

## CITY COUNCIL MEETING MINUTES

### MINUTES FOR Meeting of September 1, 2020

As Approved by the City Council at their regular meeting of September 15, 2020.

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. City Council video recording are kept for a period of one year from date of 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.

SIMULTANEOUS MEETING COMPENSATION DISCLOSURE (Government Code § 54952.3): Members of the City Council receive no additional compensation as a result of convening a joint meeting of the City Council and Successor Agency to the Former Community Development Agency.

SB 751 Legislative bodies of local agencies must publicly report: (1) any action taken and (2) the vote or abstention on each action taken by each member present for the action at a meeting.

\*\*\*\*GOVERNOR'S EXECUTIVE ORDER N-29-20\*\*\*\*  
\*\*RE CORONAVIRUS COVID-19\*\*

CITY COUNCL MEETINGS WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT.

*This meeting complies with the Sonoma County Health Officer's COVID-19 Order to Shelter in Place issued on March 17, 2020, and pursuant to California Governor Newsom's Executive Order N-29-20 issued on March 17, 2020.*

#### CORONAVIRUS DISEASE (COVID-19) ADVISORY

To protect our constituents, City officials and City staff, the City requests all members of the public to follow the California Department of Health Services' guidance and the County of Sonoma's Public Health Officer Order for the Control of COVID-19 restricting group events and gatherings and maintaining social distancing.

Consistent with Executive Order N-29-20, in-person participation by the public will not be permitted and no physical location from which the public may observe the meeting will be available. Remote public participation information follows this agenda.

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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 remotely to its meetings that are generally scheduled for the 1st and 3rd Tuesday of every month. Your interest and participation are encouraged and appreciated.

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City Council Regular Meetings are available in real time and archived on Livestream. Important Notice  
The City of Sebastopol shows both live broadcasts and Video Archive of City Council Meetings over the Internet. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice.

- Here is the link: <http://bit.ly/sebcctv>

*There are times that the meetings may not be live streamed due to technical issues; if that is the case, the meeting will be video-taped and uploaded as soon as possible to the City Web Site.*

6:00 PM Convene Regular City Council Meeting (ZOOM VIRTUAL FORMAT)

CALL TO ORDER: Mayor Slayter called the regular meeting to order at 6:03 p.m.

ROLL CALL:

Present: Mayor Patrick Slayter – By video teleconference  
Vice Mayor Una Glass – By video teleconference  
Councilmember Michael Carnacchi – By video teleconference  
Councilmember Sarah Gurney - By video teleconference  
Councilmember Neysa Hinton -By video teleconference

Absent: None

Staff: City Manager/City Attorney Larry McLaughlin  
Assistant City Manager/City Clerk Mary Gourley  
Administrative Services Director Ana Kwong  
Engineering Manager Henry Mikus  
Fire Chief Bill Braga  
Planning Director Kari Svanstrom  
Interim Police Chief Don Mort  
Public Works Superintendent Dante Del Prete

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

PROCLAMATIONS/PRESENTATIONS:

The following were presented:

- Introduction of Interim Police Chief Don Mort
- Proclamation in Support of The Sonoma County United In Kindness Campaign
- Proclamation - September 2020 as Bike to Wherever Month and September 24, 2020 as Bike to Wherever Day in Sebastopol

- Proclamation Proclaiming Joe and Linda Maloney as Honorees of the “Locals Who Make a Difference” Recognition Program

Mayor Slayter asked for public comment on the proclamations:

Mohammed Jabbari commented as follows:

- I have been living in Sonoma County for the past 38 years.
- I am the founder and chair of the Sonoma County United in Kindness project, which was formed in March 2019 after attending too many memorial services in honor of victims of race and hateful acts in our nation and internationally.
- So far about 1,500 residents of Sonoma County have signed that United in Kindness declarations, and 38 different local organizations have endorsed us.
- Sonoma County human rights commission, and the board of supervisors have also endorsed this project, and the board of supervisors ratified and awarded a gold resolution to Sonoma County United in Kindness on June 9th.
- One of the major goals of this United in Kindness project is to reach out, inform, promote, and unite people and city governments in Sonoma County to adopting and committing to sustainable daily acts of kindness in their daily lives and operations.
- Another important goal of United in Kindness is to work with the schools and the students to initiate conversations and learnings about race and racism, diversity, inclusivity, tolerance, and respect for others, and practicing daily acts of quietness by providing educational tool kits and seminars free of charge to the interest of the schools and teachers.
- Committed to daily acts of kindness requires awareness and determination.
- It needed, it is needed more now than ever, since we collectively are facing many social and economic uncertainty, natural and manmade calamities.
- Thank you, Mayor Slayter and the council members for your consideration to adopt and endorse United in Kindness gold resolution

David Hoffman commented as follows:

- Chair of the interface council of Sonoma County, which is one of the very strong, original endorsers of the United in Kindness campaign.
- Thanked Mayor Slayter and commended the council for taking this action
- Believe that we hear so much painful and wrenching news in our world because there are very difficult things going on, and it's always a blessing to hear about people coming together to embrace their better angels and bring about a better world and a better community.
- I'm really looking forward to continuing working with the City Council of Sebastopol and with other Sebastopol groups and individuals on this campaign.
- I love everything I do when I come to Sebastopol

Eris Weaver commented as follows:

- This has been a challenging time for everyone between the COVID pandemic and fires and all of that.
- But one of the silver linings has been, as mentioned in the proclamation, how many more people have gotten out on their bikes.
- Bike to work month in May, which has been an institution for years, had to be canceled in the early days of the pandemic, and so is now been rescheduled, rebranded as bike to wherever day, since so many more of us are working at home, or not working.

- We will have a variety of activities happening throughout the month.
- We still have the bags, they have the wrong date on them, but we will be working with our community partners to distribute those materials.
- We're also making all of our educational programs available online for free.
- We have our smart cycling safety classes, we have family bike workshops, we have a bike maintenance clinic that we will be offering via Zoom for anyone throughout the community who wishes to participate.
- We have two-month long game/challenges happening.
- One is a team challenge for those folks who find a little competition helps you meet your goals in terms of setting goals and tracking your rides.
- We also have a scavenger hunt that starts today for bicycle related experiences and items, and we have prizes for all of those things.
- We're going to have some sort of do it yourself virtual events, like a bike parade, pool noodle party, and we'll end the month with a bike happy hour online.
- I am so appreciative of the city of Sebastopol for helping sponsor all of our bike to work day events.
- You have been supporters of us for a very long time.
- We've worked together on other events like the Sebastopol pedal event that we did last year, and all the things that you do to make Sebastopol more bike friendly.
- Also really appreciate the way that you walk your talk and how much I see members of your city council and staff riding their bikes, taking the bus, organizing walks and otherwise being involved in active transportation.
- It really shows how committed Sebastopol is to creating a healthy and more sustainable community.
- I thank you for joining with us, and anyone who's listening can go to our website at [bikesonoma.org/btwd](http://bikesonoma.org/btwd) for bike to wherever days, and find the whole list of all the different activities that are happening that will help you get out on your bike, do so safely and have a lot of fun.

Joe and Linda Maloney commented as follows:

- Thanked the City Council
- We want to set up a bicycle maintenance repair shop over at Laguna high school.
- We are anxious to get going on the Luther Burbank structure that you've drawn up.
- We're hoping that gets underway because to improve our local parks is important, and that's a really needed facility.
- For anybody who doesn't know we're talking about the construction of a new ADA compliant restaurant facility up at the farm, Burbank Farm.
- Anytime we can be put anywhere near Carson and the Bobbitt's we are grateful and we are humbled.
- We're thankful to have been able to raise our kids in such a wonderful community, with seeing some of the folks here that their husbands have coached our kids and help to raise our kids.
- It's really a wonderful place and hopefully we can continue to do that for some of the young families that we want to bring in, and some of the families that we want to continue to nurture.
- we're grateful.
- I look at some of those at Analy who have just given their heart and soul, and some of those just in the community, and some of you who continue to give every time where we don't get to see that every week when we don't go to your meetings.

Councilmember Hinton commented as follows:

- Apple trophy that will be delivered to your house.
- Going to drop it off maybe tomorrow morning or the next morning.
- Sorry I haven't got it to yet, but I will drop it off at the porch and ring the bell and social distance.

**Reference Order Number: 2020-180**

Mayor Slayter asked for the Sebastopol Firefighters on the recent fires to be acknowledged.

Chief Braga commented as follows:

- This is quite an honor
- Truly it's been a remarkable year.
- Obviously it seems like we're just coming off of the Kincadee fire and the floods, we're in the middle of a pandemic, and then on Sunday night, August 16th, we had dried lightning strikes throughout Sonoma County, really throughout Northern California, and literally had hundreds and hundreds of fires starting with the dry lightning strikes.
- I just wanted to take a moment to recognize the members of the Sebastopol Fire Department.
- I think everyone knows, but it's still quite shocking to a lot, that these members are volunteers.
- these members leave their homes at all hours of the day and night to serve this community.
- when the lightning fires struck on Sunday, the 16th, we were awoken that Monday morning to numerous fires in Napa County and Sonoma County.
- To date we have been out on the front lines for 16 days.
- I have two fire engines and eight firefighters that has been fighting these horrific fires from Monday the 17th.
- So proud of this department, their commitment and their dedication is just unbelievable.
- I'd just like to run a quick list of those members that have been out there for 16 days.
- Up first is Fire Captain Lou Castleberry.
- Lou is a 29-year veteran of the Fire Department.
- Next is Fire Captain Mike Simpson.
- Mike has 27 years with the Fire Department.
- Third is Fire Engineer Randy Bratton.
- Randy has 26 years with the department.
- Our fourth member is Fire Engineer Matt Senn.
- Matt has 16 years of service.
- Our fifth firefighter is another engineer driver operator, Alex Roa.
- Alex has six years with the Sebastopol Fire Department.
- And then the last three are all within three years.
- Sandy Sotnadia has three years.
- He's a firefighter.
- Arielle Morhaf two and a half years, firefighter.
- Christian Garcia one and a half years, volunteer firefighter.
- So proud of every one of them, 16 days on the fire line and they have seven more days to go.
- They are committed through Labor Day.
- That'll be 21, 22 days on the fire, very remarkable.
- I'm very proud of this department.

Mayor Slayter commented as follows:



- |   |  |                                   |
|---|--|-----------------------------------|
|   | Cancer Action Network, Inc.  | Agenda Item Number 11             |
| • | JAIME Rojas Jr. – Legislative Consultant – National Association of Tobacco Outlets | Agenda Item Number 11             |
| • | Arlene and Bill Houghton   | Proclamation – United in Kindness |
| • | Health Action  | Agenda Item Number 11             |
| • | Meg Mitzutani – Sebastopol World Friends   | Proclamation – United in Kindness |
| • | Mohammad – Founder/Chair of UIK  | Proclamation – United in Kindness |
| • | Riya Ramakrishan   | Agenda Item Number 11             |

Celosia commented as follows:

- I just wanted to say thank you to the city, to the council for the fabulous flags that lined our streets last week on the 100th year anniversary of the women's suffrage movement.
- It was this beautiful to see.
- It definitely caught my attention.
- I had to get out, look around and rejoice.

Raymond commented as follows:

- I want to take a moment, first of all, to thank the City Council, the chief and the mayor and something I want to bring up.
- Apparently, I've been told by the Sebastopol Police Department that the 36-hour marking of tires and moving of vehicles is not in effect since COVID has been in place.
- I do live by Brookhaven School.
- I was a witness to the shooting on the 20th of August, which led to the arrest of the shooter.
- I'm still pretty shocked about the whole event.
- Then on Sunday, having an incident across the street from my house where I had to call the police, which they tell me that their hands are tied, they can't do anything because of the COVID restrictions.
- Just wondered if City Council could consider certain cases where maybe that wouldn't be in effect and just some of the things that are going on around our community, by the park with drug dealers and so on and so forth.
- Police have told us there's nothing they can do about.
- This was going on long before COVID.
- I had Cynthia and her mom living across the street from my house almost all winter, and never complained about it because they were a good part of our community.
- I don't see as homeless. They just happened to be living in a motor home.
- There are times where, and if that would have been moved that Thursday, because people had called and the police said, "Well, you'll have to go over and tell them." It could have avoided that confrontation.
- It's a sad moment to have seen it.
- Something needs to be done about this in our community before it becomes another Santa Rosa and result in the epidemic that they have.

Linda commented as follows:

- I wanted to congratulate Joe and Linda Maloney for this wonderful acknowledgement, locals who make a difference.

- I've kind of followed Joe through when my nephew was in high school and what they have participated in through Annalee and Laguna as well.
- Thank you so much for that.
- Very well deserved.
- Discussed vehicles on Morris street.
- I still keep getting complaints from people trying to leave the bar and leave the businesses that they're unable to see oncoming traffic.
- It continues to impede their site.
- Business after five.
- We had our first Zoom business after five last Thursday night.
- We had a small crowd, but it was very nice.
- We had a representative from Sonoma Marine World Ecology and it was very informative.
- Just a reminder to all of us what can go into recycle, what needs to go in compost and things like that.
- We're going to start these again.
- The next one will be the fourth Thursday of September.
- I spoke with Linda Civitello from the Senior Center and Philena from the Community Center.
- I was on a meeting with them and my question came up with the fires happening and COVID existing, possibly PSPS coming into effect.
- We don't have any designated cooling centers like we did last year.
- I asked them if they had the capability and what would it take to designate them both as cooling centers.
- They both stated that they could provide adequate space although the Community Center could have more space available than the Senior Center.
- They were both willing to accommodate seniors and or people that didn't have permanent housing for the cooling facilities.
- With possibly us warming up as far as heat and any PSPS that may come into effect.
- I just wanted to bring that to the council's attention.
- I'm sure you've already thought of it but I'm just concerned about some of our people out there.

Mayor Slayter commented as follows:

- I would suggest that you contact Chief Mort and he can explain the current status of whatever laws are either currently being enforced or in abeyance due to COVID-19.
- You can have a conversation one on one with him, and you can call him tomorrow.
- Any time he'd be willing to speak with you and answer your questions in specific about your concerns and then regarding Linda's comments about fire and COVID and PSPS and lions and tigers and bears.
- Also, apparently the PSPS events, I'm getting more and more information about them through my Sonoma Clean Power appointment and then also the mayor's group of Sonoma County are due to receive a briefing about the PSPS potential this year.
- As it relates to us with cooling centers, I know that different communities are working on it in a regional way, because if Sebastopol's power is out, maybe Rohnert Parks is on or if Cloverdale is out, maybe Healdsburg is on.
- We can't guarantee that any cooling center is going to be up and running at any one given point.
- It's a regional approach to make sure that we're covered.
- Those are conversations that have occurred and they continue to occur.

- We have thought about it and we're doing our best to plan for the future.
- I'm not sure what else can be thrown at us, but we're doing our best.

**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.*

**CONSENT CALENDAR:**

- The consent agenda consists of items that are routine in nature and do not require additional discussion by the City Council or have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council requests that the item be taken off the consent calendar.
- The Mayor will read the consent calendar items; ask if a Councilmember wishes to remove one or more items from the consent calendar; and then open public comment to the members of the public in attendance on the virtual meeting. At this time, a member of the public may speak for up to three minutes on the entire consent calendar and/or request at that time that an agenda item or items be removed for discussion.
- If an item or items are removed from the consent calendar, the item shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tern.
- Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration and shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tern.

Mayor Slayter read the consent calendar.

Mayor Slayter questioned if any Councilmember(s) wanted to remove any item(s) from the consent calendar.

Councilmember Carnacchi requested item number 10 be pulled from the consent calendar.

Mayor Slayter asked for Public Comments on the Consent Calendar Item(s): There were none.

**MOTION:**

Vice Mayor Glass moved and Councilmember Gurney seconded the motion to approve Consent Calendar Item(s) Number(s) 1, 2, 3, 4, 5, 6, 7, 8, and 9. Item Number 10 has been pulled from the consent calendar.

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

VOTE:

Ayes: Councilmember Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter  
 Noes: None  
 Absent: None  
 Abstain: None

Mayor Slayter thanked Public Works Superintendent and Community Outreach Coordinator Holly Hansen. Councilmember Gurney commented that her photograph was chosen for number 8 and 9 and thanked staff and the Center for the Arts for their work on this item.

