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- If the City wants to go to an all-electric code or some other reach code that is beyond the basics of the building code, that is perfectly doable.

Mr. Brown commented as follows:

- It is strictly adopting the building codes with virtually no amendments to the building codes.
- It's also adopting the fire code. There are a few amendments to that.
- Like I said, that strictly ties with sprinklers for the most part.

Mayor Slayter commented as follows:

- The state ordinance, title 24, which is the state building codes.
- It is plumbing, electrical, fire, historical buildings, residential, commercial.
- It's a whole sweep of big thick books.
- That is what we are looking at.

Councilmember Rich commented as follows:

- Thank you for submitting the updated ordinance and for your presentation and comments.
- I have a question about a reference in the staff report.
- I see there are appendices reference. I do not see the appendices included.
- I am looking at page -- page 1 of 24. Signs, emergency housing, etc.
- I'm wondering do we find those elsewhere?
- Is there a reason they are not included in these documents?

Mr. Brown commented as follows:

- Both of the codes that we adopted historically, some of them we have not.
- They don't really apply to us or the City has chosen not to this year.
- This year I adopted the list, basically the same list that we adopted in 19.
- Those are the only abundances we adopted on those codes.
- We have adopted all of the over 6000 pages of code, total. It's in 12 different volumes.
- We have adopted the full Green code including tier 1. We have adopted the full energy code, including all of the requirements with that.
- They are available for reference. We purchased an online version.
- I'm not sure it's on the webpage, but it will be after we adopt these.
- We have an online version that everybody will be able to get to off the city Webpage.

Mayor Slayter opened the public hearing.

Steve Pierce commented as follows:

- I want to thank Steve Brown for his collaboration with the Climate Action Committee.
- He has been very good working with us and looking at the code as we dove into codes all around the state.
- All electric reach codes.
- It ends up that our codes were removed from our building code in the last go around.
- It's good to see it back. We expect to have a meaningful impact in the city.

- We look forward to collaborating with him and looking at all electric reaches.
- That is the decision we want to go.
- We looked at it and saw that we are building 12 units a year of housing and in terms of impact, going all electric, it came down to, yeah, we are adding our name to other cities who are doing it.
- We're really trying to focus on our existing building style.
- There may be an opportunity to collaborate and see what others are doing.
- We look forward to that.
- Also, in terms of getting our existing solar ordinances and compliance with state requirements.

Linda Berg commented as follows:

- Once again, there is a large pertinent item that has been overlooked.
- Again, the effect of electric magnetic fields.
- Not only does it have a major adverse effect on health of all living things, the buildings were not designed to be exposed to these kind of man-made vibrations.
- 24/7, all the time.
- It weakens the joints, plumbing and all kinds of things. The building material itself.
- Again, these technologies, relatively new and the codes, the buildings were not designed to withstand this onslaught.
- Furthermore, about the fire and stuff like that, PTSD, the smart meters, unlike the other analog meters, the other pieces of junk need to be replaced because they are powered by lithium batteries.
- They are also fire hazards. They have no surge protection.
- The smart meters have no surge protection and they are not adequately grounded.
- They are fire hazards.
- When people were fleeing the fire in the middle of the night, they heard the pop.
- They were exploding because again, they lack surge protection.
- They are not safe. They are a hazard.
- They should not be in use at all.
- This should be taken into consideration.

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

City Council Discussion and/or Deliberations:

There were no additional comments.

Mayor Slayter moved and Councilmember Glass seconded the motion to approve Introduction, First Reading and Introduction of Ordinance XXXX introducing the adoption of the 2022 California State Codes with local amendments. This ordinance modifies Chapter Fifteen of the Sebastopol Municipal Code and Finding this Action Exempt from the California Environmental Quality Act (CEQA) Under Section 15061(b)(3).

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

**VOTE:**

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter

Noes: None

Absent: None

Abstain: None

**City Council Action: Approved Introduction, First Reading and Introduction of Ordinance XXXX introducing the adoption of the 2022 California State Codes with local amendments. This ordinance modifies Chapter Fifteen of**

**the Sebastopol Municipal Code and Finding this Action Exempt from the California Environmental Quality Act (CEQA) Under Section 15061(b)(3).**

**Minute Order Number: 2022-319**

**Proposed Ordinance Number: 1144**

10. Public Hearing – Appeal of Planning Commission Decision for a Temporary Use Permit to allow the continued temporary residential use for a 24-7 safe parking for RV (Recreational Vehicles) for two years at 845 Gravenstein Highway North (aka the “Horizon Shine” RV Village) and Finding the Action Exempt from the California Environmental Quality Act (CEQA) Under Sections 15061(b)(3), 153014, and 15304, Class 4 (Responsible Department: Planning)

Planning Director Kari Svanstrom presented the agenda item recommending the City Council deny the appeal and uphold the Planning Commission’s approval of the project, subject to the Findings of fact in the Resolution, and subject to the Exhibit A, Village Operating Conditions, and Exhibit B, Specific Conditions of Approval, and Exhibit C, Standard Conditions of Approval.

Ed Grutzmacher, Meyers Nave, commented as follows:

- The Council item tonight is to hear from the applicant, to hear from the public, consider the testimony and evidence presented, and then consider the appeal.
- A vote to uphold the appeal would result in a denial of a temporary use permit.
- A vote to deny the appeal would affirm Planning Commissions to issue the permit.
- To be clear, the Council would be affirming the permit that has been issued by denying the appeal, if the Council chooses.
- Staff recommendation and findings that has been prepared for that are based on the recommendation to deny the appeal.
- If Council chooses to go in the other direction and uphold the appeal, staff recommends that Council provide direction and have the item come back for that.
- Again, as the Planning Director indicated, there are three issues on appeal.
- I would recommend that the Council considers each of those issues and deliberate on them before having a decision of whether to uphold or deny the appeal.

Mayor Slayter commented as follows:

- We have an applicant for a permit, temporary use permit. That applicant is Sonoma Applied Village, otherwise known as SAVS.
- The application is to request to be granted a temporary use permit for the activities at 845 Gravenstein highway north.
- The Planning Commission is the body that discusses a temporary use permit over six months, as the Planning Director explained.
- They did that at a public hearing and granted the temporary use permit.
- We have an appellant who has filed an appeal to that decision.
- That is the way that our system works - if you don't agree with something, you take it to the next body.
- In our city, the City Council is the next body.
- We are the body that hears appeals of Planning Commission and Design Review Board, and Public Art Committee decisions that have been made.
- We listen to the reasons why and the reasons why not, and we come to a decision that is based in law.
- Thereby, that includes our ordinances.

- We also understand that, obviously if somebody had an appeal, there is a reason that we need to listen to and understand that person's point of view, and why they think an error has been made
- We are here to listen to the applicant, as well as the appellant.
- That is what we are here to do.
- As Director Svanstrom mentioned, the three items that we are here to deliberate, that were raised in the appeal, those are the items we are here to discuss.
- Due to noticing and Brown act, all the other things, those are the three things we are here to discuss.
- We are not here to discuss anything else, that is not what this agenda item is.
- We had the staff report, and will move on to the questions of staff.
- Then we will hear from the appellant - the person who made the appeal, and the representatives for that person.
- Then, we will hear a presentation by the applicant in this case, SAVS.
- We will have questions from Council.
- Then, we will have the public hearing, which is where we hear from members of the public.
- Then we will come back to deliberate and coming to a decision.

Mayor Slayter asked for questions of staff.

Councilmember Rich commented as follows:

- I am curious about the requirement that a report on plans for next steps for the village be required in the fifth quarter.
- Was there a reason that the fifth quarter was chosen?

Director Svanstrom commented as follows:

- It was halfway through the timeframe and we all know planning takes a long time for something like this.
- The Planning Commission encouraged SAVS to start that planning as soon as possible and, recognizing they may be in the early part of this in the first few quarters, but have enough to have a meaningful report to the Planning Commission by the fifth quarter.
- They want to make sure things are not left to the last hour, that there was a plan in place.
- The Commission felt that was important for consideration for both sides.
- For the residents that are there, and also for the recognition that this is a temporary use of the property.

Zack Imbrogno, appellant, commented as follows:

- I am speaking on behalf of the neighborhood group, Friends of Northwest Sebastopol
- We filed a letter of objection and are appealing the decision of the Planning Commission.
- Our attorney, Tony Francois, will speak on the legal issues.
- But first I want to go into some of the impacts as far as the surrounding area.
- Considering the Planning Department is trying to exempt this site from review by CEQA, I think it is vital to put this information on the record.
- To be clear, these issues are not just questions about quality and waste disposal, which are concerns of the site, is at the top of the former gas station that has no sewage hookup.
- CEQA also covers direct and indirect impacts that affect the quality of life for the surrounding area.
- The City's own code for temporary use permit may only be granted if the proposed use applied for will not under the circumstances of the particular case be detrimental to the health, safety, peace, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use of development.
- Or be detrimental to property or improvements in the neighborhood or to the general welfare of the city.

- With that context laid out, I want to talk about the impact almost immediately upon it opening in January of this year, neighbors reported increases of trash dumping and loitering at the redwood marketplace, as well of numbers of people camping there inside vehicles and open air.
- Numbers not previously observed over much longer time period.
- Graffiti, vandalism, verbal, blocking shared spaces like sidewalks, Daytime and nighttime noise complaints. Increases in shoplifting, Parking lot use for restrooms, drug dealings as well as drug use.
- The activity occurring on Morris Street, occur on the boundaries of the encampment on the northwest side of town.
- I want to share some e-mails I have received from area stakeholders. Starting with a business owner.
- Sadly, because the way this has become politicized, many people especially business owners are being boycotted and forced to remain silent.
- I will not say the name of the person or the business, other than it is located across from the academy.
- He writes, it is getting worse in the neighborhood.
- The past week I have spent my time picking up empty vodka bottles, picking up the/parking lot where they decide to go to the bathroom and watching the front plant used as a urinal. Never ending.
- Another neighbor who is a resident wrote, I went to go shopping, I'm really concerned what is happening to the homeless encampment across issue.
- There were three individuals camped out at the bank building. When I checked out, I asked if the checker had encounters with the homeless. She rolled her eyes and said, yes.
- I asked the same question the previous week at Pacific, the checker said, yes. She was spit on and the person was shoplifting.
- When I was out in the parking lot two men were approaching cars and asking for money.
- One was very aggressive and swore at a lady.
- This is not NYC but Sebastopol.
- The neighborhood has become intimidating due to these people.
- The next neighbor is a unique case, he lives very close to the site. The border of the site.
- This is from him to the City Council, which I was bcc'ed on.
- He wrote: I know you [City Council] did not request an update from me, you avoid me like the plague.
- I feel it's in your job description to stay informed.
- With a few exceptions, the tenants have been well behaved.
- I've had no break-ins or aggressive behavior toward me.
- There are more homeless people showing up in the neighborhood.
- A few of them wander around and shout obscenities, which is unpleasant.
- Junk found around nearby parking lots, including outside my front door.
- Local businesses have called the police many times to remove people encamped on their properties.
- The noise is pretty much constant, that is to be expected when you have so many people within a few steps of my back door.
- It is hard for me as a musician to be blasted by the radio or have somebody pounding on Congo drums all day.
- I needed to be quiet so I can work.
- One of my pets obtained a serious injury, I can't say is from the homeless community that moved in next to my house, but I can say it never happened during the 14 previous years that I kept goats out there.
- Those are a few e-mails that I received.
- I know the City Council has also received.
- All we have heard from the Council over the last year, the narrative that this program is working out well for Sebastopol.



