

City Council

Mayor Neysa Hinton
Vice Mayor Diana Rich
Sandra Maurer
Jill McLewis
Stephen Zollman



Agenda Item Number: 2

City Manager

Larry McLaughlin

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Assistant City Manager/City Clerk, MMC

Mary Gourley

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City of Sebastopol

CITY COUNCIL MINUTES
MINUTES FOR Regular City Council Meeting of **March 7, 2023**

As Approved by the City Council at their regular meeting of March 21, 2023

The City Council Regular meeting was held in Person and by Remote/Virtual Teleconferencing Pursuant to Current Brown Act Rules and Regulations.

6:00 pm City Council Regular Meeting

In Person Location: Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472

Remote/Virtual Zoom Link:

<https://us02web.zoom.us/j/82044121045?pwd=eINxWXRnRjlsNlZaUHNGaWhpV1ZhUT09>

Please note that minutes are not meant to be verbatim minutes and are meant to be the City's record of Actions Taken (Approved Motion of Agenda Item(s)).

Call to Order: Mayor Hinton called the Special meeting to order at 10:01 am.

Roll Call:

Present: Mayor Neysa Hinton
Vice Mayor Diana Gardner Rich
Councilmember Sandra Maurer – Attend by Remote/Virtual Teleconferencing in Accordance with AB 2449
Councilmember Jill McLewis
Councilmember Stephen Zollman

Absent: None

Staff: City Manager/City Attorney Larry McLaughlin
Assistant City Manager/City Clerk Mary Gourley
Administrative Services Director Ana Kwong
City Engineer Mario Landeros/GHD Toni Bertolero
Interim Fire Chief Jack Piccinini
Planning Director Kari Svanstrom
Police Chief Ron Nelson
Public Works Superintendent Dante Del Prete

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

PROCLAMATIONS/PRESENTATIONS:

The following were presented:

- Years of Service Certificate - Jacques Levesque – 15 years (Police Department)
- Proclamation – Proclamation Proclaiming and Recognizing March as Red Cross Month
- Proclamation – Proclamation Proclaiming and Recognizing March 19-25, 2023 as National Surveyors Week

Agenda Item Number: 2

City Council Meeting Packet of: March 21, 2023

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- Proclamation – Proclamation Proclaiming March as Women’s History Month

Reference Order Number: 2023-061

STATEMENTS OF CONFLICTS OF INTEREST: Conflicts of interest may arise in situations where a public official deliberating towards a decision, has an actual or potential financial interest in the matter before the Council. In accordance with state law, an actual conflict of interest is one that would be to the private financial benefit of a public official, a relative or a business with which the Councilmember is associated. A potential conflict of interest is one that could be to the private financial benefit of a Councilmember, a relative or a business with which the Councilmember is associated. A Councilmember must publicly announce potential and actual conflicts of interest, and, in the case of actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue and must remove themselves from the dais.

There were no stated Statements of Conflict of Interests.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA (FIRST COMMENT PERIOD):

Up to Twenty (20) Minute Time Limit (Two Minutes for up to ten speakers). Additional public comment will be held at the end of the discussion and action items for up to an additional twenty (20) minutes. Mayor has discretion to allow for additional time beyond the 20 minutes allocated for public comment dependent upon the subject matter or number of speakers.

Process for calling on Speakers: Mayor or designee shall ask for public comment as follows: Speakers to be called on in an alternate manner (One speaker in person to be called on first; then one speaker remote to be called on second with additional speakers to be called on in the same manner) based upon the time limit.

In person comment:

Kyle commented as follows:

- Sebastopol resident
- For the last 3.5 years I have been attending Sebastopol City Council and regularly have spoken about our need for continuing the process that began in the middle of the summer of 2020.
- The summer of 2020, our city decided in the midst of Black Lives Matter and what happened with George Floyd to look at policing in our city.
- There was many chances for the public to speak and we saw record sold-out attendance to our City Council meetings.
- During that time we made headway in progress as to a frame of the Sebastopol Police Department.
- However, it was very quick for that Council to step away from those proceedings and many of the things that they voted in have not come to light.
- One of the things that was apparent in this was Jerry Threet who completed his report and that report was delayed for months from the public.
- During the procedures of 2020, it was agreed upon by the Council to have the citizen oversight committee however that citizen oversight committee never came to fruition.
- It was delayed and delayed to the point where once sitting City Councilmembers talking about policing was gone. What I am calling for now we have a Council is to continue to process the process that began three years ago.
- Our police budget is the highest per capita of any municipality in Sonoma County.
- We have yet to receive an answer as to why that is the case. The only answer is that we are a tourist destination of some sort.
- That to me is not an explanation of why we have the highest per capita.
- At the time, 2020, you asked for a fiscal audit that has not come to fruition

Zoom Comment

Roberta commented as follows:

- In light of the last speakers concern or actual complaint, I would like to suggest that City Council open up a citizen's review panel or committee .

- I come from a Quaker background, everything done is done by committees
- I live at the senior community off of Bodega and I would love to see that happen.
- I would support that.

In person comment:

Martha commented as follows:

- I'm here to talk about some concrete requests that I have for the Council.
- I'm going to write it up and send it in as well.
- In light of the myriad of radiation that is in the town at this point, and believe me, this is not what I wanted to be spending my life talking about.
- When you have a disability and when you have something that is physically painful that recurs, being in this room is one and it is hard to be in here and I don't want to stay for long, fortunately, but you don't want this.
- No one is asking to feel like they are sensitive and those of you who don't or don't feel tingling when you hold your phone or have no awareness of any of it, blessings on you.
- I used to use all of my technology and I have had my house tested during the last 12 years and I have had my registered meters but even so, while my mother was in hospice I was using the phone in the car. I realized there have been several incidents beyond around that time where I just felt a lot of pain and misery.
- I am dreading, I have been dreading the wireless meters going in the ground.
- I have been talking to people and people don't know about the opt out point I would really like to have a delay of stay for now on the wireless meters going in because people are not aware of it.
- I really appreciate that the city put a button on the homepage for that. Most people that I talked to in the neighborhood don't even know.
- I'm going to send some requests and I would like the Council to please take up making an ad hoc committee explaining what this is all about.
- The metering and identifying stuff all the way from my house to the other side of town, the amount of ready radiation that is already here is horrendous and it would be really cynical just to say those little things in the ground are not going to do anything else
- There is already so much. I think it is time for us to look at what is going on in the center of town, that is horrendous.
- People have watched that get more and more radiation and elsewhere.

Zoom Comment

Linda commented as follows:

- Thank you very much Martha for speaking on this .
- This is a huge topic that people have been misled too much.
- I also want to talk about the wireless water meter issue and I would like to point out to the Mayor and City Council what they are doing and what you are doing is polluting
- Discussed the corporate profiteers who profit at the expense of the loss of our money and health.
- To be clear with you their gain is from our pain.
- As several of you know, I live in a shielded apartment wrapped up in hundreds of dollars worth of shielding and my entire apartment is shielded from the outside
- You are facilitating and enabling the purchase and installation of water meters and you are adding to the increasingly toxic levels of pollution and radiation in Sebastopol and our environment.

- You are betraying many people and your constituents who are intelligent people who spoke up with intelligent comments on the bogus water meter survey
- They are pieces of junk and the service monitoring and surveillance by the Chinese government that have a built-in backdoor on all the electronic devices. These are made in China.
- They are replaced every 5 to 7 years, they are pieces of junk

In Person Comment:

Darryl commented as follows:

- I have lived in Healdsburg for 41 years.
- I just moved to Sebastopol and I wanted to see what the evolution, who runs the city and who runs what in this town.
- I don't have anything to say other than the fact that I just moved here.
- I am outside the city limits again
- I'm interested to see how the city works.
- I know a little bit about this territory but I just wanted to meet everyone and see everyone
- I am, kind of, surprised how everyone is scared to be in person I guess, but the governor is not.
- The radiation and stuff, I did not know about that.
- I am really happy to be here in Sebastopol, I think it is a very unique community and I think you are all lucky to live here
- But I will say one negative thing about the town. The roads.

CONSENT CALENDAR: The consent agenda consists of items that are routine in nature and do not require additional discussion by the City Council or have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council requests that the item be taken off the consent calendar.

