

APPROVED

**City of Sebastopol City Council Regular Meeting Minutes**

**Meeting of November 1, 2016**

**As approved by the City Council at their regular meeting of November 15, 2016**

6:00 pm - Convene Regular City Council Meeting, Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA

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

Please note that minutes are not verbatim minutes and are meant to be the City's record of a summary of actions that took place at the meeting.

Notice: All resolutions and ordinances introduced and/or adopted under this agenda are waived of all reading of entire resolution(s) and ordinance(s).

The Sebastopol City Council welcomes you to its meetings that are generally scheduled for the 1st and 3rd Tuesday of every month. Your interest and participation are encouraged and appreciated.

A notice of the meeting was posted by the City Clerk on October 27, 2016.

**3:00 pm**                      **CONVENE CITY COUNCIL MEETING, Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA**

**Call to Order:** Mayor Gurney called the special meeting to order at 3:06 p.m.

**Roll Call**

**Present:** Mayor Gurney  
Vice Mayor Glass  
Councilmember Eder  
Councilmember Jacob  
Councilmember Slayter

**Absent:** None

**Staff:** City Manager-City Attorney Larry McLaughlin  
City Clerk Mary Gourley  
Engineering Manager Mikus

**STATEMENTS OF CONFLICTS OF INTEREST BY MAYOR/CITY COUNCILMEMBERS FOR ITEMS ON THE AGENDA**  
(This is the time for the Mayor or City Councilmembers to indicate any statements of conflicts of interests for any item listed on this agenda). There were none.

## City Council Meeting of November 1, 2016

### DISCUSSION AND ACTION ITEM:

1. FOLLOW UP DISCUSSION ON Traffic and Safety Issues – Bodega Avenue Areas/Willow/Jewell Street Intersection (Engineering Manager)
  - a. Discussion and Action of Results of W Trans Study and Recommendations for Willow Street/Jewell Avenue Intersection (Engineering Manager)
  - b. Local Streets Bike/Ped Design: Contracted with W Trans
  - c. Pedestrian Crossings Safety Study for Bodega Avenue: (Stop Light Discussion)
    - Washington Avenue (primary)
    - Nelson Way – Gold Ridge Farm (primary)
    - Ragle Road (primary)
    - Florence Avenue (optional)
    - Robinson Road (optional)

Engineering Manager Mikus presented the staff report recommending the City Council provide feedback and direction for the next steps for each project.

Steve Weinberger, W-Trans, Traffic Consultant, was in attendance and discussed Local Street Bike Lane Design Projects and provided a presentation to the City Council.

Mayor Gurney asked for questions from the Council for staff.

Councilmember Slayter discussed the key notes listed on new documents and questioned 33 and 39A for Washington Avenue.

Mr. Weinberger commented that this is part of the striping plan and stated the notes relates to striping detail. He stated the intention was to show how this all fits with the striping area.

Councilmember Eder questioned the definition of a mixing zone.

Mr. Weinberger stated it is an area where pedestrians and cyclists mix together into a zone where we want to change direction of cyclist and pedestrians. He stated it is a slow zone for pedestrians and bikes. He discussed the two crosswalk areas and stated there is still more work to be done.

Councilmember Eder questioned if we can develop a cost differential between putting stirpes down and doing the green colors.

Mr. Weinberger stated yes it can be done. He discussed that it was his firm that did similar lanes in Windsor. He stated he was planning to recommend on using the green only in the conflict zones to save on costs.

Councilmember Eder suggested ensuring longevity and service life on that material.

Councilmember Eder discussed the top drawing approaching Golden Ridge Avenue on north side of Bodega which goes from solid green line to dashed line in several instances and questioned the function of the dashed green area.

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Mr. Weinberger stated the green is bike lanes and as cyclists are approaching intersections, the green dashed lines are to notify both cyclists that they are coming to an intersection and to drivers turning right for visual cue of cyclists. He stated there are some intersections where the City wants to carry the bike lane through an intersection and the dash would be shown.

Councilmember Eder discussed the buffer zone between bike and traffic lane and questioned what the width of that area is.

Mr. Weinberger stated it varies. He stated at the Nelson/Gold Ridge Farm it is three to four feet and discussed other locations of two feet.

Councilmember Eder questioned if it is safe to assume minimum two feet wide is what is shown that looks like a railroad track looking item.

Mr. Weinberger stated yes.

Councilmember Eder discussed the two foot buffer zone between bike and traffic lane and questioned if this would always be at least at a minimum have a two foot separation.

Mr. Weinberger stated that is correct.

Councilmember Eder questioned if cyclists were going East on Bodega Avenue and they were west of Ragle Road, on the south side of Bodega, they would basically have no bike facility available to them.

Mr. Weinberger stated it is in the design plans showing a two way bike path on the existing grassy strip and confirmed in the field, between signs and trees, there is enough width to get 8 foot wide path to do a path from the southwestern corner of Ragle/Bodega to Valley View Court intersection and then meet the County trail that exists.

Mayor Gurney stated there would be a path from Ragle west on the south side to the County trail.

Councilmember Eder questioned if a bicyclist headed west prior to Ragle would have to cross over to that two way bike lane.

Mr. Weinberger stated that is correct.

Mayor Gurney stated all bikes are southbound (part of recommendation for Bodega corridor of Ragle intersection).

Councilmember Eder questioned if there is a sidewalk there.

Mr. Weinberger stated no.

Councilmember Eder discussed if the path terminates at Valley View.

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Mr. Weinberger stated the two way path would cross Valley View and continue on that shoulder to get to the County path.

Councilmember Eder questioned if this is the end of City provided bike infrastructure at that location.

Mr. Weinberger stated that is correct.

Mayor Gurney stated the City limits is on the west end of the strip and discussed plenty of frontage for a two way trail (multi use trail – ped and bikes two ways).

Councilmember Eder stated it is clear there are some dangerous areas especially on the south side of Bodega near the cemetery and questioned if it is fair to presume that the construction drawings will indicate a curb will be provided there or a physical obstacle.

Mr. Weinberger stated that is an issue that will be discussed with staff. He stated they are doing the geometric plans first and will need to discuss civil design and topography issues before plans are finalized.

Councilmember Eder questioned if it is typical the detailed construction drawing would address concerns such as that.

Mr. Weinberger stated the construction drawings yes. He stated his firm is contracted for signing and striping plans.

Councilmember Eder questioned if another firm will do the construction detail drawings.

Mr. Weinberger stated they have not gotten to that level of detail yet.

Vice Mayor Glass commented as follows:

- Voiced concerns for the spots where we are removing parking spaces especially in front of Analy High School
- Questioned if outreach has been done to Analy High School
- Discussed drop off zones

Mr. Weinberger stated there has not been any outreach yet as the striping plans have not yet been finalized and would like to wait until they are finalized so that they have something to take to do that outreach.

Vice Mayor Glass discussed the same concern with removing spaces adjacent to the skate park, particularly on weekends.

Mayor Gurney discussed drop off zones and questioned if it is possible to paint a curb within a bike lane for a yellow zone or drop off designation.

Mr. Weinberger stated it is an interesting idea and cannot say that he has seen that but that he has seen bike lanes overlap with bus stop areas and that he can explore this.

Mayor Gurney also discussed it has also been done in right turn lanes in another areas.

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Mr. Weinberger discussed the skate park area and stated it was a struggle with Laguna Park Way as to which side to take away parking but stated there is an option to switch sides mid-way.

Mayor Gurney commented as follows:

- Discussed having a sidewalk, bike lane and then driving lane
- Questioned if it is not following that in our work up here
- Discussed bikes lanes next to driving lanes
- Thinking what is older standard where bikes are next to moving cars as opposed to inside parked cars
- Parking cars in middle of street problematic

Mr. Weinberger commented as follows:

- Stated it is not the standard but is one of the options available to cities
- Discussed similar paths in Golden Gate Park
- Bike lane shifted to outside
- Did not have long sections of parking
- Requires a lot of education and outreach
- Something different for a community to deal with
- One of the issues for those parking are now they are closer the vehicle lane
- Bike lane provides buffer
- Would work if the City had a large volume of cyclists and high volume higher speed streets to get that cyclist away from the traffic
- Issues on both sides of discussion
- Bike lane function as buffer for someone parking too
- Benefit for having it on that side

Mayor Gurney commented as follows:

- Idea more urban - High density, High volume, High speed, than Sebastopol situation
- Discussed minimum width for safe bike lanes
- Indicating two feet as separate
- What is minimum width for bike lane

Mr. Weinberger stated five feet.

Mayor Gurney questioned what the width of a travel lane is.

Mr. Weinberger stated it is a minimum of ten feet.

Councilmember Eder stated it would occur that everywhere in Sebastopol that does not have bike lanes, does a person exiting a vehicle out the driver's door exit into the traffic lane currently and stated there is no buffer zone. He stated it is an interesting idea but that I sees to put the cyclists outward of parking cars is a higher priority for the safety of the driver of the car exiting than for the bicycles and stated he is not sure he would support that.

Mayor Gurney opened for public comment.

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Jan Peterson, 395 Johnson Street, commented as follows:

- Voiced concern for no street parking on Johnson Street
- Stated visitors have to park on Laguna Park Way
- Walk downtown every day from home
- Little traffic on Laguna Park Way
- Bike traffic is almost non-existent
- Why do this on Laguna Park Way
- Where are the bikes going
- Why is this a bike route at all
- Ends up at corner of McKinley and Petaluma Avenue
- Questioned how this will interact with the bus stop

Vaughn Whelan 7565 Bodega Avenue

- Lives west of the church on Bodega Avenue
- Seeking clarification on width of roadway
- Discussed the two lanes of traffic currently and the turn lane in middle
- Discussed having fourteen feet for a pull out there
- Discussed reducing width of traffic lanes
- How this will impact local residents
- Consideration for current residents and church

Jonathan Greenberg commented as follows:

- Commending Council and staff for addressing this
- Thorniest issue
- Impact on what people currently have
- Discussed parking at Analay
- Need to connect trails
- Discussed concept of drop off
- Maintain a drop off area on the side of the street near to the school or park
- Counterproductive to take parking away near a drop off area
- Concern – Bodega Highway sidewalk that ends between Gold Ridge and Pleasant Hill Avenue North
- Priority and is a safety issue
- Discussed discussions with owner of property

Mayor Gurney closed the public comment.

Mr. Weinberger replied to public comment as follows:

- State Highway 116 bike lane project moving along
- Include north bound bike lane on Petaluma Avenue transitioning to McKinley and then rejoining Main Street
- Bike lane feasibility study done in 2011
- Number of public outreach meetings
- Looked at number of local street

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- Through this process this street was selected
- Connection to downtown and bike lane
- Become more of an activity area
- Morris Street will also be getting bike lane
- Part of whole connection of bike lanes

Mayor Gurney commented as follows:

- McKinley Avenue through the Barlow is a private street
- Laguna Park Way is a public street
- Plan is for bike routes on public streets

Mr. Weinberger discussed Bodega Avenue concerns as follows:

- Design plan maintains the center turn lane and left turn lanes on Bodega
- Will stay but will get narrower
- 12 feet now and will go to 10 feet wide
- Road design standards give range of 10-12 feet
- Historically recommended lane width
- Last few years agencies went to high end of width
- With desire to go back and create room for pedestrian and bike lanes, need to narrow and go to ten foot width
- 10 foot been in design manual for years
- Center lane would go to ten feet
- Travel lane in each direction would also be ten feet (14 feet now)
- Opportunity to help with the speed issue on the corridor

Mr. Weinberger discussed drop off zones and sidewalk gap as follows:

- Discussed the vacant parcel on Bodega Avenue<sup>3</sup>
- One parcel
- Constrain on road width because of undeveloped parcel
- Recommend against two way facility
- Have small section with two way bikes
- If get one way bike facility across that property – great to connect
- Grade issues through there that are challenging
- Discussed skate park – look at switching sides design wise if Council concurs
- Drop off zone will be reviewed as well

Councilmember Slayter commented as follows:

- Like idea of switching sides on Laguna Park Way
- Makes sense to change at Skate Garden
- Accomplish leaving parking where it has the greatest demand

Mr. Weinberger stated he will look at Johnson Street as a dividing point.

Councilmember Slayter commented as follows:

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- Discussed where bicyclists are going when they are heading down the bike route
- Stated in answer to where cyclists going – going everywhere the people in cars are going
- Same places – just more visible
- Going to be complete system with connectivity
- Connection will be obvious in future
- Like what see tonight

Councilmember Eder questioned what the Mayor alluded to for the graphic on page 18 and questioned if this is an error. Mr. Weinberger stated it is a typo.

Councilmember Eder discussed that narrowing traffic lanes is common knowledge as a beneficial side effect of traffic calming and questioned if the traffic manual mandates two feet or can the City go lower.

Mr. Weinberger stated there is no mandate for a buffer. He stated a standard class 2 bike lane is 5 feet wide lane next to the travel lane. He stated there are new class lanes that have buffers or stripes and stated it is a judgement issue.

Councilmember Eder commented as follows:

- Discussed one section of the bike lane has an eleven foot drive lane and no buffer indicated
- Stated he would advocate for providing a one foot buffer zone and reduce traffic lane to ten feet
- Unless have extra room in cross section of road way nice to see ten foot drive lanes and one foot buffer zone
- Questioned if Covert lane design includes removal of those three small medians – Mr. Weinberger stated that is correct
- Councilmember Eder questioned if that would require repaving Covert Lane and if so is that a project the City is anticipating having to do – Engineering Manager Mikus (that is correct)
- Would that require repaving Covert lane and is that a project the City is anticipating having to do

Engineering Manager Mikus stated there is nothing in the book for Covert Lane to have it repaved.

