

Agenda Report Reviewed by:
City Manager: 

**CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM**

Meeting Date: February 2, 2021
To: Honorable Mayor and City Councilmembers
From: Agenda Review Committee
Kari Svanstrom, Planning Director
Subject: Discussion and Consideration of Direction to Staff on Formation of Planning Commission
Recommendation: Receive report, provide direction to staff
Funding: Currently Budgeted: _____ Yes _____ No N/A
Net General Fund Cost: N/A
Amount: \$0

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

That the City Council discuss and provide direction to staff on the composition of the Planning Commission.

BACKGROUND:

The City’s Municipal Code (Sebastopol Municipal Code/SMC 2.24) is the governing ordinance and ordains the following for the formation of the City of Sebastopol Planning Commission:

- A. The Commission shall consist of seven members or such other numbers as the City Council shall, from time to time, determine by resolution, but in no event less than five members. An alternate may also be appointed who may serve as a member in the absence of a regular member, or if there is a vacant member position.
- B. The members of the Commission and the alternate shall be from among residents of the City of Sebastopol or shall be the owner of a business within the City of Sebastopol, and up to one person who is not in one of the above categories, but who is a resident of the 95472 zip code area, may also be appointed. Members and the alternate shall be appointed by a majority of the members of the City Council.
- C. Members shall serve at the pleasure of the City Council, and may be terminated without cause, by a majority of the City Council.
- D. Members shall not serve for more than four years unless reappointed by the City Council.
- E. In the event new Commissioners are appointed by reason of any increase in the number of the Commission, they shall serve for such period of time as to provide for as close to equal a number of commissioners being selected each year as possible.
- F. Final determination of the length of the term of new members shall be determined by the City Council.
- G. All terms of office shall commence on January 1st of the year of appointment. (Ord. 1082, 2016)

DISCUSSION:

At the last City Council meeting, the Council received a report and survey from CoMission for additional community involvement and engagement. The recent survey from CoMission and subsequent discussion by

Council noted: 1) a desire by some respondents both inside and outside of city limits to engage in city meetings, and 2) a desire by Council to increase engagement in city activities by renters/tenants. After receiving this information, the Agenda Review Committee requested an agenda item to consider ways to further the goal of community engagement and involvement, including discussing composition of one of the city's appointed bodies, in particular the Planning Commission, to potentially enhance this participation, by potentially increasing the number of seats that can be held by someone living outside of city limits but in the 95472 zip code.

The City Council within the past 8 years has discussed and considered possible scenarios that could be used to add or modify membership to the Planning Commission. As listed above, the formation of the current Planning Commission is based upon the decision of the City Council.

Considerations

There are a number of options available to the Council as outlined below:

- 1) No change.
- 2) Inclusion of one additional seat in the 95472 zip code.

If the number of seats held by "95472 zip code" residents was increased to two, this would provide flexibility to the composition of the Commission. The ordinance can be changed to add an additional seat (8 seats plus alternate) or be changed that it would continue to read "up to" (7 plus one alternate) as this provides flexibility to the Council in appointing members and would not limit the Council from appointing members from within city limits to those positions.

If this option is chosen, the Council should also consider and provide direction on the amount of flexibility regarding seated members who might relocate during a term. For example, if all seated members reside in city limits, and a member sells a business or moves outside of city limits but remains in the 95472 zip code (or remains employed within city limits), what approval process would be needed to 'reassign' the member to an available "95472 resident /outside city limits" slot (while maintaining the limit of 'outside city limit seats' authorized by the SMC). Staff would recommend some form of Council review, such as review and approval/denial through a regular agenda item approved by minute order.

If the Council is considering changes to the composition of the Commission, it may want to review and consider additional options based on Planning Commissioner feedback over time:

- 3) Eliminating the alternate position, through attrition.

Staff has received feedback from various members of the Planning Commission over the last few years regarding the size of the Commission and the alternate position (7 members plus 1 alternate, for 8 total), which is larger than most other commissions. In particular, the use of an alternate, who often cannot vote on items (since the Commission is often fully attended), and cannot serve as either Chair or Vice Chair, has presented some frustration to past Alternates, and presents a certain level of discontinuity when the Commission is hearing continued items where an Alternate is either stepping into a continued item due to an absence, or began as a voting member in deliberations only to be excluded from final votes due to a full complement of regular members at a final meeting/vote. If desired, elimination of the 'alternate', which is allowed by the current governing ordinance as noted above, could be done through attrition the next time either a full member or alternate resigns or declines to reapply by simply not filling the alternate position or one of the regular positions.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, public comment from interested parties following the publication and distribution of this staff report will be provided to the City Council as supplemental materials before or at the meeting.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

FISCAL IMPACT:

There is no direct fiscal impact associated with the recommended action tonight.

RECOMMENDATION:

Receive the report and provide direction to staff and the Planning Commission to review possible scenarios and direct the Planning Commission to provide a recommendation to Council. There are many options for Council to consider, as listed below, along with other possible options the Council or Commission might consider.

Options for Council and the Commission to consider include, but may not be limited to:

1. No change (composition to remain 7 members and 1 alternate, and up to 1 person outside of city limits but in the 95472 zip code)
2. Direct staff to modify the Ordinance to allow up to 2 seats to be held by persons residing outside of city limits, but in the 9452 zip code (changing the overall number of commissioners to 8 plus one alternate). If this option is selected, the governing Ordinance (SMC 2.324) will need to be revised to reflect the change, as would procedures on how to break a 'tie' given an even number of commissioners.
3. Direct staff to modify the Ordinance to allow up to 2 seats to be held by persons residing outside of city limits, but in the 9452 zip code (without changing the overall number of commissioners (7 plus one alternate). If this option is selected, the governing Ordinance (SMC 2.324) will need to be revised to reflect the change. Any further direction regarding seated members moving from one category to the other (moving from inside to outside city limits) should be addressed (The overall number of seats outside of city limits allowed for in the Ordinance would still need to be met.)

Attachments: None.