The Mayor will read the consent calendar items; ask if a Councilmember wishes to remove one or more items from the consent calendar; and then open public comment to the members of the public in attendance. At this time, a member of the public may speak for up to three minutes on the entire consent calendar and request at that time that an agenda item or items be removed for discussion.

If an item or items are removed from the consent calendar, the item shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tern.

Councilmembers may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration and shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tern.

Mayor Hinton read the consent calendar.

Mayor Hinton opened for public comment on consent calendar items only.

In Person Comment:

Kyle commented as follows:

- This is in relation to transparency in government.
- One of the items particularly leave the lighting assessment has in the agenda that there is no fiscal impact but it does state that we are appointing an engineer record
- It is not quite clear how the appointment of engineer of record which I assume they are going to be paid does not have any physical impact on our community
- If there can be a description of why that is the case or in the future when you have items like this, please provide the details of the as to why it is not physically infecting us
- Or actually provide us the actual physical impact, how much is this engineering from getting paid for this? Is it coming out directly from the use of the public because sure the city may not feel fiscal impact of having during an engineering firm if those costs are being deferred to the public for those fees.

Linda commented as follows:

- Kyle comes up with an excellent point .
- The thing is, with me, I need more information on a lot of this stuff. Like item number three
- Because you know I am computer free, phone free and largely free of electricity so I lack access to the information that is supposed to be accessible to all of us as the public.
- I am requesting that Mary you come up with a way and I am suggesting because normally the only way I get these agendas as I go over to mail centers and happily pay \$.13 a page for stuff to be printed out after I call the city and ask them for the agenda.
- This is the thing I'm thinking is I would like to have the same package at the City Council members get more or less so that I can have the same information that the rest of the public has and that is without having to pay a bunch of money.
- Discussed fiscal stuff and pointing out that these LEDs that have been foisted on it, they cause retinal and high damage and in Florida, they have entire hospitals devoted to retinal treatment alone. So, this is just one more way that I am sorry to say, city Council is buying into

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

Councilmember's Request(s): Councilmember Zollman requested Item Number 3 be removed for comments received by City staff based upon questions asked by Councilmember Zollman.

Council Comments:

Councilmember Zollman commented as follows:

- Bearing in mind the number of questions that received from the public about how much we actually do put up for consulting work, I get sent an email to our finance director within that context asking is this engineer work that could be done in-house
- The response was that she did not think that this work could be done in-house.
- Then I asked who NBS is as I had no idea and I don't know what it stood for and I didn't know whether we worked with them before
- She did say that we had worked with them in the past which made me feel a little better, I just wanted to provide that context.

City Manager/Attorney McLaughlin commented as follows:

- I do believe it is paid from the assessments which are collected
- We are required to have an engineers report done to verify all of the addresses , the parcel numbers and the amount of assessments to go to each one of those parcels
- The Administrative Services Director may have a cost and if it is approximately the same as previous years or if it sounds like an annual requirement

Administrative Services Director Kwong commented as follows:

- I apologize, that was my oversight for not including the cost of the service from NBS
- The Budget Committee heard and it is built into the budget as part of the calculation for the amount of assessment that the city will do and the annual cost is about \$6000.
- This is similar to last year
- In the past it was done by Joe Gaffney (former City Engineer) who did the assessment for almost twenty years
- Joe Gaffney retired and GHD came on board but this is not something they could take on

- NBS is the consultant that supports the City for the Woodstone Assessments and City felt it made sense for them to support the City for the lighting and landscaping assessment
- They do this for other agencies as well
- It was an easy transition and there fee last year was \$6000

City Manager/Attorney McLaughlin commented that Joe Gaffney was the former City Engineer, he was a paid consultant, a paid contract employee and was paid by the hour.

Mayor Hinton commented she appreciated the fact that Staff indicated this was an oversight.

Vice Mayor Rich commented as follows:

- A follow-up question on the same topic just for purposes of clarification for the public, and us, are the developer fees paying the \$6000 cost
- Are those developer fees going through our general fund or are the developers paying directly to NBS for this service?
- Can you explain to us what that process is, where does it show up in the budget
- My understanding and correct me if I'm wrong is that the six thousand dollar amount is being paid through fees that are assessed against individuals in the community.
- I thought it was developers so, how does the \$6000 being paid is of being paid out of the general fund or other sources?

Director Kwong commented as follows:

- It is being paid at is the assessment district.
- As we put together the work, they will put together engineering reports and we also look at all the expenses that it would cost in the lighting and assessment district and how much including PG&E and including staff that was allocated to that fund including this contract services and how much it would cost in total and divided by how many parcels
- That will determine the amount of assessment that will go forward.
- This is just the first component of this assessment that is done annually, that we do for the lighting district.
- It is not a developer that comes in and pays a fee. This consultant is part of this budget building and that is what we are starting now.

Vice Mayor Rich commented thank you for the clarification and it sounds like these amounts are paid for parcels and it is the parcel owners who end up paying their portion of this fee.

1. Approval of City Council Meeting Minutes for Meeting of February 21, 2023 (Responsible Department: City Administration)

City Council Action:

Minute Order Number: 2023-062

2. Approval of City Council Special Meeting /Closed Session Minutes for Meeting of February 27, 2023 (Responsible Department: City Administration)

City Council Action:

Minute Order Number: 2023-063

3. Approval of Resolution Appointing the Engineer of Work and Directing the Preparation and Filing of the Engineer's Report and Describing Potential Changes to the City of Sebastopol's Lighting Special Assessment District for FY 2023-2024 (Responsible Department: Administrative Services Director/City

Engineer)

City Council Action:

Minute Order Number: 2023-064

Resolution Number: 6517-2023

MOTION:

Councilmember Zollman moved and Councilmember McLewis seconded the motion to approve Consent Calendar Items 1, 2, and 3.

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: None

Absent: None

Abstain: None

INFORMATIONAL ITEMS/PRESENTATIONS: NONE

PUBLIC HEARING(s): NONE

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

- 4. Consideration of Direction to Staff on Palm Avenue Improvements Project #0519-22.03 and finding the project exempt under CEQA Section 15301(c) (City Engineer/Police Chief)

City Engineer Mario Landeros presented the agenda item recommending the City Council receive a presentation, and provide direction to staff on the Palm Avenue Street Improvements CIP (Capital Improvement Program) Project #0519-22.03. The purpose of bringing this project to Council is to reassess the need for the project. During the design process, the need for one-way traffic on Palm Avenue was re-evaluated by the City’s ad hoc traffic safety group. The group meets on an as-needed basis and generally consists of the City Engineer, the Police Chief, the Public Works Superintendent, and the City’s traffic consultant (W-Trans). It was also discovered, during the design process, that the cost for installing a new sidewalk and roadway improvements would be more costly due to right of way and utility issues and the condition of the road base on the north edge of Palm Avenue.

Mayor Hinton asked for questions from the City Council.

Vice Mayor Rich commented as follows:

- Vice Mayor Rich commented as follows:
Thank you for that presentation, that was very hopeful and also for the thorough report.
- I noted in this report the word debatable was repeated many, many times.
- My question to staff at this time and I think I know the answer but my question to staff is looking at this with fresh eyes, the impression I get is that staff would not be recommending that this item continue to be placed on the CIP list.
- It sounds like circumstances have changed such as the striping by Caltrans and converting it to one lane as well as it looks like new eyes have determined it really is not a priority
- Am I correct in that? Is staff not feeling like this is something that should be recommended if you were to take an independent view

Mr. Landeros commented as follows:

- That is the general view that given the complexities that we are dealing with, the constraints and the additional cost

- Also I light of the changes that took place on the state highway and the reduction of these types of collisions, yes, with fresh eyes views, it appeared the need was not as urgent as it was a few years ago

Police Chief Nelson commented as follows:

- I will be glad to chime in from the traffic safety and policing perspective.
- We ran the data for accidents at that particular intersection over the last five years and there were only five collisions.
- Not to minimize those that we wish there were no collisions. But of the five, two were injury accidents and in that five-year period, it also covered a period of time that it was with the bike lanes and the merging of the two lanes.
- One of those injury accidents was during that time. Of the remaining three, two of those were characterized as minor collisions and property damage only, no humans were injured
- From a traffic accident standpoint, the numbers don't indicate that that is a significantly dangerous intersection at this point and none of the accidents that have happened involved pedestrians at this point.