Councilmember Eder questioned if this would trigger an entire paving project.

Engineering Manager Mikus stated it would depend on what shape the paving is in.

Councilmember Eder stated that this could turn into a more expensive job that just putting in bike lanes if we have to repave Covert Lane with removal of the traffic island.

Mayor Gurney stated it would be an assumption to assume that Covert Lane would have to be repaved and stated that we may not have to repave the entire street, but that maybe it could be patched.

Councilmember Eder commented as follows:

- Stated that Covert Lane would lose the center islands/medians
- Questioned if once it was demolished, it would just be repaved and turned into a traffic lane
- Questioned if it was more logical to repave all of Covert Lane depending on the pavement condition

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Engineering Manager Mikus stated the City would look into that when the island was removed and make a decision at that point.

Councilmember Eder questioned if staff has seen any jurisdiction that has an outside buffer zone and has put auditory devices such as bots.

Mayor Gurney stated something like a rumble strip.

Mr. Weinberger stated yes, he has seen other jurisdictions use delineators.

Councilmember Eder discussed delineators and costs.

Mr. Weinberger commented as follows:

- Stated he was trying to make this project as affordable as possible
- Stated that once the project starts with separated parking, the dollar signs start to go up

Councilmember Eder commented as follows:

- Stated it is in the Council's purview to determine what is the higher priority
- Discussed dollars for use of safety of users of the infrastructure the City is providing

Vice Mayor Glass commented as follows:

- Thanked the consultant for idea for making it more better for the area near the Skate Park
- Concern about the Analy removal of parking spaces
- Good to check in with people sooner rather than latter

Mayor Gurney discussed the Analy drop zone and Vice Mayor Glass' concern of the area on North Main Street that is not presently marked as a drop off zone but is used as one. She concurred with changing out the parking zones on the Laguna Park Way and having a physical space for a buffer zone.

Councilmember Eder questioned the cost differential to go green.

Mayor Gurney stated the Council can request an inquiry into the costs.

Mayor Gurney commented as follows:

- Questioned when the plans will be complete
- Questioned if this will come back as a bid package
- Questioned the timeline

Mr. Weinberger stated February or March is when he will return with a final package.

Mayor Gurney stated the bike lanes could affect the safety issues.

The Council then discussed the Bodega Avenue safety improvements.

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Mr. Weinberger provided a presentation to the City Council.

Mayor Gurney asked for questions of staff from the Council,

Mayor Gurney discussed the following:

- Discussed the HAWK system
- Discussed the refuge island
- Questioned if there is a button to press to reactivate the HAWK system if someone is in the refuge island

Mr. Weinberger stated there can be.

Mayor Gurney questioned if this was an add on to the HAWK design.

Mr. Weinberger commented as follows:

- Discussed how to time HAWK crossing
- Stated he looked at a traffic signal
- Discussed how the countdown works
- Time it so someone can get to the refuge island and then activate it again

Mayor Gurney discussed having the possibility to have relief at the refuge island and then press the button a second time.

Mr. Weinberger stated it will add to the cost.

Mayor Gurney discussed Nelson and questioned if there will be a wider median island.

Mr. Weinberger commented as follows:

- Discussed having a wider median island
- Stated it is for the idea to have a refuge in the middle

Mayor Gurney stated she likes that as it seems safer. She questioned if the HAWK system is triggered by people making left turns.

Mr. Weinberger commented as follows:

- Stated no that left turns do not trip the HAWK system
- Stated it is off when it is not I use
- No lights showing at all when off
- Activated when a pedestrian pushes the button
- It then goes into phases with the lights

Vice Mayor Glass commented as follows:

- Wondering of noise emitting things on road bed on downhill side of Bodega coming towards town
- People go downhill and not realize momentum they have
- Additional tool in tool box

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- Creates noise on tires as go downhill

Mr. Weinberger commented as follows:

- Discussed the speed delineators
- Discussed rumble strips
- Stated it could be a possibility
- Discussed the downside of the noise especially if it is near residences

Vice Mayor Glass questioned what kind of record and ethnicity does the HAWK have for preventing pedestrian accidents versus an actual traffic signal and questioned if there is data available,

Mr. Weinberger commented as follows:

- Stated he believes there is data
- Speculated that the data has better nation-wide experience than traffic signals for the reason that initially these are mostly at mid-block crossings
- Consider in this setting it is equal to a traffic signal in terms of protection for pedestrians
- Discussed the roundabout option at Ragle – stated that was not mentioned here today

Vice Mayor Glass questioned if a roundabout tends to delineate a traffic zone and tends to slow down traffic.

Mr. Weinberger stated yes, that it will slow down traffic.

Vice Mayor Glass discussed a round about slowing cars down at Ragle Road.

Mr. Weinberger commented as follows:

- Discussed the benefit of slower traffic
- Stated cars can maneuver through it
- Stated there are issues both at Nelson and Ragle
- Stated the cost is substantial
- More so than traffic signal
- Close to million dollars if not over
- Discussed the amount of road work needing to be done to accomplish it
- Right of way to get minimum size standard round about
- Issues at both locations (Ragle and Nelson)

Councilmember Slayter discussed Bodega and Florence and questioned the width of the roadway at that point.

Mr. Weinberger commented as follows:

- Discussed that the figure is in his notes
- Discussed providing the minimum lane widths
- Stated the minimum width of the island is about six feet in width

Councilmember Slayter questioned if this can be accomplished without losing parking.

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Mr. Weinberger stated yes.

Councilmember Slayter commented as follows:

- Clearly interest from public in traffic signal (traditional) at Nelson
- Warrants show not warranted for a traffic signal
- Questioned what are the implications of municipality installing a facility be it a traffic signal at Nelson or other and not warranted
- Would the State object
- Does this open the City of litigation

City Manager McLaughlin commented as follows:

- Stated that is not completely clear
- Can go ahead and install if it does not meet warrants
- Stated he does not think it is prohibited
- Stated HAWK not warranted either
- Can meet in actual use
- Fear is that when install and when it does not meet warrants it opening up the City for liability exposure in that if it does anything that the Traffic Engineering Consultant is warning us about (increased speed leading to more vehicle collision) and it created a dangerous condition of public property at the location by reason of installing traffic signal that did not meet warrants against advice of traffic consultant
- Discussed this may increase liability exposure installing where not warranted

Mr. Weinberger stated he concurs.

Engineering Manager Mikus comment that there are Caltrans and Federal standards of installing devices that are not warranted.

Councilmember Eder commented as follows:

- Discussed the crosswalk at Bodega and Washington
- Curious what thoughts are on deleting that crosswalk and instead relocating it to the traffic signal control intersection on Jewell and Bodega
- Discussed not being able to cross from Jewell to Parkside
- Questioned if it was warranted to move the crosswalk
- Encourage wherever concept of installing a center refuge island is pursued by the City and also to consider and angled pathway through the island
- Natural requirement for pedestrian to turn and face oncoming traffic
- Not crossing at 90 degree angle to street
- Install flashing lights on refuge island – light on either side of roadway and additional light on refuge island to draw attention of motorists

Mr. Weinberger commented as follows:

- Stated he would look at the crosswalk change
- Understand why that crossing was never put in at Dutton/Jewell signal
- Delivers pedestrian right next to semicircular driveway at Parkside

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- Precarious place to have - problematic
- Has to do with awkward geometry of intersection
- Pedestrian phase of crossing Bodega may be happening at same time someone turns left from Jewell to Bodega
- Discussed elongated crosswalk
- Can give it more thought
- Diagonal – tool – generally see it on wider island – more room to do that
- Does require some gating/corralling of the pedestrians
- Move costs up a bit
- Lights: have seen rectangular flashers
- Seen installed double
- Cautioned against the low location
- Standard change for those lights above the sign

Councilmember Eder stated it would be an additional layer of warning to the drivers.

Mayor Gurney opened for public comment.

Deanne Thompson commented as follows:

- Thanked Councilmember Jacob and Councilmember Eder for service to the City
- Warrants- seem to be killer for a traffic signal
- Like copy or copies of the Caltrans rules on warrants
- Going to be problems if not put in stop light – warranted or not
- Something is going to happen down the line
- Discussed the accident last week
- Do not know if having the traffic signal there would have stopped that
- Believe stop lights will slow traffic and is the answer there
- HAWK is for pedestrians only
- Vehicular traffic there that does not think was counted
- Has not seen numbers on left hand turns
- Stoplight will help that
- Discussed September 29<sup>th</sup> – asked for Measure M – cover costs of stop lights - - never got answer from Engineering Manager
- Thanked the Council for expediting this issue

Nina Teppatino, Burbank Heights, commented as follows:

- Street approach volumes seem very low with what is observed as residents of Burbank Heights
- If look at graph, seems like not need to ask for traffic light
- If someone sat at corner, not at Nelson Way as it does not have action, it is Burbank Heights roadway that has action
- Not Gold Ridge Farm- It is Burbank Heights and Orchards
- Over 200 residents
- Discussed volume of traffic being huge
- Otherwise not have asked in the first place

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- Involves pedestrians
- Involves vehicles both commercial and private
- Many residents drive
- Discussed being a pedestrian but stated it sounds like she should get a bike in the future
- Still in favor of traffic light
- Dream the other morning – standing on corner – huge pole came over intersection – had one light that was red – flashed red – could flash yellow in the evening and a button to push for walkers
- Questioned if there could be a wand that picks up vehicle and makes flasher go red

Katherine McNeil, Burbank Heights,

- Unclear if none of this had happened and the City was trying to hit the ideal traffic flow from Atascadero Creek to Main street, how would this be done
- No clear sense of that
- Getting traffic to flow evenly what do
- Cost benefits analysis and how much cost when one person seriously hurt versus practical consideration
- Would not want to be person hit not want to be person hitting
- Highest priority
- Used to live at Senior Housing on Range Avenue in Santa Rosa
- HAWK there – worked well - but residents said maybe need signal

Michael Carnacchi, 385 Murphy Street, commented as follows:

- Speed is big issue
- Interim way out
- Going west bound on Bodega – flasher and speed monitor – effective on slowing down
- Going east bound as crest over the hill- have infrastructure for R frame – pedestrian crossing and yellow lights
- Refit that R frame and put something in its place

ila Benavidez-Heaster, commented as follows:

- Continue to pursue traffic light
- Look at warrants
- Piece missing
- Discussed left hand turn lanes
- Greatest numbers are there
- If incorporated see warrants jump up dramatically
- A lot of problems there
- Not taking into consideration those figures
- Stopped crossing street
- Know dangerous
- Not go across that street
- Need to look at left hand turns
- Had 500 signatures on petitions
- Looked at people who are using it

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- Bus makes left turn
- Do not have enough information here
- Not reflective of what is actually going on in that intersection
- Get more accurate numbers
- See greater need than what getting numbers for
- Questioned if the numbers are inclusive of left hand turn lane
- Little village in that area
- Tremendous amount of traffic
- People not want to cross street
- Look at the people that use this

Jonathan Greenberg commented as follows:

- Not see need for a light at Ragle or need for expense
- Role of City Council to prioritize our expenditures for people's needs
- Need at Burbank Housing for safety
- Crosswalk at Pleasant Hill Avenue North- safe
- Great light anuses it
- Love crosswalk lights in road at Library
- More effective at stopping cars than something flashing all the time
- Not sure where coming from
- Need to find effective way of giving people the feeling of protection when crossing the street

Mayor Gurney closed public comment.

Mr. Weinberger replied to public comments as follows:

- Caltrans rules – staff can address that off line
- Vehicle traffic not being counted for left turns:
  - Count at Nelson
  - Full intersection moving counts at Nelson intersection
  - Have left, right and through approach volumes
  - Did look at them
  - Did see and consider left turn volumes
  - If plugged into warrants, far from meeting warrant
- Not sure of the question of looking at the traffic on Bodega if trying to create better flow
- Work for this project has been focused on pedestrian crossing safety issues at these locations
- Not evaluating traffic flow, but looking at traffic volumes
- Work assignment driven by that
- Infrastructure in place
  - Is overhead flashing beacon
  - Two yellow standard lights
  - Intersection warning beacon
  - On all the time
  - Is intended to warn motorists of upcoming intersection
  - Lights are old
  - Can be repaved with LED higher intensity lights

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- Attach speed advisory feedback signs to that sign
- Take under advisement as part of package
- Range Avenue – crossing device there – Overhead flashing sign
  - Flashing beacon
  - Hawk device step up from that
  - Red light stop requirement
- Overhead flashing red light – turns intersection into always stop control
  - Get into issues of congestion
  - Long ques
  - Air quality issues

Councilmember Eder questioned if the Council wanted to consider a special meeting to continue discussion of this item.

The Council was not in concurrence to conduct a special meeting,

Mayor Gurney called for a break at 5:15 pm to the regular meeting.

**ADJOURNMENT:** This Special Meeting was adjourned following the discussion of Item Number 1 and was reconvened to the regular City Council Meeting.