**CONSENT CALENDAR:**

1. Approval of Minutes of August 4, 2020 City Council Meeting Minutes (Responsible Department: City Administration)

**City Council Action: Approval of Minutes of August 4, 2020 City Council Meeting Minutes**  
**Minute Order Number: 2020-181**

2. Approval of Minutes of August 11, 2020 City Council Meeting Minutes (Responsible Department: City Administration)

**City Council Action: Approval of Minutes of August 11, 2020 City Council Meeting Minutes**  
**Minute Order Number: 2020-182**

3. Approval of Minutes of August 12, 2020 City Council Meeting Minutes (Responsible Department: City Administration)

**City Council Action: Approval of Minutes of August 12, 2020 City Council Meeting Minutes**

**Minute Order Number: 2020-183**

4. Approval and Adoption of Resolution Approving the Biennial Conflict of Interest Code Applicable to Designated Employees Pursuant to the Political Reform Act of 1974 (Responsible Department: City Administration)

**City Council Action: Approval and Adoption of Resolution Approving the Biennial Conflict of Interest Code Applicable to Designated Employees Pursuant to the Political Reform Act of 1974**

**Minute Order Number: 2020-184**

**Resolution Number: 2020-6307**

5. Approval of Banner Program - Final Design Approval (Responsible Department: Public Works)

**City Council Action**

**Minute Order Number: 2020-185**

**Resolution Number: 2020-6308**

6. Approval to Authorize the City Manager to establish the new classification and salary range of Accountant/Analyst (Confidential), effective September 1, 2020 (Responsible Department: Administrative Services)

**City Council Action: Approval to Authorize the City Manager to establish the new classification and salary range of Accountant/Analyst (Confidential), effective September 1, 2020**

**Minute Order Number: 2020-186**

**Resolution Number: 2020-6309**

7. Approval of Extension of Emergency Proclamation of Local Emergency issued by the Director of Emergency Services (Responsible Department: Fire Chief)

**City Council Action: Approval of Extension of Emergency Proclamation of Local Emergency issued by the Director of Emergency Services**

**Minute Order Number: 2020-187**

**Resolution Number: 2020-6310**

8. Approval of Request for Proposals (RFP) for investigating and evaluating potential methods of providing flood protection for the SCCC (Responsible Department: Engineering)

**City Council Action: Approval of Request for Proposals (RFP) for investigating and evaluating potential methods of providing flood protection for the SCCC**

**Minute Order Number: 2020-188**

9. Approval of Letter of Support for the Sebastopol Cultural Community Center (SCCC) Application to the Department of Resources Recycling and Recovery (CalRecycle) for a Reuse Grant. The purpose of the grant is to further the goals of the California Global Warming Solutions Act (Assembly Bill (AB) 32) and lower overall greenhouse gas (GHG) emissions by expanding and improving landfill diversion and recycling in California through source reduction (i.e., reuse). (Responsible Department: Engineering)

**City Council Action: Approval of Letter of Support for the Sebastopol Cultural Community Center (SCCC) Application to the Department of Resources Recycling and Recovery (CalRecycle) for a Reuse Grant. The purpose of the grant is to further the goals of the California Global Warming Solutions Act (Assembly Bill (AB) 32) and lower overall greenhouse gas (GHG) emissions by expanding and improving landfill diversion and recycling in California through source reduction (i.e., reuse).**

**Minute Order Number: 2020-189**

- ~~10. Traffic and Parking Modifications—Morris Street (Responsible Department: Police)~~

**INFORMATIONAL ITEMS/PRESENTATION:** (Please Note: Although informational/presentations items are routinely informational in nature, some informational items may contain request for actions such as support, direction to staff, follow up, or receipt of item based on the presentation/information provided.) **NONE**

**PUBLIC HEARING(S):**

11. Public Hearing – Waiving of First Reading and Introduction of Ordinance: An Ordinance of the City of Sebastopol Adopting a Tobacco Retail License Ordinance to Regulate the Sale and Distribution of Tobacco Products to Protect Minors of the City of Sebastopol (Responsible Department: Vice Mayor Glass/City Administration/Police and Planning Department)

City Manager McLaughlin presented the agenda item recommending the City Council approve for Waiving of First Reading and Introduction of Ordinance: An Ordinance of the City of Sebastopol Adopting a Tobacco Retail License Ordinance to Regulate the Sale and Distribution of Tobacco Products to Protect Minors of the City of Sebastopol.

Vice Mayor Glass commented as follows:

- This document is a product of a number of meetings and consultation with members of Health Action and with staff from the County of Sonoma's health department.
- There is a lot of input that went into this proposed ordinance.
- We have all had several presentations from the County Health Department and from Health Action over the past year.
- I think we all are pretty familiar with the epidemic of teen vaping, of nicotine products, particularly flavored ones.
- We were presented quite recently with information about how big a problem that is here in Sebastopol versus other cities.
- We here, the land of organic food, the land of healthy people, the land of people biking, have one of the worst rates of teens engaging in this kind of behavior in the County and actually we're way above in the State.
- That is why we have this document here today and why we're proposing to take some action here because we want all that organic food to have some impact on those kids.
- I don't think we need to go through all the informational presentation that we've already had, because we've done this a couple of times now.
- I'm hoping then after some comments from the Health Action and from County staff, there could be some questions at which is our normal procedure.
- Our City Manager can lead us through what are the decision points.
- There are a few decision points like, how rigorous are we going to make this?
- Basically the document that we have before us now is a fairly rigorous and the feedback as we had our meetings about what should go into this ordinance that our meetings resulted in us saying, "Yes, let's make this a stringent ordinance as opposed to super wimpy." But this is the opportunity for the council to give feedback on some decision points that we need to make or make changes or make choices between A or B.
- This is the time to do it.
- I'm hoping that we could have a comment first from our friends at Health Action and from the county.
- Then City Manager can lead us through what the decision points are

Members of the Coalition commented as follows:

- Thank you for the opportunity.
- Think you're well aware of the comprehensiveness of this ordinance.
- Most of all, think our city council members are very concerned about our youth, and this is kind of a plague on our youth.
- We're very clear that tobacco is marketing specific to our youth.

- They have to replace those smokers who are no longer with us.
- We value our young people.
- This is not in any way to be punitive to our tobacco retailers.
- Would think it would be helpful for them to be well informed of what the issues are around small packaging or flavored or anything.
- It's really to decrease accessibility of youth buying tobacco products.
- We also know that if you start smoking or start using tobacco in adolescents, that lays the foundation for lifelong smoking.
- Really pleased that the council is seriously considering this.
- Think it's a great community effort showing our valuing of our young people.
- Certainly if there are questions that come up in regard to decision points around the ordinance, we would be glad to speak to those.

Mayor Slayter asked for questions.

Councilmember Carnacchi commented as follows:

- Have asked some questions with regard to the definition of significant tobacco retailer.
- It just says that it means any tobacco retailer, for which the principle or core business is selling tobacco products, tobacco paraphernalia, or both.
- Probably like 15 or 20 years ago, when you would go in and buy into a smoke shop to buy marijuana, smoking paraphernalia, you couldn't use the word marijuana.
- It was all because you would have to go in there and say that it was for tobacco use and they would correct you if you said that. They'd say, "Oh, no, no, you even use that word in here. You must only use tobacco."
- My question is, a shop that sells predominantly paraphernalia to smoke marijuana with, is that still considered tobacco paraphernalia?
- Would they be considered a significant tobacco retailer?
- I don't know how they would be classified.

Mayor Slayter commented as follows:

- I'm not sure, I know the answer to that because I have to admit that I'm not exactly familiar with cannabis paraphernalia versus tobacco paraphernalia.
- I'm hoping that a member of the coalition or a knowledgeable person from the county could address this.
- I would say if it could be used for tobacco, it probably constitutes tobacco paraphernalia, but there is a pretty hefty percentage requirement of your floor space or display area that has to be devoted to the sales of these types of products in order for you to be considered a significant tobacco retailer.

Councilmember Carnacchi commented as follows:

- For instance, there are a couple of smoke shops in town when you walk in and they have all kinds of pipes and accessories there.
- Well, in the old days you walked in and all those pipes, even though the people were only predominantly going there to buy them, to smoke cannabis with.
- I guess it's probably about 20 years ago, everybody that went in there was actually lying and saying that they smoked tobacco with it.
- There's significant tobacco retailer.

City Manager McLaughlin commented as follows:

- I believe when you call them a smoke shop and that's what they sell in that smoke shop.
- Somebody may have a different use in mind when they go in there.
- Maybe they collect it for all we know, however, they would definitely be considered a significant tobacco retailer

Terese commented as follows:

- So you're right. That's long time ago.
- Well, not too long ago that, that was glass bomb type products had to be considered tobacco products.
- The new marijuana laws changed it.
- So that's no longer illegal to use those as marijuana products, but it would still apply that those would be considered tobacco products.
- I don't think you could argue that they would only be used for one or the other unless you wanted to change your policy in some way and exempt those products or something.
- But as it stands, the interpretation would be consistent with them being either a marijuana or tobacco product.

Ariel commented as follows:

- I would also like to add there are many grandfathering provisions.
- Significant tobacco retailers that are currently in operation at the time of the ordinance would be grandfathered in.
- So that may factor into your decision and answer to that question.

Councilmember Carnacchi commented as follows:

- I'm going on page 23 of 40.
- It is under general requirements and prohibitions section C.
- It says smoking prohibited and then smoking, including smoking.
- So it's smoking comma, including smoking for the purpose of sampling any tobacco product is prohibited within the indoor area of any retail establishment licensed under this chapter.
- So my question is, would this be in conflict?
- I know that at some point that the planning commission talked about having a testing room for cannabis.
- I'm wondering will this ordinance conflict with that and would that cause us more work in the future if we did have a cannabis testing room, where we were going to have indoor smoking?

City Manager McLaughlin commented as follows:

- This says sampling any tobacco product.
- They also have to be licensed under this chapter.
- If they're licensed and they have a tobacco retailer license, and they're allowing smoking on their premises that would be in violation.
- But a cannabis establishment could have itself organized so that it wouldn't fall under this particular category.
- Hesitant to change items because I think the coalition members who are so familiar with this ordinance should tell us whether there's any hidden pitfalls, so to speak with changing any of the language in the ordinance.

- I wouldn't want to hazard a guess as to whether that is a meaningless change or meaningful.

Terese commented as follows:

- Cannabis retailers are not allowed to sell tobacco products.
- What is cited here is state law anyways.
- If you wanted to have something separate with your cannabis that's within those laws, this is only pertaining to people who sell tobacco.

Councilmember Carnacchi commented as follows:

- It says a drug paraphernalia.
- This gets back to my first question a little bit that it says that if you're a tobacco retailer, you cannot sell drug paraphernalia.
- Are we saying they are interchangeable?

City Manager McLaughlin commented as follows:

- This says you can't violate any local state or federal law regulating controlled substances or drug paraphernalia.
- Just in this particular provision you cannot violate the law.

Councilmember Carnacchi commented as follows:

- On the following on page 24, under the sales of flavored tobacco products and electronic smoking devices, we got some emails regarding hookahs.
- The governor's bill that was just signed in the state law that has an exception for hookahs and hookah bars.
- I'm wondering, does our proposed ordinance make that same exception?

The Coalition members stated there was no exception for hookah bars.

Councilmember Carnacchi asked if we should follow the state guidelines with regard to this.

City Manager McLaughlin commented as follows:

- Can make it more stringent.
- Can't make it less stringent.
- That could be something that we can discuss during discussion.

Councilmember Carnacchi commented as follows:

- So this does nothing to prevent internet sales, is that correct?
- No way to prevent the internet sales.

Pam Granger commented as follows:

- There's currently a state law indicating it doesn't prevent delivery.
- What it indicates is that any tobacco product has to be clearly identified as being a tobacco product the same way as alcohol does.
- So it doesn't prevent internet sales, San Francisco included that in their policies.
- So in San Francisco, it prevents internet sales.
- If that's something you'd like to add, of course, you're welcome to do so.

Councilmember Carnacchi commented as follows:

- It seems like it would be easy for the kids that ordered on the internet.
- That's the only reason why that question came to mind.
- On page 26, it says in section three, under population and density, it talks about the number of tobacco retailer licenses within the city shall be limited to one per 2000 inhabitants in the study of Sebastopol.
- It says no new license may be issued to authorize tobacco retailing if the number of tobacco retailer licenses already issued equals or exceeds the total number authorized pursuant to subsection one.
- So does that count include the retail businesses that are already grandfathered in?
- How many of that do we have, do you know?
- Do we know how many we have and how many new licenses might be available?

Mayor Slayter commented as follows:

- No new licenses are available because we are already in excess of what this ordinance is providing.
- It's in the materials.
- So we've got ways to go to even get close

Marsha Sue Lustig commented as follows:

- Have 15 and allow three
- So it'll be awhile until some new one would get approved.

Councilmember Carnacchi commented as follows:

- Next question is on page 29 for the fee for the license is kind of, it's not really clear on what that fee is.
- Shouldn't we be a little bit more specific.

City Manager McLaughlin commented as follows:

- We try and keep the actual amount of the fee out of the ordinance so we can change the fee from time to time.
- Simply by doing a new resolution while the ordinance doesn't say there shall be a fee.
- Don't believe we have proposed a fee.
- That'll come back to council.
- It says you can set a fee.
- That's how most of our ordinances are.
- All our ordinances are the same format.
- Fee is going to be a separate item of business once you get the ordinance in place.
- There is a user fee update coming back to council in one of the upcoming meetings.

Councilmember Hinton questioned what is the proposed fee.

City Manager McLaughlin commented no fee has been set.

Councilmember Carnacchi commented as follows:

- On page 32, under exceptions, section A, it says nothing in this chapter prevents the provision of tobacco products to any person as part of an indigenous practice or a lawfully recognized religious or spiritual ceremony or practice.

- What is a lawfully recognized, religious or spiritual ceremony or practice?
- It's kind of vague and I'm wondering, could persons just say that I'm going to be smoking this for religious purposes? Or I'm selling this for spiritual ceremony purpose?
- I'm not sure what lawfully recognized means.

City Manager McLaughlin commented as follows:

- I don't know exactly who recognized such ceremonies or practices in such a way as to constitute a lawful recognition.
- It definitely does mean that you cannot self-proclaim that you are such therefore exempt.
- So you have a much higher standard and essentially self-exempting yourself.

Councilmember Carnacchi questioned if smoking a hookah is considered a religious and spiritual and actually it could be considered an indigenous practice.

Coalition members commented as follows:

- Not necessarily the indigenous peoples of this country, but certainly of other countries.
- Designed so this would be addressing commercial use as opposed to American Indian
- That's an ode to American Indians in terms of indigenous.

Councilmember Hinton commented as follows:

- It looks like the ordinance is covering everyone that sells tobacco in Sebastopol, but I understand there's two exclusive state sponsored stores out of everyone.
- I think Marsha Sue said there's 15.
- Those only allowed 21 and older even through the doors, which seems they don't seem to be selling to under age and they seem to be licensed by the state.
- They seem to have stronger restrictions than just the convenience stores, they're right there on the counter or whatever.
- Are we dealing with those stores separately in this ordinance, it is pretty dense?
- It does seem like they're in a little different category to me.

Pam commented as follows:

- Anybody who sells a tobacco product would be covered by this ordinance.
- As you can imagine around the state, there've been a number of things that have been tried.
- An example would be in Oakland that started with about five significant tobacco stores.
- So that would be places, just that's the only thing that they weren't like a 7-Eleven.
- Within a short amount of time, you have the 7-Eleven creating a storage unit in the back and making it a significant tobacco retailer.
- They would only let people that were 21 and older, was 18 at the time and older in there.
- So what we have is what we have now that we wish we'd known then, and they just went through and enclosed that.
- It's a case of how you feel about the statement of what you want to have in your community and a level playing field.

Councilmember Hinton commented as follows:

- Do you let some merchants and not other merchants, if you set aside where it's not just the age restriction, or who can sell what products?

- They already have their licenses, my understanding, and just by the sake of this, we would not be allowing any new stores.
- The 7-Eleven couldn't open up a warehouse behind the store for example
- They all have a state license.
- So if you sell tobacco product, you have to have a state license.
- But I understand these stores are different by the fact that they don't even allow somebody to walk through the front door.
- You have a special license, 21 and older.
- I'd like some clarification on this issue.
- Maybe it doesn't need to be now, but before we walk too far down this ordinance.

Ariel commented as follows:

- I just wanted to indicate that all the retailers that are currently licensed would be grandfathered in, in the current ordinance.
- Regarding a specific license, I would need look further into that and respond back to Council Member Hinton.