Mayor Hinton commented as follows:

- Do we have traffic counts for that road?
- How many people daily to we see travel on Palm Avenue and are driving it and if we do, do we know how that compares to our other side street that are in that area
- It is a terrible street, if we just saved it, have we done any estimates of what it the pavement project with no changes would be at this point?
- If we were to approve this project and move forward, do we have a rough estimate what you are going to come back to us with as cost

Steve Weinberger, W Trans, commented as follows:

- We don't have counts for that.
- I have a good feel for the volumes living locally here and of all of the cross streets that you talk about , Burnett at the north end and everything south of 12
- Burnett at the north end of that would have the highest volumes and I think Palm is probably, not on the lowest but Walker might be the lowest. But the volumes are all considered low-volume roads. Less than 2000 vehicles a day would be considered a low-volume road.
- I will just reiterate Chief Nelson's findings are the same findings we had and have seen in the safety study for this that the number of collisions at this location was not significant and the change of the striping alleviated a lot of that and helped with the collision history in the past.
- The word debatable was mentioned and that might have come from me.
- In our assessment of this, we said that the need for the improvement was debatable because the only compelling reason we could see was pedestrian safety issue.
- Those vehicles making a left from Palm to northbound Petaluma are looking to the right and mostly may conflict with a pedestrian.
- This compared to Burnett, much lower pedestrian volumes and the vehicle and pedestrian getting there at the same time is minimal.
- Drivers should be following the vehicle code and yielding to pedestrians.
- Because of the low pedestrian volume, we determined that a debatable , it was not a clear need for the changes.

- I want to give credit where credit is due to Vice-Mayor Rich who brought up the debatable word.
- But just on a follow-up with Burnett, does it have the flashing beacon
- The same beacon as compared to the Palm crosswalk
- Is there no flashing beacon at that left turn

Mr. Weinberger commented as follows:

- Yes, to be clear, there are currently no signs or flashing begins at the Burnett location
- The 116 safety study from a couple years ago identified that as a very high priority and now that is part of the funding program
- That has been designed and waiting for the funds to install the flashing lights there where there is already flashing lights at Palm
- The Burnett location was in much more need of improvements like that.

Mr. Landeros commented as follows:

- As I mentioned , the budget includes \$120,000 construction costs and we have right now, estimated that we would be coming back for increasing that budget up to \$148,000
- That is an increase of \$28,000
- Street portion: it is at approximately \$70,000 for that stretch of road.
- On the sidewalk improvement are looking at about \$60,000 for sidewalks. That is part of the complexity because without getting too much into the weeds, utilities are primarily the existing power poles and guidelines and so forth that create a challenge for complying with A.D.A.
- We have looked at solutions that would pump out the curb and gutter particularly adjacent to the one resident on the northeast corner to be able to fit these improvements. It does drive costs up quite a bit to make that happen. It is not a matter of going in and filling in some holes. Because we have to be compliant with the A.D.A.

Vice Mayor Rich commented as follows:

- Regarding the repaving, it is my understanding that the city has a priority list in terms of repaving
- I think what we heard was a suggestion that if this project does not move forward and if we remove it from the CIP, this stretch of street would be integrated into that priority list for repaving
- Am I correct in that assumption

Mr. Landeros commented yes, you are correct but I will add to that in the prioritization plan, it is already included.

Vice Mayor Rich commented as follows:

- The reason it is important to me is because and I think the public and City Council is that my understanding that in prioritizing that list, there are all variety of factors that are considered to determine which street or which section of street in our city needs to be repaved first
- You as staffing consultants have actually prioritized that list based on a variety of factors
- Is that correct

Mr. Landeros commented that is correct.

Councilmember McLewis commented where in that list does this fall.

Mr. Landeros commented as follows:

- I did not identify where it would fall on the prior organization but I did indicate that the street is included in the management program
- That is the program that looks at a variety of factors and looks at different funding scenarios and tries to create or, with a funding scheme for the Council to review and make determinations on prioritizing.

Councilmember McLewis comment ed is it easily accessible to let us know where does fall?

Mr. Landeros commented as follows:

- We do have the last program pavement management program and it is an instrument has to be revised regularly , updated, and certified.
- That is one of the elements that keeps us eligible for federal funding.
- We are currently in the process of updating that program.
- It had fallen out the last few years and we got it back up and going and we are planning to bring it to the Council.
- Right now I am targeting a meeting in April to ring that back for the Council's discussion. It is in draft right now.

Mayor Hinton commented as follows:

- I think it would be helpful if you have anything that you can share with us when we come back to Council, it would be great to have a sense of where this might fall.
- I would like to know that also.
- Even if it is not exact, if you have a draft, I understand that it might not be exact

Mayor Hinton opened for public comment. Consideration of Direction to Staff on Palm Avenue Improvements Project

In Person Comment:

Kyle commented as follows:

- Councilmember mentioned new eyes and that is the case here.
- Since the Capital improvement project was approved in July 2021, we have a new engineer, we have a new police chief and we have a new Council.
- But let's not forget that there was a Council who approved funding for both the resurfacing the sidewalk replacement as well as the restriping to create a one-way street. But that is likely to be abandoned.
- What we did not hear is any specifics about collisions. The agenda item cuts off at 2020, in particular, I would like to learn about any collusion since in July 2021 when Council agreed to take care of this issue that was known at the time.
- It was presented as pedestrian usage being primarily downtown ignoring the fact that there is a sidewalk out at that location restricting access for pedestrians to make it onto the street
- Other pedestrians' projects in the City were mentioned such as what? What has been completed since July 2021, for pedestrian access improvement.
- City has failed to have sidewalks installed by its property owners within the initial configuration when made, does that then require the city to be responsible for the creation of the sidewalks that the property was committed to at that time?
- City pavement program, what exact priority projects has this program completed since July 2021?
- At a recent Planning Commission meeting a topic was discussed of making Highway 116 to two way
- I would love to see or hear about how that proposed project and joins with this item as well as the Burnett Street

- Finally, there was a prioritization argument suggesting that this would get put into the prioritization process
- We have a process for things like vehicle placement but this Council has taken action to provide vehicles to police and preferred departments outside of this project or the other projects.

Zoom Comment:

Katie commented as follows:

- I just want to express my desperate support of this proposal.
- After elimination of the second lane on Petaluma Avenue, the amount of traffic dumping into the street has become more challenging for us.
- I work at home and am forced to hear and see it and I hear a lot of near misses and screeching tires.
- Even accidents as mentioned due to people making reckless judgments due to excessive wait times to enter into the flow of traffic.
- I see my neighbors forced to make hazardous exits from the driveways due to every possible break in traffic being plugged in by the incoming from both sides of palm Avenue.
- I'm not as brave so I give myself 10 minutes to get out of my own driveway and it really does take that long sometimes.
- I find that unreasonable, unacceptable, and unsafe to the people that live here

In Person Commented:

Darryl commented as follows:

- What I wanted to know was if there is online somewhere where they prioritize this.
- He did not seem to realize what was in this process and this gentleman seems to know a lot about what the process is and I don't.
- I have not been on Palm Avenue but now I'm going to try for sure because it looks like it tease in on one end and dead ends on the other.
- I don't know where you spend your money but I'm curious about what projects are because again, your roads, they are the worst roads in the county
- They are the worst roads in the county, trust me.

Zoom Comment:

Alana commented as follows:

- I first want to thank City Council for visiting this issue
- I live three houses up from the split and as Katie said, it is almost impossible to get out of our driveway ever since the restriping happened.
- It has been an absolute hazard and I am interested in seeing the data on the number of accidents because I suspect that that might be like our data - our truck was hit last week and I suspect that some of the accidents are not getting reported.
- I would really invite additional study to our corner a little bit more and would love to have City Council pop by and see exactly what we deal with each day.
- As Katie said, it is almost impossible for us to get out of our driveways, we do wait 8 to 10 minutes every day every time we have to leave our driveway and part of the problem is that someone turning in from Palm and turning onto Petaluma Avenue fills that gap and there is no space for anyone to get in.
- It is a constant flow of traffic because of the restriping project did bring us down to just one line. So all of the traffic flows straight through there.
- I would like to also bring to Council's attention that we see in your near misses in the crosswalk constantly.