- That may be true for the businesses and residents near Morris Street, but that is not true for us.
- Redwood Marketplace tenants were hit by shoplifting and started fearing for the safety at night.
- The fact they had to hire a full-time security guard to protect their property, employees and shoppers, it is proof of these impacts.
- The owners' rep told me that their tenants went from hardly ever having to call police prior to the encampment's presence in the area, to calling five times a week, before they finally hired the security guard.
- An added expense shared by the marketplace tenants.
- Unfortunately, one security guard is not enough to mitigate the ongoing harm and changes to the character of the neighborhood happening before our eyes.
- In fact, two weeks ago, the security guard was so overwhelmed by unruly transients, they feared for their own safety and still had to call the police.
- With public alcohol and drug consumption rules relegating residents to consume inside their RVs, the Marketplace has become the place for that community to hang out, drink, and use substances overnight.
- I have personally seen people using drugs in the vehicle at 7:00 in the morning and later going between that vehicle and the site.
- See images in the attached incident report.
- The idea that there is no linkage between the camp and the ongoing in the area is wishful thinking.
- The bottom line, the longer the encampment remains in the area, as a magnet for transients, drug users, people prone to committing vandalism and theft, the more likely this behavior becomes normalized there and changes to the area become permanent.
- Last year, to conclude, several members of the Council made public statements during Council meetings that this was a temporary one-year program.
- They searched for another location, it would begin as soon as the encampment open.
- However, the search appears to be abandoned.
- The Unhoused committee that has been tasked with finding a new location by the end of the 12 month lease.
- One week later, at the planning department, requesting not six months, a two-year long extension.
- This prolonged timeline, not only de-emphasizes the urgency, it puts the entire character of the neighborhood at risk for adverse changes.
- A rule must be applied and taken into account on the impact for the area.
- The City's own code around temporary use projects, doing no harm to the surrounding area, it must be respected by the Council and based on the evidence of harms presented, this temporary use permit should clearly be rejected under city code.

Tony Francois, Attorney, commented as follows:

- We do want to say that the City's use of an orderly process through its Planning Department has improved the ability of the neighbors to actually participate and be included.
- We think at least that as a significant improvement over the way the facility was originally permitted by the city one year ago.
- I do want to ask to be fair with time, if we have a time limit that we are under?
- I want to make sure that I tailor my part of the presentation so we are within that time.
- I will address the points on the three issues that the Director raised.
- On the issue of whether this is a temporary use, the Council has the memo that we provided to the Planning Commission on whether or not the zoning code defines this as a temporary use - the main point, the catch-all authorization for the Planning Director to identify unless a temporary uses, it is limited by case law to similar kinds of uses.

- Activities that are ancillary to permitted development, like an equipment yard or a job trailer, or transient entertainment events, festivals, fairs, renaissance fair, things like that.
- This is not one of those things the planning memo describes this as temporary residential use.
- We do not find any evidence of the zoning code of there being any such thing as a temporary residential use.
- We also note that the planning memo essentially repudiates all of the prior basis that the city used to claim that this was consistent with the zoning.
- Repudiates that the homeless shelter, it disclaims the provisions for temporary occupation of parcel by RV for a caregiver.
- Those are off the table as non-applicable, according to the planning memo.
- I want to say it's in the Planning director's testimony of the Planning Commission.
- That is, even though prior uses up to five years have been categorized as temporary and in the Director's words, 10 years would be too long. Two, three, four, five years, if it's too long, is unknown.
- It is not at all established that this is a temporary use, either temporarily or based on the definitions.
- It is quite clear that there is no such thing in the zoning code, we think, as a temporary residential use.
- Addressing the second and third issues, the Findings that have to be made, and the CEQA issue, they flow from the same set of observations that Zach just provided.
- It boils down to the City's conclusion against the way the evidence, there is no connection at all between the RV camp and the other impacts that the neighborhood is experiencing.
- The way the evidence from sources within the immediate neighborhood, there is a connection.
- It may not be 100%, but there is some degree to which the RV camp is contributing to the impacts in the neighborhood.
- There is some degree to which the RV camp is serving as a magnet, and an attractor, for the un-housed who are not willing to or able to live in the village and get the benefits of it.
- Yet, they are having the impact on the neighborhood.
- The conclusion that there is zero connection between those two, that there is zero role of the RV camp and drawing people to the neighborhood and causing those impacts, is not tenable.
- You do not have substantial evidence on the record for that.
- On the issue, we want to make the point that the Planning Commission only concluded that the exemption under Guideline 15304 was available.
- That was because there were no permanent structures as part of the project.
- We do not think the guideline is applicable, that the exemption is available.
- Because the impacts being described are not from the construction of the buildings.
- There aren't impacts because something is being built.
- It is because of the immediate effects within the neighborhood of the presence of the RV camp being there.
- We do not think 15304 applies.
- For the City Council, two additional guideline exemptions were raised in the report.
- We believe that, the record that because they were not presented to the Planning Commission that they are not available for Council to rely on.
- Common sense exemption 15061 (b)3 can't apply here, because you have substantial evidence that there are some impact on the neighborhood of the camp.
- The common sense exemption is really there for projects for which nobody objects and there are clearly no impacts and are uncontroversial.
- That is not this project.
- That leaves the guideline 15301.

- We think the problem with that, it presumes a way the fact that this facility was originally permitted with no CEQA review, and that it's impacts over the past year are part of the baseline.
- The baseline is that the existing permit expires at the end of this calendar year, and the RV camp relocates somewhere else.
- The impacts that the City has to look at, are the continued impacts on the neighborhood of renewing, of extending the presence of the RV camp.
- So, in that sense, temporal at least, this is not simply taking something that has been a long-term legal nonconforming use and updating its permitting.
- This is a facility, the city now can concede did not fall within any of the zoning classifications that it relied on last year to permit it.
- It proposes extending to triple the lifespan of the facility in the neighborhood.
- On that basis, the existing facility exemption can't apply.
- The final point I will make, there are a couple places in the memo and for the Commission, as a permanent use, it's not zoned for it.
- There's a fundamental problem with taking things that are conceded to be in violation of the zoning and slipping them in as temporary uses the stretches that category to the breaking point.
- I do not think I have any other major points I need to make.
- I think Zach made a pretty good presentation on the impacts.
- The City should take note of the before and after character of those observations.
- That the significant changes correlate and are clearly caused by the presence of the camp.

Patrick O'Loughlin and Adrienne Lauby, SAVS, Project Applicant, commented as follows:

- We are nonprofit dedicated to providing homeless shelter with dignity here in Sonoma County.
- We have been operating here since last February.
- The purpose of the village is to provide community members who are experiencing homelessness a place to safely park the RV, it's meant to impact the broader community.
- Moving 18 RVs from Morris Street, we significantly helped Sebastopol.
- Living in the villages like a managed park, we provide sanitation, waste management, security, food, social support, including providing access to social benefits.
- All of that goes to support our long-term goal of placing them into permanent housing.
- This year we have placed two clients into permanent households.
- It's a big deal to take folks living in the RV to a permanent house.
- We are working toward that goal everyday.
- We received funding from the county to continue running the village for the next six months.
- We will apply for more money through 2024.
- It is our goal to move off the property to a permanent location.
- Except for defending lawsuits, the City has paid zero dollars to the program and has saved a lot of money in terms of policing, sanitation and cleanup costs along Morris Street.
- That helped the City save money tremendously.
- We believe this program is the most cost-effective program in the county.
- Today's key issue is whether Horizon Shine is detrimental to the neighborhood?
- We are positive resource for Sebastopol and for the neighborhood.
- The two specific concerns that are not related to zoning, but related to how we work, sanitation and public safety.
- On the sanitation front, the City staff reviewed and approved our plans prior to getting started.
- Again during the recent permitting process, the City finds we are in very good order.

- The RVs are cleaned weekly, we do have showers, and we are indeed connected to City sewer, unlike what the other person said.
- We have a flush toilet trailer on the way that will replace Port-A-Potties.
- We provide safe water and electrical services to everybody in the village.
- Within the village, in terms of public safety, we have a number of good neighbor policies.
- It was written into our operator guide and agreed to by the clients.
- These include: Noise abatement. No music, generators, dogs, from 10 A.M. until 8:00 A.M.
- There is prohibited parking on neighborhood streets.
- Every site within the village has a designated parking site in addition to the RV.
- No loitering or trespassing on adjoining properties.
- No possession of firearms or open fires inside the village.
- There are strict visitor policies in place.
- The site also includes a 24-7 gate monitors at the entry, a village manager, and we also have on-site manager.
- We have quite a few eyes on the property.
- What about beyond the village?
- In order to prevent the overflow issues, we do not offer services to outside people from the village.
- You cannot get temporary food or shelter if you are looking for services.
- It is not allowed and we do not offer that.
- We hold monthly meetings with our neighbors and if you would like to join, e-mail [tinyvillages@sonomavillage.org](mailto:tinyvillages@sonomavillage.org).
- You can directly talk with us about your concerns and we are there to address them.
- We do help the local neighborhood businesses by being a resource to resolve their issues.
- We e-mailed a number of businesses over the past months to resolve a number of complaints.
- Not one of our village clients were involved in the incident, but we were there to work hand in hand with our partners in the community to identify who the clients were, to move those clients out, to reiterate to those clients, this is not a place for folks to hang out, it's is a place of business, it's a mall.
- Another proof point that we are positive for the community, recent endorsement of Chief of Police Nelson.
- Last week he wrote, when they came to fruition, former occupants who have been staying on Morris Street were accepted into the program, the results were sound. Not a perfect solution, Horizon Shine has been a well-managed, responsible approach to provide housing.
- He goes on, we have enjoyed a productive collaborative working relationship with Horizon Shine and with their management, it has been beneficial for both entities.
- His purpose in writing to the BOS, is to voice support.
- At the Planning Commission hearing, he was there in person and he said, closing this now would be disastrous.
- In summary, SAVS is a community partner.
- At a time when homelessness is spiking, we are working hard to make Sebastopol a safer place, not a more dangerous one.
- We do not provide service to people who are not part of our village.
- We give no reason to loiter outside of the immediate area.
- We work with our neighborhood businesses and neighbors, to prohibit and track down any incidents.
- We are here to serve.
- Moving our clients forward, while providing an obvious advantage to Sebastopol.
- We want Sebastopol to thrive and we are always available.

- The last thing I will say, closing Horizon Shine won't help.
- We believe things will be worse for Sebastopol and the neighborhood, if the village were to close.
- Most of our clients have lived in Sebastopol for years, and they will find ways to live there again, and they will scatter about or end up back in the same neighborhood.
- Leaving this open, letting us manage the property till 2024, finding a permanent place is a great idea for the neighborhood and city.
- I will close by saying, thank you, for City Council for your support and we hope you support the permit to operate the village.