Councilmember Hinton commented as follows:

- When you say grandfathered in, does that mean we're not going to tell them not to sell these products, but we are right.
- What do you mean by grandfathered in?
- We're not going to take their license away.

Director Svanstrom commented as follows:

- The current licenses pursuant to the density limits that is currently in the ordinance would be allowed despite surpassing the density limit.
- However, in the current writing of the ordinance, flavored products would not be included in that nor some of the other specific product provisions, but their licenses and the ability to sell the tobacco products would remain.
- And Council Member Hinton, and if I may to clarify the meaning of grandfather, so everyone who currently has a tobacco return license would be allowed to continue, except for provision, I think is anyone who has a pharmacy I believe is recommended that they not be allowed to also sell tobacco for the significant retailers.
- And I believe we used to have three if I'm correct.
- I believe the only remaining is the Green Zone that anything considered of significant tobacco retailer would be coming nonconforming use.
- Under the zoning ordinance, a non-conforming meaning it was started when it was allowed, it would no longer be allowed.
- It's allowed to continue use unless it stops being in operation for a certain amount of time.
- Or if it's sold, then it would be subject to any new laws.

Mayor Slayter opened the public hearing.

Anthony Rosa commented as follows:

- My name is Anthony Rosa, I've spent my whole life in Sebastopol and attended Anal high school from 2010 to 2012.
- I've always been attracted to nicotine as a coping mechanism for mental anguish.

- As a young teen, I smoked for just four months before quitting by my own accord.
- At 18, I took up smoking again before switching to vaping, which led to a noticeable improvement in my breathing.
- When the smoking age changed to 21, I reverted to smoking because cigarettes were easier to procure.
- I continued smoking until age 23 because I was addicted to the act and the more powerful infusion of nicotine offered by cigarettes compared with vaping.
- Last spring I opted for hand rolling unfiltered cigarettes for the chamber and the stronger buzz.
- By August 2019, I was struggling to breathe and was determined to quit.
- That month I began vaping daily to quell my nicotine cravings and more importantly, satisfy the oral fixation and habit of inhaling and exhaling visible vapor.
- I noticed an immediate improvement in my breathing.
- Within six months, I tapered down my vaping and supplemented my addiction with final step nicotine patches and gum.
- By March 2020, I quit vaping entirely and by April I no longer needed any gum or patches.
- I would never have overcome such a powerful addiction without the help of vaping.
- I fear that this ordinance will take away a necessary tool for smokers to transition away from tobacco addiction.
- Statistics claiming decreased teen tobacco and nicotine use after implementation of such laws are skewed by response bias.
- Teens are unlikely to admit to such vices on a survey for fear of retribution.
- There is no reliable way to monitor teen nicotine usage.
- Troubled youth will experiment with drugs no matter what laws are in place.
- Further restricting the legal market is likely to strengthen the rebel youth culture and reinforce a black market of nicotine products and paraphernalia placing such youth at an even more vulnerable position by forcing them to rely on potentially dangerous criminals.
- I can foresee the evolution of a complex supply chain of illicit and unregulated tobacco products marketed by word of mouth and distributed to youth through a network of untaxed and unmonitored, organized crime, potentially leading to an increasing prevalence of gang activity in our schools, as they move in to compete over territory.
- Instead of targeting vices, we should be looking at mental health reform that focuses on compassion and understanding rather than authoritarianism.
- Authoritarianism is a slippery slope that can lead to a culture of paranoia and fear-
- Exacerbating mental health problems and pushing young adults toward a life of crime.
- If this ordinance has passed, the city of Sebastopol would be sacrificing long term equitable prosperity for a short-term influx of revenue by tax and license fees at the expense of the health and wellbeing of residents and future generations of locals.

Greg Damron commented as follows:

- Hi, I'm Greg Damon I'm co-chair of the Sonoma County Tobacco-Free Coalition and I'm also a recent employee of County of Sonoma Department of Health Services.
- In 2018, I led a group of young adults to do state mandated undercover ops, where we had underage purchasers go into stores, present a legal ID, when asked state their actual age and doing those undercover surveys over across Sonoma County showed a sales rate of one out of six store tobacco retail stores in the County, those include Sebastopol, were also surveyed selling to minors.

- Nicotine, and the epidemic of nicotine, whether it's cigarettes, combustibles, and vaping is a very broad public health issue.
- A tobacco retail license that's being proposed has never been claimed to be the fix-all or the cure all for the comprehensive problem.
- But we do have data and I was an eyewitness to my young people being sold to, have a problem with retailers being an outlet.
- We just heard about a concern about black market.
- We've spoken to officers at schools, principals, vice principals, as well as other students, that talk about some of those products that are being traded on campus and off, are acquired from local tobacco retail outlets.
- I just wanted to mention that a tobacco retail license ordinance is one tool, it's an important tool, and it's making a statement saying that we are unified as a community in supporting youth from not taking up nicotine.
- I just wanted to clarify that because if we straw man, an effort to be, it's claiming to be the cure all it's not, it's one tool in a comprehensive effort to try to stop the teen vaping epidemic.
- Zack A commented as follows:  
First off, I want to start off by saying it's really concerning that the council lacks the proper knowledge and terminology of what products are, also on top of that they don't know the current and existing laws.
- It's very concerning that you're trying to make a law for this when you have zero clue, what you're doing.
- Makes me think that most of the other stuff as well, you don't look into.
- On top of that it seems that we're going on a witch hunt after tobacco when flavored alcohol is still available.
- People use the notion of flavoring and tobacco is just meant for kids.
- If that's the case, let's break that down to the base statement.
- Flavors are for children, okay, flavors are for children.
- Now let's apply that to all adults' substances, because those are adults' substances made for adults and not for children.
- We need consistency here, you're not trying to save the children, you're on a witch hunt for what you think is correct.
- That is not okay.
- You are unknowledgeable about any of this topic.
- You don't know that a water pipe is used for marijuana?
- You're kidding me, come on, pull it together.
- This isn't what Sebastopol was meant to be.
- Banning this banning that, this is a hippie town.
- I'm just wondering how many of you guys are actually from Sebastopol that are on the city council, like born and raised here?
- It's just absolutely mind blowing with this type of leadership and the lack of knowledge.
- I really hope that you can fix the terminology in this law and figure it out before you push it through.
- Because at this point is a complete mess with the zero-knowledge put into it, not even an ounce of effort.
- Also, there was nothing spoke about this on the meeting, July 7th, it was taken off the docket and not spoken about.

- On top of that California's already banning all of this.
- We do not need to waste taxpayer money and time on this.
- They're banning it come January 1st and that's it.
- Let us have our own three months to do what we can.
- And that's it.
- Why are you guys pushing this
- Please reconsider what you guys have fought and figure out what's going on because a lot of livelihoods are at stake here.
- I know you guys are worried about the children, but you're really worried about the children you'd take care of flavored alcohol too.
- Because that's an adult substance only for adults, not for children.
- Flavorings in there just to take away the harshness so they can smoke it or drink it.

Jeff commented as follows:

- I work at Santa Rosa Business and Commercial.
- We help a lot of business owners buy and sell some of your local businesses in Sebastopol.
- I've helped start, transfer, et cetera.
- I've helped the owners of The Green Zone Smoke shop when they started three years ago.
- If you guys had any questions for him, but he's asked me to speak on his behalf.
- He's quite concerned about the ordinance and has been listening to everything you've been saying.
- He might be the only one, right now that makes his living from selling tobacco products and, and other accessories.
- If you limit some of these from a convenience store, that's only a small percentage, but 70% of his sales come from flavored tobacco products and the electronic smoking devices and fluids, which has maybe about half and half.
- We know the flavor tobacco products are going to be January 1st, he's not going to be able sell that.
- You guys also want to limit him from, taking away electronics, smoking devices and fluids in general.
- If you do that, you'll effectively put him out of business, which we're hoping doesn't happen.
- But if you go ahead with the ordinance as written, he'll probably have to close stores due to that.
- I also wanted to talk about the transfer process.
- I've heard you guys say, but I don't know if you're really clear on this, licenses are grandfathered in.
- I help people transfer businesses and if he were to transfer his business down the line somewhere, I think that your ordinance says that that license goes away.
- And so he can't transfer to anyone according to what I'm hearing.
- 'd like it, if you guys could look at any kind of exemption for stores that are in place right now that make their living from selling these products
- The last thing is that if you do look at banning flavored tobacco products, they're already going away on January 1st.
- He's got a lot of inventory and if you do this October 1st, he is just going to be losing all this money on inventory that he's sitting on.
- I don't see any reason to put anything into effect before for the state or it doesn't on January 1st.

Kyle commented as follows:

- The war on drugs was a failure.
- Millions of tax dollars wasted, millions of lives ruined through incarceration, primarily those in poverty and persons of color.
- This council decides to roll out a dead horse, spending time on low hanging fruit by attempting to play cop and regulate the sale of products that are already one of the country's most regulated and tax consumer products.
- To what end further reducing the number of tax paying businesses in our city.
- I'd love to see this council focus its energy on generating revenue instead of continuing to find ways to restrict revenue streams and the last three meetings alone we've seen actions that result in reduction of revenue by restricting Airbnb style accommodations, potentially losing half of our occupancy tax, letting our Sebastopol Inn just slip right under our noses.
- Today discussing further restricting sales tax revenue, by this attempt at reducing tobacco product sales.
- Tobacco products have been on decline for decades, even with the rise of vape products, long time tobacco users are prematurely dying with fewer new smokers, replacing them each year.
- Some would say that the increase taxation and regulation of such products are the driving factor, but I'd argue that education of the dangers of nicotine is a stronger factor.
- I want to be clear, I'm not in favor of our city's youth getting their hands on tobacco products and the movement away from flavored products that target our youth is happening at the national and state level quite effectively.
- I'm just speaking to remind this council, that revenue generation should be a priority, because if, as I suspect this council won't be able to bring themselves to reducing the police services portion of the budget below the astronomical 45% that it's been historically, and I sure hope that they have plans to increase the revenue in a time when we're sure to have reduced sales tax receipts as a result of the current pandemic.

Marsha Sue commented as follows:

- I just want to thank the council and the staff and I'm going to read my email just because I think listening to other people, the point here is about our kids and the point is about not giving, the kids are getting it.
- We're saying they're not being sold by the stores and yet their hands are on it easily and all the time.
- So your community has been working to reduce the rising tide of teen ingestion of tobacco products for more than five years.
- The Gravenstein Health Action Coalition began again in earnest in 2019, as we saw the data on teen tobacco addiction rise in proportion to the big tobacco circumvention of tobacco laws by introducing flavored vaping products.
- We are so grateful to our elected officials and city staff who have joined with us to stop the use of our town as a place to purchase discount vaping and other tobacco products.
- Yes, because our tobacco products are cheaper than in the County and many other jurisdictions within Sonoma County, tobacco retailers can do very well selling these products within our fair city.
- These cheaper prices also correlate to why we have by far the most per capita tobacco retail outlets in Sonoma County.
- And then there's the children.

- As you consider adopting this ordinance, please know that our High School administrators and teachers see the crisis and teen tobacco consumption every single day.
- This growth industry has pummeled our previous successes of preventing teen smoking so that we, once again, are seeing a substantial rise in teen tobacco use.
- Collectively Sonoma County High Schools now confiscate nearly 800 vaping products per month.
- These kids, for the most part have no idea that within one month of vaping with these yummy flavorful products that they are seriously or could be seriously addicted.
- We have come to you to help our kids; this is not hyperbole.
- Might some businesses be harmed, perhaps, but serious studies have shown that they are generally able to pivot to other products.
- And is it okay to be making these products so easy to attain when a selling death a virtue?
- No one wants to be addicted to tobacco.
- Our kids don't even realize that's what's happening.
- Let's give them a fighting chance at the tail end of their childhood to not get addicted to cotton candy flavored tobacco products.
- For those of you who may be on the fence, what other choice is there, please do it for the kids.

Bob commented as follows:

- My name is Bob Gordon, I'm a member of the Tobacco-Free Sonoma County Community Coalition and back to health, and back to young people.
- I did want to mention a word about hookah because that did come up in the discussion.
- Yes, it is a tradition, but it's a deadly tradition and with peach hookah and grape and melon flavors, it's very attractive to young people.
- That's what we're trying to do is prevent a lifetime of addiction to nicotine and those healthcare costs that are associated with it.
- So on the CDC website, hookah contains many toxic agents that cause clogged arteries and heart disease.
- Infection may be passed as one person passes the hookah pipe to another, not a good thing to do, especially in these times of COVID-19.
- Oral cancer, lung cancer, stomach cancer, cancer of the esophagus, too many to name.
- I did also want to touch on the focus on the tobacco free pharmacies and the idea is that a retail license would no longer be granted to a pharmacy.
- In California, there are 44 jurisdictions that have adopted a tobacco free pharmacy ordinance.
- In the County, Cloverdale the County and Healdsburg have adopted this provision.
- When I say that all pharmacies would not be selling tobacco, that includes four different types of pharmacies.
- That would be like an independent pharmacy like Sebastopol Family Pharmacy, drug stores, like Rite Aid that do sell tobacco and CVS that does not sell tobacco anymore.
- Grocery stores like Safeway with a pharmacy that sell tobacco and, and Big Box stores that have a pharmacy inside.
- So why is this important?
- Having this local policy with the tobacco retailer license and local enforcement is really important as opposed to a state policy, which is a state law, but doesn't have the people on the ground and the enforcement capability.
- License basically would be denied to any current or future pharmacy.

- So young people visit drug stores, they buy a whole lot of things of great frequency and they go to that front counter and they see this what's called a power wall of Marlboro and Camel and all the advertisements that are associated with it.
- So community leaders, elected officials do have the power to decide that tobacco's, that a pharmacy is a place of health, not a place to get cancer, cigarettes in pharmacies don't mix.
- So I want to thank you for all the steps that you hopefully will be taking to have a healthier Sebastopol, thanks so much.

Linda C commented as follows:

- Most of you know me as a Director of the Senior Center, but I'm talking today as a resident of Sebastopol, a member of the Health Coalition and a former Director of both the American Lung Association and Breathe California, where in the early nineties, we helped pass the first city ordinance for no smoking in the workplace.
- During my lifetime, I have seen the impact of that city ordinance as it went around the state, the state picked it up, it went across the country, it's now gone across the world.
- These ordinances make a difference and we know, when I talk to young people, they don't believe that at one time you could sit in your office and have people smoking in your face at the desk right next to you.
- I've seen a whole social norm change, and I know these ordinances are important, they make a difference.
- when I moved to Sebastopol in 2012, I was really surprised that we didn't have something like this, it's long overdue and I just want to encourage you to pass this.
- It's should've been done years ago and it'll make a huge difference with our kids.

Riya commented as follows:

- My name is Rhea and I'm the 15 years old.
- I am a resident of Santa Rosa and I am a student at Marie Carrillo High School.
- I am also a youth member of Sonoma County Tobacco-Free Community Coalition and a member of statewide organization Science Youth Board of Directors.
- I would first like to thank you all for having these public comments, as I feel like they give everyone, even youth a chance to speak and to share their opinion.
- Almost all of our youth have somehow been exposed to vaping, whether they directly vape themselves or have seen others doing so.
- Vaping is so much more than just a bad habit; it can truly hurt a child in so many ways and snatching them away from the people they love and their passions.
- I have known children who have abandoned school altogether after getting into vaping and they simply are never the same person ever again.
- We are trying to build a generation that is capable of anything and by succumbing to moneymaking machines like tobacco, is putting money and profits over the health and wellbeing of our children.
- It is also truly important to acknowledge what big tobacco really is and how vile and disgusting they really are.
- By being a fake best friend to low income families, LGBTQ plus communities and civilians with mental health issues, big tobacco have sold millions and millions and millions of their products.
- I could go on for hours about how big tobacco has manipulated at risk people and to try and eventually getting addicted to these products.
- But let me give you one perspective.

- Big tobacco has handed out free cigarettes to children in housing projects and issues Tobacco cut coupons with food stamps.
- Imagine taking advantage of young disadvantaged children for the sake of money.
- This is why I really stress the importance of this ordinance and ensuring that our children are [crosstalk] evil minded people who will do anything to get rich.
- It is never a youth's fault for their addiction and they have simply fallen into big tobacco mind games.
- I hope that I have all truly helped to see how detrimental tobacco products have been for youth by hearing from one, thank you.