**6:00 pm**

**RECONVENE CITY COUNCIL MEETING, Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA**

**Call to Order:** Mayor Gurney reconvened the regular meeting to order at 6:20 p.m.

**Roll Call**

- Present: Mayor Gurney  
 Vice Mayor Glass  
 Councilmember Eder  
 Councilmember Jacob  
 Councilmember Slayter
- Absent: None
- Staff: City Manager-City Attorney Larry McLaughlin  
 City Clerk Mary Gourley  
 Building Offiical Glenn Schainblatt  
 Engineering Manager Henry Mikus  
 Fire Chief Bill Braga  
 Planning Director Kenyon Webster  
 Police Chief Jeff Weaver  
 Superintendent of Public Works Richard Emig

**PROCLAMATIONS/PRESENTATIONS:**

The following was presented:

Years of Service Award:

- Shawn-Paul O’Dell – 15 Years – Fire Department

## City Council Meeting of November 1, 2016

**PUBLIC COMMENT:** (This is an opportunity for the public to address the City Council on items that are not listed on the agenda. This time is set aside to receive comments from the public regarding matters of general interest not on the agenda, but related to City Council business. Pursuant to the Brown Act, however, the City Council cannot consider any issues or take action on any requests during this comment period. Speakers are allowed to speak for a maximum of three minutes so that all speakers have an opportunity to address the City Council. The Mayor has the authority to limit the time allowed for speakers dependent on the amount of speakers in attendance.)

It is the goal of the Council to conclude the public comments portion of the agenda within 30 minutes. If the public comment period exceeds twenty minutes, the presiding officer, typically the Mayor, reserves the right to reduce the time per speaker or carry over public comments to after all business items are completed.)

Mike Heyniger and Brad Solestro, American Medical Response, commented as follows:

- Thanked the Council for their support
- 25 years providing medical service to Sonoma County
- Enjoy unique and outstanding relationship with the Fire and Police Departments
- Proud of what happens out here in conjunction with the safety departments (Police and Fire)
- Proud to be primary provider of paramedic services to Sonoma County
- Presented awards to show appreciation
- Unique situation in Sebastopol of Police and Fire Department

Colleen Fernald commented as follows:

- Read a prepared statement
- Discussed Resolution of Rescission of Public Law 107 243
- Resolution needs to be renewed
- Discussed We the People
- Discussed declaring war
- Discussed Iraq
- Discussed 9-11
- Discussed Constitution of the United States

Richard Hannan continued reading the prepared statement.

Mary continued reading the prepared statement.

Abigail, Sebastopol World Friends, commented as follows:

- Sister City
- Invitation to Annual Dinner, Saturday, November 5<sup>th</sup>, 1200 Gravenstein Hwy South
- Dinner open to public
- Annual event
- Let community know of Sister City relationships
- Discussed having a silent auction

A member of the audience continued reading the prepared statement.

John Jenkel commented as follows:

## City Council Meeting of November 1, 2016

- Discussed the Council on May 18, 2006 to vote for rescission of law
- Stated we are the most hated people in history
- Discussed current presidential election
- Discussed emails versus treason
- Comparing peanuts to the atom bomb
- Discussed concealing of unlawful law from the people
- Discussed Hillary Clinton
- Discussed Public Law 107 243
- Consider emergency resolution to urge that Hillary not be allowed to appear on any ballot

Nancy Prebelich commented as follows:

- Discussed helping to get some candidates elected over others in the last election
- Discussed Standing Rock
- Discussed Council candidates for current election
- Discussed the last City council meeting and its discussion
- Hear community input is really important
- Discussed community meetings
- Discussed being dismissed of petition for her property
- Discussed recommendation from Planning Commission of her property
- Discussed needing a Use Permit for her property
- City wants to affect change on national level
- Advertise Cittaslow town
- Permaculture is important to us
- Hear agriculture does not need to be in downtown
- Okay with Luther Burbank
- Discussed how personal opinions of the Council trumps staff, Planning Commission and 80 years of precedent.

Mayor Gurney closed public comment and the Council continued discussion of Agenda Item Number 1.

Councilmember Slayter discussed the costs estimates. He discussed a chart of recommendations (list of 5 intersections), HAWK, Traffic Signal and Enhanced Traffic Beacon and stated it is on all of the recommendations. He discussed the costs estimates which the Traffic Beacon is not and stated that it is not on all of them. He asked if the flashing light is recommended at each of the five intersections.

Mr. Weinberger stated they are not at each of the 5. He discussed the enhanced crossings that takes place of the light.

This recommendation was given a thumbs up.

Councilmember Eder questioned further discussion of installing flashing lights at the refuge island.

Mayor Gurney questioned if this was for a specific intersection.

Councilmember Eder discussed refuge islands in general.

## City Council Meeting of November 1, 2016

Councilmember Slayter commented for greater good of community and safety of crossing, can see the pedestrian refuge island is significant and it will make a big difference there. He stated a compromised is noted on all of these items.

Mr. Weinberger commented he is not recommending lights at Washington Avenue.

This recommendation was given a thumbs up.

### Bodega Avenue/Robinson Road:

Councilmember Jacob questioned if this is where the flashing signs are moved to the top.

Mr. Weinberger stated that is correct.

Councilmember Jacob discussed the costs of \$20,000 for one unit but questioned if it needs more funding for multiple locations.

Mr. Weinberger stated this cost is for two units.

Vice Mayor Glass questioned if these are always flashing.

Mr. Weinberger stated it was pedestrian activated.

This recommendation was given a thumbs up.

### Bodega Avenue/Nelson Way/Burbank Heights:

Mayor Gurney stated low level landscaping was discussed at the last meeting and requested clarification on this item.

Mr. Weinberger discussed the low level landscaping (not groundcover, but things to soften up that area, plant selection at future time).

Vice Mayor Glass commented that some of the residents of Burbank Heights feel that the left hand turn data collected was problematic and stated she agrees with them. She stated when looking at specific segments of time in the report, which is not when people who are retired go places at those specific times. She stated a lot of people come into Burbank gardens at atypical times. She stated their concerns of that data have some validity.

Mr. Weinberger commented if they had surveyed other hours of the day when traffic on Bodega is lower, the warrant line would move by volume on the main street.

Vice Mayor Glass questioned if the warrant quantity is based on estimated hourly volume.

Mr. Weinberger stated this is based on peak hour conditions.

## City Council Meeting of November 1, 2016

Mayor Gurney questioned if staff is asking the Council to delay this item and ask for further work and to see if the data is accurate. She stated this is not really an intersection but a T intersection and a left hand turn.

Mr. Weinberger stated it functions as a four way intersection and that is how it was analyzed.

Councilmember Slayter stated the HAWK is a stop light. He discussed our local drivers will get the picture in a hurry that there are changed conditions. He stated the HAWK (discussed statistics) reduces crashes. He stated for a new traffic control device, the HAWK is a good compromise and stated it makes the situation significantly safer and the reality is the budget to install a HAWK is a ½ to ¼ cost of traffic light. The reality is much greater to move forward on this. In favor of HAWK.

Mayor Gurney stated she agreed as well. She stated this was for pedestrian safety and does not address cars and cars making left turns. She discussed the accident that happened in January and the one that happened about two weeks ago. She stated the City can install a HAWK and will have to rely on pedestrians to push the button and wait until it is safe. She stated it is important to do a program of pedestrian education so the whole community remembers those safety tips. She discussed doing as much as possible for pedestrian safety along the corridor. She discussed funding and future issues on Bodega Avenue.

### Ragle Road:

Mayor Gurney stated she would support both of those with the awareness that when the Charter School is open at the north end of town, this intersection may get heavier use and may need to be reviewed at that time.

Councilmember Slayter stated this has been identified for years. He stated anything we can do to make that intersection safer will do a great amount of work in reducing speeds and calming traffic. He stated he was in support of the recommendations. He discussed if this was to put the traffic signal on the CIP and to do the other two things at accelerated schedule.

Mayor Gurney questioned when this intersection will return to the City Council for review and determination as to whether or not to put it on the CIP.

Engineering Manager Mikus discussed the funding. He stated the only place we have money is the Traffic Impact Fund for these projects. He stated the fund is robust right now. He explained the spreadsheet provided to the City Council that was provided at this meeting.

Mayor Gurney stated there are grants that can be applied for as well.

Engineering Manager Mikus stated there are grants in the budget.

Mayor Gurney questioned if the Council wanted to change the CIP priorities, would the Council need to re-agendize this.

Engineering Manager Mikus stated staff would need to do a bid package and he discussed waiting until next fiscal year to do this.

### City Council Meeting of November 1, 2016

Mayor Gurney discussed agendaizing the CIP and kicking this down until the budget for FY 17-18 or discussing this mid-year review and suggested bringing this item back for reviewing CIP priorities during the mid-year budget review which is usually in January.

Vice Mayor Glass stated that is a good suggestion and questioned if the budget subcommittee should meet to discuss the CIP.

Councilmember Slayter stated that would be a good idea. He stated waiting until mid-July feels like a long time away. He discussed moving this faster rather than slower.

Mayor Gurney concurred. She stated focusing on this one corridor to make this safe.

The council was in consensus to review this item in January.

**City Council Action:** See actions above.

**Minute Order Number:** 2016-239

Consent calendar items are routine matters or matters which 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.

Mayor Gurney requested item number 2 be removed from the consent calendar.

Vice Mayor Glass moved and Councilmember Jacob seconded the motion to approve the Consent Calendar Item Numbers 3, 4, 5, 6, 7, 8 and 9.

**VOTE:**

Ayes: Councilmembers Eder, Jacob, Slayter, Vice Mayor Glass and Mayor Gurney

Noes: None

Absent: None

Abstain: None

**CONSENT CALENDAR:**

2. ~~Approval of Minutes of October 17, 2016 City Council Meeting Minutes (City Manager/Assistant City Manager/City Clerk)~~

3. Approval of Minutes of October 18, 2016 City Council Meeting Minutes (City Manager/Assistant City Manager/City Clerk)

**City Council Action:** Approved Minutes of October 18, 2016 City Council Meeting Minutes

**Minute Order Number:** 2016-241

4. Approval and Acceptance of Report out of Upcoming Vacancies on the Design Review Board (Three Openings (Categories A, B and D) and Planning Commission (Two Openings) and Authorize City Staff to Publish Notice of Said Vacancies (City Manager/Assistant City Manager/City Clerk)

**City Council Action:** Approved Acceptance of Report out of Upcoming Vacancies on the Design Review Board (Three Openings (Categories A, B and D) and Planning Commission (Two Openings) and Authorize City Staff to Publish Notice of Said Vacancies

**Minute Order Number:** 2016-242

5. Approval of Waiving of Second Reading and Adoption of Ordinance For Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS)

City Council Meeting of November 1, 2016

and the City of Sebastopol to Include Provisions Pursuant to Government Code 20516 “Cost Sharing” for Local Sebastopol Police Officers Association (SPOA) Members in Accordance with the Previously Approved Comprehensive Memorandum of Understanding (Finance Director) (Ordinance 1092)

City Council Action: Approved Waiving of Second Reading and Adoption of Ordinance For Amendment to the Contract Between the Board of Administration of the California Public Employees’ Retirement System (CalPERS) and the City of Sebastopol to Include Provisions Pursuant to Government Code 20516 “Cost Sharing” for Local Sebastopol Police Officers Association (SPOA) Members in Accordance with the Previously Approved Comprehensive Memorandum of Understanding

Minute Order Number: 2016-243

- 6. Approval of Waiving of Second Reading and Adoption of Ordinance to Adopt to State Building Codes (Building Official) (Ordinance 1093)

City Council Action: Approved Waiving of Second Reading and Adoption of Ordinance to Adopt to State Building Codes

Minute Order Number: 2016-244

- 7. Approval of Second Reading and Adoption of Ordinance to Provide Expedited, Streamlined Permitting Process for Electrical Vehicle Charging Stations (Building Official) (Ordinance 1094)

City Council Action: Approved Second Reading and Adoption of Ordinance to Provide Expedited, Streamlined Permitting Process for Electrical Vehicle Charging Stations

Minute Order Number: 2016-245

- 8. Approval of Award of Contact to KASL Engineering Firm for Sewer and Water Pipeline Replacements and Repairs Design and Bid Documents (Engineering Manager)
  - Sewer – Police Station Line Replacement
  - Sewer – Police Station Line Replacement
  - Sewer – Flynn Street Relocation
  - Sewer – Johnson Street Replacement
  - Water Hayden Main Replacement
  - Water – Edman Lane Replacement
  - Water – Lilian Way Replacement

City Council Action: Approved Award of Contact to KASL Engineering Firm for Sewer and Water Pipeline Replacements and Repairs Design and Bid Documents (Engineering Manager)

- Sewer – Police Station Line Replacement
- Sewer – Police Station Line Replacement
- Sewer – Flynn Street Relocation
- Sewer – Johnson Street Replacement
- Water - Hayden Main Replacement
- Water – Edman Lane Replacement
- Water – Lilian Way Replacement

Minute Order Number: 2016-246

- 9. Approval Resolution Accepting the AB 114 Grant Program award to the City of Sebastopol and Authorizing Award of Contract to Diane Davis (Police Chief)

City Council Action: Approved Resolution Accepting the AB 114 Grant Program award to the City of Sebastopol and Authorizing Award of Contract to Diane Davis

Minute Order Number: 2016-247

City Council Meeting of November 1, 2016

Resolution Number: 6111

2. Approval of Minutes of October 17, 2016 City Council Meeting Minutes (City Manager/Assistant City Manager/City Clerk)

Mayor Gurney stated she asked the Assistant City Manager\City Clerk to review the video of the City Council meeting and asked that the minutes reflect the conversation relating to the request to rezone the two properties discussed.

The Council was in concurrence to approve the minutes as requested by Mayor Gurney.

Mayor Gurney moved and Councilmember Slayter seconded the motion to approve the October 17, 2016 City Council Special Meeting Minutes as amended.

VOTE:

Ayes: Councilmembers Eder, Jacob, Slayter, Vice Mayor Glass and Mayor Gurney

Noes: None

Absent: None

Abstain: None

City Council Action: Approved Minutes of October 17, 2016 City Council Meeting Minutes as amended.