Director Svanstrom commented as follows:

- I want to speak on a couple points.
- I believe in the presentation, the sewer hookup and site contamination.
- There is a sewer hookup as SAVS noted.
- We also looked at the contamination of the site, we are aware that it was previously contaminated.
- However, that was remediated a while back, and was closed out to the appropriate regulatory agencies long before they started using the site.
- In case that question came up.
- The other, the length of time for a temporary use permit.
- What I noted at that meeting was that it certainly was a temporary use and we have precedent for what we spoke to earlier.
- 10 years would not be, whether something in between 5 and 10 years, if that would also be a temporary use.
- However, we certainly consider 2 to 5 years as a temporary use, we have already permitted such temporary use for those periods of time.
- I want to clarify that at this point.

Questions of Appellant, Applicant or Staff from Councilmembers.

Councilmember Rich commented as follows:

- Given the information we have heard from Council for the appellant, are we free to consider the CEQA sections provisions, 15061 B3 and 15301.
- The reason for the question, there was a comment from counsel for the appellant that those were not raised at the Planning Commission level.
- I would like to know what the status of the situation is.

Ed Grutzmacher, Legal Counsel, commented as follows:

- There has been court cases that you may rely on a CEQA exemption at any time, including for the first time in litigation.
- The idea is that exemptions are defined by statute or regulation, and a project either meets or does not meet definition.
- It's not like an EIR it doesn't have a need for findings.

Councilmember Rich commented does this appeal context, we are free to consider those provisions that were raised.

Mr. Grutzmacher stated yes.

Councilmember Rich commented as follows:

- My second question is regarding the claim that we are limited to considering only items that are similar to the listed items (this is in relation to the first point made) under section 17.430.010.
- This is the claim that has been presented by appellant's counsel, that we are not at liberty to consider other grounds that the planning director considers for her discretion to be appropriate for temporary use.
- Instead, we have to only consider similar grounds.
- Can you help with that?

Mr. Grutzmacher commented as follows:

- It's the Council's statute, so you can interpret as you see fit. You can interpret it how you like.
- There are cases out there analyzing whether, when you have a statute that lists certain terms, if you can limit the items to the list or not.
- They're analyzing whether you have a list of a number of terms, whether or not it's on the list of terms and can be relied on.
- The specific case on an appeal that was decided dealt with a statute requiring only licensed professionals, certified public accountants, be utilities. I can't just call myself an accountant, a public certified accountant. The case was analyzing that issue.
- Here, there is a difference in the statute in that allows others than what is on the list.
- It's not just the list of terms in the Code. It has the catch-all at the end that notes the Planning Director can determine other temporary uses, so it is ultimately up to Council to determine if it qualifies as a temporary use.

Mayor Slayter commented as follows:

- Mr. François mentioned his determination of the exceptions and the inability for the city to be able to use those exemptions specifically 15301, existing facilities.
- I am wondering if we can have a little bit more of an expanded explanation about that particular definition of what an existing facility is, and under that guideline, the exemption, how this fits under that?

Director Svanstrom commented as follows:

- First I wanted to note that all three of the exemptions I believe apply, including the one the Planning Commission did review. In the spirit of not piece-mailing the environmental review, it may or may not be the case, the minor amount of work that was done to get it up and running a year ago, that would anticipate both the past work and the existing facility, the two exemptions.
- Let me go actually to what I was looking up for the question in public comment about what is the project, I think that helps define what a project is for CEQA, a Project is "an activity which may cause a direct physical change in the environment, or reasonably foreseeable indirect changes in the environment, which is any of the following, activity or decision undertaken by a public agency, and by person, which is supportive, in whole or in part, by public agency or an activity that involves the issuance to a person, in this case SAVS, a permit or other entitlement, for use by public agencies.
- So it is a project under CEQA, something that requires an entitlement from the temporary use permit, but I think the first part of that is a project which may cause either a direct physical change in an environment
- I have a long view of CEQA that it doesn't take into account the existing state no matter what it is, if you're actually improving something CEQA doesn't analyze that, it doesn't consider that.
- It is simply what the existing condition is, and you can't degraded any significant way without analyzing the impacts.
- Again it is a disclosure document not a decision-making document, a disclosure document.

- When you do a full environmental report and analyze the impacts, it's because there are foreseeable impacts.
- CEQA has a large number of categorical and statutory exemptions.
- The three that we are looking at tonight are in a category of exemptions, a project that falls into a category, do it fall into one of these categories, and so an existing facility, in this case a project, the use of the site, the ancillary structures, it is considered an existing facility.
- Simply continue that use, it doesn't have environmental impacts that are considered by CEQA does have, if you look at it, a study list or the factors that they consider, 20 or 22 maybe now, they've added a couple tribal impacts, and greenhouse gas recently but a list of impacts that you consider, that is going to change those factors.
- Generally it's because there is either no physical change, because it's an existing facility, as the 15301 exemption considers and you are just continuing the use. I don't have the numbers in front of me right now but the other exemptions, that the Planning Commission considered, was that they were very minor, and it does not constitute a potential impact for CEQA, and the impact on the environment under the purpose of CEQA, it is also encompassed by that.
- The commonsense provision which we also noted in this.

Mayor Slayter commented as follows:

- What is a temporary use is.
- A temporary use cannot just be in the City of Sebastopol limited to contractor trailers for businesses and circuses and carnivals period, those are not the only items that we allow is temporary use, correct?

Staff stated that is correct.

Mayor Slayter commented as follows:

- Recently a conditional use permit approved, you mentioned this, for the micro dwellings, for a five-year program -- two years is clearly less than five years.
- So that has been approved through the same temporary use with a conditional use permit, the public hearing process etc.

Director Svanstrom stated that is correct.

Director Svanstrom commented as follows:

- That permit is probably the most similar use, that is a residential use, so to say it is temporary use, which is residential similar as a descriptor -it is residential vs community use vs business. That's not a capital R in this, as the appellant's counsel seems to indicate.
- It's to simply trying to describe the use, which is a temporary use, and also happens to be residential.
- We do have something similar – a can recycling venue on the North side of town, I do believe in the past there was one that was allowed without any type of temporary use permit.
- I'm probably little bit more conservative than my predecessor, and requiring a temporary use permit for such uses to occur, so they can have conditions of approval and the operations consistent with those goals.

Mayor Slayter commented this is a General Commercial Zone. Can you review if residential uses in a general commercial zone are allowed by right.

Director Svanstrom commented as follows:

- Residential uses are allowed in different ways in this zone.
- Three different categories:
- 1) they are allowed by right as part of a mixed-use project (and that is a permanent residential use)
- 2) residential only – if Affordable housing, the permit does not require a Conditional use permit for residential use only without a commercial component which is affordable, and I mean restricted affordable, 100% affordable, minus a managerial unit. Those are permitted without a conditional use permit,
- A residential use without a commercial component (market rate) we require a Conditional Use Permit. And the mobile home park is not allowed, it would need to be rezoned, we have a specific zoning section for that.

Mayor Slayter commented that the zoning ordinance has gone through the revisions following the general plan, which required the CEQA certification.

Staff stated that is correct.

Mayor Slayter commented that the zoning ordinance, and the measures contained therein, have been considered under CEQA?

Director Svanstrom commented as follows:

- That is correct
- Including homeless shelters in a commercial zone, not to muddy the waters but that is -- yes, that was all anticipated and considered, within the general plan and zoning ordinance modifications were done, and 2018, and there was CEQA analysis on those changes, and they were found to be consistent with implementing the zoning.
- It was not in any way challenged.

Councilmember Rich commented just want to make sure that we are all clear on what our role here in this public appeal hearing, my understanding is, it is the appellant's burden to prove that the Planning Commission's decision was in error, is that where we are?

Director Svanstrom commented as follows:

- Yes, that is a good thing to reiterate.
- It is not a de novo hearing (one starts from scratch),. Our appeals are limited to the basis of the appeal, and limited to those issues.
- The burden of proof is stated in our code to be “specifically where there is an error or abuse of discretion by the Planning Commission as the case may be, or where the decision is not supported by evidence in the record.” is what the code specifically says verbatim.

Councilmember Rich commented underlying that, Planning Commission, had the opportunity to review this situation.

Director Svanstrom stated that is correct.

Mayor Slayter called for a break at 8:12 pm and reconvened the meeting at 8:23 pm.



Mayor Slayter opened the public hearing. Appeal of Planning Commission Decision for a Temporary Use Permit to allow the continued temporary residential use for a 24-7 safe parking for RV (Recreational Vehicles) for two years at 845 Gravenstein Highway North (aka the "Horizon Shine" RV Village)

Linda Berg commented as follows:

- This is all very interesting, and I'm glad to hear you, and in the event, there are some things I thought you might be interested in.
- Today, and anybody that's on the call can correct me or confirm, I think it was a fire at the Burger King there at the redwood marketplace.
- Because it is fenced off, and smells like smoke, and looks like the tiles are removed.
- I heard sirens later. I didn't witness the flames and all that, but that's what appears to be.
- A couple of weeks ago, there was another fire in the restroom I understand, the Safeway.
- I got that information, because over at Lucky's, some of the clerks were over there, the manager, a woman verbally assaulted by somebody walking out with produce, produce blood products, and just skip going, verbally assaulted her, and there has been a chain in the back of the building in order to get to the dumpster that has been cut.
- Anyways, there definitely, you're right, and where I live, planning on getting a security guard, nighttime security guard because the tools and stuff from the trucks, and bicycles and stuff, you know I live in an apartment complex nearby.
- So there has been definitely a change in the neighborhood.
- Although everybody at the RV village has been nice to me and interesting people.

Oliver Marks commented as follows:

- You know I've been walking and talking to a lot of people in relation to the slow election we are living through, a great long list of knows about this particular topic.
- I will say of the top, many merchants are afraid to say anything publicly, because they don't want to alienate customers, a lot of them are freaked out, and I think Chris Chapman, would go on public record to say he was very annoyed that when a year ago this time last year there was going to be a hotline, that was promised, and there was going to be a director, some sort of official person who would pick up the phone 24 hours a day, that never appeared, he and a lot of other local merchants are very annoyed about that.
- Just a very quick notes about that, hearing just now about the presentation, my understanding, is with nonprofit staff at Horizon Shine, not the actual residence, in the 2 caravans that you can see from the road.
- Walking around the drive South of the Pacific Market, a lot of frightened families, with young children are concerned about the tremendous uptick in really sketchy people loitering around all times of day or night.
- Overall, the county has a legal limit of six months stays in a homeless shelter encampments, the nonprofit has filled in school and the funding should not be extended but revoked, we made much better services and stricter rules and regulations and standards, so we can get people into recovery and housed.
- My final comment, what is his opinion of this, probably one of the next Councilmembers, if he is elected to Council will he be recusing himself.
- He is associated with that, currently pursuing the City on behalf of the homeless people, and the camp, and the plaza

Darylan commented as follows:

- I live at 847 Street, in Sebastopol behind the exchange bank between the exchange bank in the former Mary's Pizza.

- I am in favor of the appeal before you today, because life in my neighborhood has been negatively affected by this village.
- On Gravenstein Highway. There has been more noise and loitering or hanging out, loud screaming arguments all hours of the day and night, and there have been dogs without leashes, more furniture and garbage left in the bushes, and people using the bushes and trees as a toilet.
- One day, I noticed that there were a few men camping out on the sidewalk itself.
- Making pedestrians have to speak with them in order to make room on the sidewalk so that they could pass through to the shopping center.
- I have called the police a number of times, and they tell me they are doing everything that they can to help this. So I am strongly urging you to consider this appeal.
- Because it is very different here now.
- I am frightened.