Celosia commented as follows:

- I just want to say thank you to the city council and thank you to everybody in the coalition for the hard work that's been done up until this point.
- It's been a year of conversations, it's been a thoughtful and detailed involved process and the efforts have been, following examples that have taken place in other jurisdictions.
- The retail license wouldn't be like an overstep of power in any way.
- It's really about creating, giving the city the opportunity to have one of those barriers, one of those guards that make it more difficult for you to obtain tobacco.
- Additionally, the individual provisions, when we look closely at each purpose of each provision, we understand that there's a reason for those provisions.
- I just want to thank everybody again for your time and for your diligence.

Pam commented as follows:

- I thought that I would see if I could address a couple of comments that were made, one of the early presenters extolled the virtues of quitting combustibles with e-cigs and there are some colloquial examples of people who have done exactly as he said, and been able to step down and quit.
- However, that sadly isn't the norm, as a matter of fact, studies have shown that a dual use is more often the case than not.
- The trouble is, that with over 450 different manufacturers of electronic smoking devices, there's no quality control.
- There are approved, they're not sexy, they're not creme brulee flavored, but the FDA has approved several products that will assist with cessation.
- And right here in California, 1800-NO-BUTTS, now has texting online and phone counseling for people who want to quit.
- Fortunately, there's some excellent approved opportunities.
- Somebody mentioned, also too so we don't forget that, every adult that tries electronic cigarette, our problems started with the 80, that started, who never smoked before.
- So, that's part of the issue is the cultural norm that we've set in place.
- Just when we thought we had big tobacco on the run, it's a shame when any business goes out, it would be possible to transfer to a business that wasn't to go.
- Kyle said it well, he said the tobacco industry has been dying.
- I mean, you don't get to stay in business, somehow, they've managed to stay in business for over 55 years, selling a product that addicts, can make sick and can kill their customers.
- I don't know how they've lasted so long.

- I'm all in favor of tobacco cheaper, as opposed to cigarette cheaper.
- There's been mention, we didn't even have a whole weekend to celebrate that on Friday, the Governor signed a law that would remove flavored tobacco products from the market.

Mary Lou commented as follows:

- So I have been working with the coalition on this for about two years now, and I have ...I'm a nurse, I have experience in health, in public health.
- I have to be clear here, the goal is not putting people out of business, the goal is not generating revenue from a taxation, the goal is not trying to do in the retailers here in the city, the goal to prevent addiction.
- And in order to prevent addiction, you have to start young.
- What is happening now is we know from how many vaping devices our schools are collecting in a couple month period that it is out of control.
- The vaping issue is out of control in our schools.
- They start young, they become addicted, then they can't get off.
- Really vaping these vapes; the e-cigarettes is not really an age of smoking cessation in terms of making --having people get away from the addiction itself.
- So I would really encourage that the council think about our youth and preventing the actual addiction from the beginning, by making these tobacco products that are looked so good to the youth, that are flavored, that are easy to use because they can't feel the burn of the cigarettes to adopt this ordinance to get rid of these in our town.
- Just to note, when we talk about what Sebastopol is supposed to be like, Santa Rosa has much fewer, many fewer, much fewer, many fewer tobacco retailers than we do here in Sebastopol, so that people come to Sebastopol to buy tobacco.
- I really encourage the adoption of this ordinance with all of its various components.

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

#### Council Deliberations:

Councilmember Hinton commented as follows:

- My only question is moving into the next phase.
- I'm interested in the actual 15 people in Sebastopol that we're talking about.
- I just heard from the last speaker that we have more than Santa Rosa has, which is hard to believe, maybe she meant per capita, but I'm interested in actually having that list.
- If there's somebody on the call that could maybe even read it out because it wasn't a part of our packet tonight.

City Manager McLaughlin commented as follows:

- I wanted to mention that the ordinance in its current form provides a six month stay of the provisions that relate to flavored tobacco products and e-cigarettes.
- So those businesses are not by this word, and it says it's presently worded, those businesses would not be put out of business between now and the state law taking effect, assuming it does.

Mayor Slayter commented as follows:

- License is non-transferrable.
- So to answer the question, the verbiage reads that, "Tobacco retailers' license may not be transferred from one person to another or from one location to another.

- A new TRL license is required whenever a tobacco retail location has a change in proprietor.” So let's see, so that has to do with the transfer.
- Just to make sure that my statement here is going to be correct, that if an existing business has a tobacco retail license, that license runs with that owner, it does not run with that business.

City Manager McLaughlin commented as follows:

- That's correct.
- And the B section of that is speaking about violations of the ordinance.
- So the transferability lack of is under A, as you read.

Mayor Slayter commented as follows:

- What that does is it levels the playing field, in my opinion, where a business with an existing license is not necessarily increase in value because that license would continue with the business, not with the owner.
- What that does is, it just levels the playing field for everybody who would be starting up a new business and get us potentially to a recommended target that is in the draft of what we have here.

Councilmember Carnacchi commented as follows:

- I just think that we should clean up that significant tobacco retailer definition to make sure that a retailer that is selling predominantly marijuana smoking paraphernalia does not get classified as a tobacco from a significant tobacco retailer, because they're not going in and buying those fancy pipes that are all hand-blown and the water pipes in the bunks, they're not buying those for smoking tobacco water.
- I think that a retailer could be unjustly classified as a significant tobacco retailer if you count the cannabis smoking paraphernalia.
- I think that needs to be cleaned up.
- Then with regard to the definition, also on page 22, directly below that was the smoking definition, and that actually does include marijuana or other plant whether natural or synthetic.
- I think that we should clean that up for the sake of any future ordinances that we might pass with regard to having a cannabis tasting room.

Councilmember Hinton commented as follows:

- I think we need to look at this.
- I need to look at this as far as what the definition of significant tobacco retailer.
- There's only one listed on the ordinance.
- And just to jump in, I thought that City Manager was going to go through this and talk about the points where we could make decisions point by point.
- I think we were still going to go through that at this point so that we can understand each point and ask questions related to it.

City Manager McLaughlin commented as follows:

- Just to clarify again, because the council has seen the materials previously, it is true this ordinance was written to be as comprehensive as it could possibly be.
- So if the council wishes they can make changes.
- You generally would start with the most comprehensive ordinance and make changes off of that as opposed to adding to an ordinance.

- But every provision of the ordinance essentially is a decision point because this one has done two things which make a significant difference in Sebastopol.
- And the justification is in the materials as to why they are being promoted, but the restriction on flavored tobacco products and the restriction on e-cigarettes, those two provisions are key provisions of the ordinance.
- You've heard the justifications last time on page 34, again in materials.
- On the right-hand column is a thumbnail, a sketch of what the council has heard previously
- You've heard those comments before, but every one of these provisions is the most comprehensive it could be.
- There are provisions in the ordinance that require a place.
- I believe, for example, the proximity to youth-oriented faculty facilities or youth-oriented areas in my materials, not the ordinance itself but the description pages, that's on page 36.
- And as I understand it, there is a decision to be made here of whether it is 500 or 1000 feet.
- So in the ordinance itself, I think that was highlighted as a decision point.
- And I think they're also elsewhere in the materials, again, as the decision point.
- As far as the list of retailers and so forth, I think the map that was provided in the materials has a list of the retailers, including their locations.
- And then it also has the youth proximity, the youth-oriented areas are indicated with the circles delineating 500 feet or a thousand.
- I think those are decision points because the ordinance itself doesn't say which one of those two provisions you would choose.
- It has both of them in the ordinance, and you'd have to select one.
- I'm not sure if the minimum prices and minimum sizes are definitively set forth in the ordinance or whether there's decision points in those areas as well.
- I saw different prices mentioned and different numbers of -- for example, little cigars.
- I don't know whether those are decision points as well, they may be.
- But in reality, unless the council wants to go through all of the materials that we reviewed at the last council meeting, every one of these provisions is essentially a decision point because this ordinance was perfectly purposefully drafted to be as comprehensive as it could be.

Councilmember Hinton commented as follows:

- I recalled that we were just going to put this whole thing together and then go through it.
- My locations are cut off on my map that I received, so that's why I'm having a hard time figuring that out.
- But for example, I would like to go through the map and find out.
- Because it's really small maybe somebody can point out the difference between 500 and a thousand, for example, on that decision point.
- I have another question about the pharmacies.
- Does this ordinance take away the ability to sell tobacco for the pharmacies now, in six months?
- Or is it just if Rite Aid went out of business, then we can't have another Rite Aid?
- Because I would be wanting to be more stringent in that area
- I just thought we'd be going through some key decision points to talk about points of the ordinance
- I know we brought a lot back everything that was proposed, but I thought we would be going through it in this meeting.
- That's was my understanding.

Mayor Slayter commented as follows:

- I think the highlighted portions are the decision points that we said we would come back with and they're all pretty clear.
- They include the 500 or 10 or a thousand.
- That list of the 15 stores was on a previous agenda packet.
- I think we need to move the conversation along to the decision points.
- We've looked at this already three or four times.

Director Svansson displayed the map as listed in the staff report and read off the current businesses.

Ariel commented as follows:

- I just like to clarify for council that in its current writing of the provision, the youth oriented areas section, whether you choose 500 or a thousand feet would only apply to new retailers, retailers that are currently within that zone, if this would not apply to them.
- I just want to make that clarification for you.
- I believe the prohibition against pharmacies as written would require the current pharmacies, which would be Rite Aid, Lucky's and Safeway, they would need to stop so tobacco right away
- Want to clarify that the ordinance's effective date is within 30 days and the enforcement date is within six months in its current writing.
- So it would not be immediate.

Director Svansson commented for example, in Safeway, the pharmacy would have to stop selling it, but it would still be sold in the front of the store.

Ariel commented that is incorrect and that the entire store location would need to stop selling but that enforcement won't kick in for six months.

Vice Mayor Glass commented that the other thing that I think should be restated, this has been brought up a couple of times when presentations have been made, is that the County is going to help us with enforcement.

Ariel commented as follows:

- In July of 2020, the County of Sonoma received a grant.
- This allows us to conduct educational and enforcement visits at every tobacco retailer in the entire County including the city of Sebastopol.
- That grant is a three-year grant and we would be more than happy to support the city of Sebastopol as well as provide resources for the local police department.

Terese commented as follows:

- I would just add that the bulk of this fee is the compliance as it is the biggest expense.
- The fee that you would end up having to charge your retailers would be offset greatly by the fact that the county would be able to provide that compliance visit for the first three years.
- Actually there's quite a bit of funds being offered right now by Prop 56, and that's the Department of Justice grants that are fairly easy for law enforcement agencies to get to, to do these compliance so that I could see in the future.

Councilmember Hinton commented as follows:

- We have one retailer who is an STR who's exclusive business would be severely impacted, and if we don't give him a waiver on the transfer or something, his business would be not worth anything if he were to sell it.
- In addition, he sells a lot accessories.
- I have a really hard time putting somebody in our town out of business that bought a business and can't transfer it.
- That's the main part of their business.
- I want to disclose, and maybe I'm jumping out a little too early here, I did visit the business and for at least over a half hour and saw a number of our residents live way far over the age of 21, men my age stopping in and buying product.
- I never, for the time I spent there saw any youth.
- I have to say this as we're looking at this, everything else looks good to me.
- I'm concerned as well; I have two children.
- One of them for a while did have a hookah.
- I'm not a fan of hookahs.
- It was a dirty, smelly, and she did use flavors, but I am concerned about that number eight and giving them some -- I feel really uncomfortable putting out a business of somebody that sells legal products.
- Obviously, the flavors are going to be illegal, so that's a different story, but I'm talking about that the tobacco and cigars, and is his number one sales.
- So I'm just going to go out with that.
- Thumbs up, I'm for 500 feet.

Councilmember Gurney commented as follows:

- I'm just not certain this would be an absolute you're out of business decision.
- Can we have that explained a little bit more?
- If the person is selling lawfully under a lawful license and they're grandfather didn't, how did they go out of business?
- I think we have to make a decision and I don't know how we're going to make exceptions for one particular business.

Councilmember Hinton commented as follows:

- I think that we should be able allow that business to sell both the paraphernalia that Michael pointed out is used for cannabis, as well as tobacco, still ban the flavors like we're all talking about, but also possibly write in here that one business can transfer the license, be one of the transferable licenses.
- Can we write ordinances like that?
- This applies to everybody except this one particular owner in this business, at this address.

City Manager McLaughlin commented as follows:

- In another way, it's basically spot zoning.
- No, you cannot zone around one particular business and you cannot set an ordinance which exempts one specified business.
- Category of businesses, et cetera, but you cannot name a business and exempt it.

- I suppose, if it's the only significant tobacco retailer, you could theoretically exempt every significant tobacco retailer, but I'm not sure what effect that would have on the rest of the ordinance.

Councilmember Gurney commented as follows:

- Spot zoning is illegal.
- How can we say, "Let's go do something that's illegal?"
- I mean, I just don't see how we can make a decision like that.

Councilmember Hinton commented I just heard the City Manager say that because it's a significant...It's a STR, it is different.

City Manager McLaughlin commented as follows:

- I haven't researched this lately.
- However, generally speaking, you can deal with categories of businesses in an ordinance, and provide, provisions do or don't apply to categories of businesses.
- You cannot name a business and exempt it.
- It'd be a category.
- I haven't vetted that in terms of researching it, hearing what coalition members have, understand the people that are assisting the city in this endeavor are familiar with ordinances everywhere.
- That's where this comprehensive list came in the end of the packet that says here's what other jurisdictions have done with this, here's how many in Sonoma County, here's how many statewide, and so forth.
- They are familiar with every other ordinance in the state.
- They are familiar with the subject matter.
- I'm not.
- I haven't looked at everybody else's ordinance per se, to see how they dealt with a single business category.

Councilmember Hinton stated it is called out as number 8 and is different.

Councilmember Gurney commented as follows:

- Why don't we talk about the decision points and see if we can reach agreement on those, and then see if this one, we agree or we don't agree at the end.
- And if we see what prevails at that discussion, and people who don't like it because of the decision on this issue can vote against it.

The Council discussed the following:

- Pack size for little cigars of 5
- Map – 1000 Feet
- Page 20
- Definition s- 8.6.30. -under cigar

Ariel commented as follows:

- Typo
- Cigars more than 4.5 pounds per 1000
- Little cigar less than 4.5 pounds per 1000

Councilmember Carnacchi commented as follows:

- So one thought that came up is the place that's up there by Lucky's is called Cheaper Cigarettes
- They're really, very similar in what they sell and what their size is, and their formatting of their stores, as the green zone.
- I think under the new definition that they would be considered a significant tobacco retailer also.
- I don't know why there's only one on the map.
- I saw that on the map is just marking it as the green zone, but I think that Cheaper Cigarettes would also be considered a significant tobacco retailer.
- I think that neither one of them may be if we remove the paraphernalia for smoking cannabis, which is the majority of their smoking paraphernalia.
- People don't go in there to buy the smoking paraphernalia to smoke tobacco with.
- How do we want to clean that up?
- How do we define tobacco paraphernalia as opposed to cannabis paraphernalia?

Marsha Sue Lustig commented as follows:

- I'm definitely not an expert, but I do recall some of the experts saying that this state has a series of definitions for these products.
- That's why many of the businesses that sell cannabis have to get the state tobacco license because the products that they sell are also used for tobacco as well.
- That's how that decision is made.
- It's not by whether we like it or not.
- That's my understanding

Terese commented as follows:

- So paraphernalia, the original law before the cannabis laws were passed that made paraphernalia okay to be used for marijuana.
- Prior to that, the paraphernalia law said that any paraphernalia used for illegal drug use could not be sold.
- So if you looked at the definition, that was any Schedule I drug of which, at the federal level, marijuana is still a Schedule I drug, right?
- But California then came in and passed medical marijuana, and that then turned...It allowed the use of the paraphernalia for marijuana.
- So it doesn't really help to exempt that.
- They're still allowed, you can sell those products if you say they are for tobacco or marijuana.
- You don't have to say what they're for, they just sell them.

Vice Mayor Glass commented that you couldn't get a license to sell both tobacco and cannabis.

Terese commented as follows:

- Dispensaries cannot sell tobacco and tobacco license cannot sell marijuana.
- Dispensaries cannot sell tobacco products.

Mayor Slayter commented that products that are used in either item can be sold in either type of store.