Minute Order Number: 2016-240

**INFORMATIONAL ITEMS/PRESENTATION: NONE**

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

10. Discussion and Action of Urgency Rent Moratorium Ordinance: An Urgency Ordinance of the City of Sebastopol Imposing a Temporary (45-Day) Moratorium on Certain Residential Rent Increases in the City of Sebastopol (City Manager/Attorney)

City Manager/Attorney McLaughlin presented the staff report recommending the City Council discuss and act upon the Request for an Urgency Ordinance of the City of Sebastopol Imposing a Temporary (45-Day) Moratorium on Certain Residential Rent Increases in the City of Sebastopol. (Ordinance 1095)

Ed Grutzmacher, Meyers-Nave, Counsel, was in attendance and commented as follows:

- Discussed effectiveness of rent control ordinances
- Discussed options in terms of timing
- One would take effect today and one would be retroactive
- If retroactive, could nullify the rent increases
- Discussed the 45 days and stated it would need to be reviewed by the end of the month if it is retroactive
- State Law requires report ten days report prior to expiration of ordinance

City Manager discussed certificate of occupancy.

Mr. Grutzmacher discussed certificates of occupancy and transfer of titles.

## City Council Meeting of November 1, 2016

City Manager McLaughlin discussed the second option ordinance (retroactive) as follows:

- 45 day temporary ordinance
- Back dates it to October 18<sup>th</sup>
- 45<sup>th</sup> day is December 1, 2016
- Council would have to immediately commence work on ordinance that would extend that 45 days
- Report would need to be done by November 21<sup>st</sup>
- Time period is challenging but can be done
- Urgency ordinance is the only way to deal with rent increases

Councilmember Jacob questioned if it comes to enforcement of ordinance, can it be used if a tenant gets a rental increase over 3 percent, refuses to pay, and gets evicted and questioned if it can be a defense in the eviction proceedings.

Mr. Grutzmacher commented as follows:

- Stated the tenant would need to bring it to the attention of the City
- City could take enforcement action
- Not sure if it could be used for eviction actions
- Would advise to pay rent and protest

City Manager McLaughlin stated the City can enforce it like any other ordinance.

Mayor Gurney questioned if this does not go retroactive, it would be placed on the December 6<sup>th</sup> agenda or have a special meeting around December 13<sup>th</sup>.

Mr. Grutzmacher reminded the Council that an urgency ordinance requires a 4/5<sup>th</sup> vote of the Council.

Councilmember Slayter requested clarification of duplex, tri-plex, etc. He questioned if both portions of the duplex are held on same title same deed for both, does that fall under this ordinance.

Mr. Grutzmacher commented if both are under the same title and two units are on one plot of plan and they are not owner occupied rental units, it would fall under the ordinance. He stated if it is one structure with two deeds, it would not fall under this ordinance.

Councilmember Slayter questioned if the owner-occupied is the key word.

City Manager McLaughlin commented as follows:

- If do adopt ordinance it requires factual findings and needs to be in the ordinance itself
- Findings would be based on testimony the City hears
- City has heard from residents
- City has a packet with that information
- Stated that has been made a part of the public record
- Public testimony becomes part of permanent record
- Become part of findings that Council would need to make to adopt this ordinance

Mayor Gurney opened for public comment.

## City Council Meeting of November 1, 2016

Daniel Sanchez, North Bay Association of Realtors, commented as follows:

- Discussed housing stock
- Based on data from title industry, 73 duplexes
- 15 tri plexes
- 15 four flex units
- 73 duplexes, 146 individual units
- Know names and address of owners of those units
- 47 units owned locally by Sebastopol residents
- Are not big corporations – have physical Sebastopol address
- 66% (10 owners) have Sebastopol addresses
- Not always clear what is or what is not eligible for rent control – difficult to enforce
- Do research for information
- Will be complaint driven

Nancy Dobbs commented as follows:

- Landlord in Sebastopol
- Owns 4 properties
- 3 would fall under rent control
- Encourage Council to support this ordinance
- Delighted to hear retroactive
- No question that we are in crisis around rental property and affordable housing
- Responsibility of elected officials to push pause button to figure this out
- Urge to adopt moratorium
- Urge it to be retroactive

Todd Swindell commented as follows:

- Face housing crisis
- Treat as housing crisis
- Forcibly forced from home this summer
- Unit would have been protected if under rent control ordinance
- Discussed rental increases
- Discussed stress and trauma
- Stated people cannot afford to live here
- Has reached out to candidates and will continue to speak out
- Issue not going away
- Work for better long term solutions

Greg Dable commented as follows:

- Have a few rental properties in town
- Some of the very few that would fall under the rent control
- Inequitable application if exempting 1500 rental units and lean on the few that remain
- Discussed having to sell due to rent control in San Francisco
- Discussed low income people in apartments were forced out

## City Council Meeting of November 1, 2016

- Rent control has long term problem
- Not raised rents even above inflation rates for last 44 years
- If moratorium is in place will run out of money and will have to increase rents
- Urge no vote

Thomas Philips commented as follows:

- Advisory Board of Peace and Justice Center
- Economists hate rent control
- Will create shortage
- People will stay in apartments
- Take 300 units off the market
- Shortage in rest of market
- Less supply
- Prices will go up in rest of market
- Rest of market paying for benefit of what the rent control gets
- Discussed San Francisco rent control
- Discussed tenant protection

Dezy, 14 years old, commented as follows:

- Gone to school in Sebastopol
- Lived in same house for 14 years
- Landlord raised rents
- Living now in a room in a friend's garage
- Too expensive to live here
- Not fair the children who have grown up here are being forced to leave Sebastopol

Rei Blaser, 375 Murphy Avenue, commented as follows:

- Discussed the process
- Stated there should have been consideration and research behind the scenes before this came to the public
- Questioned what places are affected by rent control
- Stated there are no clear numbers
- Like to know Council more prepared, do research, before an item comes to the public
- Support emergency moratorium back dating to October 18<sup>th</sup>
- Choosing to bring to public's attention now immediate attention

Colleen Fernald commented as follows:

- Discussed walking in her shoes
- Stated the Council created this crisis
- Discussed wanting to meet with the City Manager, City Clerk and Mayor
- Epidemic crisis
- Urged to change State law
- Discussed unconstitutional wars
- Developers cannot make affordable housing anymore

## City Council Meeting of November 1, 2016

- Fees raised
- Creative ways to rehab existing stock that is sick moldy and unpermitted
- Kick in money to rehab housing
- Discussed being homeless

Jim Gilliam 7412 Blossomwood Avenue

- Lives in Sebastopol
- Landlord for many years
- Rent control does not work
- Too many variables

Kimika commented as follows:

- Very familiar with rent control laws
- Negative impact on community
- Do not vote for moratorium

Keith commented as follows:

- Says this is unfair
- Agree have housing crisis
- Sebastopol finding itself in the early stages of where Santa Rosa was in 2015
- Finding Council to have limited choices
- Discussed City of Healdsburg and how they are handling this

Anne Harris commented as follows:

- Been landlord
- Has been offered to sell her units
- Discussed need for affordable housing
- Oppose moratorium
- Read excerpt from newspaper
- Not have enough housing
- Need more affordable housing
- Not need to spend money on something Santa Rosa did
- Put City in position to put to voters
- Can cost City for special or general election
- Stepping into dangerous territory
- Watch what happens to City of Santa Rosa
- Got own legal advice
- Discuss issue with retroactive
- Stated this will be challenged

Daniel North Bay Organizing Project

- Discussed City of Healdsburg
- Discussed racial tensions
- Discussed fear of speaking up in public due to retaliation

## City Council Meeting of November 1, 2016

- Protecting diversity in Sebastopol
- This is what a government does in time of crisis
- Protect most vulnerable residents
- Support rent moratorium
- Democratic and civic duty
- Threat - if engage in conversation rents will be raised
- Saying that in Santa Rosa as well
- Stuck to their word and raised rents
- Council engaged in civic duty
- Understanding issue
- Fear happened here in Sebastopol – rents increased
- Not end all be all
- Tourniquet to stop this bleeding

Jeanie Bates, resident, live and work in Sebastopol, commented as follows:

- Took stand to explore this
- Not speaking to rent control
- What is before the Council is the moratorium
- Look forward to exploration of this issue
- Disheartened to hear of landlords who raised rents
- Worked with her landlord
- Had wonderful relationship
- Disturbing to hear that people are penalized because conversation has happened
- In favor of retroactive moratorium

Larry Goodwin commented as follows:

- Landlord and property manager
- Sonoma County in housing crisis
- Rent control not solve issue
- 10 % of tenants stay long term
- Over 100 units in area
- Most units are 1 and 2 bedroom units
- Tenants stay about two years
- Majority of residents do that and are able to take advantage of rental market
- Rent control will limit mobility
- Vacant units priced higher than occupied units
- Low vacancy rates
- Working families outgrow living space and cannot move
- Discussed turnover of units
- Rent control can cause that unit to be kept off market
- Reduced business for painters, contractors, plumbers etc.

Daniel Shanahan, resident, commented as follows:

- Rental business – commercial

## City Council Meeting of November 1, 2016

- Discussed of erosion of private property rights
- Respect property rights

Chris commented as follows:

- Property owner
- Bought distressed property
- Rents to section 8
- Keeps rents 5-18 % below market
- Reward those tenants who stay with them for a while
- Do as a business
- To take and impose upon us how to run their own business is wrong
- Discussed San Francisco rent control
- Way to address is to build more housing
- Work with developers to find how to do housing the right way
- Drive down places of what it is worth with rent control
- Stagnant the market

Henry, property owner, commented as follows:

- Bought distressed property
- Bought 21 unit building
- Discussed costs
- Cannot afford to keep it up in style and to afford the upkeep with rent control
- Sounds like what we have here is government that says there is a need for more housing
- Discussed the City trying to impose the problems on the citizens
- Forcing owners to absorb costs

Anne Gromer commented as follows:

- Owns apartment building
- Have had no one move out in last ten years except in one case
- Tenants stay and have been there 10 years
- Has owned property for 12 years
- If moratorium, will not do anyone any good who needs house
- Rents low
- Well below what Section 8 allows for units of this size
- Discriminatory
- Imposed on a few property owners
- Responsibility of caring for our weaker people
- Definitely need help
- Fairness is a wonderful ideal
- Money better spent rather than on legal counsel but on ways to help people who need help paying rent
- Face of guilt for raising rents less than 10 percent

A member of the audience commented as follows:

## City Council Meeting of November 1, 2016

- A lot of owners not doing the right thing
- Rent increased over \$1000 over two years
- Stated that is not doing the right thing
- Renters not have resource
- Been long term renter
- Went up \$650
- Not afford to stay in Sebastopol
- Landlords not doing the right thing

Michael Carnacchi commented as follows:

- Discussed affordable housing
- Discussed idea of impact fees for second and granny units
- Amortize over water bill in agreeing property owner agrees not to raise rents
- Discussed enforcement – stated it may be difficult
- Discussed payment of impact fees and penalties if not paid
- Create more housing

Mayor Gurney closed the public comment portion.

The Council deliberated as follows:

Mayor Gurney discussed the City of Santa Rosa and the status of their ordinance.

City Manager McLaughlin discussed the referendum that was submitted to the City. He stated the ordinance has been suspended until such time it is determined if this is qualified to go the voters.

Mr. Grutzmacher discussed the City of Healdsburg as follows:

- Represents the City of Healdsburg
- City went through a comprehensive housing plan process for the last 18 months
- Rent control was not a part of that
- Stated it was not a big issue Healdsburg
- City has growth management ordinance that restricts the number of units
- Number is 30 in any year built
- Rental stock not built
- Working on plan to address that
- Ballot measures and other legislation passed by the City is contingent on other measures passing
- Stated rent control is not part of those measures

Councilmember Slayter discussed the list of cities in the packet that have passed a rent control ordinance and questioned if there is any information on small cities that passed rent control.

Mr. Grutzmacher commented that this is the total list and stated there is not a large number of jurisdictions that have passed rent control and stated most are in the Bay Area or Los Angeles.

Councilmember Slayter questioned if it was larger jurisdictions that have enacted it.

## City Council Meeting of November 1, 2016

Mr. Grutzmacher stated that San Francisco has a much larger rental stock where a rent control might be more effective.