Jill McLewis commented as follows:

- I wanted to expound on what Oliver spoke to as far as the election process and speaking with people.
- I too spoke with many different people on the north side of town and Ashley spoke with two individuals who are police officers in another city and expressed their deep concern about what they have been seeing, within that area.
- They said there is definitely an uptick, they are professionals who deal with this on a regular basis and it is just undeniable that whether or not it is individuals living within the village that are causing this, it is undeniable that it has become a magnet.
- You can see the same thing on the other side of town, which is where I'm close to, I am there daily, and you can see it, it is undeniable.
- And secondly, as far as the village goes, it's important for us to recognize that there need to be metrics, there need to be more rules, as far as the limits within the city of Santa Rosa and other shelter areas, where they have a six month limit, what are the metrics and are they being met?
- Finally services.
- I read the report that some of the services that would actually help transition people out are not available.
- So at what point do we say they need to be available or something needs to change
- You can continue down the same path, and expect better results.
- We need to see some type of reconciliation with this.
- Who is going to enforce that to ensure we have the services.
- One of this was a provided, how are we holding them accountable.
- We just can't continue down this path, it is not fair to those living in the area and speaking to the issues they are experiencing right now.

Adrienne Lauby commented as follows:

- Patrick said we have a community advisory committee that meets monthly
- I want to talk to you to about the last meeting, they had concerns and talking about differences that happened in her particular life.
- We had a really robust conversation and decided the positive thing we could do is try to attract more people to come to the area, because as the chief of police said, people who are homeless, they're like you, you like to go to your house and close your door, they like to go somewhere with there not being bothered.

- The opportunity to go to the building across the street, seems like a place where people won't get bothered, trying to work on sort of an enhanced neighborhood to bring people in for business and entertainment.
- There are a few things, a few efforts are being made in that direction.
- We could certainly use a lot more help. But homelessness is a hard thing.
- Their non-charge of the homeless people United States, we're not in charge of those in Sebastopol, but we do want to keep the neighborhood good for everyone to live there.
- It's our neighborhood too, and I want to say one more thing, the Planning Commission was exemplary.
- You have such excellent people, they came with education and understanding, they listen to everyone, I was proud that you got a 5-0 support from them, they were excellent Planning Commissioners, that's all I have to say, thanks again for hosting us.

Suzanne Lande commented as follows:

- I wish that I had done more homework about this but Sebastopol doesn't have anything like the shelter, and Santa Rosa, more than one shelter.
- We don't have anything like that.
- As far as my understanding is, we don't have any motel or hotel rooms that would be available if the Horizon Shine was closed.
- There is nowhere for people to go in my understanding, though I don't remember the statute, I believe it is illegal to just sweep people to go, and I think Councilmember Rich looked around for other possible property, in Sebastopol city limits or nearby unincorporated property, and nothing seemed to be available.
- I wish I was more prepared but that's all I've got to say.

DE commented as follows:

- I also live on Norlee Street, unfortunately we live on the section of Norlee Street, although my property is adjacent to the city, we are not in the city.
- That happens to be true for a lot of the residents near this location.
- One of the things that has been the most challenging for us is that we don't have a clear path of where to go with our concerns.
- We can't vote for you guys, but this is other people have said, absolutely has affected and change the neighborhood in a very short time.
- It is not the overwhelming problem that we are facing as a society, it is very local.
- Yes homelessness is a problem, but the changes have not occurred to the rest of Sebastopol.
- They have occurred here.
- So one of the biggest problems with this location is the location.
- It is on a very narrow extension of the city.
- Police involvement is contained, to that location.
- It makes for a very challenging and confusing experience for us, where to go, we call the sheriff, who do we call?
- I just wanted to share the experience and the helplessness that we feel as long-term residence in this location by the situation.
- We have nothing that we can do.

Hearing no further comments Mayor Slayter closed the public hearing.

Mayor Slayter responded to public comments as follows:

- It is my interpretation that the questions raised, while all extremely important, are actually outside the purview of the appeal.
- I'm wondering if we can get a read on that from our legal counsel.
- Answering questions that are outside the bounds of the appeal appears to be agenda topic drift.

City Manager McLaughlin commented as follows:

- Unfortunately, I'd have to hear the question to kind of analyze that.
- I mean if there is a factual question, I think a factual question can be answered.
- A lot of things may not appear to be completely relevant to the appeal hearing itself.
- But may lead to some other information that could be relevant, it's very hard to decide relevancy.
- A lot of times.
- If the factual question, I think could be addressed.
- I would have to know the actual question you had in mind.
- I unfortunately don't have a list of my own.

Mayor Slayter commented as follows:

- I have a couple that I've noted as factual questions.
- Certainly answering questions and getting more information out there for everybody is better, not worse, just a matter of staying within the guardrails of the agenda item and staying in compliance with the Brown act.
- There was a question about the hotline and whether or not that had been established

Mr. Grutzmacher commented as follows:

- A lot of the questions and comments I think go to the appeal item number 2, the Council needs to make a finding, whether or not the temporary use will and the circumstances of the particular case be detrimental to health, safety, peace and comfort of persons residing or the neighborhood for the development or detrimental or injurious to property and improvement, or general welfare of the city.
- So a lot of the comments that I heard today I think are going towards that finding so I think questions that the Councilmembers might have regarding the finding might be appropriate.
- But outside of that, maybe not.

Mayor Slayter commented as follows:

- That is very helpful, thank you both.
- So to that, we will go the question that I was starting with and Patrick had raised his hand to answer it, about the telephone number hotline, and the status of that.

SAVS commented as follows:

- Yes, the hotline exists, it has day one, it's been continuously running.
- 707-889-8776, I believe it is posted on the website, if not I will post it on the website for the Rise and Shine village, and it may be posted at the village, it does exist and has been running continuously, and we get literally zero calls on it.

Mayor Slayter commented as follows:

- A question, this goes to the point of general health, safety and welfare of the neighborhood.
- There was a comment regarding supposedly a fire at a business site that I believe in the redwood marketplace, does any staff member have any information about that?

City Manager McLaughlin commented as follows:

- I don't. As you know I live right nearby, maybe there is a fire that I did not notice.
- Our fire chief will be on the call later, I don't know if he is monitoring this part of the meeting but he will be here later.

Director Svanstrom commented as follows:

- I'm not sure what the fire at the Burger King but I do know that there will soon be activity at the site, as Starbucks has gotten approval to continue the drive through there.
- They are submitting building permits to renovate the vacant building at the site there and so I don't know, maybe there is something related to that construction. I am not aware of the fires.

Mayor Slayter commented as follows:

- There was a question about the sewer lateral that runs to the site, and that it was only accessible to staff restroom facilities
- That seems counter to what we heard from SAVS earlier, that there would be a temporary trailer, the portable item, to use for sanitation that would connect to the sewer, is that true?

SAVS commented as follows:

- The sewer runs through the front 1/3 of property, and attached to that are 2 running showers, 2 sinks that support the kitchen and a hand-washing station, and the front RVs that we use for offices, running water and connected to the sewer.
- All the residents in the back of the village are on either the RV black water tank or using porta potties that are around the site, and if they are on a RV black water tank that is being emptied weekly if not weekly because every other week, if not because is not so much work, and they needed, and spigots run out to every single RV out there as well.

Mayor Slayter commented as follows:

- So if it is possible for a unit to connect to the city sewer, it is connected, and if it is not possible it has a black tank, those are cleaned?
- If a unit does not have that, and provided for those residents outside of those units.

SAVS commented as follows:

- Correct. And full running showers.
- We have a flushable toilet trailer coming soon, connected to the city sewer.

Mayor Slayter commented as follows:

- There were a number of comments and questions about the general sense of safety, and I'm going to paraphrase and try to combine a number of these comments, there were some questions contained.
- The question of overflow issues has come up time and again, and the difficulty that is perceived, the impacts that are perceived on the neighborhood, and the mitigation factors that the RV village has in place, through its rules and regulations, its approval documents, etc.
- I'm not sure where to go with this one as far as a comment or question, if staff or SAVS have anything to add to that, now would be the time to put your hand up and let us know about the sense of the impacts the overflow impacts that may be happening.

SAVS commented as follows:

- I will say from that point of view, we work with the City, and the Planning Department, the process, and nailed down the correlation between these two, but we live in the neighborhood as well and we want to help.
- So we go out in person with everybody that ask us, we trace who was there, find out if it was a friend of a friend or someone we never saw before those issues.
- We cannot categorically deny that is not possible is related but we have two government bodies behind us saying they've looked into it can find the correlation and that we do our best in the community to track down every one of those so that property owners don't feel isolated. We can be a partner who can work directly with the homeless community.

Mayor Slayter commented there's a hotline, and the West County Community Services, social worker, that would be the source for assistance.

Mr. Francois commented I'm asking if the appellant is going to have an opportunity, to respond to the applicant's statement of these, and I don't know if Zach wants to address any of the questions but that were just posed, I think that would be appropriate.

Mayor Slayter commented as follows:

- What we are trying to do here is hear from all parties and have factual questions answered prior to the Council's deliberation and getting to a back and forth in a rebuttal process becomes difficult to manage, on zoom and also sort of beyond the normal activities of the City Council.
- This is not a court of law.
- So it is a little bit difficult to manage.
- If you have something to add at this point, I will give you the floor, you know, if there are questions of the appellant, you or Zach certainly are the go-to people to get those questions answered if they are questions of you.

Mr. Francois commented I just make sure that to the extent that the Council is soliciting factual input from one of the parties to the appeal, after closing the public hearing, that there is an opportunity to respond. Like I say, Zach has a response to what was just said, if he does, and other points, I think he should be allowed to make it rather than just being at the mercy of whoever the Council call on.

Director Svanstrom commented as follows:

- I believe the other question I jotted down was for those who live directly outside of city limits, who should they contact if they have an issue?
- I can also confirm that the hotline is on the SAVS Website.
- They should call the Sebastopol Police Department, and in almost every single situation, the response time for the SPD is going to be significantly speedier than calling the sheriff's office, which is technically their jurisdiction.

City Council Discussion and/or Deliberations:

Councilmember Rich commented can the Planning Director remind us, any conditions and changes made as a result of public comment and public hearing at the Commission level, I would appreciate it.

Director Svanstrom commented as follows:

- Discussed specific conditions for approval, three additional conditions in addition to what they have under their current standard conditions.

- Two of these are that they give Quarterly reports for the Planning Commission, and reporting on transition plan.
- It was also conditioned that increased coordination and trying to be the proactive eyes on the street to help it out, and we have limited police just like every communities. For them to know that there is something going on, Chief Nelson had requested that they be proactive, even if there was not an issue with the site but even being able to reach out was one of the things that they added and recommended.

Question 1:

Appeal Item 1 - "A two-year extension of the RV Village is not a Temporary Use" and therefore does not qualify for a Temporary Use Permit.

