank the public arts committee, they put in a lot of time and effort into this and the money, invested in it. Understanding the city is insured, I think the arts are an enhancement to our city and I would like to see them move forward.

Mayor Rich commented as follows: I'm hearing a couple of things here. One is liability and potential financial implications for the city. But the other concern that I am hearing is a concern about there being a broken sculpture and wasn't dealt with as quickly as it should have been. It sounds like it was sitting there for two weeks. That is not a civil liability issue, this is a commitment to the community. It seems like on the liability two questions, how can we deal with this to address these issues and in an effective way. So how can we be assured that the sculptures aren't sitting there, languishing and unrepaired. This is just kind of shocking to me that it was just sitting there for two weeks.

Director Svanstrom commented as follows: It was repaired once, the second time the artist was out of town. We did have another art piece that was damaged, and the artist came the very next day. I think just our public art committee talked about a loan agreement, which would be the agreement to loan the arts to the city and what that all means. To your timeframe, the responsibility of promptly addressing damage would be very easy, 24, 48 hours could certainly be added to that loan agreement. I guess the second question, is there a backup option because we have to make the request but what are the consequences? Is there a third option? We had an item that is waiting potential danger our city property, honestly, if the artist is out of town and there has been no arrangement and it is sitting there for 48 hours, it seems like our public works department should be free to go in and repair or remove.

Mayor Rich commented as follows: We did discuss very similar, which was at the end of the loan, when they're asked to remove it, in this case, it is the removal in a structured way that needs to be removed, and if they don't remove it, they basically abandon it, then it becomes the property of the city and the city can do whatever it wants. So we can certainly just put that in for damage if it is not addressed promptly. That would be my proposal in terms of moving forward with this. Can we add that in as a specific condition, even if we approve the item. I'm hearing a couple things. Number one is that one answer is simply the city property and there is liability that is associated with that, even if they have someone else on the liability who is entry is going to turn to the city.

Councilmember McLewis commented as follows: I'm wondering and I hear people say well public works can take care of it. But the concern is why they could not do it then but can do it now.

Mayor Rich commented as follows: I think the answer may have been that we didn't really have the authority to remove the sculpture. I think the artist in that case, had said I'm going to be back in town next week, I can deal with it then.

Councilmember McLewis commented as follows: That concerns me that we thought that was okay.

Mayor Rich commented as follows: Suggested staff return to the Council regarding liability so that we can determine moving forward what is the public arts committee and liability of the City Council to take on.

Councilmember Maurer commented as follows: I would just like to add that it was said public arts committee would ensure that these art pieces are secure. Who is making sure that they are secure? I would hope that part of probably the arts committee would just go ahead and do to make sure that anything is really secure.

Vice Mayor Zollman commented as follows: In the past public works has provided their time for free but I think that is something that we do have budget for in the public art fund where we could cover that staff time by a charge, correct, then it would not. Recommended in the motion to include that request that the staff time for is coming out of the public arts in lieu fund.

Mayor Rich commented as follows: I think what we are hearing is another requirement to the loan agreement for a prompt or maybe that is 48 hours notice from the city, requirement by the artist to address any concerns or the city can intervene up to and including removal to ensure public safety at our full discretion, any public works, building official, city staff regardless related to the installation or removal.

Mayor Rich opened for public comment.

Kyle commented as follows: I really appreciate the conversation tonight about the Council's concern about liability. I think as you move in with the city management, the further discussion about city liability I hope it comes

to the forefront. It would be my hope that the city be more forthcoming with any sort of civil litigation that the city might face. I understand that there is kind of a quiet period during civil litigation but historically we have not been very forthcoming with litigation from the city, and I would like to see that change. At the same time, this conversation about our insurance carrier, I would say this might be a good time with recent staff changes to see who would be best served to be on that body representing our city. In terms of the arts, from day one that rebar sculpture was flimsy. I went to that opening ceremony, which I also want to remind you, the city somehow paid an outside city band to perform that day, so let's hopefully not be paying outside city bands to perform for any sort of ceremony celebrating these statues, but it is very clear on that day that those rebar statues were not going to survive. It would be my hope that there would be some greater oversight as to the structural integrity of any sort of sculpture that we have in our city.

Linda commented as follows: I would like to make a comment tying it until liability and stated the project that I mentioned to find at 6.1 acres that the city ventures wants to build the terrible monstrosity of high-end three-story units with their own private elevators and again, I mentioned that their estimate is 600-700 cars on Healdsburg Avenue. Speaking of liability, we have already had an accident, which a 15-year-old girl was nearly killed because the sun is in the eyes of the drivers on that hillside, as the sun is setting on the west on July 4th.^A The art part is the alternative use of that wonderful space behind O'Reilly building the orchard there, I see it as a possible site; we need open space and I am thinking it can be a wonderful art garden, a huge, wonderful art garden of lots of sculptors.

Oliver commented as follows: I said this on a previous discussion of this, I think we should be renting out those places to artist. It is the art center, it should be a destination. It is questionable to me that we have a closed arts committee deciding what art should be on display there. I mean, I will be candid, I don't think much about art as any good, so I don't think it is a particularly great advert for our city. I think it is just a little bit embarrassing having an art center with that quality of art inside it. You could literally have a competition and have rented spaces, sculptures to show the work for three months at a time to actually make this a serious endeavor but right now this just seems like something very difficult because there are some the things that need fixing there right now. I am seeing my impression of this is that we are ignoring some of the bigger issues going on in the city.