- Although it does not get the same number of cars coming through in the same number pedestrians, it is still used quite currently.
- We walked daily and we see other pedestrians and other dog walkers and as Katie said, folks are so anxious to get into traffic that they have a difficult time seeing and it really does cause a lot of hazards.
- So, I really would like to invite more study and also just want to say that there is a lot of life that happens on this corner and we would invite folks to really take a look at what is actually going on down here.

There was no further in person public comment.

Zoom Comments:

Linda commented as follows:

- I have been down there with my meters and that is just one of the worst areas in town from an electro pollution radiation point of view
- Those three blocks on Petaluma Avenue are historic, what I think is called historic Sebastopol
- It is just awful and I know several people who have died from cancer, the neighbors are prisoners there.
- If you are a pedestrian going to the area or a driver, it is like running a gauntlet, the radiation there is extremely high. Both the magnetic fields from the power lines and the radiation that comes from the tower, the cell tower behind what used to be the hospital
- The City knows about it and other City Councilmembers know about it. There was a study more or less done with the Palm Drive residence there.
- We need to have A.D.A. compliance for the rest of us were getting assaulted by radiation and all it takes is just an acoustic meter and gas meter which I would be happy to loan to anybody who contacts me. You can take your own measurements point

Taylor commented as follows:

- Thank you so much for bringing this up and I can share my expense living here
- Palm is like a racetrack point and when cars come from 116 to take a right to Palm or from Palm up in the neighborhood
- It is quite a speed situation there.
- It is myself and my eight-year-old daughter that live on the corner and when we cross the street and we go on that little park, it is been many times that we have to duck and weave from cars.
- I can just share my experience but being that I see day in and day out since I'm self-employed and work from home, I have seen many, many close encounters right there at the crosswalk.
- It is daily and it is scary. I really hope nobody gets hurt.
- Through my experience in seeing it, it is pretty close. So, I really appreciate that this topic is being brought up
- I think we all want the same thing, it just looks differently.
- I really appreciate you guys bringing this to the table and yes, the road is horrific.
- I sent out an email recently and just wanted to touch bases but I also took action and bought some asphalt and started filling up holes because it is pretty horrendous. But I appreciate the time and I appreciate all of you and what you do for our time town and thank you so much.

Mayor Hinton responded to public comments as follows: Priority List/Ranking on List for this street

Mr. Landeros commented as follows:

- I have been scouring through a draft and it is still in draft in the honest truth on that is it is pretty challenging right now because the way this report is set up, it is looking at different funding scenarios depending on the city's goals
- For example, lending scenario to raise the overall network pavement condition index , PCI by five points within a five-year period
- PCI is a measurement determined on the rate.
- I think a gentleman mentioned the city or streets being low in the county. We are looking to try to raise the overall network of the city's pavement condition.

Mayor Hinton commented I understand the ranking a little because we just got the improved friending before the major street but the small city streets, are these generally things that we are going to receive some funding for or are these , generally speaking, the city's responsibility

Mr. Landeros commented generally speaking, they do not fare well for federal grants or other funding that the City can obtain and it is the gas tax or revenue sources, but it does fall on the city's funding capacity to address them.

City Council Discussion and/or Deliberations:

Mayor Hinton commented as follows:

Mayor Hinton commented as follows:

- This is a tough one for me. It was a tough one the last time, I sat on the Council before and we discussed this at length. The street does need to be repaved. I do fear, as a member of the public brought up that we have been talking about the street for a while and if we throw it on a list and the project , we will be talking about it for a couple more years I also have heard loud and clear that the sidewalks are typically the responsibilities of the property owner so it does not feel responsible and those are typically done when improvements are made and it does not look like there have been a lot of new improvements on the street because I drive that street every single day. I do make this drive coming to the Council meeting. This is from my home. And I do cross across from Litchfield and I go on Palm and I turned left and I look at that sidewalk , which I have been watching since we have been discussing this and it does have a beacon unlike the Burnett Street which meant to me, seems more heavily traveled. So, it is hard to justify, like , for public safety , would it be better served to put a beacon at Burnett Street or would we be better served to just pay the not too sidewalks or where would we be better served. So, just asking the questions. It would be the only street in that lineup that would be one way which would also, to me, I shared this the first go round seems confusing to our public good we have one , one way but everything else is two ways. And how Sebastopol for those of us that trouble streets all the time, I have seen cars go the wrong way on the one way as I am trying to fly them down.

Vice Mayor Rich commented as follows:

- Yes, this is a tough one, there are individuals who really feel a sense of risk at this intersection. For me, I look at staff and I think about all of the ministries in terms of the repaving question. Has anyone been on Mary's Lane? There are a lot of streets in town that need to be repaved and I think it is reasonable to rely on staff to prioritize all of those various needs in terms of repaving. In terms of the CIP issue that is really before us tonight and whether this entire project should go forward , you know, I understand from the public and it is ironic that the change in the striping of the streets has actually created a difficult situation for some of the residents who are living right there on 116, we heard from them. But we also heard in terms of the risk to individuals who are in the crosswalk as a result of cars turning left that, in fact, it has reduced the risk. So, in terms of this project, I think we have a changed condition and I think we have

new eyes and I respect those new eyes and they also note that there was a new consideration raised about the potential degradation of the pavement on that street which would be very ironic. So, on balance, I would choose not to move forward with this project and I would choose to have staff integrate the pavement plan into the prioritization and I would have us look closely at the priority list in April. We did it last year the last time around too. That is my perspective on it.

Councilmember Maurer commented I'm just going to agree with everything that Diana just said.

Councilmember McLewis commented as follows:

- I drive that road multiple times a day and am quite aware of that condition.
- I have met Taylor and I know that he has filled holes out there I see him out there.
- It is concerning to me and things have changed since the restriping.
- During my campaign, I walked that street quite a bit and I think everyone I spoke to on the street expressed their concern about the speed but also the backup. Depending on the time of day, you have two different scenarios
- It is a challenging street to get on, I drive there every day going to school.
- I also share the concern that if we don't do it now, it could get pushed back and pushed back and since we have been talking about this for how many years, I don't know, this is a tough one in my opinion.
- I would like to see it paved. I think that, at the very list is something that needs to be done.
- Where is this in the priority, we have not heard that so it is hard to consider that tonight because we don't have that information. I think it is really tough. It is a tough street and I appreciate all the feedback everyone has given because in my opinion, it is very valid since I experience it every day.
- That is where I am at. What is the cost and what it is going to boil down to.

Councilmember Zollman commented I will agree I think it is important as far as a safety risk we have heard from a number of people that we rely on, the rest is low for pedestrians there.

MOTION:

Councilmember Zollman moved and Councilmember Maurer seconded the motion to direct staff to remove the project - Palm Avenue Improvements project – from the Capital Improvement Project.

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

VOTE:

Ayes: Councilmembers Maurer, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: Councilmember McLewis

Absent: None

Abstain: None

City Council Action: Directed staff to remove the project - Palm Avenue Improvements project – from the Capital Improvement Project.

Minute Order Number: 2023-065

Vice Mayor Rich commented as follows:

- Mr. Landeros mentioned that he expected to just bring us the priority list, overall priority list in April
- Is that an estimate
- Can we ask you to expedite that so we actually do see it in April because we are hearing a lot of concern from the City Council about that list and I expect it will be close examination of it.

Mr. Landeros commented as follows:

- Yes, that is the target.
 - We also have a deadline we need to certify it with the state in April.
 - In all likelihood, it will be the second meeting in April
5. Discussion and Consideration of Adoption of Resolution Opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act. This ballot measure: This measure calls for stricter rules for raising taxes, fees, assessments, and property-related fees that fund critical local services; The measure puts at risk the billions of dollars currently dedicated to funding critical local services by creating new mechanisms to challenge or repeal local revenue-raising measures; it could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services that support homeless residents, mental health services, and more; and reduces funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, and utilities. (Requestor: Agenda Review Committee)

City Manager McLaughlin presented the agenda item recommending the City Council approve and adopt Resolution Opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act. This ballot measure: This measure calls for stricter rules for raising taxes, fees, assessments, and property-related fees that fund critical local services; The measure puts at risk the billions of dollars currently dedicated to funding critical local services by creating new mechanisms to challenge or repeal local revenue-raising measures; it could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services that support homeless residents, mental health services, and more; and reduces funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, and utilities.