Mayor Slayter commented as follows:

- Per staff and counsel's recommendation to work through this logically and methodically so that we address each one of the three questions raised in the appeal, we will take that logically, and move one, and 2 and then three.
- The first question, which is straight from the staff report, appeal item number 1, a two- year extension, it is not a temporary use and does not qualify for a temporary use permit.
- That is the verbiage from the appeal.
- It is up to the City Council to determine if the Planning Commission made an error in their interpretation and their granting of the use permit on this particular question.
- The zoning ordinance, section 17.430.010 purpose and applicability with a temporary use permit, what the requirements and procedures for that are, and the final phrase and that, which reads, "and other temporary uses as determined by the Planning director," given that we have a similar Conditional Use Permit in place, for a five-year period of time for a micro dwelling project at one of the churches, a temporary use, there are no buildings that have been constructed.
- There is nothing permanent about it, so therefore must be temporary, so it appears that this is something that the Planning Director has determined is a temporary use.
- It does not need to fit into any specific category, residential or construction or anything like that, as noted by that final phrase.

Councilmember Glass commented as follows:

- I agree with you, Mayor, and I think the temporary use arguments are well documented, and explained in the staff report and the resolution.
- In addition to that, it seems clear it is a temporary use, since there is no permanent structures being erected on the facility, and it has been indicated numerous times that the owner of the property intends to build affordable housing project there beginning in 2024
- In fact they have met with our design review board and have taken actions to indicate that they are moving forward with plans to build on the property, so that would indicate that it is temporary in addition to the arguments that were cited by the planning director, and cited in the staff report.

Councilmember Rich commented as follows:

- I would agree.
- There will be a requirement of any construction of any permanent improvements, and a temporary period of time, the Planning director, how she has explained it, and underscored by the Councilmember Glass, and even if there warrant the two points, there's a lot of discretion given within our ordinance, within 17.430 point will 030, to interpret the other uses under this provision.
- I don't see how we can put it on this one.

Councilmember Gurney commented as follows:

- Thank you Mr. Mayor, to keep my remarks brief I concur with my colleagues, the ordinances and use as defined by the Planning Director, I look at her analysis and expeditions and decisions, I agree with it.
- We have precedents in our city that conforms with her current decision, and I support it.

Vice Mayor Hinton commented as follows:

- I agree it is temporary use, sitting on this Council, we have seen St. Vincent DePaul come to us and asked for backing to further their low-income project at the site.
- I believe it was at the last Council meeting that we approved something for the additional temporary homeless shelters with the church project, and also had a chance while listening, to look up the point.
- And the point-in-time homeless count, and all- time high in Sebastopol, 129 in 2020, and in 2022 we are now able to shelter 38 people and still have 40 people on sheltered within our city limits.
- Although it is going down, to me this is a really important thing for us to do on a temporary use basis when we are in this kind of emergency situation with our homeless camp.
- So I concur with my colleagues today.

Question 2:

Appeal Item 2 – “The Commission may not make the findings necessary to approve a two-year extension as a temporary use”

Mayor Slayter commented as follows:

- The Commission may not make the findings necessary to approve a two-year extension as a temporary use, to expand on that a little bit, the item refers to the required findings, the legal findings, for approval of a temporary use in our municipal code, and this gets into the establishment, maintenance or operation of the proposed use, and will it or will it not under the circumstances of the particular case be detrimental to the health, safety, peace and comfort and general welfare of persons residing or working in the neighborhood of such proposed use or development or be detrimental, property or improvements in the neighborhood or the general welfare of the city.
- This is where we have significant public comments, item number 2.
- It is difficult for anyone to be able to link any activities or not, to the existence of the village.
- The police chief has recommended and the Planning Commission approved for monitoring outside of the village, and report to the city police as proactively as they can, in an appropriate way so that issues can be handled when they are still nascent.

Councilmember Rich commented as follows:

- I was actually struck by the testimony of our Police Chief Nelson, at the Planning Commission level, he was talking about the need to the underlying justification and rationale for Horizon Shine, and the terrible conditions that people were facing on Morris Street.
- I'm looking at page 296 of 317 and our staff report.
- He also noted that from his perspective, it would be much worse, that we would see an even worse situation in town if we did not have Horizon Shine in place.
- I would like to just read a section of his comment, may I do that, Mayor?
- Page 296 at 317, in the middle of his response there he says, prior to Horizon Shine being there, essentially it was a free for all.
- We saw that on Morris Street it was starting to spread out throughout the city and as we have seen through the managed approach, and all the wonderful work being done by the advocate community and



by Horizon Shine. We've been able to limit it, if it was not to exist, we will be right back to square one and my guess would be that it would continue to grow and spread throughout various other areas of the city because Morris Street was impacted to the point where there was no more room, and we were starting to see that happen.

- He makes a couple of other comments and closes with, if we think we have impacts now, you haven't seen anything as to what would probably look like.
- To me, from our police chief, that is compelling, that is a very compelling statement from an individual who I think has a very realistic view of the situation and doesn't sugarcoat it.
- So yes, I think given the situation, of the site, and what we have heard from neighbors, I completely take to heart their experiences, I am not questioning them.
- The connection to Horizon Shine given what we have heard from our Police Chief and regarding other causes, and what we saw on the report from the Planning Commission, I don't there is a way to prove that connection.
- But more importantly, the benefit that we have seen from Horizon Shine, that I think stretches not just to the street but to our community at all at large, combines with the potential that we might face as a community if we did not have horizon shine, that compels me to uphold the Planning Commission's position on this point.

Vice Mayor Hinton commented as follows:

- I don't see a direct correlation either.
- I am very familiar with, as the Council representative to the downtown merchants association that there is shoplifting that goes on down there, they discuss it at length, and I have witnessed shoplifting and Safeway and conversations with employees there.
- They don't tend to stop or pursue shoplifters currently.
- Shoplifting goes on all over our city.
- I really just don't see the correlation.
- I don't know of any other break-ins that I've heard of in the area, and homes as any sort of result.
- I appreciate that we've heard tonight that saves have a hotline in their ruling to help, and that hotline has existed on their Website, and they are not getting the activity.
- tend to agree with my colleague, Councilmember Rich.

Councilmember Glass commented as follows:

- In the comments, made by the public, there were a lot of comments, a number of comments, about an uptick in problematic behavior in the neighborhood general.
- But I did not hear anything that I felt made an argument for a causal relationship.
- Say there is increased problematic behavior around a shopping center that is large, well much of it is unfilled at this point, which is always an invitation to problematic issues, is, as my colleague, the vice mayor said, there is shoplifting that goes on downtown and at Safeway, there are problems that happened in abandoned spaces everywhere, and so to only to take pictures and to examine the problems that are occurring in a specific area, just because there is one particular facility in that area, does not demonstrate anything causal.
- The same things could be going on elsewhere in town.
- So I just don't see that there was a causal relationship established.
- In fact our police chief indicated, as Councilmember Rich said, that actually does mitigating problems.
- It would be far worse.
- There was nothing that indicated that these problems were really cause by SAVS, and not by other causes.

- In particular the uptick on homeless issues throughout the State of California and a general bay area.
- So I would have to agree and I cannot see that.
- I would agree, the Planning Commission acted appropriately.
- Particularly with the information provided by the Police Department and the Planning Department.

Councilmember Gurney commented as follows:

- I'm going to say I agree with all the previous comments, I raised my hand with the vice number was saying that, I was saying there is no causation, but Councilmember Glass spoke to me on that one.
- I do want to take note of the Planning Commissions due diligence in adding the additional, I don't know if I call them requirements or conditions. That provided for us a very thorough effort.
- Their job needs my respect and giving that to them.

Councilmember Rich commented as follows:

- I don't know if this is the time dimension, but you see, make sure before we close the discussion here.
- To address the conditions, I would like to see us receiving a report in some fashion, perhaps through Planning Director Svanstrom, that we receive as a City Council, the quarterly reports that are expected to go to the Planning Commission.
- If this is germane to item number 2, then that is fine, it is fine regardless but I also wanted to address that, there's at least two of us, I went to the circle back to that item, so I will tap you on the shoulder and make sure before we close any kind of discussion that we circle back to that one because I think that is an important potential addition to the condition.

Question 3:

Appeal Item 3 - The proposed two-year extension is not categorically exempt from CEQA (the California Environmental Quality Act)

Councilmember Rich commented as follows:

- I see three [exemptions] that were raised on the issue, I think they are solid ground on the Planning Commission's decision on all three basis.
- One would be that CEQA is exempt under the existing facilities exemption because there is no expansion of use, and there is a commonsense exemption, this is a project with no possibility of a significant physical -- significant effect on the environment, and finally I think there was a specific exemption for a quote unquote minor temporary use of the land that will have negligible or no permanent effects on the environment.
- From the information that I have heard, and the record that was made by the Planning Commission, I personally feel confident that the decision of the Planning Commission was reliable and based on solid facts.

Vice Mayor Hinton commented as follows:

- Going through it, I agree with Councilmember Rich.
- It is an obvious temporary use, the RVs are moved in, they are going to be moved out, there are no permanent structures, I just don't see how anybody can look at this a different way.
- So I fully agree, I think the Planning Commission made the right decision.

Mayor Slayter commented as follows:

- My perspective on this is that there is no evidence that the operation of the RV village will have any impact on the environment.

- We have not seen any evidence of this.
- The appellant has not presented any evidence that there would be any impacts on the environment.
- It seems fairly straightforward to me that it is an existing facility, and that there is negligible, or no expansion of any existing use.
- It is exactly the same use.
- So there is no expansion going on.
- So I am not finding any problems with the determination that the Planning Commission made in regard to CEQA.

Councilmember Glass commented as follows:

- I am in agreement with all of my colleagues.
- As was outlined in the staff report, this does not fall under CEQA.
- It is an existing use.
- And the facility is temporary.
- I would concur that the Planning Commission got it correct.

Councilmember Gurney commented: I will say I concur with the previous statements.

Mayor Slayter commented as follows:

- There was a question, and Councilmember Rich and I both have interest in the Council discussing the increase in the reporting and ask that the condition be modified to include the city council with the quarterly reports.
- I'm not sure what the mechanics of that would look like, given that I won't be on the city council, but I would defer to Councilmember Rich.

Director Svanstrom commented as follows:

- the Planning Commission added the quarterly reports as one of their conditions.
- I think it would be helpful to have that continue at the Planning Commission, I think the more people that are working, talking about the transition or issues at the site, they have a little bit more time on their docket usually than the council, which has a broader range of issues you need to consider.
- So I would recommend keeping the Planning commission report, with the intention to follow the same of the process that council has used for the reports being submitted and presented to the Commission.
- I would say those items given be transmitted directly to the City Council, before or after and some guidance on that would be helpful.

Councilmember Rich commented as follows:

- We do have in place already with SAVS an obligation to submit quarterly reports directly to the city council.
- So we need to work out how those 2 processes work together.
- My suggestion would be that the quarterly reports that have been submitted by SAVS to the city council perhaps instead go to the planning commission and incorporate the additional information that the Planning commission might want.
- But perhaps we can get some input from our City Manager?
- It just seems to have two quarterly reports going, but maybe for different purposes.

City Manager McLaughlin commented as follows:

- I think it is well within the intent of the condition of approval that you were referring to, that reports can be combined, so long as it provides the information that the Planning Commission has asked for, I think those reports could be combined in what you're really doing I think is making a minor modification to one of the conditions of approval so that the council gets informed at the same time.