Vice Mayor Glass commented as follows:

- What if some of these statements in this ordinance are applied, that they take cannabis definitions or cannabis restrictions and put them onto these tobacco businesses.
- I'm just wondering if we can make, at the very beginning of this whole ordinance, say that the purpose of this ordinance is to engage with and address tobacco-related issues.
- Can we just say this ordinance has to do with tobacco stuff, and we're not talking about anything to do with cannabis?
- And that is in a separate ordinance.
- We have our own city ordinance that regulates cannabis issues, and that's separate.
- So we can just say this is an ordinance that has to do with tobacco and nothing in this ordinance applies to anything to do with cannabis.
- Can we just state that at the beginning of the ordinance?

Councilmember Carnacchi commented that the definition of smoking would need to be changed.

City Manager Mclaughlin commented as follows:

- So I'm always hesitant to just shoot from the hip here for fear that there's unintended consequences.
- Generally speaking, I think you can do what was just suggested, which may have a statement that nothing in this ordinance is intended to, nor does it apply, and then give the definition of cannabis, dispensaries, whatever is in the city's cannabis ordinance, how it defines that class of businesses.
- And you would say nothing in this ordinance is intended to apply to those establishments.
- So unless there's something I'm not seeing in here, I think you could do that.
- I think that's our intent anyway.
- his would be part of an introductory sentence.
- It's right in the title.
- if we're meaning to exempt cannabis, should delete the word marijuana.
- I have certainly reviewed our smoking ordinances for other things and there's, on the other side, when cannabis folks come and ask me about things, it's similarly confusing.

Director Svanstrom commented as follows:

- It currently exempts medical marijuana.
- It is silent on recreational because it hasn't been updated to that.
- So it would allow for further definition of that as the cities so choose at the time.
- So the suggestion would be, under the definition of smoking, would be to strike marijuana.

Terese commented as follows:

- I'm looking at where you have smoking within the ordinance.
- And it's on C.
- Just making sure that you're not contradicting yourself with the California state law, and what the definition of smoking is there and where it's prohibited.
- So I would suggest maybe going through that before striking.

Mayor Slayter commented as follows:

- What I'm concerned about is that if we have a definition of smoking in this ordinance and we have a definition of smoking in another place, and then maybe a third in another place, we need to have the same definition of what smoking means.

- But I'm thinking that if we say that the purpose of this law is to regulate tobacco, and definitions, we just know the definitions are based on being consistent with other laws.
- If we state that the specific purpose of the law is regulating tobacco, then it doesn't matter if we use the word marijuana elsewhere in the ordinance, because it's just consistent with the definition of stuff.
- But we say that this ordinance is about regulating nicotine, basically.
- If we were to pass this tonight if we could have staff review all the ordinances.
- For instance, the cannabis ordinance that is based on medicinal smoking only
- As you know, it could be that the findings have the same effect as what Vice Mayor Glass was asking about, to make it clear that this is intended to be tobacco.
- It could be the findings already do that.

Vice Mayor Glass commented as follows:

- Purpose of law is to regulate tobacco
- Be consistent with other laws
- Ordinance is about regulating nicotine

Councilmember Gurney commented that staff should review all ordinances as discussed.

MOTION:

Vice Mayor Glass moved and Councilmember Gurney seconded the motion to approve for Waiving of First Reading and Introduction of Ordinance: An Ordinance of the City of Sebastopol Adopting a Tobacco Retail License Ordinance to Regulate the Sale and Distribution of Tobacco Products to Protect Minors of the City of Sebastopol with modifications as follows:

- Approval of pack of size of 5
- 1000 feet for distance
- Typo Correction:
  - Cigars more than 4.5 pounds per 1000
  - Little cigar less than 4.5 pounds per 1000

Delete marijuana in definition of smoking

Staff to review for consistency with other ordinances

Discussion:

Councilmember Hinton commented as follows:

- I think we all agreed to come back to my question about the STR, which is number eight, and we could easily solve that by moving the eight into number 10 and say except for the transfer of number eight.
- Discussed recap that's presented at the back of the packet that points out that the STR is a specific bullet point in here that does not allow a transfer, and as I said earlier, since we still have the allowance to have three...If everybody went out of business, we still have the allowance to have three.
- I'm saying that we should give a special...This is a special type of tobacco shop that is pointed out with a designation of STR, and if we make that an exception for the transfer.

- Like I said earlier, I just find it...In a small town like this to put somebody out of business that's exclusively a tobacco shop, there's only one, one in 15.
- I don't see that as spot zoning as it was brought up earlier and I think Larry backed me up on that because it's categorized.
- It's a green dot, it's number eight.
- I feel like that business should be able to transfer or at least have consideration to transfer.

Mayor Slayter commented as follows:

- What you're looking for is a change to the proposed ordinance because this chart is for reference.
- This chart is not part of the ordinance.
- What you're looking for is a new category for large retailers of tobacco.

Councilmember Hinton commented as follows:

- Or exclusive retailers.
- It's significant, what they call an STR is significant tobacco.
- I have a problem with that whole notion that we want to do that.
- I mean, the spot zoning thing is really convincing to me and who wants us to back a significant tobacco retailer to prevail and prevail and be an exception to the rule that everybody else has to follow?
- When I went to college in Idaho, they're state liquor stores, it's kind of a smart idea to actually have a specialist in something like this, in my opinion.
- They have tougher criteria.
- You don't even get in the door unless you're of age, and so that's how many states do it is liquor stores are state run stores.
- I believe that's what this is as well.

Councilmember Gurney commented as follows:

- Has a problem with that whole notion
- Exception to rule that everyone else has to follow
- Vote on motion pending

Vice Mayor Glass commented as follows:

- I personally have a difficult time with the idea of putting people out of business, but this is putting a business out of business that is selling something that's really bad for people anyway, but it's not actually putting them out of business.
- They can stay in business.
- What they can't do is transfer the license to somebody else, and that's all that we're saying, but that doesn't mean they can't stay in business and it doesn't mean they can't pivot because right now, they have a business that's all about tobacco products, but they could pivot like all of our businesses right now are having to pivot.
- They're having to go to an online format.
- They're going to have to sell different products.
- I mean, this is something that they have the capacity to do.
- They could gradually move out of being a tobacco shop to being something that, a shop that also sells something else, and over time move from being a tobacco shop to a different kind of business.
- So I don't see this as it has to put them out of business.

Councilmember Hinton commented as follows:

- It's just frustrating that I agree with the entire part of the ordinance except for this one point, and it puts me in a tough position because it looks like where there's already three votes, but I will just say, I agree with every other point in this ordinance, but I have a hard time with the one business, that this is the majority of their business and not being able to transfer.
- They bought the license and now it's worth, as long as he's alive, I guess it's fine or wants to retire.
- He can't even transfer to his son, I don't believe.
- So I'm just going to publicly say that I will probably support the ordinance because I agree with nine out of 10, but I just wish that we could deal with that in a different way.

Councilmember Carnacchi commented as follows:

- I kind of have a problem with the green zone being singled out here because clearly, cheaper cigarettes.
- I mean, just by virtue of their name, cheaper cigarettes.
- They are identical in nature to the green zone and they are not considered as a significant tobacco retailer.
- And in doing my research for this, I questioned the same thing as that, that the two businesses seem very similar and unlike other businesses that sell other products.
- So I think if this discussion moves forward, then we can discuss that.

Mayor Slayter called for the Vote.

City staff read the motion:

Vice Mayor Glass moved and Councilmember Gurney seconded the motion to approve for Waiving of First Reading and Introduction of Ordinance: An Ordinance of the City of Sebastopol Adopting a Tobacco Retail License Ordinance to Regulate the Sale and Distribution of Tobacco Products to Protect Minors of the City of Sebastopol with modifications as follows:

- Approval of pack of size of 5
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- Typo Correction:
  - Cigars more than 4.5 pounds per 1000
  - Little cigar less than 4.5 pounds per 1000

Delete marijuana in definition of smoking

Staff to review for consistency with other ordinances

City staff conducted a roll call vote.

**VOTE:**

Ayes: Councilmember Gurney, Vice Mayor Glass and Mayor Slayter

Noes: None

Absent: None

Abstain: Councilmembers Carnacchi and Hinton

**City Council Action: Approved Waiving of First Reading and Introduction of Ordinance: An Ordinance of the City of Sebastopol Adopting a Tobacco Retail License Ordinance to Regulate the Sale and Distribution of Tobacco Products to Protect Minors of the City of Sebastopol with modifications as follows:**

- Approval of pack of size of 5
- 1000 feet for distance
- Typo Correction:
  - o Cigars more than 4.5 pounds per 1000
  - o Little cigar less than 4.5 pounds per 1000

**Delete marijuana in definition of smoking**

**Staff to review for consistency with other ordinances**

**Minute Order Number: 2020-191**

Councilmember Hinton moved to approve the tobacco retail license recommendations with the exception of what is pointed out as the STR business having the approval or possibility to apply for a transfer if the current owner and location so deemed.

Mayor Slayter commented that as he understands the motion it is because the previous motion has already passed that Councilmember Hinton is looking for the council to consider creating a separate category for significant tobacco retailers and with a host of provisions for that particular category.

Councilmember Hinton stated that is correct.

Councilmember Carnacchi seconded the motion.

City staff conducted a roll call vote.

**VOTE:**

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

The motion fails.

**City Council Action: None – Motion Failed**

**Reference Order Number: 2020-192**

Mayor Slayter called for a break at 9:15 pm and reconvened the meeting at 9:27 pm.

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

- 12 Discussion and Consideration of Follow Up Actions from the City Council Special Meeting of August 12, 2020 and Request for Budget Amendment for Consultant CoMission,
- A. Consideration and Approval of Loan Program (Requestor: Councilmember Hinton/CoMission)
  - B. Consideration and Approval of Amendment to Façade Improvement Program (Responsible Department: Planning)
  - C. Future Actions/Work Plan/Budget Amendment (Not to Exceed Amount - \$60,000) (CoMission)

City Manager McLaughlin presented the agenda item.

- This is three items that are returning to the council as a result of this study session that the council had on August 12th.

- The first item was originally proposed by Council Member Hinton, and we were directed and commission was asked to come back with the details of a potential loan program with options for the council to consider.
- The options for that are set out in the staff report and in the commission materials that are provided later in the staff report, and they are summarized on page two of the staff report, the initial funding amount, the maximum amount of the loans, the tier ideas as to how the loans would be granted, required criteria.
- They'll go into that in more detail, but just to bring you back options for you actually to direct the loan program take place tonight.
- The second item was for staff to come back.
- This is a planning item with some proposals to amend the facade improvement program.
- I used the basic structure of that with to more directly help our businesses at this time with the pandemic, and finally, the third item this evening in this particular agenda item is basically a four month outline of a work plan for commission to work through December, and the main areas that they're going to propose to be working on are outlined in the staff report, and they can go into them in detail when they take you through the work plan, but it's to establish an actual budget for a commission tonight through the end of December.

Craig Litwin/Johnny Nolen were in attendance and presented their report on the loan program.

- Thank you for a hearing on the items tonight.
- I thank you also, Council Member Hinton, for bringing this item forward last month or two months ago now.
- I know that a lot of businesses in the city are excited to see how this comes out.
- There are six primary decisions that needed to be made about the loan program.
- Three of them impact the total cost of the city and three of them impact who would be able to participate in the program.
- So starting with the program costs, the first one is the total program amount.
- I know a couple members referring about, so I created some figures for 100,000, 150,000 and 200,000.
- That would be impacted by the terms of the loan, how long the loans would run, and the percentage of the loan.
- The base percentage is 3%, not the 2.5% that we had originally heard, and then as well in order for the city to guarantee the funds, there are two options.
- One is for the cities to deposit all of the funds for the loan and basically provide the funds for each of the loans to go out, and then the base, there would only be the cost would be the base interest of the loan, or the city could opt to keep all of the funds circulating and operating cashflow for the city, and Community First Credit Union would provide the funds at the cost of 0.4%.
- So the costs in interest would be either 3% or 3.4%, and you can see here on this table, the different costs for three and five year terms for both 3% and 3.4% loan cost, and this would be the total cost over the life of the program.
- There are a couple other options of deferred payments.
- The city of Healdsburg, which we used as an example for a lot of these loan considerations, did a one-year deferral.
- I believe we are considering a six-month deferral.

- So considering whether or not Sebastopol would be interested in deferring the initial payments would of course increase costs, and we've calculated that on, for example, a 3.4% interest rate on a \$100,000 program would cost about \$283 per month for deferral.
- We also recommend that the city outline with Community First, which is easy to put into the contract, that any fees or penalties incurred on the loan beyond the basic interest rate expected will be the responsibility of the borrower, and that would eliminate any unforeseen costs.
- So the next part is the participant qualification, and we brought into the report the full example of Healdsburg requirements.
- We suggested a couple of other options to consider, and then we provided what was discussed in the initial discussion on August 12th, and one of the notes that we did want to make, there was a discussion about a three to five year requirement for business operations, and three years would exclude many of the businesses in Sebastopol that might need it the most so just keep that in mind, as you decide the requirements for the businesses.
- Then in an applicant selection process, we found four options.
- One is to award every applicant some amounts, but reduced based on the total number of applicants, similar to what Healdsburg did in the end.
- There's also the option of first come first serve so the loans were awarded to people as they applied until it runs out.
- There was the option of performance metrics, a preference metrics-based selection.
- So you create priority thresholds of what types of business you want this program to serve the most and then give priority to those applicants, or the last one and possibly the simplest one would be just a lottery.
- Seeing all applicants within an application period, look at how many of them you would be able to take, and then pull from hat until you filled up the whole program.
- So one thing we did want to caution against in the funding reduction model like what Healdsburg did is that funding a business that is in financial duress at an amount less than what they stated they need could actually escalate the business's failure.
- If they're saying they need \$5,000 and in the end, they get awarded \$3,500, the likelihood is elevated that they will not be able to make the next month's payroll and whatnot, and then close, and so that could increase the rate if that's what the loans are defaulted on.
- So finally, the loan sizes.
- Tier one available for businesses up to five full time employee equivalent, and a little explanation because this always confuses everybody.
- A full-time equivalent is 40 hours of work in employment so if you have two 20-hour employees, that is one full time equivalent.
- So businesses up to five full time equivalent, stated up to \$5,000 in loans, and the tier two is businesses up to 15 full time employment equivalent eligible up to the maximum amount, which we considered 15 or 20,000 in the most recent document.
- Also \$10,000 were considered in the last conversation.
- A thing to consider here is that the larger the maximum size, the fewer participants.
- So for instance, \$100,000 program would only allow five participants at \$20,000 and a little over six participants at \$15,000, and just from our limited fast micro survey, 17 of the 32 respondents said that they would be interested in a program similar to what you are considering here.
- So Community First Credit Union, once the loan program was designed by the city and the staff was instructed to implement, Community First would basically take care of the entire process from then on.
- They could also manage the entire application as long as it was not too complicated.

- So for instance, a preference metrics-based selection process would have to be done by the city, but then for instance, first come first serve or a lottery could easily be conducted by Community First.
- So then in thinking about what the view in the case of delinquent borrowers, Community First would follow its normal procedure for delinquent borrowers for 90 days, conduct all of their regular series of official letters, phone calls, communications, and after 90 days, if the borrower does not engage, they would consider the loan to have defaulted and the city would become responsible for the balance.
- At that point, the city could take up collections if it chose to take that route, and the negative credit marks would only go on the borrower, not on the city, and the negative credit marks would be pursued as a natural part of Community First loans.
- So that does give the incentive to actually pay off the loan without any collateral or personal money invested.
- Finally, here's the decisions recap, all of the decisions either made with the options presented in the report and the last page, we put a series of our recommendations, and the recommendation that we put forth is to run a program totaling \$150,000 using the tier one and tier two model.
- Using the tier one is \$5,000 of a three year term loan, a tier two being more than \$5,000 for a five year loan, deferral of initial payments for six months and reserving 40% of the program for tier one loans, and also notice that the tier one and tier two are not restricted by employee type of full time equivalent because we've found in our research that the number of employees doesn't necessarily correlate to revenue or expense model.
- For the secured funds, we recommend to defer the city staff to recommend whether they thought it would be better to pay the 0.4% and keep the cash circulating in operating cashflow or to conserve that 0.4% of expense and deposit the funds.
- The city would be able to withdraw because the balances are paid down, but it would be tying up \$150,000 for the initial part of it.
- For the qualifying criteria, and this would outline who's eligible, up to 25 full time equivalent, storefront location within the city limit, and we're recommending storefronts because storefronts create sales tax and the city is already looking at concern around revenue, looking at required to be opened on or before October 1st, 2019.
- So just under a year ago today, but six months before the beginning of the pandemic.
- An active business license in good standing with the city, a degree of hardship demonstrated due to COVID and health orders, and that would make sure that the people that were able to remain open and profited greatly through this period aren't the ones applying for it.
- Designated for for-profit businesses and address nonprofits with separate grant programs, which are the city already has in motion, independent ownership, and if multi location ownership, must originate within Sonoma County, and loan funds must only be used for personnel costs, wages, benefits, lease or mortgage payments, utilities, or materials and supplies to help improve businesses' ability to reopen with order.
- So then in the selection of applicants, we have suggested a preference metrics process with the preferences being indicated level of impact by the shelter order, storefront location within the city limits, the PPP loan status.
- So we give preference to those that applied, but did not receive the PPP loan, and a community support record with a history of giving back to the community with cash or in-kind donations preferred.
- If the preference metrics looks like it might be too labor intensive, then we recommend as a second choice the lottery system.