Mayor Hinton asked for questions from the City Council.

Vice Mayor Rich commented as follows:

- Thank you, that was very helpful and through
- If we put this UUT on the ballot for 2024, and let's say that the measure we are considering , what voter percentage will we need for that to pass

City Manager/Attorney McLaughlin commented the old rules would apply even though they are on the same ballot for 2024.

Mayor Hinton commented do you remember what year the City of Sebastopol first enacted this tax that helps give us \$700,000 to our general fund each year? Approximately?

City staff commented I believe it was 2008.

Mayor Hinton commented how often did we re-up the UUT, was it every four years.

City staff commented I believe it was renewed in 2014.

Mayor Hinton commented when I first heard about this if we were going to run a measure, could we run one that says we do sunset for 10 years if this other measure passes and if it doesn't, we keep it the same and either/or, right? Because we are gambling here for \$15,000 for a ballot measure.

City Manager/Attorney McLaughlin commented we are going to explore the answer, I don't have a definitive answer for you tonight but generally speaking, these types of provisions are legal and if they're written properly, they can be done that way but I cannot guarantee we can do ours. We have not researched it.

Mayor Hinton asked if it was a possibility.

City Manager/Attorney McLaughlin commented yes it is possible.

Mayor Hinton commented and what is the percentage that they have to pass their ballot measure and what would we as a City have to pass ours, is that 50 plus 1.

City Manager/Attorney McLaughlin commented we just have to pass hours by 50+1.

Mayor Hinton opened for public comment.

In Person Comment:

Kyle commented as follows:

- First of all, we need to get it out of the way, the act is trash and you're right to support it being trashed
- I would like much rather see politicking like this and loving like this happen in the consent calendar rather than other items
- I think it is important to reference a couple of things that the act does consider, one being accountability of local municipalities for taking and applying those to particular parts of the budget and pots of money that the taxes are allocated for such as gasoline taxes and considering the last agenda item, being used for paving streets
- Our city engineer and engineering manager who retired in 2020 stated in his exiting report that our City streets, one third is very poor and in that report, he also references that for many years, the City has chosen to take funds that have been received by the public through things like gasoline taxes and particular measures that were sold to the public on the guise of being used for repaving our City streets and used for general fund expenditures instead.
- There are some commentary in here that is relevant considering you choosing to not spend capital improvement funding on a project that was funded a year and a half ago and reallocating those funds to the general fund.
- The last thing I will mention regarding this is that I find it very, very humorous that this Council chose to try to save \$15,000 every four years by getting rid of the sunset clause when this community is very happy to approve these things every four years and in fact, I bet if you look at the last time it passed including the removal of the sunset, you will find it was a huge majority that probably would have passed the two third majority rule that this is trying to enact anyway

Zoom Comment:

- I also, like Kyle, this is an atrocious proposition that is going forward and the Council is well within their right to oppose it.
- I did want to out that there are cities that have passed utility users tax and other health related like a soda tax in the City of Albany and they used those proceeds for dedicated purposes of climate and health related dedicated purposes.
- The propositions are written in a way that is not legally binding but at the same time, the Councils follow those admonitions from the citizens to please put the money towards these dedicated purposes.
- So far it has worked well.

- This proposition would outlaw that. It would, indeed, have to be passed a two thirds majority and Kyle is right, our last UUT past with over two thirds just barely.
- There is wide agreement that we need these services

There was no further in person public comment.

Zoom Comments:

Linda commented as follows:

- Like Kyle, I find some humor in all of this for the City and everyone is trying to save money here and there - \$2000 here and there and all the while there is \$2.2 million spent
- I was saying I find a little bit of humor in the City trying to do this here and there and stuff at the same time.
- Discussed \$2.2 million to water meter protect which was presented to the City as a no cost project
- Discussed spending money
- Discussed the smart water meters as a disaster
- We're talking about \$2.2 million that we are losing and that you have approved yet ostensibly trying to save money.

Mayor Hinton responded to public comments as follows:

- I did want to out that it is in the staff report that our users utility tax did pass by 83.4%
- Good for us in the number of the public was correct and that is why , I think, this Council decided to run that with that because it has passed handedly in recent elections
- I also wanted to address the number of the public that we just moved CIP pavement funds into general fund and while that might be technically true, I did not hear that content from anyone on the Council
- In fact, we have requested quite heavily to get the draft so we could look at funding projects and prioritization
- No one is saying that road in particular, it was just a matter of whether we wanted to do that entire improvement which included sidewalks, restriping a one-way and I wanted to point that out because that is not what I heard is for the Council is to take money from one account and drop it into the general fund.

City Council Discussion and/or Deliberations:

There were no further comments.

MOTION:

Councilmember Zollman oved and Councilmember Maurer seconded the motion to approve and adopt Resolution Opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act.

Discussion:

Vice Mayor Rich asked is it not before us tonight to give direction to giving a possible ballot measure for 2024.

City staff stated no, that the direction tonight is only to adopt or oppose the resolution and the report was to get the information out to the public that these issues will be coming to the Council in the future whether to put this item on the ballot in 2024 in light of the effects it could have on our current UUT.

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton
Noes: None

Absent: None

City Council Action: Approved Resolution Opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act.

Minute Order Number: 2023-066

Resolution Number: 6518-2023

6. Discussion and Consideration of Resolution Approving Budget Amendment Request to Cover Increased Production Costs of New Fire Engine in the amount of \$30,075.00 (Responsible Department: Interim Fire Chief)

Interim Fire Chief Jack Piccinini presented the agenda item recommending the City Council approve and adopt Resolution for Budget Amendment Request to Cover Increased Production Costs of New Fire Engine in the amount of \$30,075.00.

Mayor Hinton asked for questions from the City Council.

Vice Mayor Rich commented as follows:

- I had a question but I think this may be a question for our finance director.
- My understanding is that we are not drawing funds out of the general fund for this \$30,000 amount.
- Instead, we are applying a portion of our existing equipment technology and vehicle replacement fund.
- I just want to make sure that is clear and consistent with your understanding, Chief.
- That is my understanding.
- I will defer the answer to the question.

Director Kwong commented as follows:

- Your understanding is correct.
- It is drawing from the reserves and one of the reserve is the equipment and the technology and the vehicle funds.

Mayor Hinton opened for public comment.

In Person Comment:

Kyle commented as follows:

- Before this Council attempts to not provide funding for this fire engine, I was hoping that maybe we could get a little bit of history on the request for this fire engine.
- I recall maybe two years ago, maybe three now, sitting in on a budget committee that was specifically where the fire chief at the time was requesting for the replacement of fire engine.
- At that time, the committee made a suggestion that the fire department look for a used vehicle.
- A year later, it turned out that through wildfire service, through Cal Fire, our fire department was generating revenue as a result of utilizing our vehicles and then suddenly the tune had changed and then it seemed like getting a new firetruck sounds like a good idea. It is bringing in revenue.
- I am curious on, for this particular vehicle replacement, the history of the request, how long exactly has our fire department been requesting this vehicle and how long has this counsel been denying that vehicle replacement

There were no zoom comments.

Mayor Hinton commented as follows:

- For our member of the public, I have been part of the budget subcommittee, as you know, for at least four years.
- While it is true that the fire department got a used vehicle through connections that they had.
- I think Marin Fire was selling a vehicle.
- We've got our interim chief here who has been a member.
- I don't think it was a matter of denying my recollection.
- We all knew that this wildfire engine had no air conditioning, was unsafe.
- We finally got this out with three bids.
- I will go so far to say that I am already speaking that I have no intention although I do find it ironic that you have a contract that it comes back and charges you \$30,000 more.
- I have no intention on not moving forward with this.
- I don't believe it really had to do with earning revenue.
- I think that prior to our finance director doing some deep diving research and pointing out exactly where everything was going, a lot of us did not know what was coming in and going out.