Councilmember Rich commented are you proposing that the quarterly report be submitted simultaneously to the Planning Commission and to the City Council, or that it go to the Planning Commission to move forward in some fashion to the City Council.

City Manager McLaughlin commented as follows:

- Either way would be fine, all I'm saying is, you're making a minor modification to one of the conditions of approval.

Director Svanstrom commented:

- The only component that might be slightly different from what the Council is already requiring is the transition planning, which I would imagine they would want to see.
- I think you know, for expediency's sake, the same report can go to both.
- I don't think our Planning Commission would have a problem with going to the Council first, and then the Planning Commission, to address.
- Or doing it the other way around.
- Just the thought that I'm with one of you every Tuesday - the other Tuesdays, by the fact that they are not at the same time, one needs to go first, and inevitably that is to be council.
- My instinct would be that the planning commission is now more involved in posting conditions and so we can have the report go directly to the planning commission and the planning commission becomes the body that can address key issues, in an immediate way and it gets forwarded to the city council in some sort of fairly quick process.

Councilmember Rich commented the one thing that I would say, is that we need to make sure, this is a formality for our City Manager but there is a provision in the contract between the city and SAVS that specifies that the report is to go to the city council quarterly reports, just so long as it is memorialized in the meeting, we would that have the quarterly report submitted to the planning commission. I think that would work.

Councilmember Gurney commented as follows:

- I think for efficiency here, it's good to have one report for the Planning Director, going to suggest however, that the report go -- if we have to prioritize one body of the other, I think it should go to the Council first in this regard and have the Council liaison provision, if that's right position, on this issue.
- We are the body to whom the public speaks on this issue, more often, more regularly and with more energy, the people who are accountable to the public as elected.
- It is our priority task.
- On the land used prerogatives, it's the planning commission. Social, cultural and nationally this is a huge issue, we are the political people who have that responsibility, so I would suggest go to the council, if we have to have it not be simultaneously, if either body has issues with the report or questions of some significance, I'm sure we will be communicating with the other, Director Svanstrom spends every Tuesday night with one or the other of these two groups.
- So that is my input.

Mayor Slayter commented as follows:

- Given the regular calendar and the way that it ping-pongs on Tuesdays between planning and council, I think what makes sense to me is that it would first go to council
- The very next Tuesday the planning commission
- It becomes more of a dialogue between the two bodies if that is what is needed, in a rapid-fire format, rather than when does it get on the agenda and when do we have time to do it, the challenges of the city council agenda, should be well known.
- How difficult it can be to get the agenda, if it is something that is a standing item that is placed early on agenda, so the city council can actually receive the report in public, and haven't put on it and then it goes the next Tuesday to the planning commission, to me that is the most logical format and I think that Councilmember Gurney's description of the council's role and their place in people's minds, as the first body to contact, is correct and utterly logical.
- That would be my recommendation.

Councilmember Rich commented I'm wondering whether waiting until the 5th quarter makes sense, do we want to wait until the fifth quarter, which is early 2024, to get a report from SAVS on their plans to transition the individuals at horizon shine?

Director Svanstrom commented as follows:

- The intent of the planning commission, we did discuss that, discussed if they should set a date or a quarter, so the intent is that if it is a two- year plan extension, by the end of the first year, they are ready to go and start reporting and updating the planning commission on their transition plan.
- So it was January 2024 was the approximate time, the fifth quarter they report.
- I do know that moving it up earlier would be entirely consistent with the planning commission.
- In their discussions and final conditions they did encourage the applicant to start that transitioning earlier.

Councilmember Rich commented I propose that we have that report as the fourth quarter report in 2023.

Councilmember Gurney commented as follows:

- We should be a fine time for me but I would think logic would dictate, if they're doing a quarterly report, there likely to be reporting on their transition activities, it's just going to come up as a subject matter, so the early report they may say were not working on that yet as we head through the two years I'm anticipating there will be updates on a quarterly basis, not just everything held to that one reporting period.
- But I am fine with the earlier one that Councilmember Rich suggested if we have to name a date for a period of time.

Mayor Slayter commented as follows:

- My suggestion would be the reports, as appropriate and not have it as a required list of things to report on, I think that is going to be of desperate importance to our community to understand what the transition plan is, and the sooner that information is out, the better.
- I would say that fourth quarter as suggested by Councilmember Rich seems fine as a hard fast time, but also making the suggestion that those who are doing the reporting, that when it is appropriate you report and not wait to turn your homework and at the very last minute.

Councilmember Glass commented as follows:

- I am in agreement with everybody else, the fourth report -- fourth-quarter report is good, report when you can report something to report.
- The sooner people start reporting and there is action, and action taken on transition planning the better but having a deadline, definitely get the report by the fourth quarter.

**MOTION:**

Councilmember Glass moved and Vice Mayor Hinton seconded the motion to adopt the resolution, denying the appeal from Zachary Imbrogno and Friends of Northwest Sebastopol, and upholding the Planning Commission's approval of the Temporary Use Permit for the operation of a temporary 24/7 recreational vehicle RV parking site at 845 Gravenstein Highway North, and that would be subject to Exhibit A, Exhibit B, the Specific Conditions of Approval, with the modification to item 1b to provide quarterly reports to the Planning Commission and the City Council as a regular agenda item, and a change to 1c, the plan for the transition reports shall begin on the fourth quarterly report at the latest, and also subject to Exhibit C, the standard conditions of approval.

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

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter

Noes: None

Absent: None

Abstain: None

**City Council Action: Approved adoption of the resolution, denying the appeal from Zachary Imbrogno and Friends of Northwest Sebastopol, and upholding the Planning Commission's approval of the Temporary Use Permit for the operation of a temporary 24/7 recreational vehicle RV parking site at 845 Gravenstein Highway North, and that would be subject to Exhibit A, Exhibit B, the Specific Conditions of Approval, with the modification to item 1b to provide quarterly reports to the Planning Commission and the City Council as a regular agenda item, and a change to 1c, the plan for the transition reports shall begin on the fourth quarterly report at the latest, and also subject to Exhibit C, the standard conditions of approval.**

**Minute Order Number: 2022-320**

**Resolution Number: 6491-2022**

11. Public Hearing – Introduction, First Reading and Consideration of a “Surveillance Technology and Community Safety” ordinance number XXXX and the addition of Chapter 8.80 to the City of Sebastopol Municipal Code and Finding This Item is Not a “Project” Pursuant to CEQA Guidelines Section 15378(b)(5) (Responsible Department: Police)

Don Mort, Former Chief of Police, presented the agenda item recommending the City Council approve for Introduction, First Reading and Consideration of an Ordinance XXXX, “Surveillance Technology and Community Safety” and the addition of Chapter 8.80 to the City of Sebastopol Municipal Code and Finding This Item is Not a “Project” Pursuant to CEQA Guidelines Section 15378(b)(5).

Mayor Slayter asked for questions of staff. There were none.

Mayor Slayter opened the public hearing.

Craig Litwin commented as follows:

- On behalf of my family, Laura Littman and myself and other members of the community, I want to thank you for bringing this forward
- I appreciate the police department working in collaboration with the ACLU, and the city of Sebastopol on the ordinance
- I urge you to adopt it on a first reading here tonight, thank you.

Mitcho commented as follows:

- I am in support of the surveillance technology ordinance, it is kind of an important issue I think.
- Thank you to Chief Nelson any please department, everyone who collaborated on this, this is a really good issue, I am in support, that is all.

Linda Berg commented as follows:

- Granted I have not read the thing but just on principle, we don't need anymore surveillance, every click of your computers, you've got TVs that are watching you while you are watching it, hundreds of thousands of satellites in the sky that watch our every move and check the status, the water meters, that the public works have, the city Council and has approved will be collecting data.
- It is not to our benefit to have everything collected.
- One in five people, are victims of identity theft.
- So anyway, I am opposing this, it goes along with all the other data collection that is going on, you know, in time I think people will regret what is happening and the direction that we are going with that.
- So I am opposing it.

Omar Figueroa commented as follows:

- My name is Omar Figueroa, a parent and homeowner and small business owner, and within the city limits, I am here in support of the consensus surveillance technology ordinance, a good government ordinance trying to put in checks and balances on surveillance technologies.
- I'm also here to express my gratitude to Chief Nelson of the Sebastopol Police Department, and the way they work, Sonoma County on the critical issues of privacy, transparency and accountability.
- I hope that you follow the recommendations of the staff report, and approve the proposed ordinance at this first reading, beyond the consent approval.
- Thank you for your time.

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

City Council Discussion and/or Deliberations:

There was no further discussion.

**MOTION:**

Councilmember Rich moved and Vice Mayor Hinton seconded the motion to Introduction, First Reading and Consideration of an Ordinance XXXX "Surveillance Technology and Community Safety" and the addition of Chapter 8.80 to the City of Sebastopol Municipal Code and Finding This Item is Not a "Project" Pursuant to CEQA Guidelines Section 15378(b)(5).

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

**VOTE:**

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter  
Noes: None

Absent: None

Abstain: None

**City Council Action: Approved Introduction, First Reading and Consideration of an Ordinance XXXX “Surveillance Technology and Community Safety” and the addition of Chapter 8.80 to the City of Sebastopol Municipal Code and Finding This Item is Not a “Project” Pursuant to CEQA Guidelines Section 15378(b)(5).**

**Minute Order Number: 2022-321**

**Proposed Ordinance Number: 1145**

12. Public Hearing - Introduction, first reading and consideration of Ordinance Amending the Emergency Management Ordinance and Finding This Item is Not a “Project” Pursuant to CEQA Guidelines Section 15378(b)(5): (Responsible Department: Fire)
  - i. Proposed budget for modifications to the Emergency Operations Center located at the Sebastopol Police Department as well as proposed budget for modifications to the backup Emergency Operations Center located at the Sebastopol Fire Department;
  - ii. Amendments to the Emergency Management Ordinance to be consistent with Emergency Operations Plan; (This will need to be a public hearing)
  - iii. Update on conducting of annual mock training drills/exercises to ensure staff is prepared for emergency situations and maintain certificates of training; and
  - iv. Proposed Appendixes to Approved Plan to include but not limited to:
    - a. Location of Cooling Center(s)
    - b. Location of Buildings with City Generators
    - c. Location of Evacuation Center
    - d. Procedures for opening said buildings (Cooling Centers, Evacuation Center, etc.)
    - e. Location of Ham Operators

Fire Chief Bill Braga presented the agenda item recommending the City Council approve for Introduction, First Reading and Consideration of Amendment Ordinance XXXX, “the Emergency Management Ordinance and Finding This Item is Not a “Project” Pursuant to CEQA Guidelines Section 15378(b)(5).

Mayor Slayter asked for questions of staff.

Councilmember Rich commented as follows:

- I am looking at the staff report and my question is, in each section you have the current language and then proposed language.
- I think what we are hearing from you in terms of disaster Council membership is that the details under current language are what you would like to see included moving forward, with the change that you identified in letter E including the representatives.
- In relation to the powers and duties, I think what I'm hearing you say is that what you would like to see is what you have captured under proposed language?