Councilmember Jacob commented as follows:

- Heard from a lot of good landlords
- Landlords who are Sebastopolians
- Appreciate those people
- Care for families and their renters
- Allows for people to stay in their homes
- Important to stay in the community and not lose long standing residents
- Stated however, not everyone landlord is good
- Many landlords do raise rents at an exorbitant rate
- Stated this is not an end all to be all
- Discussed the 3 percent cap for increases per year for rent
- Discussed this being in place while the City Council reviews options around rent stabilization and just cause evictions
- Temporary measure
- Supporter of rent control in Sebastopol
- Strongly believes it protects our most vulnerable populations, families of color, families, seniors, etc.
- Need to get protections in place now
- Even if it affects a small number of units
- Units important to towns diversity
- Rent stabilization and just cause part of package where additional housing stock also needs to be obtained
- Piece of what we need to do to solve the problem
- Support moratorium

Vice Mayor Glass commented as follows:

- Concurs with Councilmember Jacob
- A lot of really good landlords in town
- Figure out way to work with those landlords to facilitate the good landlords to continue to want to be good landlords here and make a reasonable amount of money
- Discussed real estate investment firms are coming in and buying multi units
- Buying at a large price – two to three times what original owner purchased property for
- Many of these companies are leveraging the housing
- Have to make return on money
- More housing goes up more have to raise rents to make return on investment money
- Happy of people who keep properties and are landlords for 20-30 years
- Want to keep being landlords here
- Not huge amount of investment to pay off
- Rent not going to leverage of inflated housing prices
- Vote for temporary moratorium
- Look at ways to work with local landlords

## City Council Meeting of November 1, 2016

- Feel encouraged to hang on to properties
- Make good return on investment
- Work with tenants and landlords
- Not interested in just being and not listening to the property owners who are being good responsible landlords
- Understand how people are responding
- Not want to be mean to good landlords
- Figure out a way to work with those landlords
- Hear from people that rents are going up \$1000 in a year or year and a half
- Hear from real estate there is nothing we can do
- Is free market
- Part of supply is being purchased by out of the area people for second homes
- In order to keep up with that, would have to add 10-20 percent in growth
- How to deal with that
- Discussed economics
- Is not really a free market in this world
- Supply and demand not work way it used to
- Rents are just going to have to go up unless build way out of it
- Responsivity of government helps solve this problem
- How our society is doing to work – defined by free market economists
- Discussed middle class – not have until using ability of government to create rules and floors
- Part of job is to set standards
- Figure out how to have housing in town
- Support responsible landlords in town and ot going to allow basically price gauging for people
- Questioned if it is okay to lose 20 percent who live here can no longer afford to live here – not okay
- Our responsibility to examine how we can deal with these problems
- Would like to hear solutions from real estate on how to have affordable housing or how to continue to live here other than free market solutions
- Not working elsewhere in Bay Area
- Mixture of solutions to this problem
- Prevent price gauging

Councilmember Eder commented as follows:

- Complex issue
- This is not the solution by itself
- Appreciates comments from landlords
- Received correspondence on both sides of the issue
- Discussed personal situations with increased rents
- Are outside speculators moving in and buying properties and giving high rent increases
- May not be bulk of landlords
- Concerned Sebastopol on scope of larger organizations targeting Bay Area, specifically Sebastopol
- Remain unconvinced rent control is the answer
- Needs to be acknowledged that if approved have things stay status quo
- Starts conversation

## City Council Meeting of November 1, 2016

- Had concerns venturing into this topic
- Both current Councilmembers will be off the Council in December
- Convinced if not start conversation now, when we will start conversation
- Not a part of the experience who rent homes to people and has experiences
- Not part of experience of getting letter from landlord of huge rent increase
- Main purpose of this moratorium is to get chance to get City working with others and to look at the problem
- May not be an answer
- Few buildable parcels in town
- If develop have to be looking at multi story buildings
- Day of one and two story our diminishing
- Dirt too valuable
- Sounds great to build more houses but not easily implemented
- Sewer allocations
- Water to be concerned about
- Have no better idea of what the right thing to do is than what was started
- Support moratorium starts conversation
- Continue to have more of the same
- Discussed non local landlords
- Those are the people the City needs to protect itself about
- Not out to cause landlords harm
- Council is making the attempt to review the process and that is important

Vice Mayor Glass commented as follows:

- This moratorium does allow for 3 percent
- Mechanism for special circumstances
- Those can be taken to the City Manager
- Ensure not going to raise rents for costs to maintain property
- Think about taking care of vulnerable people in this City that are on fixed incomes and cannot withstand 50-100 percent rent increases

Councilmember Slayter questioned in communities where rent control was enacted on rental properties that are under State laws, what happens to rental rates on those properties that are not covered under State law. He questioned if an increase in rental rates has spiked.

City Manager McLaughlin stated we do not have any information on that.

Councilmember Slayter commented as follows:

- Not sure where he is at on this issue
- Concerned if moratorium is in place, all this is doing is building pressure
- From what he has seen, the great majority of rental stock which is 1500 total units of all types of housing and only have about 300 that are single family dwellings
- Majority of rental units within the City of Sebastopol is covered by ordinance

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- Worried that the property owner for those units will see an opportunity to stop being good rental owners and that the rent will spike
- Transferring problem from one type of rental unit to another
- Do not know much about this issue
- Learning
- Thankful to hear from both sides
- Discussed high rent rate increases
- Head/heart issues
- Protect as many people as we can
- Head – have different types of rental housing in City
- Differences are important
- All rental housing should be covered but we cannot do that
- Three percent a year increase under this moratorium – may or may not have to do with any final action
- 45 day moratorium to protect people
- Genie is out of the bottle
- Talking of this
- 3 percent a year – a bare minimum across the board to maintain a property at all
- Inclination not support but move forward with conversation
- Way that we can provide a positive message to owners of rental properties as well as to put positive statement of rents for all types of properties

Mayor Gurney commented as follows:

- Concerned of timing of conversation
- Concern came to Council right now
- Discussed her responsibility to schedule work
- Process for scheduling an agenda item
- Responsibility to make sure scheduled
- Troubled by timing
- Brings issues that will bridge two Councils
- Concern to electorate
- Voters have not had issues before them
- Questions put to candidates of future councils
- Worried electorate not have that opportunity
- Significances to tenants and landlords
- All of us are in this issue because housing issue is in such crisis
- Bigger than affordability
- Rent is such a big issue
- Cannot get head around it
- Hoping new Council will look to this issue from a lot of different angles
- Need to examine what single family means
- Examine rules to govern granny units
- Look at permitting fees
- Opportunity sites
- Cash flow to dedicate to affordable housing

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- Complicated issue
- Admire way Healdsburg has approached this
- 18 months to 2 years – prefer that approach
- Not want to become Healdsburg but City has not had that two year opportunity
- Genie is out of the bottle
- Reported been reaction to one conversation
- Council has acted responsibly
- Moved quickly to bring back with intelligent write up well researched
- Had not been that reaction of raises rents, she might have been in favor of delay and moving more slowly
- Heart goes out to most vulnerable
- Hearing immediate reaction
- Putting more people at risk
- Going in direction of a community that we do not want to be
- Push the pause button
- Start studying not just this one small part but look at from many perspectives
- In favor of moratorium at this time
- Vote on ordinance first and then vote on retroactive

Councilmember Eder commented as follows:

- Need to be clear tonight not voting on rent control
- Voting on moratorium
- Pause button
- Discussion of rent control
- Not know outcome of the conversation
- Not what trying to accomplish this evening
- If not start conversation it will never happen
- Duty to make these conversations available
- Need the venue for these conversations

Mayor Gurney stated she did not know where this was going tonight, and did not know the timing for the new Council.

Vice Mayor Glass commented as follows:

- Prefer this have gone slower
- Genie out of bottle
- Some part of rent stabilization may be part of tool box
- Look at other tools to encourage and expand our affordable housing stock
- Encourage jobs and businesses that pay a living wage
- Lack of affordable jobs
- Wages that are not keeping up with cost of living
- Out of balance
- Examine all of those and be a City that takes care of all types of people

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Councilmember Slayer commented as follows:

- Stated this is an easy issue for the media
- Stated it will be well reported on
- Stated it will ensure a lot of conversation
- Unfortunate reactions that one's vote one way or the other will be seen as on one side or other side of the line
- Yes or no vote not allow for grey area
- This is about the biggest grey area deal within six years that he has been on the Council
- Support or nonsupport will be construed as cold heartless person who does not care about people who rent
- Concern is that what we are doing is imposing on good landlords and minority of rental property owners (landlords) an undue burden
- May be putting on ownership of other types of rental not covered by moratorium to increase their rents
- Yes vote – construed as on the renters side
- No vote – in pocket of real estate industry
- Stated this is a tough issue

Mayor Gurney commented as follows:

- Feels how tough and complicated this issue is
- Need for more information
- This may be the first vote of more future votes
- Stated if approved this will be coming back to the Council
- Not sure what future is
- Stated the vote tonight may change that

Councilmember Eder moved and Councilmember Jacob seconded the motion to waive the reading of the ordinance and enact the urgency ordinance for 45-days.

### Discussion:

Councilmember Eder questioned if the retroactive would be a separate vote.

Mr. Grutzmacher commented that the Council should have that conversation first and then vote on which version of the ordinance is supported.

Councilmember Eder amended his motion and Councilmember Jacob seconded the amendment to approve the second version of the ordinance as provided to the City Council tonight that contains a retroactive date.

### Discussion:

Mayor Gurney commented as follows:

- Voiced concern with this being retroactive
- Unfair to future Councils if this Council creates an item of significance and concern that it would have to return so quickly to the Council
- Discussed the need for a November 30<sup>th</sup> meeting to meet the deadline to move forward on this item to discuss an extension of time for the ordinance
- Forcing values on future Councils that at this time we do not know how they stand on the issue

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- Voting in opposition to Version 2

Councilmember Jacob withdrew his second for the motion.

Councilmember Eder commented as follows:

- Discussed voting on the ordinance in two motions
- Discussed incorporating the retroactive date of version in a separate motion

Mayor Gurney stated it was requested by Counsel that the Council discuss which version to vote on as the second version has the retroactive date and language.

Councilmember Eder commented as follows:

- Questioned if there was support to amend the motion back to Version 1
- Stated this is an important issue
- Stated the City has already seen retaliatory rate increases on people who were innocent and victims of a conversation had by the Council
- Stated he would like his motion to stand

Mayor Gurney stated she did not request the second to be withdrawn and stated her reasons were clearly stated for not supporting version 2.

Councilmember Jacob reiterated his request to withdraw his second on the motion.

There was no second; therefore Councilmember Eder's motion failed for lack of a second.

Vice Mayor Glass moved and Councilmember Jacob seconded the motion to waive further reading and approve Version 1 of the ordinance (ordinance would become effective now and not retroactive).

### Discussion:

Mayor Gurney questioned the findings for the ordinance.

City Manager McLaughlin commented as follows:

- Stated the findings are in the ordinance
- Stated the second ordinance relates to rent increases that have taken place in recent days and basis for the second version to be retroactive
- Stated the findings in the first version of the ordinance are fine

Mr. Grutzmacher stated the changes in the findings for the second version are dealt with by the activities to date, but that the Council can add additional findings with an amended motion.

City Manager McLaughlin stated that version 1 contains findings designed to be used and that the public testimony can be added as findings.

Councilmember Eder commented as follows:

- Clear understanding of opposition of retroactive is a difference of 14 days

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- Stated the argument is being made that this Council is tying the hands of a future Council in theory by changing a date of 14 days
- Stated he is unclear why the negativity of this ordinance for being retroactive

Mayor Gurney commented as follows:

- 45 days moratorium could expire before the next Council is seated
- If want to re up need to have special meeting toward end of November
- A report is required 10 days before
- When it returns, can potentially be extended for total of up to two years
- Action can take place around November 30<sup>th</sup>
- Stated elected may be known by that time but that the election results may also not be certified on that date either
- Stated she is uncomfortable with that
- Stated the Council will be losing two members in December
- Discussed taking action that could determine a new course of action for the next Council
- Would like the future Council to vote on the extension rather than this group determine that right before a new Council is seated

Councilmember Eder questioned if this was a retroactive moratorium, it can be extended or killed and questioned if that is correct.

Mr. Grutzmacher commented as follows:

- Could be extended for 10 months the first extension
- Stated it can have two extensions for a total of 1 year 11 months

Councilmember Eder stated the newly seated City Council can come back and rescind the moratorium.

Mr. Grutzmacher commented that is correct.

Councilmember Eder commented as follows:

- Stated this Council has full control
- Stated for the two of two weeks for being polite to candidates who we do not know where they stand on this issue, the Council is delaying action
- Stated we need to be consistent with this issue
- Discussed the Council's comments of the inconvenience of a Special Meeting
- Stated the Council has indicated it is a hassle or pain to have a Special Meeting
- Stated we are telling the public who have had rent increases or received notices, so sorry too bad the timing is bad
- Thinks two weeks is not that big of a deal if enact retroactively everyone is protected
- Taking easy way out – leaving people hung out to dry
- Be pissed if a renter
- Dire consequences for renters in town
- Reason to delay is weak

Councilmember Jacob commented as follows:

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- Prefer the ordinance to be retroactive
- Compromise to pass the moratorium so would be happy to engage the moratorium beginning today
- Does not want to lose Councilmember Eder's vote for a moratorium
- Need four votes to make the moratorium happy

Vice Mayor Glass stated she concurs with Councilmember Jacob's comments. She questioned if this vote fails, would the Council consider Version 2 again.

Councilmember Eder stated that the Council could reconsider Version 2 again or not do anything at all after the action on the motion.

### VOTE:

Ayes: Councilmembers Jacob, Vice Mayor Glass and Mayor Gurney

Noes: Councilmembers Eder and Slayter

Absent: None

Abstain: None

The motion fails.

The Council discussed reconsideration of Version 2.

Councilmember Jacob moved and Vice Mayor Glass moved to waive further reading of the ordinance and approve Version 2 of the ordinance as provided to the City Council at tonight's meeting.

Staff stated the Council would need to vote to approve reconsideration of the ordinance first and then could make a second motion.

Councilmember Jacob amended his motion and Vice Mayor Glass moved to approve reconsideration of the previous motion that failed earlier for Version 2.

### VOTE:

Ayes: Councilmembers Eder, Jacob, Slayter, Vice Mayor Glass and Mayor Gurney

Noes: None

Absent: None

Abstain: None

The reconsideration was approved.

Mayor Gurney requested clarification and stated if this vote fails to get a 4/5<sup>th</sup> vote tonight, can the Council look for another motion but understand the consequence that without a 4/5<sup>th</sup> vote, the Council would be taking no action tonight.

Mr. Grutzmacher commented as follows:

- The Council could move to reconsider the motion if this motion fails
- Stated the item could be continued to a later date
- Council can say that if the motion does not pass, no further action would be taken

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Councilmember Jacob re-stated his motion and Vice Mayor Glass moved to waive further reading of the ordinance and approve Version 2 of the ordinance as provided to the City Council at tonight's meeting.