City Council Discussion and/or Deliberations:

Vice Mayor Rich commented as follows:

- We are in commentary here, completely in support of this.
- It is a 1996 vehicle.
- Our firefighters need it.
- We need to get that money into the fire department's hands so the vehicles can be purchased.
- We recently had them go out in this vehicle in the 1996 one without air conditioning once again.
- Completely in support of this effort and that is my comment.
- Thank you all, staff support for providing such a thorough review with the attached contract.
- Odd they can change their terms though

Councilmember McLewis commented as follows:

- For me personally, the fire department is a huge priority for me.
- It always has been.
- Given where we are at these days and everything that we face, I am new to the Council but I felt that the firefighters were underfunded and I don't want to debate the issues of why, I just know it has happened and I hope I am on the current ad hoc committee for the fire, for us to decide the directions we will go in the future but I just wanted to say that I hugely support this and I also question, how can you come back?
- They change the terms and the cost but we are where we are at.
- I am in full support of providing the proper equipment.

City Manager/Attorney McLaughlin commented as follows:

- We have reviewed the contract before we okay this.
- This contract lasts for a long time. Many agencies use it.
- It is known by the vendors going into this contract that the prices are likely to change.
- They have elaborate provisions in there that allow them to claim additional cost.
- The agency can then void the purchase if they don't want to pay the additional.
- There is also an opportunity to try to negotiate it which is difficult, or impossible, they are based on increased costs that the vendor is incurring but basically, the bottom line with this contract is it will last for a long period of time.

- It has this type of a clause built into it.

MOTION:

Councilmember Maurer moved and Councilmember McLewis seconded the motion to approve and adopt Resolution for Budget Amendment Request to Cover Increased Production Costs of New Fire Engine in the amount of \$30,075.00.

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: None

Absent: None

City Council Action: Approved Resolution for Budget Amendment Request to Cover Increased Production Costs of New Fire Engine in the amount of \$30,075.00.

Minute Order Number: 2023-067

Resolution Number: 6519-2023

Mayor Hinton called for a break at 8:14 pm and reconvened the meeting at 8:28 pm.

7. Discussion and Consideration of Request to Video Tape and Post the Budget Committee (Standing) Meeting (Requestor: Councilmember Maurer/Responsible Department: Administrative Services)

Councilmember Maurer presented the agenda item recommending the City Council approve the request to Broadcast, Videotape and Post to the City website the City Standing Budget Committee Meetings; use of closed caption raw text for rough minutes; video tape available for one year per records retention policy.

Mayor Hinton asked for questions from the City Council.

Vice Mayor Rich commented as follows:

- I was wondering, in doing this, how complicated it is for the staff and everyone.
- Is this something that could be easily accomplished?

City staff commented as follows:

- It will take staff time to do it but we can do it.
- We will record it in and Zoom and then we will record it and put it up in the city Website.
- It will be through the livestream. It will be seen the same way.
- You would go to the City web site, then City meetings TV, you will be able to pull up the budget recording
- Depending on the staff workload, we are trying to do it within 48 hours.

Vice Mayor Rich commented as follows:

- I had a question for the budget subcommittee.
- What do they think about it?
- Is this only for the budget committee and not other standing committees, this proposal

City staff commented as follows:

- I am not going to talk for the budget committee but I will say that all the other standing committees are done already through Zoom or YouTube. They are live.
- There is a climate action committee, public arts committee, all of those I standing committees.
- The agenda review committee is a standing committee but it not recorded or posted.

Vice Mayor Rich commented as follows:

- I can certainly speak on behalf of myself as a city Councilmember, knowledgeable about the budget.
- I would have no problem with the proposal that we are considering tonight but I do have a question, though.
- It says, staff time involved and there is no answer.
- Can you please give us an estimate of what staff time?
- I heard that this can be incorporated into existing available staff time but I think it is important for all of us to understand that this does take effort.
- Do you have a sense of how much staff time it might require to do this sort of thing?

City staff commented as follows:

- It depends on the hours that the meeting has taken place.
- I am not 100% certain how long it would take to convert the file to upload it to Zoom but I just wanted to be clear on this.
- If the meeting is in Zoom, it is very easy for me to just hit record and let it run in the background.
- After the meeting, we stop recording and then the file would have to convert.
- That would be saved to a local drive.
- That will take the file and we will send it to livestreaming.
- Right now, the city Council meeting is Zoom and livestreaming at the same time but the livestreaming piece is not going to happen with this standing committee.
- Once the file has been converted, then it will be uploaded into livestream and livestream themselves have another layer of conversion of the file and you can let that run in the back.
- That is why I put it in the stock report that it takes 48 hours, in the event that there are glitches that you have to troubleshoot.
- It will be out there for the public to see.

Vice Mayor Rich commented as follows:

- I am asking a slightly different question.
- What would be your estimate of the time it takes a staff member
- How much staff member time does it take to get a four our meeting recorded and then loaded up?
- Is this all happening in the background?
- Is it a matter of 20 minutes pushing some buttons
- You are monitoring it as you are doing other work

City staff commented as follows:

- It is probably between one to two hours, not consistently sitting there and watching it to do its conversion or whatever it is that it is doing in the backend, just making sure there are no hiccups in the process of converting the file.
- There needs to be a sense of attention to this project as it is moving forward.

Councilmember Zollman commented I also have no problem with this and I do thank Councilmember Maurer for bringing it forward because I too have heard from the public about why it is that these particular proceedings are not taped for people to be listen at a more convenient time. We have heard it and hopefully it will be addressed.

Mayor Hinton opened for public comment.

In Person Comment:

Kyle commented as follows:

- Congratulations on open transparency in government and providing the access to budgetary committee.
- One question i had is why the choice of Livestream over every other standing committees who publish via You Tube?
- In particular, You Tube allows for easy access to the transcript of the video. But Livestream does not appear to have that same access.
- So it seems strange that every other standing committee , design review, planning commission, all of those are on the Sebastopol You Tube channel.
- But probably for reasons of Livestream, why the choice for this particular one to be hosted on Livestream as well.
- In terms of the process you hit click, record, meeting ends , automatically works in the background.
- You have a file. Once you have the file, you click into whatever platform it is, you click upward, make sure the names are all correct. It does everything in the background. Regardless of the hour or two it may take for the process to take place, none of that is active process.
- Active process tops, five minutes.

Zoom Comment:

Linda commented as follows:

- For some reason I did not hear whatever was going on previously.
- It did not come through on my phone.
- So I do not know what you are talking about, frankly.
- I have the agenda in front of me. But what was the subject? Where are you at?
- Like i said, I do not hear anything. So I wonder why I did not hear the proceeding.
- I am on my landline phone.

City Council Discussion and/or Deliberations:

Vice Mayor Rich asked for staff to reply to a member of the public why the use of Livestream.

City staff commented as follows:

- I do not know if I can give you a specific answer why the other standing committees switched to You tube
- I know that we do try to get all the committees and boards onto Livestream so that we can be on one platform.
- The city staff on those boards chose to go to you tube but Council has stayed on Livestream.
- We've always been on Livestream.
- They made a choice but I do not know the reason why they switched.
- We have never had an issue with Livestream.
- We can look into YouTube, if that is something the Council would like to do.
- We have also been looking into Facebook Live as another way to these meetings as well.
- City Council is the only one on Livestream.
- The planning commission used to be on Livestream, and in that department switched over to YouTube.
- We are looking into ways we can get it onto multiple venues and medias.
- City Council is on Livestream, the committees, boards and commission are on YouTube.
- Budget Committee will be on Livestream

MOTION:

Vice Mayor Rich moved and Councilmember Zollman seconded the motion to approve the request to Broadcast, Videotape and Post to the City website the City Standing Budget Committee Meetings; use of closed caption raw text for rough minutes; video tape available for one year per records retention policy.

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

VOTE:

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: None

Absent: None

City Council Action: Approved the request to Broadcast, Videotape and Post to the City website the City Standing Budget Committee Meetings; use of closed caption raw text for rough minutes; video tape available for one year per records retention policy.