- The lottery system would be the most unbiased version that nobody could complain was manipulated for one or another specific business, and we strongly caution against the funding reduction methods, and finally, the individual loan sizes, tier one, \$5,000 or less for three years, tier two, more than \$5,000 for five years, not tied to full time employee count, and we are hoping to see that cap at 10 or \$15,000.

Mayor Slayter asked for questions.

Councilmember Gurney commented as follows:

- The tier two loans.
- So it's 2B there.
- Do you have a cap that you're suggesting for the tier two more than 5,000, but what's the limit there, the top limit?

CoMission commented as follows:

- I would recommend a \$10,000 cap so that you could have maximum participation.
- If you had a larger total program amount, I think that the cap could be raised, and if you'd like also,

Vice Mayor Glass commented How many people said that they were interested in participating at what level?

CoMission commented we had 17 participants say they were interested in a loan program similar to this loan and they were split about half and half of five and \$10,000 with one indicating they would prefer higher than \$10,000.

Vice Mayor Glass commented if you added up all of their preference, what did that, of the 17 folks that said they were interested, and yet then you attach either five or 10,000 to each one of them, what does the total come to?

Mayor Slayter commented as follows:

- If you round down to 16, so that it's easier and an even number, and you've got eight businesses at 5,000 and you've got eight businesses at 10,000, that's 40,000 and 80,000, which is 120,000.
- We're somewhere between the 100,000 and the 150,000 being considered.
- It's about either reducing the awards uniformly, or first come, first served, or preference metrics, and an option that's not noted at all, which seems perfectly logical, would be for the council to consider an increase in available funds.
- We've got a really great report here, and I'll discuss this at greater length once we get to comments, but that's always an option for us.

Vice Mayor Glass commented as follows:

- Ask about the rationale on PPP, rejection of a PPP loan as being a preferential metric.
- Wondering why would you think that?
- Is there any kind of where the people that were rejected for PPP loans problematic in some other arena?
- Those were administered kind of by the SBA .

- Is somebody's rejection from the PPP, could that be saying something bad about the business?
- Does that may put them at a big credit risk or something?
- What was your rationale?

Commissioner commented as follows:

- The PPP loan is administered through the SBA, which is a state agency but it is administered on federal guidelines.
- Because of our association with the cannabis industry, 421 Group, was rejected a PPP loan
- Heard in the past, a lot of SBA loans do find these restrictions on sort of federal morality concepts that don't really resonate with our communities in California, but it was also just there was a first come, first serve aspect to the PPP loan and it ran out.
- A lot of the businesses that didn't get it were smaller businesses that didn't apply fast enough

Councilmember Gurney commented as follows:

- Then a lot of smaller businesses didn't have the bandwidth to apply either.
- They're not getting it doesn't mean necessarily that they're bad.

Vice Mayor Glass commented as follows:

- I completely agree and that was one of the reasons why I wanted a higher commission in the first place was to help businesses that didn't have the bandwidth or didn't have the normal skill set.
- You can have a lot of skill in your particular business, but not a bit, a lot of skill in filling out federal forms.
- There are no time or resources to get help.

Councilmember Gurney commented as follows:

- Let's say we started with a hundred thousand and we were able to see how the process went and then looked at another group of businesses in six months.
- Is that something in your survey or the responses from the businesses that was addressed at all?

Commissioner commented as follows:

- No, we didn't look into any concepts like multiple phases or waves of loans.
- I think that if the city is unsure about the total amount or unsure about exactly the process that it would like to execute, I think that would be a totally viable method.
- It may be better to do it in three or four months because the next six months are going to be pretty critical for businesses

Councilmember Hinton commented as follows:

- The way I look at this, if we did our math in the approximate 120 range, if we allocated 150 and we didn't have enough applications for that amount, we'd only give away that much
- But to turn down two businesses that desperately need it now because we don't...That could be four loans or four little businesses that were coming up short.
- So I'm for allocating the 150, and then if we don't have enough demand, we don't give it away.
- Based on their survey that makes the most sense to me.

Mayor Slayter commented as follows:

- So I'm curious if you can speak to the items in the financial requirements, and it's mentioned a couple of other places, but it's on page six of 23 in our staff report.
- And its loan funds may only be used for personnel costs, wages and benefits, lease or mortgage payments, utilities, or materials and supplies to help improve businesses' ability to reopen with distancing orders.
- What sort of assurances do we have other than a promise that those are the purposes that the funds would be put to?
- Is there any kind of an audit, is there any kind of a report that other cities are using?

CoMission commented as follows:

- Not sure.
- Found this language in both Healdsburg and the [inaudible] requirements, and this was sort of a, "You can't use it to buy a Lamborghini," statement, but I'm not sure how that would necessarily be [inaudible] if the city wanted to ask for updates or reporting from the businesses at some period after the administration of a loan.
- It would be in contract, so if it was found that the business did spend the funds in a way outside of these requirements, then the city could take action against those borrowers.
- It's really up to the city, and I would actually defer to the city manager on legal advice for that.
- I would also ask the City Attorney for an opinion on that and understanding that it is a contract and that if the contract is breached or broken in any way, that there's a way to claw that back.

City Manager McLaughlin commented as follows:

- I would just say that if I wanted to accomplish this, I would build an audit requirement into the loan papers so that we could audit them if we felt the necessary to do that.
- As far as penalties for that, I'm not sure what I'd recommend there.
- You would have to establish some sort of a penalty for misuse of the funds, which might be, I suppose, other provisions, notwithstanding you accelerate the loan or something like that so it's owed now.
- I kind of feel like in this dollar figure amounts, it's best to trust them, have them explain how they're going to use it and why it is that they think that they qualify and take their word for it.

Councilmember Gurney commented as follows:

- We have to remember they're at risk of failing too.
- So, if it's five or \$10,000 or under that, is a risk.
- It's a risk for the city and we don't want to spend a lot of time chasing that risk.

Mayor Slayter commented it's not a fail-safe on the funds, but it's a fail-safe on the reporting and the credit history, is that it goes against the borrower, not against the city as the defaulter.

Vice Mayor Glass commented it's my understanding, correct me if I am wrong, that Community First would be administering the application process.

Councilmember Hinton commented that is a decision for the Council.

CoMission commented as follows:

- They have offered to administer it.
- I would not recommend giving them a complicated selection process.
- if it's simple, like lottery or first come, first serve, they could handle every aspect of it from application collection to administrating the loan.

Vice Mayor Glass commented as follows:

- So this is really the heart of my question is, that they're not going through a normal business loan application process.
- They're doing a standard form and if you meet one of our criteria, you have a storefront in town, you can get a loan regardless of whether your financial statements show that you're \$500,000 in the red.
- We're not going to do any kind of screening for ability to repay or...I mean, I was just wondering are you thinking about using SBA criteria for somebody applying that you would have to meet certain SBA credit criteria or whatever?
- I'm not wanting to seem really negative.
- I just want to understand if that's what you're saying.
- Everybody's in really deep trouble right now, so probably saying, "You have to have a credit score of blah, blah, blah," is probably...Nobody's got a good credit score now if you're in small business.

CoMission commented as follows:

- If I understand correctly, you're asking if you would use a credit screening or some way [crosstalk] define a business's solvency.
- It's not included on any of these recommendations or in any similar program because no businesses look like they qualify for traditional loans right now.
- Most of them don't right now.
- it would be really challenging too for all of us to then create a metric that says, "Well, you're in this much trouble because of the pandemic, but we see this sort of trajectory that means you're going to survive it." It really is sort of putting your faith in the person that they're going to take the money, do the best thing they can with it, and then perform well through the duration of this pandemic.
- Basically we're saying, which I think is a reasonable risk to...But we're saying the city's taking a big risk because we're not really evaluating people's credit worthiness, but we're willing to take that risk because our small businesses are really important to our city, our economy, our tax base, and our citizens.
- The only real review we're doing is if businesses meet the qualifying criteria.
- Proposed to be fairly minimal.

The Council discussed the criteria for applying for a loan as shown in the staff report:

1. Total funds available for borrowing
    - a. \$150,000
- Term length of loans
- a. Tier 1 (\$5,000 or less) 3-year
  - b. Tier 2 (\$5,000-\$10,000) 5-year
  - c. Deferral of initial payments for 6 months
  - d. Reserve 40% of program for Tier 1 loans

Secured funds by deposit or contract

- a. City Staff prefers contract

Qualifying criteria

- a. Up to 25 FTE (Full Time Equivalent of employees)
- b. Business located within City Limits
- c. Opened on or before October 1st, 2019
- d. Active Business License and in good standing with city
- e. Degree of hardship demonstrated due to COVID and health orders
- f. For profit business (nonprofits addressed with separate grant programs)
- g. Independent ownership, if multilocation ownership must originate in Sonoma County
- h. Loan funds may only be used for personnel costs (wages, benefits, 1099 contractors), lease or mortgage payments, utilities, or materials and supplies to help improve business' ability to comply with public health orders

Selection of applicants

- a. Lottery

Individual loan sizes

- a. Tier 1 (\$5,000 or less) 3-year
- b. Tier 2 (\$5,000-\$10,000) 5-year

### The Council discussed the Façade Improvement Program

Director Svanstrom commented as follows:

- The city's Façade Improvement Program has been around for a number of years.
- And the past few years we've had probably six to \$10,000 worth of grants that were awarded.
- In the past we've had up to about \$20,000 in our budget for them.
- So, we took the very initial direction from city council to increase the city's contribution from 50% to 75% with a 25% matched by the business.
- But then we also reviewed other options that we can look at to change.
- Just tweak the program around the edges a bit to generate a little bit more excitement and potentially be able to do outreach and have more impact with the program.
- So just real briefly, we do have \$6,000 in the carry over budget.
- We would like to increase that to 20,000.
- I believe that was also discussed at the last council meeting and will be included in the upcoming budget hearings.
- The maximum city contribution is \$2,500.
- We're proposing that that remain the same.
- Obviously, it will go less far if it's a 75% match.
- The items that are eligible for it can include anything from a new awning, a new signage, painting a building to significant changes to the facade that might include completely redoing the facade.
- The one change we did discuss with our design review board, actually in the hopes that the program might get a lot of attention, especially if we do CPR along with the loan program, to instead of having it being a staff reviewed by over-the-counter kind of application, to have it have quarterly deadlines and have those applications reviewed by the Design Review Board.
- If there are more applications on funding, that will certainly help with our Designer Review Board able to participate and decide which proposals have the most merit and which would have the most impact on downtown.

- It'll also engage them in any dovetail with any designer view requirements that need to be done for those.
- I believe we had one facade change last year that did require designer view and it ended up being a two-step process.
- This would potentially allow it to be a one-step process.
- So, those are the fairly minor modifications.
- I think the quarterly deadlines, yes, it does require us to wait a little bit longer, but it can help us generate interest by advertising it in the city newsletter and most of us now working to deadlines is actually helps people get things done in a different way than...I think one of our DRB members said that he had just had an application sitting on his desk for two years that he hasn't quite gotten it yet.

Councilmember Gurney asked for a five-year history of the program.

Director Svanstrom commented as follows:

- I do know this last year we granted 6,000.
- So at 50/50, that means \$12,000 worth of improvements were done.
- The year before, I believe, was 8,000, and the year before, I believe, was \$11,000.

Councilmember Gurney asked if that was for one application or more.

Director Svanstrom commented as follows:

- The limit has been 2,500.
- Not everyone has sought the entire amount.
- So the \$6,000 we had last year, I believe was four applications.
- the year before that, I think it was about six.
- Part of this is trying to generate a little bit more interest in the past.
- Trying to push it a little bit more, I think, will also be helpful with working with Holly Hansen.

Councilmember Gurney commented as follows:

- I'm just wondering about the use history.
- If there aren't many applicants, is it because people don't know about the program, or the money is so little that it doesn't make a valuable facade improvement, or if there are problems with the landlord who won't help attendant get engaged with the program, or-
- I have heard that there are some concerns from landlords
- I have heard concerns from business owners that their landlords, that if they're doing a new awning, that there might be some discovery of other issues that needed to be upgraded.

Director Svanstrom commented as follows:

- Heard concern comment about landlords
- I know that that's one issue, but I'm surprised not more people use it for signage replacements at the very least.
- Sushi Hana was granted an award for signage.
- Bohemian Stoneworks repainted their building.
- Bare Raydiance is moving for some facade changes and signage changes under the last year's awards.

- I've heard feedback that when I mention it to quite a number of people, they don't seem to know about it.

Vice Mayor Glass commented as follows:

- Even though we've done some outreach and we've got a blurb and we talked about it, it just seems like a lot of businesses just don't know the program exists.
- So making it more attractive, but also doing the outreach to promote it.

Council Discussed Scope of Work/Budget:

Craig Litwin presented the item.

- What we have here is a well-thought-out plan.
- It's refined from what we discussed last time.
- We cut the budget down to size.
- We are focusing on things that we think will generate revenue for the city and do the most good for local businesses, the nonprofits, and to kind of rev up support from the residents, from the general community.
- So you'll see in the beginning here, first and foremost, we're maintaining fluid direction, taking fluid direction from the city manager because these things are just changing so quickly.
- Fire, for example, since the last time we talked.
- That things do tend to come up.
- We want to continue to conduct regular surveys, so we have a residential survey that we're still hoping to accomplish.
- We also have the micro surveys or little Sebastopol's, if you will, that could prove useful.
- Should we be directed by the city manager to do that, that would be one of those things that we would look at the budget as we move forward on those additional surveys.
- We also have found that pretty much we're coming back once a month to the council with a report.
- So we want to maintain that cadence through the end of the year, focusing on actions that the council can take so as to move everything forward faster.
- That would be part of the work plan.
- And then maintaining our monthly leadership councils of the following interest groups.
- We have the business leadership, the community benefit organizations, and food security council.
- These are different local community leadership groups that we've already been meeting with.
- We want to maintain those facilitated dialogues and continue to reinforce the fact that those sorts of meetings are effective.
- A lot of this has happened before us and it will happen after we're done with our chapter here in the city, but we want to do our part to strengthen it as we're able to.
- The community panels are another part of what we want to focus on.
- The real exciting one is actually in September.
- This was born out of the last business leadership council meeting.
- What we want to do is have basically a panel of local business leaders to invite all of the other business owners and employees that we can possibly get to participate and give them a chance to really talk about, what are the challenges?
- What are the problems?
- What are the fears?

- Really, really get it out and kind of lay it out on the table, and as fast as possible, move folks from problem-oriented thinking to solution-oriented thinking, providing opportunities to look at what Screamin' Mimi's has done and other incredible designs where they create this protective environment where it's orderly, the employees are protected, and the business is obviously booming.
- People are continuously lined up down there.
- Another big one, and really the impetus I think for this business leadership council, is the concept of this month, looking at what roads and what areas do we need to close in addition to the people's lane that was discussed at the study session.
- What areas are good from a planning perspective, working with the city from a business perspective, working with the businesses, and bring that back to the council as fast as we can so we can start acting on those things before the wet weather approaches or arrives.
- And then brainstorming new ideas and also, again, providing a report from that back to the council.
- So, that's the big one and that kind of fed into the concept of let's continue this theme in which we pretty much were talking about last time, but for the community benefit organizations, similar thematic leadership council being able to present to the general public, and start to build up support for what our nonprofits are facing.
- What are the concerns?
- What are the issues?
- And give the CBOs a chance to promote upcoming programs and cross-collaborate.
- The last meeting that we had, there was some really great dialogue and collaboration with the Center for the Arts and the Laguna Foundation.
- It hadn't, to our knowledge, done a collaborative fundraiser in the past.
- So it was really exciting to watch that develop.
- We also want to provide supplemental fundraising events through presenting other innovative fundraising activities.
- So this is a chance where we can hear from the community, figure out what is it that you're looking for.
- The nonprofits spoke loud and clear that there needs to be more kind of thematic planning in the long term so that they can each do their own fundraisers, and then chart out anticipated needs for 2021.
- Then lastly, we would have the residential engagement.
- Herman Hernandez, Jr. would take the facilitation of that moving forward and also be on call as a support for fundraising and capacity building for the nonprofits for X number of hours.
- We do a budget each month based upon the need and then make him available to help with those innovative sorts of fundraisers like the one he ran this weekend, where they raised I think \$400,000 for nonprofit.
- Then in November residential engagement.
- So this is where we would analyze the preliminary residential survey.
- So we would have already conducted that and then host panel on what is it that we're looking to do in Sebastopol economically, visually, environmentally.
- We want to highlight the opportunities that residents already have with local businesses and CBOs.
- And in this one, we decided to weave in the food security concept.
- It's one part of many needs for the residences.