### VOTE:

Ayes: Councilmembers Eder, Jacob and Vice Mayor Glass

Noes: Councilmember Slayter and Mayor Gurney

Absent: None

Abstain: None

The motion fails.

Councilmember Jacob moved and Vice Mayor Glass second the motion to reconsider the motion that failed previously tonight on the Version 1 ordinance and moved to approve the Version 1 ordinance as presented in the staff report.

### Discussion:

Vice Mayor Glass stated she understands the concerns of the people who have had their rents increased and stated if the Council does not act tonight, more people may have their rents increased.

Councilmember Eder discussed the logic presented for saving this item for a future Council and stated he does not understand that.

Vice Mayor Glass commented as follows:

- Stated she would prefer the moratorium
- Discussed needing to pass this ordinance to protect as many people as the City can
- Stated this starts the conversation going of how to take care of renters
- Taking care of good landlords in town
- Start in a way with pushing the pause button

### VOTE:

Ayes: Councilmembers Eder, Jacob, Vice Mayor Glass and Mayor Gurney

Noes: Councilmember Slayter

Absent: None

Abstain: None

The Motion was passed with a 4/5 vote.

**City Council Action: The City Council approved an urgency moratorium for 45 days.**

**Minute Order Number: 2016-248**

Mayor Gurney called for a break at 9:30 pm and reconvened the City Council Meeting at 9:45 pm.

### **INFORMATIONAL ITEMS/PRESENTATION: NONE**

### **PUBLIC HEARING(S):**

11. Public Hearing – To conduct a public hearing on an appeal filed of the City of Sebastopol Planning Commission's denial of an appeal contesting approval of an administrative application submitted by KOWS Community Radio for a 35-foot tall Low-Power FM antenna installation at a 3.39-acre property owned by the City of Sebastopol located at 1281 Pleasant Hill Road, Sebastopol. An appeal of the

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Commission's appeal denial was filed by Robert Jenkins on behalf of the Sebastopol Hills Alliance for Rural Preservation (SHARP). (Planning Director)

Planning Director Webster presented the staff report recommending the City Council deny the appeal, uphold the approval of the KOWS antenna application with findings and conditions.

The following is a presentation from SHARP as read at the City Council Meeting of November 1, 2016:

### SHARP Nov. 1 City Council Appeal Presentation

- (Appeal of KOWS Project)
- Speaker 1, Nancy Jenkins:
- This version of the KOWS project is not exempt from CEQA and doesn't comply with the zoning requirements for a Minor Telecommunications Facility, as our legal representative, an expert in CEQA and environmental law, details in a letter sent to the city last Wednesday. It can therefore not be Administratively Approved.
- The latest version of this project is on the same site, by the same applicant, for the same purpose, with the same 300 foot trench and equipment building, as previous versions. It is the same project and still requires CEQA compliance and an EIR.
- The Approval tries to shoehorn the latest version of the project into the zoning requirements, and it doesn't fit. Half of the requirements have not been met.
- The Approval hangs on the word "accessory", which is the first zoning requirement. The Approval defines an accessory as "any small addition". However, the Municipal Code states:
- "Accessory Uses are additions to the principal use which are customarily associated with, and are appropriate, incidental and subordinate to, such principal use."
- It is crystal clear that an FM radio tower has nothing whatsoever to do with the reservoir's ONLY principal use-- public water storage. Therefore it is NOT a Minor Telecommunication Facility. The Director stretched credibility even further when he told Planning Commissioners in October that an EMF-emitting, 35 foot FM radio tower could be compared to accessory uses as inconsequential as 6 chickens in a coop, [POINT] 2 rain gauge cups and a thermometer in a box at the public works maintenance yard, where there IS no primary use and 100's of industrial items are stored.
- The zoning ordinance and the General Plan should be scrapped if a few chickens and basic weather gauges in a congested maintenance yard surrounded by commercial property, are considered the same thing as a 35 foot EMF-emitting antenna tower on a bucolic country site surrounded by rural residential homes, that has ONLY been used for water storage for the last 30 years.
- Alternative sites for this version of the project ARE REQUIRED for approval, and none have been provided. Many more sites could work. Alternative sites for a previous version are not applicable.
- This tower is an open invitation to cell companies and more EMFs. Lease restrictions are useless. Zoning rules say a permit may only be granted if a use:
- "...will not under ANY circumstances, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such a proposed use."
- Clearly that is not the case, and it could quickly get much worse.
- Accepting this Approval means disregarding the health and safety goals of the General Plan with regard to radiation exposure, and ignoring the goals that protect the western hills as scenic resources vital to the character and identity of Sebastopol. That is a lot to turn away from..... for one small radio station.

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Speaker 2, Terry Noe:

- While a radio broadcast tower may already be obsolete in an era of on-line music and other media, the telecom. zoning ordinance requires that alternative sites and co-location options be analyzed for the 35 foot revised KOWS antenna tower project. Since that analysis was not provided for the revised 35 foot antenna tower, we felt that it might be useful to analyze one of the locations that KOWS previously stated would be an excellent location for it antenna, the fire station by Ives Park.
- My neighbor, Mike Ruddick, and I are both electrical engineers familiar with antennas and broadcast coverage. We worked together to create a broadcast coverage map for a co-located KOWS antenna at the Ives Park fire station. We assumed a 4-bay omni-directional antenna similar to the type previously specified by KOWS for their 70 foot antenna tower, but with the antenna mounted at 35 feet using 37 watts of power, so the project could be Administratively Approved by the Planning Director.
- We then compared that to the broadcast coverage for the proposed KOWS directional antenna mounted on a 35 foot tower at the Pleasant Hill reservoir with 37 watts of power, assuming the antenna was pointed 30 degrees east of due north, to maximize the potential coverage area.
- The results are shown on these coverage maps, with the fire station coverage shown in red, the Pleasant Hill coverage shown in blue, and the overlay of those 2 coverage maps shown in purple where the coverages overlap.
- The results are remarkably similar, with the fire station location actually providing more coverage overall, but with both locations showing excellent coverage in Sebastopol and in surrounding areas. Both locations have similar and good coverages in Santa Rosa, and the fire station location actually has much better coverage back to the Occidental and Camp Meeker areas. Both locations require 2nd adjacent channel waivers from the FCC, which KOWS has successfully gotten previously. We spoke with an FCC official about the KOWS project and our assumptions, and we feel this is an accurate summary of the broadcast coverages at both locations. It was, however, the responsibility of KOWS and the Planning Director to comply with zoning by providing an analysis of feasible antenna locations based on broadcast coverage from a 35 foot antenna tower.

Speaker 3, Andrea Schmitz:

- What is baffling about this project is why a KOWS radio broadcast tower has mattered so much to Sebastopol officials and merited so many special favors.....favors that have not been offered to other local non-profit groups You would think this project is bringing life-saving water to Sebastopol after all the wells ran dry. The reality is KOWS provides entertainment programs listened to by a small portion of the community, and it is already providing that service without a new antenna tower.
- KOWS likes to trumpet the many benefits that it will bring to Sebastopol if a new antenna tower is approved, but there is nothing to base those claims on. They don't know how many people listen to their programs, and the city doesn't know how many people listen either. For years, KOWS has been publically soliciting funds with claims of a large future increase in potential listeners, but in fact there is no greater potential audience than the world-wide audience it already reaches on-line at KOWS107-3.org.
- The station already has broadcast coverage to a good portion of the West County, has a local presence with its downtown Sebastopol studio, and has participated in local events for years....all without a new antenna tower. What we KNOW a new antenna tower would bring is immediate and permanent harm to the scenic landscape, to the neighborhoods surrounding the tower, and to everyone who drives along Pleasant Hill Road. There are serious repercussions from a new antenna tower that deserve more than hopeful guesses as justification for its approval. A new antenna tower opens the flood gates

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to future co-location and antenna tower expansion on the reservoir property. City officials have been questioning this issue since the first meeting last November, and were told repeatedly that appropriate restrictions could be put in the lease. Nearly all Commissioners expressed concerns about co-location and the effectiveness of such restrictions at the Planning Commission meeting last February. When asked about this again at the last Commission meeting, the Planning Director responded that any Sebastopol administration could decide to remove restrictions in Conditions of Approval or from a land lease and permit telecommunication expansion at the reservoir site. It has taken nearly a year for a City official to confirm what SHARP has been saying from the beginning..... lease restrictions and conditions of approval cannot stop future co-location or tower expansion on the reservoir property once an antenna tower is approved and built.

Speaker 4, Annmarie Finneral:

- A lease cannot stop co-location, and current legislation demands it. The Planning Director has repeatedly said that as a property owner, the city has control over what can and cannot go onto its property. But the 1996 Telecommunication Act, the 2012 FCC 6409(a) ruling, and the October 2015 California Assembly Bill 57 have changed the rules for control over antenna towers in California. The day after an antenna tower is erected, the city virtually hands over future control of the tower to the FCC, and the FCC allows maximum co-location, expansion, and tower strengthening at any time under its guidelines. Last October, Assembly Bill 57 took away the last controls cities had to reduce antenna tower expansion.
- AB 57, combined with other FCC rulings, requires a city or county to Administratively Approve an application for collocation on or adjacent to an existing telecommunications facility, through the issuance of a building permit within a specified time period. It PROHIBITS a city or county from taking restrictive actions in conditions of approval for collocation applications.
- The City of Sebastopol may choose to believe that one 35 foot antenna tower is not such a big deal, but the likelihood of more antennas, more towers, more visual blight and more EMFs that result from one tower MAKE it a big deal. Once you add in the loss of more than \$300,000 in property values from the KOWS antenna tower alone, it should be obvious why this project cannot be allowed at the Pleasant Hill reservoir site, and why the West Sebastopol community surrounding the tower site will do everything in its power to keep telecommunication facilities from getting a toehold on the property.
- We have nothing against KOWS radio. We do have something very much against an antenna tower being invited onto city property with a free lease offer that causes harm to the surrounding area, with the likelihood of increasing harm down the road. City officials are tasked with diligently upholding Sebastopol's land use policies for the protection of the land and the health and safety of the community. This project is trampling on those land use policies and eroding the health and safety of the community. There are many ways for Sebastopol to support KOWS radio without experimenting with the well-being of families that surround the Pleasant Hill Reservoir and degrading the beauty of the western hills.

Speaker 5, Vici Wayne:

- I would like to help you understand what it feels like to live in a neighborhood that Sebastopol leaders don't seem to care about. A neighborhood that has to defend itself appeal after appeal because some don't think the human beings who live there matter that much.
- Every one of you knows that families live in homes surrounding the radio tower approved by the Planning Director. He wants us to accept a new radio tower into our lives. Think about what that

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means. Right next to that radio tower is a path along the edge of the vineyard that the entire neighborhood uses daily. The path is used as a shortcut to each other's homes and for kids to get to school. Children and parents with babies live and walk there every day. It's surrounded by vineyard on two sides and workers will have to work right under it.

- Because the tower is lower, the EMFs are nearer to the ground, and 3 times stronger than before. Would you want your kids near that every day? Would you want a new low dose of radiation coming into your own home every minute of every day? How would it affect your sense of comfort and well-being when you were home? If you were buying a house, would you choose one right next to a radio tower? Is this tower OK for us and our families, but not OK for you and your families?
- So you see what I mean when I ask you to imagine what it feels like to be us. How it feels to know that a small radio station.... an unnecessary and occasional entertainment..... outweighs the importance of the health and sense of well-being for an entire neighborhood of families in their own homes.
- The General Plan, says that Sebastopol is a city of people who care about healthy living. People who are in touch with the earth and nature and are proud of our beautiful natural environment. We sing peace songs in the park in the summers. We're a nuclear free zone. We don't even want smart meters because they emit a teeny bit of radiation. We don't want even that much radiation. Reading the General Plan, you'd think that Sebastopol would NEVER consider approving a new EMF emitting radio tower in the western hills. The General Plan must say 10 times in 10 different ways that Sebastopol should avoid more EMFs because the health risks are too great, and that the beauty of the western hills must be preserved and protected as a vital part of Sebastopol's identity and character. This tower is wrong according to every standard of rightness and every facet of the General Plan.....however well intentioned. Please look to your General Plan and exercise decency, common sense and prudent judgement in making your decision tonight.

The following is a presentation from KOWS as read at the City Council Meeting of November 1, 2016:

Laura Goldman and Arnold Levine, on behalf of KOWS

- Good evening, City Council, City staff, and members of our community.
- I'm Laura Goldman, KOWS radio Hostess with the Mostess. I've been doing my weekly Laura's Living Room show for going-on 10 years.
- And I'm Arnold Levine, a KOWS host for nearly 10 years and a Steering Committee member.
- Tonight we ask the City Council to validate the administrative approval that was granted by the City and upheld by the Planning Commission. We've complied fully with all FCC and City of Sebastopol requirements, regulations and requests. And we trust the expertise and judgment that led to the City's determinations to increase KOWS broadcast reach.
- You will also see from our written response for this meeting, and our previous presentation to the Planning Commission that we have addressed and rebutted all allegations in the opponents' latest appeal to the City Council. Other appellant issues have been addressed by the planning director and planning commission.
- We believe Sebastopol deserves great public radio, and to help make it a reality, we moved our studio from Occidental to Sebastopol almost a year ago. Since then, we've become even more involved in town and eager to increase the benefits KOWS brings to the City and people of Sebastopol.
- When I do my show, I feel an attitude of gratitude and appreciation: I get to welcome guests from just about every walk of life, promote worthy events and projects, play music, schmooze with interesting people, and entertain, inform, connect and activate our community.