Chief Braga commented as follows:

- So under the disaster Council powers and duties, the only update that I really wanted to make mention there, is that it states that the Council should meet at least once a year.
- Where it did not state that on the disaster Council membership section of the plan.



- It did not state to meet once a year. So I want to make sure that was added back into it.

Councilmember Rich commented you said that all the members of our EOC, do meet the minimum requirements, who do you mean?

Chief Braga commented as follows:

- If you go to the next page, of your handout, which is right past this chart, it basically shows the City of Sebastopol emergency operations plan, it talks about the positions, we don't name the names in these charts because they have a tendency to change, we never know when there is an emergency, who's going to be available and who's going to be in town,
- The City of Sebastopol, we truly never know who will be staffing the EOC.
- All the positions listed, have been those city staff members who have met the minimum requirements to fulfill the positions.
- I wanted to feel comfortable, if we had a major disaster tonight or tomorrow or this weekend.
- The department staff that would be able to respond to the EOC have met the minimum requirements.

Councilmember Rich commented as follows:

- My question actually, if I could take you back, Chief Bragg, two right before the evacuation zone section, there was a section that you didn't cover, I wanted to make sure, the other available resources, the reason it's important as I would like to call out the radio hub operator locations on the information it provided she was there, I think it's important for all of us to understand that you have identified in essence the local communications network.
- That is in this packet, page 26 of 48, and yours it is one of 48 foot is right before the evacuation maps.
- Specifically I see you have the have locations, as to be determined within our Sebastopol evacuation zones.
- From a conversation by e-mail that you and I had, I want to confirm that in fact those locations have been identified, Chief.
- But they are not being made public because of concern about the private locations, individuals' homes being identified.
- But those 4 hubs have been located in town and identified, is that correct?

Chief Braga commented as follows:

- Stated yes. Let me share a couple of minutes on that.
- The four hubs that we have are like ham operator type hubs, we have one hub in each of the four evacuation zones.
- The intent there is each evacuation zone, the main hub will be giving information on what is going on in their zone, and they will then radio that information to the police, to the fire department, not to the EOC,, trying to put some filters, what actually gets reported to the EOC, and a tree, and would they don't even know the level detail, homes on fire, and collapses, it's going to work, the main hubs will report to the fire department, at the fire department.
- Base radio station, and the communications unit, within our groups, and the ham operators, we have a base radio and portable radios, they're going to take that information, and work with the fire personnel, and determine what level of information should indeed be passed on to those of us that are sitting at the EOC, to order up additional resources, whatever we may need.
- That's what needs to end up at the EOC.
- The other reason why we don't identify exactly where these hubs are, this last year, we spent \$8000 on equipment for these 4 hubs.

- What we don't want to do is advertise where these homes are.
- This is very expensive radio equipment, I don't believe the homeowners that of the ham operators, I don't believe they want their names and addresses out on the emergency plan.
- Unfortunately we have bad elements out there, that could potentially see the fact that oh, here is 70s home that has 2000 or \$3000 worth of antennas another radio equipment, and we don't want to invite any type of crime.
- Quite honestly, people come and go, most ham operators' day on what they're doing, but we don't want to name names and then they retire, they move, they no longer are ham operators and then we identify another group.
- So that is two reasons why we don't advertise location or names of the ham operators themselves.

Councilmember Glass commented as follows so the zones are defined by the county emergency services, right, we did not define those, right? Those zones, sub 001, those were defined by the county, right?

Chief Braga commented no, they were assigned by me.

Councilmember Glass commented I am a little bit concerned that if we are using these to stagger evacuations and evacuate zone one and then zone two, and then zone three. I am a little bit concerned because they are not very balanced population-wise.

Chief Braga commented as follows:

- I understand that, they are not balanced, but they were the cleanest, most effective way of creating 4 zones.
- Fortunately or not, depending on how you like our state highways to come through our city, we use the 2 state highways as the dividing points.
- That is the state highways created the 4 zones for us.
- It was vetted by the county department, Department of Emergency Management.
- They reviewed my proposal, they approved my proposal, we had the final say but I wanted their input because you know, they look at the whole county.
- But they felt that using the two state Hihwasy (12 and 116) as the four main quadrants, even though it was unbalanced, it was the cleanest and most efficient way to split the city into 4 zones.

Mayor Slayter opened the public hearing.

Steve Pierce commented as follows:

- Just really quick, on the cooling centers, I think one of the issues that we encountered with our severe heat wave was the center for the arts closed at four clock during the days when it was open as a cooling center and I'm glad to hear their other facilities.
- We will have longer operating hours.
- In terms of the evacuation, I am concerned, at the high school, they provide the only place with extensive shower facilities.
- I would hate to hear that that might be a minimize site or secondary at best.
- So I'm really hoping that we have the staff reach out and really try to find out what might be available in terms of showering facilities at a minimum.
- Even if we have evacuations occur at the other primary facilities, thank you.

Skip Jirrels commented as follows:

- I am always amazed when I come and sit with you as you do your work. Always amazed.
- I want to support the idea regarding the disaster Council, I would hope you would be able to recall when you're considering the preparedness issues moving forward that we have a large group of interested and talented residents in our area.
- I believe would be ready, willing and able to assist in any way possible in being able to set up for more resilience within the community, including assisting you with the disaster Council, where you choose to include the civic elements.
- Appreciate the fact that that was added back in.

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

City Council Discussion and/or Deliberations:

Mayor Slayter commented as follows:

- I think what we have here in front of us, is an item that feels more like a progress report than a final item that I am personally comfortable moving forward as a first reading, I think -- I don't have a lot of questions as to substance, and is concerned about for, we are trying to move into a document that is easy to understand and follow, and I'm not sure that this is there yet.
- I'm not sure what there is but I'm not feeling that this is a document that I'm ready to move forward in as a first reading.

Councilmember Rich commented as follows:

- This is a lot of work. I think it is, in process. They've done a lot here.
- They were talking about it, proposing a couple of changes.
- A redline copy, not really the final product.
- Much preferred to have a nice clean final that incorporates the changes that the chief mentioned before we move forward.
- Pretty much the uncertainty for me at this point.

Councilmember Glass commented as follows:

- I'm in agreement, I think there's a lot here.
- It seems to me, and with the need to have in the final version.
- Some things that when this finally gets adopted.
- It is clear that we are adopting it rather than having the changes as we go, there's a lot of redlines, if we need to get one final version.
- Is a lot more here than there was. So that is real progress.

Mayor Slayter commented if the Council is not ready to move it forward in a first reading does that mean it gets continued to a date to be determined?

Staff commented as follows:

- Yes, if it doesn't come back to the next meeting as a first reading, it's going to come back later, we would have to reintroduce it as another public hearing.
- You could bring it back at the next meeting and reintroduce it as a first reading again, and the consent calendar the following for adoption, and otherwise we will have to reposted.

City Manager McLaughlin commented as follows:

- I might add if I could, within the new City Council, a learning curve.

- The personnel, going to have to be a top item on the new work plan so to speak.
- Bring it back to the new Council after the first of the year.
- If it is not ready to introduce tonight I think that is where it will land.

Mayor Slayter commented as follows:

- It is what I'm hearing from my colleagues.
- Inconsistent desperate in consensus.
- With feeling like we are not quite comfortable with this is our final document that would be moved forward to a first reading.
- I think that is where we are.

The Council took no action on the agenda item.

**City Council Action: No action taken.**

**Reference Order Number: 2022-322**

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

13. Discussion and Consideration of Approval of Electric Vehicle Charging Station Lease Agreement in the Burnett Street Parking Lot and Finding this Action Exempt from the California Environmental Quality Act (CEQA) Under Sections 15061(b)(3); 15304, Class 4; and 15303 (d) and (e)  
(Responsible Department: (Public Works/Planning/City Administration)

Public Works Superintendent Dante Del Prete presented the agenda item recommending the City Council Discuss and Consider Approval of Electric Vehicle Charging Station Lease Agreement in the Burnett Street Parking Lot and Finding this Action Exempt from the California Environmental Quality Act (CEQA) Under Sections 15061(b)(3); 15304, Class 4; and 15303 (d) and (e).

Mayor Slayter asked for questions of staff.

Councilmember Rich commented this may have been in the staff report, I apologize if I missed it, individuals who are using the chargers, will they be paying a fee?

Superintendent Del Prete commented yes, it is fee-based, I don't know what that is, but it is fee-based for use, yes.

Councilmember Rich commented I hear what you're saying about the materials, to be subscription information, but is your understanding of it, anyone with the EV would be able to use the charging stations

Superintendent Del Prete commented as follows:

- They will be part of an EV network that would be available to all of them.
- Of course we all would like to have Tesla chargers in our city but we are working within the grant, and this is what has been proposed by the vendor.
- I know there were favorable reasons to go with ChargePoint
- Although, during the negotiation process
- ChargePoint fell short from being able to make an agreement.

Councilmember Rich commented are you confident this would be that zero in terms of budget.

Superintendent Del Prete commented as follows:

- The lease agreement is very clear on that.
- It was reviewed by the city manager and attorney and the planning director.
- We slow down the process dealing with some kind of open- ended signage statements.
- They amended based on our recommendations and added to the lease, the statement and a statement that said the signage had to be approved by the host.

Councilmember Rich commented why is this time sensitive; does it have to do with the grant?

Superintendent Del Prete commented as follows:

- Discussed the commitments for engineering for PG&E
- We had met the 30 day and I will read to you the email:
- I'm writing because we have passed the 30 day contract for Burnett Street, can you provide a status
- My answer was it's on the November 15 agenda, carbon solutions has modified the requested language and full intent to move forward with the agreement.

Councilmember Glass commented it sounds like you looked at the other guys, you looked at them, and carbon solutions. Are they the only games in town, or are there lots of potential partners?

Superintendent Del Prete commented as follows:

I know there are other approved vendors.

Discussed carbon solutions

I don't know how to word this without over stepping my bounds and discussed infrastructure and hardware

Discussed charge point

Discussed financial and contractual issues

Councilmember Glass commented as follows:

Are we pretty confident that we are not missing out on some massively better deal by examining some other vendors out there

Or is this six of one and half a dozen of the other, probably fairly equivalent, if there is somebody out there is not going to look like we are missing out, making that on the recharge station

Superintendent Del Prete commented as follows:

I did reach out and try to get some information, because what I did want to know was, Are the proposed drives prone to breaking down. I wanted to know what the complaints are.

And there really has been no single vendor that has proven to have a product that stands above the rest.

You know, even with the current ChargePoint chargers, we've had issues with connection issues and people drive away with the plug in, physical damage, internal components, and the brief research I did, it doesn't seem to be a specific vendor that is above and beyond the rest.

The product being proposed, is not going to be our infrastructure, we don't own and or maintain it.

I understand we want to get the best quality product for our citizens today and in the future.

But the ABB product is something that public works is very familiar with.

We actually request those drives on the well units.

A lot of the VFD drives and motors, we've had good success with them.

But I don't have any history with them and the vehicle chargers.

Councilmember Glass commented it is not like there is a gold standard out there, that every small city is dealing with.

Superintendent Del Prete commented not that I could find.