- So that's probably the biggest change from the work plan before, and then really encouraged that public participation.
- So from this, we would generate an End of Year Report, kind of looking forward at 2021, next steps and what could be done.

Councilmember Hinton commented as follows:

- I'm curious what's been spent so far to date.
- I know what was spent last fiscal year, so we know that.
- I don't know if that carried over actually.
- So I'm just going to ask the question what's been spent so far, and then where does this new contract amount per month start?
- my question is, we allocated 40,000 in the beginning.
- I'm not sure if that carried over into this fiscal year, which would have been passed July 1st or not.
- And then we're right now on September 1st.
- So I'm asking, what's been spent with commission out of the 41,000 we allocated, and then out of the next phase of work, which we never allocated a specific budget amount, we just kind of said, this is what we want you to do when we left that to the city manager.
- So have we spent 80,000, 40 last year and it crossed over?
- Have we spent 60?
- Wanting to know what we've spent so far.
- And then if it starts September one, then we're looking at \$60,000 between now and the end of December.
- So I'm just trying to get what our budget is, what we've spent so far and what is they're asking for right now.

Craig Litwin commented as follows:

- This would begin essentially when you adopted here today, this would be moving forward for September 1<sup>st</sup>.
- We were directed in the newest fiscal year not to spend more than \$20,000.
- There was a discussion at that council meeting of 40,000, but in reflection and wanting to make sure that it came back to the council for clarity sake, we were directed to limit our expenditures to no more than 20,000.
- So we've written off some more as a result each month, but we've been willing to do that.
- I only authorized the portion that related to what the council specifically directed them to do.

Mayor Slayter opened for public comment.

Kyle commented as follows:

- I'd like to remind the council that the median household income in Sebastopol residents is actually below the national average.
- Much of this can be described by demographics, but the not so often discussed issue is pay disparity and the lack of a livable wage.
- Discussion of just \$150,000 getting spread across multiple businesses to help keep employees paid for a handful of months, seems kind of ironic when the city itself has over 10 employees making more than this dollar amount annually.
- These 10 plus employees' annual salary is five times the median household income for our city.

- With that wide of a margin wage disparity between the haves and the have not so much, I'd hope that our city could find it in their approach to do more for who is likely our most economically vulnerable population.
- Our local businesses and workers that bear the weight of generating a tax revenue to allow for such high salaries for these 10 plus city employees.
- Perhaps the council consider some prioritizations for businesses that offer a living wage, for businesses that hire our own citizens, as opposed to those from outside our community, businesses that offer products and services that serve our own citizens as opposed to businesses that primarily service customers from outside of our municipality.

Council Deliberations:

Mayor Slayter commented as follows:

- So on the business loan, we have the recommendations that were made by commission.
- And I'd like to raise a couple of points.
- The first is the requirement for storefronts.
- I understand that the intention here is that it's sales tax creating entities.
- And I can appreciate that, but I can also see where that is a significant disparity between a lot of businesses.
- And there are many businesses that have professionals in storefronts and people doing identical work in say, the second story of a restored converted Victorian house at the South end of town.
- And the fact that one is in a storefront and the other is not, seems like a significant disparity.
- It doesn't make any sense to me when both businesses are either providing or not providing the exact same sales tax support to the city.
- So that's one thing on that, that I'd like to bring up.
- It's not all about sales tax.
- It's about local funds circulating locally.
- And we all see those statistics about how local dollars spent circulated in a local economy.
- And I don't have the numbers at my fingertips, but it's significant, and keeping the funds here rather than exporting them to other communities.
- It just doesn't make sense to me on that.
- The other thing, and it's not in the recommendations from CoMission, specifically is the time of how long a business has been functioning.
- And I raised this at the last time we talked about this and I continue to think the same way, is that to put a three or five or 10 year limit on that a business needs to have been a functioning entity in that period of time, to me that doesn't feel appropriate.
- I think that having a functioning business as of some date, and in this report, we have, I believe it's October as one proposal.
- We have another, that was even as of the beginning of the pandemic in March.
- And I can see that as a reasonable perspective and a reasonable stake in the ground.
- But to say that a business has to have been in business for three years, to me that's excluding viable, valuable businesses that are in our community, arbitrarily in a lot of ways.
- So those are my two points that I would like to maybe discuss a bit.

Vice Mayor Glass commented as follows:

This is a question that actually brought something, I was already thinking about it, but brought to mind.

So we have a living wage ordinance.

o any organization that does business with the city is required to pay a living wage to all of their employees.

So if we were to engage with this, I'm asking our city attorney, city manager, who is current wearing, put on city attorney hat, would our living wage ordinance apply to anybody that applied for one of these loans?

City Manager McLaughlin stated yes it does.

Councilmember Gurney commented as follows:

- Are we talking about sales tax generating businesses only?
- I mean, is that the threshold here?
- There are a lot of people who might be working out of their van, cleaning houses.

Vice Mayor Glass commented as follows:

- Some kind of service business or manufacturer.
- We've got a couple of design build firms who are in storefronts.
- Yet we have, I don't know, probably hundreds of licensed tradespeople who operate out of a spare bedroom when they have to do paperwork, otherwise they're out on a job site.
- So facade improvement, those two, the storefront exclusively, and this program could go to any business in town.
- That's good to clarify, because we get, I think limited to this vision of our one block long, old timey Main Street, and yet we have a much bigger business community.
- What about the sole proprietor just giving themselves enough money for vacation clause?
- I am concerned about supporting our businesses, but I am concerned about ensuring that, that money is going to make it viable for those businesses to just, as it was supposed to be, and it was not actually.
- The purpose of PPP is to help support people keeping their employees as well.
- So I know this is really complicated and if we're going to do anything at all, we can't make it too complicated, because we won't get it done if we make it too complicated, but I'm just throwing that idea out there.
- Like, if we're going to do this, what's the mechanism for ensuring that this doesn't become the vacation fund for somebody who's a sole proprietor?
- How do we maintain a level of knowledge that the funds are being put to the use that we intend them?

Mayor Slayter commented we can have something in the application that allows us to do something if whoever, the bank, the credit union, staff, whoever gets a whiff of something.

Councilmember Hinton commented as follows:

- Maybe we need to change that from zero and move it up a couple notches to one or two equivalent so that it would, I mean, I don't know that a sole proprietor that's not, doesn't have any employees and doesn't have a storefront if we're going in that direction.
- I mean, that's not my vision of who we should be loaning money.
- I just heard we want to keep the money circulating the businesses going, the employees.
- I mean, I just gave money to the Rialto Movie Theater GoFundMe.
- We want to keep those guys rolling.

- And that's the intent, the original intent.
- So I don't want to rule out people that are generating, and businesses.
- Like you said, Patrick, there are those businesses down on the South side, but on the other hand, If you're in an office by yourself, that wasn't my intent anyway, I'd like to see it at least be a business that has some employees and it has just a little bit more robust than it.

Mayor Slayter commented as follow:

- My disclaimer here is that I am not applying for one of these loans.
- I am not in a position where I require one of these kinds of loans.
- I am not an applicant, period.
- However, I can't help it use myself as a point of view that there are many, many home businesses in this community.
- And the fact that they're run by one person, a sole proprietor who oftentimes is working way more than 40 hours a week, that person may be hustling just a bit more.
- I mean, think of, say a wedding photographer with not a storefront.

Councilmember Hinton commented as follows:

- I've been self-employed as well.
- I'm just wondering if they have the same level of rent, employees
- I'm trying to say, I guess where the preference is.
- We have limited money.
- We have limited people to support.
- I would feel bad if I still worked out of my house with no employees even applying for this.
- everybody's hurting, but the intent was to keep the businesses that are going to go out of float versus a sole proprietor, just as a preference point.
- I'm not trying to exclude anybody.
- I think it's really different things.
- So we could solve that by taking the zero to either a one or a two.
- But I see the argument both ways.

#### Council Deliberations:

The Council discussed and was in consensus with the following:

7. Total funds available for borrowing
  - a. \$150,000
- Term length of loans
  - a. Tier 1 (\$5,000 or less) 3-year
  - b. Tier 2 (\$5,000-\$10,000) 5-year
  - c. Deferral of initial payments for 6 months
  - d. Reserve 40% of program for Tier 1 loans
- Secured funds by deposit or contract
  - a. City Staff prefers contract
- Qualifying criteria
  - a. Up to 25 FTE (Full Time Equivalent of employees)
  - b. Business located within City Limits
  - c. Opened on or before October 1st, 2019
  - d. Active Business License and in good standing with city
  - e. Degree of hardship demonstrated due to COVID and health orders

- f. For profit business (nonprofits addressed with separate grant programs)
- g. Independent ownership, if multilocation ownership must originate in Sonoma County
- h. Loan funds may only be used for personnel costs (wages, benefits, 1099 contractors), lease or mortgage payments, utilities, or materials and supplies to help improve business' ability to comply with public health orders

Selection of applicants

- a. Lottery

Individual loan sizes

- a. Tier 1 (\$5,000 or less) 3-year
- b. Tier 2 (\$5,000-\$10,000) 5-year

**MOTION:**

Councilmember Hinton moved and Councilmember Gurney seconded the motion to approve the loan program as follows:

13. Total funds available for borrowing

- a. \$150,000

Term length of loans

- a. Tier 1 (\$5,000 or less) 3-year
- b. Tier 2 (\$5,000-\$10,000) 5-year
- c. Deferral of initial payments for 6 months
- d. Reserve 40% of program for Tier 1 loans

Secured funds by deposit or contract

- a. City Staff prefers contract

Qualifying criteria

- a. Up to 25 FTE (Full Time Equivalent of employees)
- b. Business located within City Limits
- c. Opened on or before October 1st, 2019
- d. Active Business License and in good standing with city
- e. Degree of hardship demonstrated due to COVID and health orders
- f. For profit business (nonprofits addressed with separate grant programs)
- g. Independent ownership, if multilocation ownership must originate in Sonoma County
- h. Loan funds may only be used for personnel costs (wages, benefits, 1099 contractors), lease or mortgage payments, utilities, or materials and supplies to help improve business' ability to comply with public health orders

Selection of applicants

- a. Lottery

Individual loan sizes

- a. Tier 1 (\$5,000 or less) 3-year
- b. Tier 2 (\$5,000-\$10,000) 5-year

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

**VOTE:**

Ayes: Councilmember Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter  
 Noes: None  
 Absent: None  
 Abstain: None

**City Council Action: Approved the loan program as follows:**

- 13. Total funds available for borrowing
  - a. \$150,000
    - Term length of loans
      - a. Tier 1 (\$5,000 or less) 3-year
      - b. Tier 2 (\$5,000-\$10,000) 5-year
    - c. Deferral of initial payments for 6 months
    - d. Reserve 40% of program for Tier 1 loans
  - Secured funds by deposit or contract
    - a. City Staff prefers contract
  - Qualifying criteria
    - a. Up to 25 FTE (Full Time Equivalent of employees)
    - b. Business located within City Limits
    - c. Opened on or before October 1st, 2019
    - d. Active Business License and in good standing with city
    - e. Degree of hardship demonstrated due to COVID and health orders
    - f. For profit business (nonprofits addressed with separate grant programs)
    - g. Independent ownership, if multilocation ownership must originate in Sonoma County
    - h. Loan funds may only be used for personnel costs (wages, benefits, 1099 contractors), lease or mortgage payments, utilities, or materials and supplies to help improve business' ability to comply with public health orders
  - Selection of applicants
    - a. Lottery
  - Individual loan sizes
    - a. Tier 1 (\$5,000 or less) 3-year
    - b. Tier 2 (\$5,000-\$10,000) 5-year

Minute Order Number: 2020-193

**MOTION**

Councilmember Gurney moved and Vice Mayor Glass seconded the motion to amend the Façade Improvement Program as follows:

75% of the facade improvement rather than 50%, up to \$2,500 and offer of the DRB to help with design and administration.

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

**VOTE:**

Ayes: Councilmember Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter  
 Noes: None  
 Absent: None  
 Abstain: None

**City Council Action: Approved amending the Façade Improvement Program as follows:**

**75% of the facade improvement rather than 50%, up to \$2,500 and offer of the DRB to help with design and administration.**

**Minute Order Number: 2020-194**

**MOTION**

Budget/Scope of Work:

Councilmember Gurney commented as follows:

- We're not asking questions because we did that already.
- Just from my experience, participating in the Community Benefit Organizations meeting, Craig recounted it very accurately.
- There was an overwhelmingly positive collaborative spirit, suddenly warm feelings between these people who are under tremendous stress as their nonprofits are sinking.
- It was just remarkable to experience some synergy because then our nonprofits are going to need it.
- I think Craig's work is really valuable in the way that I have personally experienced the meeting process.

Mayor Slayter commented as follows:

- Well, the reality is that we authorized \$40,000 a little over a year ago for community vitality.
- And it took us until the end of February to figure out what we were going to do with that.
- Then, right around the 1st of March, we were all told to stay home.
- And the fact that CoMission in their business structure came on board, was willing to rapidly shift and provide services that the city would not have otherwise been able to provide.
- We need to acknowledge that they're doing work that is not in the city's wheelhouse.
- And they have figured out very quickly, in my opinion, how to help the city in things that we need help with.
- Other cities around the region are not getting these kinds of services from a local company that provides such rapid response.
- This proposal to me, for the type of work and the amount of work that we are, as a city benefiting from, honestly it feels like a bargain.
- I'm comfortable with the contract amount as proposed, with the caveat that I wish this was coming to us in a fuller annual budget discussion.
- I trust that the Budget Subcommittee has looked at this, maybe argued over it a bit, and that this is coming to us with some level of assurance from the Budget Subcommittee people.

Councilmember Hinton commented as follows:

- I haven't seen this proposal until tonight, so if you are talking about the Budget Subcommittee reviewing this and endorsing it, we're seeing this proposal for the very first time.
- With that said, with the acceptance of this proposal, which I plan to vote for tonight, we're spending \$120,000 through December 31st.
- I just want to be vocal in saying, I don't see how this is sustainable at this rate monthly, which is looking like it's \$15,000 a month, minimum.
- We've spent \$10,000 a month in the last two months and we're moving \$15,000 a month now.
- If we're looking out into 2021 at \$15,000 a month, that's \$180,000 a year contract.
- This is the first the Budget Subcommittee has seen it, the same as everyone tonight.
- And if this passes tonight, then this is good through December 31st.
- We don't have a placeholder.
- Maybe I'm speaking out of turn here, but for this at all, we had the \$40,000 in as a placeholder in the carry-over budget.
- And that was even under debate.
- So, I just want to be clear with the full Council in full transparency.

- This is the first we're seeing this tonight, and we don't have a placeholder in there over 40,000 for this fiscal year.
- I'm going to say that more dramatically.
- I think we're potentially considering something that's unsustainable.
- Level that's unsustainable in a crisis, though.
- In a crisis that might go past December 31st.