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- Here's a glimpse, just from October: Last Friday I hosted candidates for Sebastopol City Council, and had a phone interview with Zakir Hussain, a renowned, world-class musician. Regular weekly guests include "mavens", experts like a local beekeeper, the "Clean Power Guy" and a Master Gardener. A couple of weeks ago, the two candidates for 5th District county supervisor visited and discussed issues. Early in October, Caryl Hart, executive director of Sonoma County Regional Parks came in to schmooze. And I did weeks of musical-schmooze-ical promotion for local good works like Sebastopol's Community Apple Press and Food for Thought's annual Calabash festival.
- This Friday, all 5th District candidates from the primary election will return, and I'll promote Sebastopol World Friends sister city project and their annual event, plus squeeze in a brief talk with Analy Arts students about next week's theater performance. And next week, Cathryn Couch, executive director of the inspiring Ceres Community Project will be on.
- And I'm only one of over 100 KOWS volunteers who do this kind of outreach. It's a pleasure and a privilege to contribute to our community, and I intend to continue, because it's exactly what KOWS is meant to do.
- I'm constantly awed at the quality, content, and breadth of programming on KOWS, such as our shows on emergency preparedness, and on elder culture, the only regular shows of their kind in the country.
- Personally, my biggest thrill is to interview a person, or newly formed group that have never been on the radio before. I've found that my radio interview can often be the first time the interviewees had fully articulated the reasons why they were doing what they were doing.
- Two such examples gleaned from my shows are Powerful Voices: A Forestville non-profit organization that focuses on healing stories from sexual abuse, that is now being featured on national TV, as well as the Watertrough School Parents in their struggle against a commercial vineyard owner.
- For October: last Friday I interviewed two leaders of the local Pomo Indian Nation, for the annual October Pomo Honoring Month. I interviewed Jim Horn, a candidate for the West County Medical Center Board, Rebel Fagin on Prop M against GMO products, comedian Erik Escobar on a comedy fest in Sonoma County, and musician Gabby La La appearing in Sebastopol. On Thursday I recorded the remarkable Analy High School Election Night event, which is now up on our website at [www.kows.fm](http://www.kows.fm)
- My show on Friday will begin with Brett Lear, the director of the Sonoma County library system on Prop Y, then Gail Thomas, and Rob Cary, both candidates for the West County Medical Center Board. Finally, I'll call Morgan Goodwin, vice-mayor of Truckee, who encourages and trains people to run for public office. On the 11th, I will be premiering two original, locally produced radio plays.
- We believe this type of regular programming is a real asset to Sebastopol's essence and quality of life, and contributes to Sebastopol's reputation a cultural and creative hub.
- Contrary to some uninformed opinions, broadcast radio, especially community radio, is alive and thriving. Ten years ago KOWS was one of the first Low Power FM stations granted a license when the FCC established this new category. Now there are thousands of similar LPFM stations broadcasting in communities across the country.
- The appellants have asked why we need an antenna in these hi-tech days: Why not just listen online? Well, it would be a fine world if everyone in Sebastopol and West Sonoma County has, wants, can get, or can afford a good quality Internet connection, but we have found that is far from the reality. At every event we attend, people ask us why they can't get KOWS on the radio at home, or in the car, as many don't use the Internet for a variety of reasons.
- This is an important issue, because in addition to our regular programming that connects listeners 24/7, with our community's news, information, and entertainment, we are also the Emergency Alert System for the West County. The new antenna will enable our signal to reach many more residents in

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the Sebastopol area. In the event of a major emergency, or even a minor disruption, like a tree down over a road, our locally broadcasting KOWS signal, not information by stations in Santa Rosa, or San Francisco, will give us the vital information we need.

- It's important for community radio to be accessible: KOWS show hosts range from high school students, to "seasoned" older people. Most have never been in front of a mic before, although some of us in the KOWS Herd have decades of radio experience. KOWS also provides free training to learn and build skills in broadcasting, event and office management, fundraising and outreach.
- Our proposed collaboration with the City is definitely not a one-way street. It's our responsibility to make sure KOWS provides ample long-term benefits to Sebastopol in exchange for your support.
- By having a local radio signal and increased broadcast reach, Sebastopol will benefit from an increase in taxable revenue, with more people attending events, going to restaurants, and shopping locally. By covering issues important to the City, we will engage more people in local governance and neighborly self-reliance – because listeners hear about it on KOWS.
- Arnold will give examples of some of the benefits KOWS brings to the City of Sebastopol.
  - We provide local reporting, announcements, alerts, and emergency information
  - Invitations are extended to City staff and Council members for on-air conversations
  - KOWS broadcasts local public meetings and events, with related programming
  - We donate audio recording equipment, music, sound systems, and staffing for non-profit events
  - Information on businesses, non-profits, community and neighborhood activities are regularly aired.
  - Promotion, and coverage is given in support of local services and community organizations
  - KOWS develops student- and elder-led programming on issues and other topics of specific concern and interest
  - Musicians, artists, writers, and thinkers are interviewed, and given live, in-studio performances
  - Access is open to all ages, abilities, backgrounds, cultural, and ethnic communities
  - Local businesses can reach their customers through KOWS with at least four on-air mentions a week, and a place on our website by becoming underwriters.
  - Public Service Announcements are given out on every show on important local topics, and community engagement opportunities
  - We will provide links from the KOWS website to City Council agendas and reports, notices of public meetings, event calendars of the Sebastopol Community & Cultural Center and the Sebastopol Center for the Arts
  - And for a nominal fee, we provide opportunities to showcase and promote locally owned and operated businesses.
- These benefits enhance Sebastopol's image as a desirable place to live, work and visit We invite you to discuss, develop and add new ways to work together for the benefit of Sebastopol. KOWS increased broadcast reach will help more people (as our mayor says so aptly) think locally and act neighborly.
- We thank the City Council, Sebastopol City staff and Planning Commission for your patience and good will through this long public process, especially for being diligent, thorough and fair.
- We continue to trust in the public process, and are committed to working with the City of Sebastopol in a spirit of honesty, accuracy and transparency. So, let's moo-ve together and bring community radio home to Sebastopol."

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Mayor Gurney asked for questions from the Council for staff.

There were none.

Mayor Gurney opened for public comment.

Bob Jenkins commented as follows:

(SHARP Appeal of KOWS Telecommunication Facility Approval)

- \*”This project is not a Minor Telecommunication Facility. At least 7 zoning requirements were not met, here are 3 key ones:
- Projects must be an accessory to the primary use on a site. 10 examples of accessory uses are in the Zoning Code. All 10 examples refer to a smaller use SERVING a RELATED principal use. One example is parking reserved for and serving a principal use on a site. Another is an employee cafeteria serving a principal use on a site. A third is the storage of goods on the same site as the principal firm that made the goods. A private FM radio tower is not SERVING or related to the city’s public water storage, so it is not an accessory.
- Projects must be screened from view from off-site, and complete visual analysis is required on impacts to surrounding homes. No screening was proposed for this project, and 12 homes were not analyzed that will be visually impacted by the tower, as confirmed by a 35’ helium balloon raised on site, with viewings from each home.
- Projects must have less than 20 microwatts per sq. cm. EMF exposure on the site. The first KOWS EMF report was 3 times that level when it was approved. The revised KOWS EMF report, after the SHARP appeal, was under the limit, but the report was based on the incorrect antenna and mounting height. The report assumes an antenna mounted at 35 feet, which would be on a lightning rod and is not possible. That structure would exceed the 35 foot height limit by more than 2 feet if the correct 51” x 51” antenna was mounted at that height. The correct antenna can only be mounted on the tower structure a maximum of 31 feet above ground level. Lowering the antenna results in much greater radiation exposure on the site. This has not been analyzed. The city does not know if the project meets this zoning requirement and, in fact, it has never known.
- This version of the KOWS project is still a Major Telecommunication Facility requiring a use permit.

\*Jon Carroll commented as follows:

(SHARP Appeal of KOWS Project)

- My name is Jon Carroll, I have been a resident of Sebastopol for over 30 years. I have raised my children in our community and have the utmost appreciation for the splendor of our scenic and unspoiled Sebastopol hills. I moved here from Southern California 44 years ago to attend college and get away from urban blight. I have been a builder and small business owner here in Sebastopol for all of those 30 years. Therefore I have been dismayed at the irregularities by the KOWS application, and the allowances that the city has granted the KOWS project, regarding zoning compliance.
- I have read the KOWS application, the SHARP appeal and the Director’s findings and Staff reports. It is clear to me that the KOWS project simply did not comply with zoning when originally approved. Later, after approval, compliance was attempted by asking KOWS to reduce the tower height, submit a new EMF report, and re-submit the old KOWS alternative site list from the 70 foot tower, which has nothing to do with the broadcast range of a 35 foot antennae tower. Other requirements ....like landscape

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plans, perimeter screening trees, co-location options, and proper setbacks from the adjacent home site...were simply dismissed as not needed...in spite of zoning specifically requiring compliance to these conditions. The project not being an accessory to, or having any relation to water storage, has already been discussed. The project still does not meet all the requirements, unless you are prepared to say that the Minor Telecommunication zoning code is irrelevant and can be ignored.

- Those of us that have submitted a lot of project applications over the years have never received the kind of favoritism that KOWS received for its application. That is disheartening.....especially considering the project's non-compliance with the required zoning conditions at the time of approval. Ignoring land use policy is not a good precedent for the future of Sebastopol and it is not good for families living near the proposed antennae tower. The KOWS project is clearly not a minor telecommunications facility the Director was authorized to approve."

Melissa Weaver commented as follows:

- Discussed a need to do an environmental report
- Discussed the Mayor's comments for the public having a say at every stage of the process
- Stated she is not clear how the City got to this point

Greg Armistead commented as follows:

- Stated he has worked on over 100 CEQA documents in the past
- Stated the main test of the project he has found that is important is whether the project is controversial or not
- Not matter what the threshold area was under CEQA
- Stated the controversy trumps the threshold and laws and categories if the project is controversial
- Stated this is an extremely controversial issue
- Stated it has made a lot of people angry
- Stated people's ideas were discounted
- Stated the site has environmental issues that are supposed to be studied under CEQA
- Many opportunities to require CEQA but chose not to do so
- If not controversial not a big deal
- If controversial made sense to error on side of public
- Needs to be more studied on this controversial issue
- Public needs to be allowed a public comment allowed a public comment period where they have time to review study and give educated comments

Debbie Hurst, lives on Pleasant Hill Road, commented as follows:

- Lived there over 30 years
- Lives two houses away from proposed site
- Concerned about EMF
- Stated she is hoping to keep the house for her children
- Stated if the antenna goes up, does not know enough of the science, but thinks it is not a good thing to do
- Questioned if the Council would want this in their backyard
- Questioned if the Council would live there if the antenna was there
- Questioned if the Council would purchase a house knowing the antenna was there
- Stated radio is important but so is health

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Peter VanGorder commented as follows:

- Questioned if the City should be used for a private enterprise
- Stated never seen a City participate in a land give away project
- Stated it does not belong there
- Stated the Council talks of community but does not care about the people who live where this project will go
- Discussed use of scare tactics
- Discussed posting of lies on online community forums
- Discussed KOWS hosting local election debates
- Discussed that this is a conflict of interest
- Discussed KOWS repeating that they only have one location for antenna
- Stated there has never been only one option
- Qualified members of this community offered to help
- Returned kindness and offers with insults and lies and online slander and hostility and outright physical violence
- Beyond regrettable
- Disgusting
- Disturbing
- Ask is it the City's job to have a private radio station have its tower in Sebastopol
- Stated the City should do its due diligence

ila Benavidez-Heaster commented as follows:

- Stated this is wonderful
- Stated KOWS can do this anywhere
- Discussed the dollar a year lease
- Questioned how that benefits us
- Discussed the General Plan and protecting land
- Discussed keeping that commitment
- Needs to be addressed is what this does for our town
- Stated KOWS is wonderful
- Questioned what do we accomplish
- Discussed the Planning Commission not being unanimous in its decision
- Stated not everyone said yes

Barry commented as follows:

- Discussed bringing public radio to Sebastopol
- Discussed public radio is beneficial to Sebastopol
- Stated if beneficial to the City, the City should bear the responsibility

Linda, lives close to antenna site, commented as follows:

- Heard numerous times the issues on this item
- Once allow tower, the door is opened for other towers to be located on the site
- Do not open Pandora's Box

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- Radio on its way out
- Why is the City investing its resources at the expense of the neighboring community for something that is antiquating
- Not necessary for KOWS to provide benefits proposed to the City and surrounding neighborhood
- Entire community hurt by proposed tower
- Avoidable
- Promote online streaming
- Win Win situation
- City Council cannot guarantee future Council actions for expansion of towers
- Urged the City Council to do the right thing

Laurie Fussfield commented as follows:

- Listens to public radio
- Not about KOWS radio, it is about how they can exist without putting an antenna farm up there
- Intention of the decision was made a long time ago
- Before public was notified, believes KOWS had assurances from staff and people behind the scenes
- Bought the tower already
- Got dollar deal for lease
- Why has the City been so determined to go out on a limb to support the KOWs radio tower
- Long established relationships between key City officials and KOWS leaders
- Long history of business contracts
- Discussed this as a repeat of the CVS appeals and is the same as the reason why against the will of the majority the City ended up with CVS
- Members of the City Council were motivated by personal relationships which resulted in an irreversible action
- Council doing same thing here
- Using relationships to do the same thing
- Pet project

Chris Walker, Elphick Road, commented as follows:

- Discussed the Planning Commission meeting
- People are going to fill this room and oppose it
- Application is strongly opposed
- Discussed EMF exposure
- Discussed visual impacts
- City should be focusing on unlimited international access to listeners for online listening
- Station needs funding to expand broadband

John Carroll, resident of Twin Hills, commented as follows:

- Dismayed by disallowances of the City
- Discussed the irregularities of the application
- Clear KOWS project did not comply with zoning when originally approved
- Complacent attention by asking KOWS to reduce tower height
- Discussed landscape plans, perimeter screening, trees, setback, colocation etc.