Minute Order Number: 2023-068

8. Discussion and Consideration of Resolution Declaring the City’s Commitment to Building an Anti-Hate Community (Requestor: Councilmember McLewis)

Councilmember McLewis presented the agenda item recommending the City Council approve and adopt Resolution Declaring the City’s Commitment to Building an Anti-Hate Community.

Mayor Hinton asked for questions from the City Council. There was none at this time.

Mayor Hinton opened for public comment.

In Person Comment:

Kyle commented as follows:

- First, I just need to preface this, one, I am not advocating for graffiti, I'm not advocating for graffiti that targets any particular groups.
- I am not making any judgment calls about individuals, ways in which they are choosing their voices.
- However, the agenda item specifically, not the resolution, but the agenda item makes a reference to hate speech against members and it lists a bunch of different protected classes but also included within this is the words profession or occupation.
- I'm just here to state the profession and occupation are not protected classes such as race and gender. They are choices.
- While I am not, again, trying to make any suggestion about somehow that individuals choosing to participate in policing of our country is somehow a negative thing.
- But what I do want to suggest is that those who are making statements about commentary unpleasing in our country, and have concerns about policing in our country, that is protected speech.
- So, again, not advocating for illegal activities such as graffiti or anything along those lines.
- However, to suggest that professions and occupations would get the same protected status as other protected classes is not something that I would want for our Council to suggest.
- I'm glad the resolution does not do that specifically. But the agenda item does suggest that.

Zoom Comment:

Linda commented as follows:

- I do not know what the just of all of this stuff is.
- Anyway, I trust there is probably not anything about disability.
- I am sure that you want to, in your inclusiveness, include everybody, regardless of disability.

- There is a growing number of us that are disabled and unable to access things like the library, or go downtown come or go shopping.
- Because of your policy, because of this less than the Council's policy to increase the radiation that we are assaulted by every minute of our lives.
- I am suggesting that your policies amount to a hate campaign against the electro-sensitive population.
- Increasing our cancer, the number of cancers throughout the town and throughout the world, which is with technology.
- I would really wish that you would start recognizing that this is a legitimate disability.
- It is an environmental issue.
- Include everyone regardless of disability

City Council Discussion and/or Deliberations:

Councilmember McLewis commented as follows:

- When I worked on this I understand that professions are not a protected class.
- However, I think that's come as a society we should all support everyone.
- I just think that if anyone saw what was actually put on the bank of America, it was appalling to me.
- It was disrespectful, it was appalling.
- Regardless of what someone's profession is, no one should have to endure that kind of profanity and abuse, in my opinion.
- I just do not think that anyone here should speak in that manner.
- It is just not something that I believe should happen, it is not who we are, and that is what brought this forth.
- When I come upon that bank and what had happened, the people from that bank were actually there that run the bank.
- They expressed the concern that they have had, where they have been targeted.
- We have been removing this vulgar graffiti for the last couple of weeks all over Sonoma County.
- In my opinion, Sebastopol has always been an inclusive community.
- We do not support this type of stuff.
- That is what the spirit of this resolution is.

Councilmember Zollman commented as follows:

- I want to thank Councilmember McLewis for bringing this forward.
- I too noticed and did appreciate the fact that there were protected classes listed. Not all of them, but quite a few of them.
- I did notice the fact that occupations were listed, which, as a member of the public has identified is not protected as a class.
- do agree, comments about people in various professions, that is protected speech.
- So I definitely want to go on record and say that.
- I was interested about the timing. Because in the resolution it says over the last couple of months
- This community and those that have stood with historically marginalized communities, meaning the Black Lives Matter movement, they did suffer horrific hate speech in a direct and profound way.
- They were invited to put banners at our public library, and the banner was actually torched.
- So that is another form of just wanting to put out the fact that those who are either in this protected class, or stand with that protected class, should actually be encompassed somewhere in this resolution.
- My proposal is that it not just be in the last couple of months, but within the last couple of years to acknowledge the fact that there is ongoing discrimination.

- I do agree that we should, as representatives, stand against that type, but stand against all of it, regardless.

Councilmember Maurer commented as follows:

- I would just like to ask you to bear with me as I rumbled through my thoughts here because it is a complicated issue.
- I absolutely would support an anti-hate resolution, no problem.
- As I looked deeper into the issue of what is cop city, what was the issue that was happening, why people are tagging the Bank of America over cop city.
- I was an activist for many, many years. I never advocated violence or graffiti on buildings, anything like that. I do not advocate for it.
- However, I do not believe that this was an anti-hate tagging. I believe this was a call for justice.
- Because the people who did this tagged in Atlanta Georgia. It was for someone who was shot more than 12 times. He was killed. It was claimed that he had shot someone, a sheriff, one of the police there. That is all under investigation.
- The back story on this whole cop city thing, in Atlanta Georgia, the city leaders there had set aside hundreds of acres of forested land and other land that was slated for parks and Green space, and recreation. Then the city leaders changed, and they leased that property for a police training center in Atlanta.
- Activists came out and started protesting. That is when two of these protesters were killed.
- His name was Manuel Terron, it was his name written on the bank.
- When I am reading the resolution, and I am seeing that things have turned bad in the last couple of months, I would support an anti-hate resolution, but I cannot have it connected to what is happening in Atlanta, Georgia.
- The governor has declared a state of emergency because of what is happening around this issue.
- The city leased 85 acres for a police training center that will cost \$90 million, and take away these parks that they had already pledged for the city.
- The background includes the tagging, which is connected to the cop city issue in Atlanta.
- Then the pictures of the tagging is all about this issue.
- So I would support to bring it back separated from this issue. Because, as we all know, hate goes back forever. It could be the last couple of years, but it goes back centuries. From the beginning of time there has been hate.
- So I would support that, but I cannot support it in relationship to what protesters are calling a cop city issue in Atlanta, Georgia. It is just too close, to me, for comfort.
- Otherwise, it feels like it is almost like we are supporting the system there in Atlanta, rather than staying neutral and not getting involved. I am not comfortable with that.

Vice Mayor Rich commented as follows:

- Thank you, Councilmember, and members of the public.
- I am recognizing discomfort with this resolution.
- It goes against my instincts. Because I am completely against any sort of hate crime.
- That is just who I am, no matter who the targeted entity is.
- But I am hearing Ukraine, and we have the Black Lives Matter interests.
- I hear unifying our community, being inclusive, all of it.
- We hear a member of the public concerned about the need to recognize that there is more than just this most recent graffiti, in terms of the timing.

- What I am feeling is that the resolution, the intent is pure, as has been explained by Councilmember Maurer. She has seen this event and really offended by it.
- I completely aligned with that, that sense of visceral objection.
- However, I am concerned, not about the intent, but about the perception.
- So, as we see here in the staff packet of information, there is no images of the anti-Ukraine graffiti.
- There is no images of all of the other negative and critical, and hate-written images, things we have seen in our community and other communities.
- So I look at it and I think this could be perceived, and I'm not comfortable with this, this could be perceived as the City of Sebastopol or the City Council of Sebastopol taking a position on the altercation that is going on in Atlanta.
- All of the images that are attached to this staff report are attacking what is called cop city. I do not like that labeling, but it is attacking cop city.
- Are we now taking a position where we are saying, in effect, or could be perceived to be saying that we are taking a position on what is going on in Atlanta?
- There is the first amendment, the free speech issue that is coming up for me. There are just these issues that make me uncomfortable.
- Pointing out just some wording issues, I see in this resolution that we should be, well, I like to see it, honestly, say that we are. Not we should be taking a position.
- I am a little concerned, actually, a lot concerned about the language in the resolution that requests that the public called the police. Honestly, that makes me uncomfortable.
- So, it seems to me, I feel like I am being asked, by signing onto this resolution to do more than I, on my own behalf, or on behalf of my community are comfortable doing.
- Is there a way to bring this back in a context that intent we are hearing from Councilmember McLewis to identify and address all of the broad issues to be inclusive?
- I have to say that this is exactly an example of a conversation where someone, something is brought to the city Council, where it forces us to have a really deep discussion about something that is very meaningful.
- So I think Councilmember McLewis for doing that. I am appalled by what happened at the bank

Mayor Hinton commented as follows:

- There are other examples that includes graffiti at the skate park.
- This is just not about the tagging at B of A.
- There is a variety of tags besides B of A, although that is the majority of pictures, and it does indicate in the staff report.
- Sometimes I feel like even though my media background, my head is in the sand.
- It did take me a minute to Google cop city.
- Thank you for I had not seen this article. As soon as I Googled it, all of these things came up.
- I obviously am completely against graffiti and hate speech in words or tagging.
- Having been on City Council for a while and watching how Councils can slightly misstep and end up in the newspaper tomorrow, I would not want anyone to think that this Council would be in support of or not in support of free speech of activists that are all over the news.
- I do think personally, for me, the agenda item was probably created and the proclamation could be reworded and encompass and be brought back another way
- I do think for me, personally, I don't believe in expressing your views by costing cities money and doing property damage. But I do understand it is free speech.
- I am also feeling uncomfortable and I think this could easily be brought back and expanded and wouldn't be tied to one incident.