MOTION:

Mayor Rich moved and Councilmember Hinton seconded the motion to approve New Sculptures for Community Sculpture Garden with the following conditions:

1. Staff to notify artist if a sculpture is in need of repair and that the sculpture has up to 48 hours to repair the sculpture, and if not repaired within 48 hours; PW is authorized to remove or repair depending on discretion of staff.
2. Staff time for installation of sculptures come of the Public Art Fund

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 New Sculptures for Community Sculpture Garden with the following conditions:

1. Staff to notify artist if a sculpture is in need of repair and that the sculpture has up to 48 hours to repair the sculpture, and if not repaired within 48 hours; PW is authorized to remove or repair depending on discretion of staff.
2. Staff time for installation of sculptures come of the Public Art Fund

Minute Order Number: 2024-007

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

There was none.

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

11. City Manager and/or City Clerk Reports: (This will be either verbal reports at the meeting, or written reports provided at or prior to the meeting).

City Manager Schwartz reported out as follows: What I've identified as initial priorities which does tend to change day to day but I sort of have one for each day so far. Overall the finances, trying to get a little better handle on that, the enterprise fund finances we are working on that tomorrow. Fire consolidation or not, trying to dive deeply into that. The negotiations will be coming up soon and that is tied to city finances, solid waste, the contract extension RFP. The EIFD has been high on the list and then upcoming in the next six weeks ensuring or doing all we can to support the proper closure of Horizon Shine project. I think about those as tier one activities, if you have in mind, that is where I'm trying to spend the time focusing, always trying to bring up the integrity of to everything that we do and trying to make it present and visible.

12. 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 reports at the meeting, or written reports provided at or prior to the meeting)

Vice Mayor Zollman reported out as follows: On December 21st, EIFD Meeting; On December 28, another EIFD meeting, January 3rd, then budget hearing, then another EIFD meeting and on January 4th, Sonoma County Clean Power, where they continue to work on various different options to include your geothermal. Attended very first Cal Cities public policy orientation; then another EIFD meeting; Jan 8th library Ad hoc meeting; meeting with the Library Director individually because we had a meeting before and there were some issues that we needed to talk about.

Councilmember Hinton reported out as follows: Councilmember McLewis and I have been doing fire ad hoc committee meetings, lots of them. And we have been meeting with neighboring fire departments with both Gold Ridge on one side and Graton on the other side as well as the Sebastopol volunteer firefighters. Introduced the new City Manager to the volunteers who answer questions and heard feedback from them for about three hours. I will be leaving on vacation, but they have another upcoming ad hoc committee meeting so we are moving towards our agenda date of February 20th, where we report out and trying to get all the i's dotted and the t's crossed. This month there was no SCTA or RCPA meeting. The next meeting is scheduled for February 5th.

Councilmember McLewis reported out as follows: December 18th, we had our Ad Hoc Garbage franchise Recology meeting; the 19th we had a fire ad hoc committee meeting; Dec 21st another ad hoc committee meeting. As Councilmember Hinton said, we met with Graton and Gold Ridge fire departments for many hours at a time. Jan 8th I spent nine hours for the city with meetings; other meetings were attending the Gold Ridge and Graton

Board meetings just to better collect as much information as possible. The city manager and I are going to be meeting with a few volunteer firefighters here in Sebastopol who asked to meet with us so we are going to meet with them this week, and then we do have another fire ad hoc committee Thursday.

Councilmember Maurer reported out as follows: Budget committee meetings, Ad hoc garbage franchise Recology meetings; met with the Senior Center Director Katie Davis; attended a Cal cities roundtable. Hope to have an ad hoc committee report out soon on the garbage franchise agreement as well as the budget committee.

Mayor Rich reported out as follows: I met on December 20th as the neighborhood in Sebastopol communications with Skip Jirrels, and then our fire chief, talked about outcomes pulling together specific plans for completing the needed steps to make all of our neighborhood communications unit, throughout the community operational including equipment that could go anywhere in town to communicate and then also a specific plan for an event to inform and engage residents; December 21st, 28 and December 23, the Vice Mayor and I spent lots of time together on the ad hoc committee work for EIFD; as a liaison to homeless service providers, I was actively involved in, along with many local advocates, involved in standing up a warming center at the community center on Saturday and Sunday, January 6th and 7th. That was a huge coordination with West County Community Services, our police officers, the city manager, and organization called FS Solutions that actually operated them as a courtesy on those two nights and then also with local advocates. That discussion about what policy would look like is moving forward with the ultimate end result that it would be brought before the City Council. So at the moment, our approach to these more since those pieces are resolved is to rely on our police department to transport to open shelters if there is a need,. Another comment on that liaison role to homeless service providers is that the quarterly report on Horizon Shine closure is scheduled to come before the City Council in February; that is when we will get a full report from Una Glass on all activities; and all the other West County communities homeless service providers issues; attended the mosquito vector and control district meeting discussing budget issues and facilities; and I attended the Sonoma County fire district ribbon-cutting.

13. Council Communications Received (Information/Meetings/Correspondence Received from the General Public to Councilmembers). None
14. 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

January 16, 2024 Council Meeting will be adjourned to the City Council Meeting of February 6, 2024 at 6:00 pm.

Mayor Rich adjourned the City Council Meeting of January 16, 2024 at 10:23 pm to the next regular City Council Meeting of February 6, 2024.

Respectfully Submitted:


Mary Gourley
Assistant City Manager/City Clerk