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- Dismissed zoning compliance
- Discussed that the project is not accessory to the water tanks
- Stated it is self-evident they are not related at all
- Not meet all the requirements
- Minor that the zoning code is irrelevant and can be ignored
- Never received favoritism that KOWS is receiving
- Not good for future of Sebastopol

Dr. Norton commented as follows:

- Stated he has no public speaking experience
- Stated he did research on this issue
- Not willing to be used as part of brand marketing
- Distance from it

Michael Carnacchi commented as follows:

- How many of the Councilmembers have been to the site and went to where the antenna is proposed to be located
- Area is tranquil and amazing
- Discussed amount of water in the reservoirs
- Discussed no backup generators on the property
- Discussed the indemnification clause
- Number 5 No sound emanate from telecom facility
- No current backup generators
- Be emergency broadcasting station – need to have backup generators
- Power goes out up there often
- Solar back up system and questioned if that will be an additional structure
- Discussed trenching and erosion control in winter

Mayor Gurney closed the public comment.

The Council deliberated as follows:

Councilmember Eder discussed Condition #12 and questioned if insurance aspects should be included.

Planning Director Webster stated that would be a separate requirement under the encroachment permit.

Councilmember Eder discussed Condition #15 and suggested that access should only be granted in accompaniment of a City of Sebastopol employee. He questioned what would the dynamics of the situation be if KOWS were to construct the antenna and lease it back to the City and questioned if this would be a City owned facility.

City Manager McLaughlin commented that there would not be a lot of difference as there would need to be a lease to occupy that spot and stated he was not sure if there was much of a distinction.

Councilmember Eder questioned if this would change the City's position from the perspective of litigation.

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City Manager McLaughlin commented that he would think that if a tower was put in the same location by the City instead of KOWS, it would probably not change litigation aspects.

Councilmember Eder stated it was his impression that the prior requirement for an EIR that was narrowly focused was based on visual impact.

Director Webster stated he concurred that the visual impacts appeared to be the primary concern with the scope set by the City Council.

Councilmember Eder questioned if staff recalls the technical restrictions for the tower to be located at the fire station.

Director Webster stated that could be best addressed by KOWS.

Councilmember Eder stated he believes there was rationale for the site not being appropriate for that location.

Vice Mayor Gurney commented as follows:

- Discussed KOWS as emergency broadcasting station
- Discussed the generator
- Questioned if the antenna is so low voltage that it could be run off a battery back

Mr. Parry stated that is correct.

Vice Mayor Glass commented as follows:

- Concur with Councilmember Eder to condition that KOWS personnel be accompanied by someone from the City for access
- Questioned if the City can quantify some of the benefits they are offering the City such as a minimum of 250 PSAs a year or so much time for City use

Mayor Gurney stated that could be in the lease.

City Manager McLaughlin stated the City will draft a lease and that could be one of the provisions is a list of benefits to be provided to the City.

Mayor Gurney questioned the landscaping screening conditions.

Director Webster commented that in the analysis, the location was adequately screened and there were tall trees around much of the location and there is adequate landscaping on site.

Councilmember Jacob questioned what is being decided tonight is whether or not the Planning Director made the right call on approving the administrative permit.

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City Manager McLaughlin stated the Council is discussing whether the grounds brought by the appellant have any basis in fact or law and that they have the burden of proof of demonstration that the Planning Director abused his discretion or not have valid rationale for an administrative determination. He stated the Council is to focus on the grounds brought by the appellant and burden of proof.

David Gilman, KOWS, commented as follows:

- Discussed the fire station location
- Stated he does not have the specific technical information as to why this location did not work
- Stated it was his memory that the fire station was one of 14 or 15 locations looked at
- Stated the fire station did not meet the level of advantages that the Pleasant Hill Road site has

John Parry commented as follows:

- Discussed the generator
- Stated is it not part of this application
- Stated that would be addressed at a later time
- Stated the Vice Mayor was correct in that this is 37 watts and does not require a lot of power
- Battery backup would do for short term
- Stated for longer term, a battery back charged from PG&E power would be included or run off solar power
- Not talking of an excessive structure
- Stated he recalled that for the fire station location, the range was lost

Councilmember Eder stated he recalls a technical restriction on that location.

KOWS representative stated he would need to double check that in terms of FCC but stated it was also a matter of elevation.

Director Webster discussed the table provided in the staff report of locations reviewed and the evaluation of the fire station location.

Councilmember Eder commented as follows:

- Stated he was one of the people who got on this Council due to personal relationship and CVS from prior Councilmember
- No personal connection to KOWS
- Not doing a favor for friends
- Could not see tower through trees
- Though the higher tower would be more visible
- Stated if he could afford to, he would gladly move next to radio tower
- Proposed antenna lower than City water tank by five feet
- Lower than typical utility pole by 20 feet
- With surrounding trees, the tower is lower by 10-15 feet
- Not sticking in the sky all by itself
- Supportive of project at 70 feet
- Hard not to support at 35 feet
- Effort made to come to middle ground

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- Not know what would satisfy the neighborhood except for no antenna – stated he did not agree with that
- No one holds tittle to the sky or view
- Supportive of project moving forward

Mayor Gurney asked members of the audience to refrain making comments during Council deliberation. She stated is it disturbing to the process and stated if the audience wanted to talk, they could go out to the lobby. She stated the Council needs to have time to discuss these issues and would like to do so with respect and compelled the audience to give the same respect and requested the mumbling to stop.

Vice Mayor Glass commented as follows:

- Reiterated that KOWS is a 501 (3) (c )
- Stated it is for public benefit not private
- Public organization for public benefit
- To continue to assert that it is private is incorrect
- Discussed this organization is offering to provide a number of benefits to our City
- Good for community and civic spirit
- Offering to do good things for economic development of our community
- Concerned about electronic pollution
- 35 watt facility
- 1/3 of 100 watt light bulb
- Concern of EMF for 35 watts is minimal
- Not mind living next to
- Benefits to our City
- Low visual impact
- Low electronic pollution
- In favor of application
- Appropriate use of public property
- Most have co-located on public property
- Common thing to do

Mayor Gurney asked for clarification if Councilmember Eder and Vice Mayor Glass were in support of denying the appeal.

Both stated that is correct.

Councilmember Slayter commented as follows:

Discussed the staff report

- Stated a lot of information in the appeal is repetitive
- Stated this is a new application and not the old application
- Stated it is a separate file and treated independently
- Discussed having a separate processing fee
- Stated he read in depth both sides of the issue
- Read in depth the repeated readings from SHARP and their comments of the project
- Went through them one by one

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- Not CEQA attorney, 6 years on Council, 3 on PC ,know a little of CEQA
- Read CEQA exemptions
- Meets exemptions
- #1 or #3
- Looked at appellant ascertains about Planning Commission actions
- Paged through zoning ordinance
- Conversation with Planning Director
- Determination reached by self
- According to definition minor telecommunication facility
- Correct procedures were applied
- Meets requirements
- Concurs with comments of colleagues

Mayor Gurney commented as follows:

- Concern that we are looking at new application, but that from SHARP but hearing much of same information
- Project is essentially different
- Stated the project is half the size
- Greater concern is the nature of the remarks
- Unused to our community using such derogative words as applied to someone on the other side of the issues
- A lot of negativity
- Mean spirited comments that do not have to do with substantive issues
- Saddened to experience that
- Not the way of our community to speak like that
- Generally pretty positive
- Stated it is a different application
- Falls within exemptions
- Disheartened to see so much organized opposition without regard with community benefit
- Understand emotions
- Sorry for that kind of resistance and opposition especially if it leads to exhausting litigation
- Application will be rich with community benefits
- Public Service
- Hope move forward to negotiate those details in the lease
- Supports denying the appeal

Councilmember Eder moved and Vice Mayor Glass seconded the motion to deny the appeal and uphold the Planning Commission's decision with the findings set forth in staff report with a minor change:

Access to site shall only be with City employee accompaniment

VOTE:

Ayes: Councilmembers Eder, Jacob, Slayter, Vice Mayor Glass and Mayor Gurney

Noes: None

Absent: None

Abstain: None

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City Council Action: Approved denial of appeal.

Minute Order Number: 2016-249

12. **\*Public Hearing (Please note comment below)** – Notice is hereby given that the City Council of the City of Sebastopol will conduct a Public Hearing on proposed amendments to the Zoning Ordinance, to increase maximum height allowances in the CD Downtown Core District from three to four stories, and to amend parking requirements in the Zoning Ordinance to allow applicants to file a Use Permit application to request greater flexibility in the use of tandem, valet, and compact parking in specified circumstances. The height amendment request is consistent with policy recommendations in the draft General Plan. These code revisions have been requested by the applicant for the Hotel Sebastopol project, which involves the development of a 66-room hotel, which will consist of multiple buildings, ranging from two to four stories with a height of 50 feet at its highest elevation at 6828 Depot Street. The project proposes to provide most of its parking will be at 6826 and 6824 Depot Street and 215 and 225 Brown Street in a valet-operated parking lot, with tandem, compact parking spaces. (Planning Director)

***\*THIS ITEM HAS BEEN CONTINUED TO THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 15, 2016 AT 6:00 PM AT THE SEBASTOPOL YOUTH ANNEX, 425 MRRIS STREET, SEBASTOPOL, CA***

Reference Order Number: 2016-250

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

13. Discussion and Action of Recommendation From Staff to Not Perform Pavement Core Samples at the Bodega Avenue and High Street Intersection and Authorize Staff to Prepare Request for Proposals for Repair of Intersection (Engineering Manager)

Engineering Manager Mikus presented the staff report recommending the City Council approve staff recommendation to Not Perform Pavement Core Samples at the Bodega Avenue and High Street Intersection and Authorize Staff to Prepare Request for Proposals for Repair of Intersection as listed in the current Capital Improvement Plan (CIP) for engineering to prepare construction plans and a bid package.

City Manager McLaughlin commented as follows:

- Stated this intersection is very important
- Stated it is heavily used
- Stated pedestrians rely on it for safety
- Repair job needs to be done
- System needs to be repaired
- Stated it is a dangerous intersection and not an option not to do
- Stated the City needs to repair it
- Stated once the amount of the coring was presented to him, he determined it would be better not to put that money into the core samples, but use it towards repair of the intersection

Engineering Manager Mikus commented as follows:

- Discussed the costs for samples was a lot higher than staff stated
- Discussed pavement design
- Discussed putting price quantities for different stages of repair
- Discussed getting surety on pricing

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- Discussed having finite prices
- Discussed bringing back an RFP for Council

Mayor Gurney asked for questions from the Council for staff.

Councilmember Eder discussed the RFP and questioned if a not to exceed amount should be included.

Engineering Manager Mikus stated the RFP will give an indication of costs.

Councilmember Eder questioned if this was just fixing the crosswalk or a larger area.

Engineering Manager Mikus stated it would include a larger area.

Councilmember Eder questioned what if the pavement was failing beyond the crosswalk or surrounding area.

Engineering Manager Mikus commented that the RFP would have this be included as an add on with a known price.

Councilmember Eder questioned if it was conceived that the digging up of the crosswalk could be the approximate cost of a HAWK.

Engineering Manager Mikus stated he will look into that and if so the Council could consider doing something different.

Councilmember Eder stated he has heard from the Traffic Engineer Consultant that in street lighting is losing favor and he would hate to have the City spend an enormous amount of money on in street lighting repair if the new standard is to put equivalent to the cost.

Engineering Manager Mikus commented as follows:

- Discussed what is there that could be reused
- Stated if it could be reused may be hard to go to something new
- Stated if the costs is large, may be something to look at

Councilmember Eder questioned if the street is dug up, would it damage what is there.

Engineering Manager Mikus stated no.

Mayor Gurney opened for public comment. There was none. Mayor Gurney closed the public comment.

Councilmember Jacob moved and Vice Mayor Glass seconded the motion to direct Staff to Not Perform Pavement Core Samples at the Bodega Avenue and High Street Intersection and Authorize Staff to Prepare Request for Proposals for Repair of Intersection

VOTE:

Ayes: Councilmembers Eder, Jacob, Slayter, Vice Mayor Glass and Mayor Gurney

Noes: None

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Absent: None

Abstain: None

City Council Action: Directed staff to Not Perform Pavement Core Samples at the Bodega Avenue and High Street Intersection and Authorize Staff to Prepare Request for Proposals for Repair of Intersection

Minute Order Number: 2016-251

Councilmember Slayter stated he would like staff to follow up with the conditions and costs and keep the Council informed.

**CITY COUNCIL REPORTS:**

- 14. City Manager-Attorney/City Clerk Reports: Reminder Mayors and Councilmembers Association Meeting/Dinner November 17th
- 15. 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):
- 16. Council Communications Received: None
- 17. Future City Meeting Dates/Events (Informational Only): (See Below): None

**CLOSED SESSION:** None

**ADJOURNMENT:** Mayor Gurney adjourned the regular City Council meeting at 11:25 pm. to the Regular City Council Meeting to be held on Tuesday, December 6, at 6:00 pm at the Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA 95472.

Respectfully Submitted,



Mary Gourley  
Assistant City Manager/City Clerk, MMC