Mayor Slayter commented as follows:

- Dante and I went back and forth, when we were trying to figure out where this should be on the agenda, and the last minute provision of additional information to him, and I am honestly not quite sure what this even is, you know, from a decision-makers standpoint, it's kind of important for us to understand what this is, and I'm not sure what I -- that I do.
- So PG&E is responsible for getting the electricity from the vault on Burnett Street across the street to the south to the lot, okay, I understand that, and they want an agreement in place, I don't understand why we need to have a decade-long or I guess it's a five-year agreement with PG&E to provide the infrastructure, maybe that's just the way that it works.
- So Sebastopol is a customer of Sonoma clean power, we've gone evergreen with our municipal accounts, which means they are carbon free, and renewable.
- And that is how the city has chosen to source its electricity that gets delivered over the PG&E infrastructure.
- How does that work with these?
- Whose account is the electricity with, is it with PG&E.
- One thing I did want to ask, and we will try to get this through quickly, this is an important topic.
- This is not a done deal for PG&E.
- We need the agreements to go to the next level of engineering review, to finalize this.
- It's no longer feasible.
- So, a contingent upon in-depth site feasibility.
- We can put stipulations on it.
- We don't feel that's the best case for our citizens for the future.
- I think we have some leverage.
- So we talked about our building code several hours ago.
- There are standards for new development, it's not the construction of a multi-family dwelling or anything like that.
- But looking at the requirements and the percentage of parking stalls required, if we just use that as a baseline, a place of conversation starting, the number of parking stalls that are in the lot, and what the percentage of that would need to be meet current welding code, much less the updated code, I'm not sure if that changes at all, but where we are today, this is for charging heads?
- Charging heads, and additional ADA accessible parking.
- There is already handicap parking.
- In order to provide an accessible turning point, one of them will be hashed out to meet the ADA code.
- The four charging heads, that's most likely going to be a fairly rapid deficiency in the number of charging heads that we actually need.
- Three years, five years, seven years down the line.
- I don't understand from these documents, and it's not you, it's the documents.
- I don't know if we have decided that we want to install chargers everywhere.
- Does this preclude us from doing this?
- I don't know if it does or not.

Superintendent Del Prete commented as follows:

- I don't think the grant will allow them to install a bigger service as part of the agreement.
- They will install based on the need of the site.
- If a future development required it, PG&E required it before that.
- I do think the current proposal would support more 50 K units that are being proposed.
- I didn't receive a bunch of pushback.
- 25 minutes is average charge time
- That's about 100 miles, on 90KW, it's more.

Councilmember Glass commented as follows:

- This is kind of baffling.
- I'm not quite sure if we are jumping into something that is going to get us locked into someplace we don't want to be locked into, and we are not entirely clear on what all the options are yet.
- What is PG&E really up to here?
- Who knows what they are up to?
- I'm not blaming you.
- But I am a little baffled about this whole thing.

Superintendent Del Prete commented I'm just trying to take advantage of everything that's available.

Vice Mayor Hinton commented that the city manager said that we have a deadline tonight.

Superintendent Del Prete commented as follows:

- It's not tonight.
- It needs to be soon.
- This could be very late in the process.

Vice Mayor Hinton commented as follows:

- It's late in the process, so I'm just trying to understand.
- Do we go forward, or do we lose the opportunity?

Superintendent Del Prete commented as follows:

- I'm not so suspicious of PG&E.
- If they got the money to process, they got the money.
- But December 6 is a problematic meeting, introducing new topics such as this, after December 6, it was really too late.

Vice Mayor Hinton commented as follows:

- So much for the quick item.
- Install infrastructure, to get part of that money, we've got to get that approved or not approved, correct
- Bottom line
- It has to have been tonight, or we are walking away.

Superintendent Del Prete commented I can't guarantee that.

City Manager McLaughlin commented as follows:

- Everything's not clear.
- It seems to me the downside is pretty slim and the upside is that we get for free charging stations.

- My instinct is to approve this and get these charging stations in, hopefully.
- Get this in process rather than risk losing an opportunity.

Councilmember Gurney commented as follows:

- We have Steve and Lisa here from our Energy Working Group and Climate Action Committee.
- I want their expertise more than I have
- Perhaps they can be of help to us.
- I'm just feeling a little uncomfortable approving something that is not particularly clear.
- I'm hoping they will consult with us.

Councilmember Glass commented as follows:

- I would like to echo that statement.
- I'm hoping that we can be a little illuminated perhaps by some of our members of our Climate Action Committee.
- The other thing to point out, oh, we should get a grant, we should do this, but remember when the city threw away all those computers and got back computers?
- It turned out the mac computers were not compatible with the software we had, and we had to go and buy a bunch of new hardware.
- You want to make sure you're buying this stuff that will be edible in the future.
- We would really like to hear from the public on this.

Mayor Slayter opened the public hearing.

Steve Pierce commented as follows:

- Quite honestly, we are very surprised at the climate midi that none of this ever came before the committee.
- This is what I came up with.
- Our credit cards enabled?
- What's the payment and network that it is a part of?
- Does the user need an additional app compared to what they generally have on their phones now?
- How many public charges have been subsumed - - how many chargers have been installed?
- Is it visible?
- How can we write a lease agreement without knowing which it is?
- The Tesla compatible that we spoke of earlier, 80% of the sales are indeed Tesla's, my biggest concern is to go to the solutions group, it is extremely limited.
- Even Google hits on this are very limited.
- Really, it would have been quite helpful.
- I get that there is a deadline, but this is what we have a climate committee for.
- There certainly a level of expertise that can help dive into this stuff, and I know the city has growing pains, but it really needs to be seen more as a design review, or the public arts committee, there is an opportunity to collaborate, and we would very much like to collaborate with the city on this, ultimately it can save you time at Council meetings.

Linda Berg commented as follows:

- You need to walk away, run away from this.
- Echo in all likelihood, the strategy is to get you to pass this thing quickly before you get it to the right people.



- There is no net zero cost less.
- It's more cancer, more pollution.
- More radiation.
- We cannot increase our exposure to radiation.
- This is definitely something we don't want.
- I'm pleading with you, please table this.
- We've always gotten along fine
- Not only did I donate a gas meter that has never been used, but I offered to come down and again show him how the radiation with my other readers was, and they didn't take me up on it.
- Please reject this, thank you very much.

Lisa Pierce commented as follows:

- Just one more question to add.
- What percentage of these chargers are actually operational?
- How many are down?
- This has been a real problem with chargers not being well maintained and actually not being in service.
- That was just another question, thank you.

Mayor Slayter responded to public comments:

- Credit Card Question: Staff stated they would need to look into this.
- Do you know how many chargers this company has installed and killed on you and what their maintenance and operational percentages are? Staff stated I don't have anything.
- How can we sign a lease agreement without knowing the size of the chargers, the capacity of the chargers? Staff mentioned a number of times that they seem willing, but it was not written down.
- Are these Tesla compatible chargers? Do we know? Staff stated they would need to check into that

City Council Discussion and/or Deliberations:

Councilmember Rich commented as follows:

- They have 21 charging stations.
- It is distributed among five different ones in California, not a lot of coverage.

Councilmember Gurney commented as follows:

- There is a presentation of some urgency here, but the sentence that I heard, Dante that Reddit, can you tell us your status?
- I don't feel that same sense of urgency here.
- Did someone have something to say?

Superintendent Del Prete commented I don't have a dropped dead date, but I did reach out, I did have a 30 day notice, October.

Councilmember Gurney commented as follows:

- I got that, but you haven't been rejected, they haven't said we need to hear from you by a certain date or we are throwing your application away.
- There's only 20 one of these in the whole state.
- It sounds more like they are fishing for customers to me.
- I have this uncomfortable feeling, some of us will remember, we were dealing with PG&E on the lights, I was standing there with the contractor guy, and it was clear they had some deal between them going,

and they were trying to pitch them something, but it wasn't obvious, and I have that same uncomfortable feeling now.

- What is really going on here?
- I don't know.
- In addition to that, we just had a comment from our energy working group on the climate action committee, why not have them run people down?
- It's almost 11:30 at night when we don't make our best decisions, I don't want to make a regrettable decision that is not well fraught through.
- This is not neat and tidy, this is not transparent or clear to me at all, so I'm disinclined to take action tonight, and wanting perhaps to send it to the energy working group and climate action committee for review and help.

Vice Mayor Hinton commented as follows:

- I second that, we are at 11:20, I think the Council is going to move on this, I think we should end the conversation and send it back to the working group.
- It doesn't appear there is a hard deadline.
- It shouldn't be the last action this Council takes at 11:20 pm our last Council meeting.
- I'm ready to wrap it up, and regretting saying we should go forward.

Councilmember Glass commented as follows:

- I am in agreement.
- Since we have this kind of amazing group of people with a lot of expertise that I completely agree should be utilizing that expertise, and get some help with vetting the direction we should go in, as far as installing these charging stations, let's not go buying another set of Macs for the accounting department.

Councilmember Rich commented as follows:

- I want to say thank you to Dante for his expert X efforts here.
- I'm incomplete agreement with everyone and would love to see this bumped back to the working group and climate action committee to get their input, and if we lose this opportunity as a result, we just have to pursue others, but it's a risk that we need to take at this point.

Mayor Slayter commented as follows:

- I agree with everyone.
- I think there are too many unknowns for this Council to feel comfortable moving forward.
- It is not necessarily a matter of being comfortable.
- It is simply a matter of understanding what we are trying to do here.
- I agree, I will also heartily recommend that Sonoma Power get looped into the conversation.
- They have a staff member that is well known to members of the CAC, experts in charging systems who have already offered a little bit of advice to me on this topic, and they are ready, willing, and more than able to provide professional input and advice.
- That's where we are with this, and that will end this item.
- I feel bad that this isn't the last thing.
- I'm the one who has been pounding the nails so hard.
- That's where we landed with this one.
- It is 11:26.
- I highly doubt that we are going to get five thumbs up to move forward with reports.
- There we go, there's the first one.

- That's all I need to see, everyone else can stop.
- We set a bit of a record with four public hearings and some long items, I appreciate everyone's energy and willingness to stick around for this last one.
- I think it landed in a good spot.

**City Council Action: No action taken.**

**Minute Order Number: 2022-323**

The following items were not heard due to the lateness of the hour.

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

14. City Manager-Attorney/City Clerk Reports: (This will be either verbal or written reports provided at or prior to the meeting):
15. City Council Reports/Committee/Sub-Committee Meeting Reports: (Reports by Mayor/City Councilmembers Regarding Various Agency Meetings/Committee Meetings/Sub-Committee Meeting /Conferences Attended and Possible Direction to its Representatives (If Needed) on Pending issues before such Boards)  
(This will be either verbal or written reports provided at the meeting)
16. Council Communications Received
17. Future City Meeting Dates/Events (Informational Only): (See City Web Site for Up-to-Date Meeting Dates/Times)

**CLOSED SESSION: NONE**

**ADJOURNMENT OF CITY COUNCIL MEETING**

November 15, 2022 City Council Regular Meeting will be adjourned to the Regular City Council Meeting to be held December 6, 2022 at 6:00 pm.

Mayor Slayter adjourned the November 15, 2022 City Council Regular Meeting at 11:26 p.m. to the next regular City Council Meeting to be held December 6, 2022 at 6:00 pm. Zoom Virtual Meeting Format.

Respectfully Submitted,

Mary Gourley  
Assistant City Manager/Attorney/City Clerk