Vice Mayor Glass commented as follows:

- Yes, this is not sustainable.
- The budget that the Budget Subcommittee has been working on, is not really sustainable.
- We've been working on trying to cut everything 20% because given what we know right now, our revenues are down about 20%.
- So we're looking at a city that used to have a budget of around \$9.3 million.
- Having a budget down to about \$7 million, which is you think about it, that is a really, really small of money to run a city on.
- That's pretty problematic.
- However, the thing that we did do is that we put a lot of money in reserve, and our percentage reserve is probably higher than any other city in the County, because we really made...Not dollar wise, but as a percentage, we have a really high reserve.
- But we had to pay CalPERS, but now we're-
- Some of it's to pay CalPERS, but some of it is also to pay for equipment.
- And some of it was rainy-day money.
- It is set aside to pay CalPERS, but that's part of why we chose not to, back several years ago, when they wanted us to take our money and lock it up with some like financial institution that's just going to make interest off of our city's money, so that we wouldn't have the flexibility to solve a problem like this right now.
- So, yes, this is not sustainable.
- But the other thing is we were a teeny, teeny, tiny city, and we don't have staff like the city of Santa Rosa.
- They have a community development agency.
- They have a staff that does all.
- They have a Parks and Rec department.
- We don't have any of that stuff.
- We have City Management that doesn't even have clerical staff.
- So, who's going to be doing this outreach to our business community?
- Who's going to be doing the outreach to try and pull together our non-profits to try and figure out our way out of what is the worst economic situation since the Great Depression?
- I think our city staff needs some help with this, and CoMission are people who have been embedded in our community for a very long time.
- And they have a sense of the kinds of things that might work and they're listening to people and they're being flexible.
- So yes, this is not sustainable, but I think we need some help with figuring out what the heck to do about this grave situation.

Mayor Slayter commented as follows:

- Another point of reference is that should the Senate take some action which I'm not counting on, at least initially.
- But Sebastopol is slated to receive \$2.5 million one year, and \$1.2 or \$1.3 million the following year in CARES Act relief.
- We can't put that in the bank, but we have to consider that.

Councilmember Hinton commented as follows:

- I don't know how everybody else feels about this, but I'd be a lot more comfortable if we could keep it at the level of \$10,000 a month, which Craig said, they've done the last two months to roll this out through December.
- We don't know what's going to happen.
- We know it's not sustainable.
- I'd rather keep CoMission working with us longer, if this thing's going to go on, especially, and just pace it a little bit better.
- They're asking for 15, if we did 10, we've already spent 20 in this fiscal year, that'd be another 40 for a total of 60 to get us through December.
- And then that would get us to mid-year budget, where we could see what we're doing past that.
- That would be my thought.
- And just try to scale some of this stuff.

Mayor Slayter commented as follows:

- I think all that does is prolong the work
- The work plan is the work plan, and I don't want to speak for CoMission, but my sense is that the work plan, these are all things that need to be done.
- And whether it gets done in four months or six months, is based on the funding.

CoMission commented as follows:

- So, it's an hourly charge.
- It'll just take longer to do the same amount of work, or we'd have to cut the services over that four-month period.

Vice Mayor Glass commented as follows:

- The service at \$14,000 a month is an estimate, and it's not to exceed estimate?
- It doesn't mean every month you're going to bill exactly that.
- And hearing the concerns here, if we can figure out how to streamline and keep it lower, we'll do it.
- You know, we would rather have a longer-term relationship and contract with the city.
- We see there being, many things to do.
- And we, like the Council, feel like this is going to be a long-standing crisis.
- So we're certainly ready, and willing, and wanting to help, and recognize that if that's to become more of a reality, being sustainable is a part of that.
- Saying that, we've been wanting to do a residential survey for a long time and to manage all of these different spinning plates, it's a lot of work.
- So, this is the budget, the not-to-exceed 15, we're going to aim for 14.
- It's where we think we're going to hit, doing our numbers.
- If we find somewhere to cut the fat, we will.

- But we'd be looking at cutting polling or cutting the auxiliary support to the nonprofits for capacity building and fundraising.
- Those are the first two that we've identified would have to be delayed in order for the other items to continue.
- I have a question about what this work plan was talking about, doing this out to the end of the year.
- And so if you can streamline it, stretch it out and get us through to February, is there anything in this piece of paper that saying, or if I were to make a motion and say, we'll allocate this amount of money for the rest of the year, that doesn't preclude you from stretching it out a bit.

CoMission commented the contract says December 31st, so you would just have to authorize the funding to be through the fiscal year as is needed.

Vice Mayor Glass commented as follows:

- So how about if we authorize the funding through the fiscal year and we'll be taken a look at where we're going with all this in midyear budget review and take a look at where we're going from there, but hopefully you will have been a really thrifty person and we'll be also happy at how thrifty you'd been that we'll maybe be looking at whether we're going to extend this or not.
- But I would say let's not make it to December 31st.
- Let's just authorize that for this year.
- And then we'll see where we are at midyear budget review.

Councilmember Gurney commented as follows:

- I need to be reminded of the budget schedule if it's coming in October, which meeting in October, and then when are we voting to adopt the budget?
- It sounds like November, which is going to be the second meeting in November.
- But so if we adopt the budget at the end of October, when is our mid-year to review it again?

City staff commented as follows:

- Stated the budget hearing before the City Council is October 6<sup>th</sup>.
- Trying to figure out when it makes sense to do that
- Possibly late January or February

Councilmember Gurney commented as follows:

- if Commission is with us this evening talking about December 31st, and we're looking at the budget again in January
- I think that the suggestion is to authorize this total, but move the date out until the end of the fiscal year with the understanding that this is an item that we will need to address at the budget adjustment at mid-year

**MOTION:**

Vice Mayor Glass moved and Mayor Slayter seconded the motion to approve the authorize up to and not to exceed \$60,000 for this fiscal year, approve this work plan and budget, authorize this through the end of the fiscal year, and review how much has been accomplished and what else might need to be accomplished when we take a look at the budget at midyear review.

Discussion:

Councilmember Gurney commented if this approval of \$60,000 goes from now until the end of June and may be adjusted during mid-year budget review.

Vice Mayor Glass commented as follows:

- CoMission is some concern of the council.
- Can we keep down the expenses per month, get more done in less time.
- But what I know about doing the kind of work that he does is that sometimes there's a whole bunch of work that needs to be done one month and then you've got less work that needs to be done the next month, because of the nature of the work, you're gathering information, et cetera.
- And it's also at the direction of that person who is putting his hand up, which would be our City Manager.
- So I'm seeing it as being somewhat flexible in terms of how much time he spends.
- But I think he's hearing the message that the further he can stretch it out, probably the happier the city is going to be as long as we get the results.

Councilmember Gurney commented as follows:

- You're talking about a 60,000 number being stretched over 10 months.
- And that's 6,000 a month when he's saying his work plan is 14,000 a month.
- So we're going to completely slow him down.

Vice Mayor Glass commented as follows:

- All we have to do is authorize the money being spent this fiscal year.
- He can still get it done by January 31st.
- But usually, when you authorize money, you authorize money for a specific fiscal year.
- So we're authorizing it for this fiscal year and we're directing him to spend it as frugally as possible.

City Manager McLaughlin commented as follows:

- Trying to avoid upcoming criticism in the future would be unrealistic to assume that this work will extend very much into the next calendar year.
- So just to be real about it, I have a really good concept of the way the commission works and that frankly, I appreciate the way they work, because they are adapting to a completely nonstop changing set of circumstances.
- And one thing I really like about them is they can adapt on the fly to what's going on this week, which is different from last week.
- Well, that doesn't lend itself to stretching this out, like some RFPs might be stretched out.
- So they still want there to be any unreasonable expectations, but we're not planning on doing this through June 30th.
- It will have to come back for midyear budget review just to make sure everybody's real about that.
- My take on the budget this year is frankly with the revenue questions and the constantly changing terrain that I just mentioned a minute ago.
- I think the budget this year ought to be seen as a fluid continuing document that is going to be changed as events and new estimates merit.
- There won't be a standard midyear budget review like you've seen before.
- That'll just be three or four months later when we better take another look and then three or four months later after that, we're going to take another look.

- And that's coincidentally when we're doing the budget for '21, '22.
- But it's not under the standard schedule that we're used to.
- It's the reality of the changing situation and constantly having to change our estimates.

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

**VOTE:**

Ayes: Councilmember Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter  
 Noes: None  
 Absent: None  
 Abstain: None

**City Council Action: Approved the authorize up to and not to exceed \$60,000 for this fiscal year, approve this work plan and budget, authorize this through the end of the fiscal year, and review how much has been accomplished and what else might need to be accomplished when we take a look at the budget at midyear review.**

**Minute Order Number: 2020-195**

**The council was in consensus to extend the meeting beyond the 10:30 stop meeting time.**

Consent Calendar Item Number 10:

10. Traffic and Parking Modifications - Morris Street (Responsible Department: Police)

City Manager McLaughlin presented the agenda item recommending the City Council approve Three (3) hour timed parking limits on the west side of Morris Street between McKinley Street and Eddie Lane and Three (3) hour timed parking for area in between the two driveways of the Sebastopol Cultural Community Center.

- The reason this item was on the consent calendar, this is intended to assist the businesses located on the West side of Morris Street, by creating timed parking there to assure that long-term camping will not take place on that side of Moore Street.
- It's to continue to allow the camping that is taking place on the East side of Morris Street by not placing any restrictions on the parking time limits there, with the exception of proposing to have parking restrictions apply, timed parking apply up near the Community Center.
- It required coming to the council because it does change the timed parking.
- We would need to enforce this.
- So always the intent is, the spaces always remain available for all the businesses on the West side of Morris Street.

Mayor Slayter asked for questions.

Councilmember Carnacchi commented as follows:

- Will this be three-hour parking between certain hours?
- Like most of our parking is between whenever it is, 9:00 AM and 6:00 PM, or is this just three-hour parking, 24 hours?

City Manager McLaughlin commented as follows:

- If you remove the restriction at night, there could be some issues with those businesses in the Barlow that are open at night, it also would tend to bring the possibility of RVs parking there during the night, but they would have to leave in the morning, which I don't consider to be problematic because of that feature, but it could affect some Barlow businesses at night.

Chief Mort commented as follows:

- My comment on that would be initially when written, it was three hours all day long.
- However, it can be taken in consideration to do the hours between seven in the morning, eight in the morning till nine o'clock at night when the business hours do close at Barlow.
- Linda earlier in public comments spoke about the site visibility, trying to get off of, out of the Barlow onto Morris, and so I would that the parking limit should be at least up until the closing hours of Barlow to remove that site visibility issue.

Councilmember Carnacchi commented that if the objective is to stop the overnight camping on that side of the street, then I think that we should have it 24 hours, or have three hour parking and no overnight parking in that area, or just make it no overnight parking instead of having timed parking.

Councilmember Hinton commented as follows:

- I guess I'm thinking I'm down there a lot, eating dinner or whatever.
- And frequently it is more than three hours.
- So I would hate to generally after a time limit, you don't have the time measurement anymore like in City of Santa Rosa to encourage diners and people.
- Sometimes I just go down there and we walk all over town, we leave the car.
- So maybe we just have, can we have a no camping or policy or something like that versus the time parking 24/7
- No camping is problematic.
- No overnight parking, I think on one side of the street we could get by with that.

Councilmember Gurney commented as follows:

- What's the point of the three-hour limit, I thought it was to move cars along?
- I mean, an RV could come and stay for three hours legitimately and then move and stay in a different parking spot for three hours.
- So what's the point of a three-hour limitation, it's to get to the cars to turn over.

City Manager Mclaughlin commented as follows:

- I doubt the RVs will stay there in that way.
- That's not what they want to do.

Vice Mayor Glass commented as follows:

- I was thinking that the point of this was to like, okay, so we know that Coach's Corner was talking about needing to have their equipment out in the parking lot, because of the outdoor situation.
- So they need to be outdoors.
- So that means they need more parking because they're using their parking lot.
- They need some more street parking.
- So the point was to create more customer parking.
- That would lose turnover.
- That requires turnover.

Councilmember Hinton commented that she was suggesting turnover during the day, but at a certain point, like in Santa Rosa, your parking meter doesn't work after a certain time, you could stay there and just not park overnight.

Mayor Slayter opened for public comments.

Loretta Castleberry commented as follows:

- When you were talking about nine in the morning, Coach's Corner opens at 4:00 AM.
- We open really early.
- We have a lot of people that come through there before they go to work in the morning, and we close at nine and our cleaning crew sometimes doesn't get out of there until 11.
- So when you're saying to leave at nine to six or whatever, that really doesn't help us a hundred percent.

#### Council Deliberations:

Councilmember Gurney commented as follows:

- In our other time limited spots like on the Plaza, is the time limit lifted at a certain time?
- Like these are suggesting after six o'clock you can park there forever.

Mayor Slayter commented the Plaza is signed 8 am – 6 pm.

Mayor Slayter commented as follows:

- So my take on this is that if we go with what is proposed and with the additional clarification that the West side, three-hour time limit, 24 hours a day.
- And three hours, even in non-COVID times when you're downtown and you're having dinner, even on opening busy night of some restaurant, three hours is probably an appropriate period of time.
- Maybe we can go four hours, but I think keeping it at all 24 hours of the clock, I think make sense.
- It's simple and it's easy to enforce.
- And if the East side is unregulated with the exception of the area that we would take exactly the same as the West side, but on the East side, down by the Community Center.
- To me, it feels like the simplest way to administer this.
- So West side is no camping.
- East side at the driveways to the Community Center no camping, otherwise yes camping.
- And then it's the three-hour turnover to help the businesses on Morris Street and McKinley.

Councilmember Carnacchi commented he would like to add to that too, that while we're talking about parking restrictions, think that we should have no overnight parking within 500 feet of a school or a park.

Mayor Slayter stated that is not on the agenda item and cannot be discussed tonight.

#### MOTION:

Mayor Slayter moved and Vice Mayor Glass seconded the motion to approve Three (3) hour timed parking limits on the west side of Morris Street between McKinley Street and Eddie Lane and Three (3) hour timed parking for area in between the two driveways of the Sebastopol Cultural Community Center. (24 hours)

Discussion:

Chief Mort commented as follows:

- I heard the reference a minute ago, relative to no park or no camping issue.
- It is not no camping it is a parking violation.
- So I want to be very clear about that, that there is a difference in the two, which starts because of into the camping and Boise decision and so forth relative to use of camp, I just want to clarify that.

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

**VOTE:**

Ayes: Councilmember Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter

Noes: None

Absent: None

Abstain: None

**City Council Action:**

**Minute Order Number: 2020-190**

**CITY COUNCIL REPORTS:**

13. City Manager-Attorney/City Clerk Reports (Continued):

- Update on COVID 19 Response.
- He's taken on the workload of responding to the majority of the complaints that have been generated through the County hotline.
- As you may have read in the paper, the last report, I think the County has written the grand total of zero citations off of that.
- We receive calls that basically fall into one of two categories, business related calls, which require a visit to the business and are generally resolved amicably by our Fire Chief at the business.
- I'm very happy with that and appreciate it very much that he goes to the businesses and takes care of that.
- The other complaints by large are relatively minor issues that we really can't do anything about seeing somebody in a grocery store without a mask on and that kind of thing.
- And the Plaza area on Sundays presents a special challenge.
- Chief Mort is just becoming familiar with that challenge and we're doing our best to help the farm market in that regard and to try and enforce the health orders in the Plaza after the farm market.
- But that remains a challenge.
- Our time as you must might've guessed, especially with the fire department, it's been taken up with the wildfire over the last couple of weeks.
- I remind the council; we have a closed session tomorrow morning at 9:30.
- It is the litigation closed session.

14. 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)

Councilmember Hinton reported as follows:

- Legislative committee meeting on August 21st.
- Not much going on there.

- And then I have to say we've had budget subcommittees the 24th, the 25th, the 31st.

Councilmember Gurney reported as follows:

- As a liaison to share what you know, they're working on the kitchen, getting the facility up to date and the staff's being really helpful to get that work done.
- They've also entered an agreement with Regional Parks who was very interested in sharing some space there and having outdoor activities.
- We have one of these nice collaborative deals working up that Craig was talking about.
- And they're continuing to work on the website, their media kit, the rebranding, and bring the Community Center just a new existence as soon as they can.

15. Council Communications Received: There were none.

16. Future City Meeting Dates/Events (Informational Only): (See Agenda and City Web site for Up to Date Meeting Dates/Times)

**ADJOURNMENT OF REGULAR MEETING:**

Mayor Slayter adjourned the meeting at 11:28 pm.

**ADJOURNMENT OF REGULAR MEETING:**

- This meeting was adjourned to the City Council Special Meeting of September 2, 2020 at 9:30 am. (VIRTUAL ZOOM PLATFORM).
- Following the Special Meeting of September 2, 2020, the Next Regularly Scheduled City Council Meeting is scheduled for September 15, 2020 at 6:00 pm. (VIRTUAL ZOOM PLATFORM)

Respectfully Submitted:



Mary C. Gourley  
Assistant City Manager/City Clerk, MMC