- I thank you for bringing this stuff up, the member of the public and my colleague on the Council because like I said, I missed this.

Councilmember McLewis commented as follows:

- The whole purpose of this was just to say that this type of on these buildings is just not appropriate and, so put on there, all cops are monsters in that type of thing, is not something I think we as a city should be okay with.
- I think that to take it that far to say we are supporting cop city, that is a far stretch.
- I understand that you all are uncomfortable and I respect that.
- I also think democracy only works if laws and policies include everyone.
- That is what distinguishes us.
- I think just because they are doing it for a certain reason doesn't necessarily make it okay.
- So, I respect that if you choose not to pass it

Mayor Hinton commented as follows:

- I don't want to misspeak.
- I don't want people to do property damage, and I don't want hate speech.
- It is not acceptable in our town.
- I feel like we could improve the resolution and maybe expand on it and bring it back.
- That's my position tonight.
- I would like to see it come back. This is not a no.
- Trust me, I have had things, many times, including my electronic policy and a variety of things I have brought to this Council before, and I had to bring it back.

Vice Mayor Rich commented as follows:

- I really believe in what you were intending to do, Councilmember McLewis, completely and utterly.
- I'm hoping that you are going to be willing to bring this back because I think you are hearing I am completely in support of the concept of an anti-hate crime resolution.
- I, too, have been in situations where I have to bring stuff back to the city Council and put even more time and work into it. But I find it definitely worth the effort.

City Council Action: No action taken on this item.

Minute Order Number: 2023-069

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

Process for calling on Speakers: Mayor or designee shall ask for public comment as follows: Speakers to be called on in an alternate manner (One speaker in person to be called on first; then one speaker remote to be called on second with additional speakers to be called on in the same manner) based upon the time limit.

There was no public comment.

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

9. City Manager-Attorney/City Clerk Reports: (This will be either verbal or written reports provided at or prior to the meeting).

City Manager/Attorney McLaughlin reported as follows:

- In negotiations which actually were completed just today word came actually during this meeting, we have settled up with the city's last cyber coverage.
- They have pay policy limits. We have now recovered the city's entire cyber loss less \$20,000, which was a share of costs.
- We will continue our efforts to collect that. We do have a source to collect the remaining \$20,000.
- We have collected all of the cyber fraud loss. We did so without having to file any lawsuits.
- We did that also for relatively minimal attorney's fees.
- I think that was a good result, albeit it did take time. That is a good news item for the evening.
- The State of California let us know, the City's six cycle housing element was certified this afternoon by the state. That makes us the first jurisdiction in Sonoma County to be so certified.
- There's been issues with a number of cities , housing elements, which you may have known about if you read the news. But ours was certified, and we are the first.
- I think the Council is aware of some e-mails that we received that there have been an accident at Gravenstein Highway North where a vehicle struck a mother and her child.
- The City looked into what it could do in conjunction is signalized.
- It has walk signs and other safety protection like crosswalks.
- However, we did have Caltrans reset the crosswalk there so there is a period of time where the pedestrian can cross where there is a red light for all vehicle traffic.
- It's similar to what you see down at the intersection of the data and to main where the walk sign comes on for a number of seconds before the traffic light turns Green.
- We did make that change and hope that that will be a bit better. Our hands are a bit tied their, what else we can do given configuration of the intersection. It is already signalized and set forth.
- Sustainable transportation planning grant, people had been asking about that. It did go through planning commission for their input earlier in February. Made a few changes.
- The grant application will be timely submitted to Caltrans on March 9.

City Manager report below will be uploaded to the City web site.

Bodega Avenue Bike Lanes and Rehab Phase 1 Project (High Street to Robinson Road)

1. The project is being advertised for bid and bids are scheduled to be opened on April 4.
2. If bids are acceptable, Council will be asked to award the contract at its April 18 meeting and work will start in the summer.

Bodega Avenue Digouts and Repair (High Street to Robinson Road)

1. The Bodega Avenue pavement repair work was stopped due to weather and ground conditions.
2. The contractor, Ghilotti Construction, is scheduled to commence repair work the week of March 20.

Ives Park Pathway Replacement Project:

1. The plans and specs have been completed by RHAA Landscape Architects and a copy can be found on the City's website at the following link: <https://ci.sebastopol.ca.us/Article/2-6-23-Engineering-Projects-Update>
2. The cost estimate for the construction work is under the \$200,000 threshold which means by State law and City purchasing policy, the project can follow the State's informal bid process and does not need Council approval for authorization to bid and is under the purview of the City Manager.
3. The project is scheduled for advertising for bids next week.

Sustainable Transportation Planning Grant

1. The draft application was presented to the Planning Commission for their input at the February 14 meeting.
2. There were some comments from the commissioners about the actual alternatives, such as the merits of the 1-way couplet, but this question is one of the things that the project will analyze.
3. The grant application will be submitted to Caltrans on March 9, 2023.

SR 116 at Hurlbut Ave.

1. Recently the City has been contacted by local residents concerned about crosswalk safety at the intersection of SR116 (Gravenstein Hwy N) & Hurlbut Avenue in the north area of the City after recent reporting of a vehicle-pedestrian collision involving a mother and her child. Similar incidents at this intersection have been reported in the past.
2. In response to this collision and previous incidents, Caltrans, at the request of the City Engineer, has implemented a Leading Pedestrian Interval (LPI) for the intersection of State Route 116 & Hurlbut Avenue on February 23, 2023. This means that a pedestrian has an early walk phase of 4 seconds before the light turns green for each leg of the intersection.

10. 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)
 - i. (This will be either verbal or written reports provided at the meeting)

Councilmember Zollman reported as follows:

- The next day after the last Council meeting I had a great fortune and pleasure of introducing and welcoming students from Japan with the mayor and vice mayor. It was great, very inspiring.
- As a result, we are now working with that group to bring over and help facilitate a topic for the students that are coming.
- The next day after that was the LAB meeting where we discussed surveillance.
- The surveillance cameras and what position the LAB is going to take on that and also efforts to continue to paint out hate which is tied to the topic I talked about earlier, the torching of the Black Lives Matter banner.
- They are still taking applications to paint part of the city sidewalk, to be able to manifest our intent to wipe out the hate here in the community.
- I attended my first Russian River watershed. The meeting, very interesting. It was inspiring to hear all the good work they do.
- Later that afternoon, I attended program on anti-trafficking with our police chief. Very educational.
- I am looking forward to hopefully figuring out what we can do to do our small part here in Sebastopol to keep that from happening on a countywide basis.
- Next I continue have monthly meetings with our library commissioner. Please stay tuned for our next agenda item, which we will be discussion what they need to have additional staffing at our library and draw on money to have it happen.
- I attended an LGBTQ caucus meeting of Cal cities, which was educational.
- I attended the Sonoma County Clean Power board meeting which was very interesting.
- Lastly, as a result of a Mayor and Councilmember Association Meeting appointment to the Child Care Planning Council, we attended the first meeting last Friday.

Vice Mayor Rich reported as follows:

- Japanese students visits that was fabulous.
- Some of the most interesting comments from our city manager who gave them a history.
- In the climate action committee is moving forward with their goal setting process and putting together the specifics of exactly what projects they intend to do.
- They are really skinning down an amazing group, and then they will be moving forward with electrification and a variety of other projects.
- We move forward with the ad hoc city manager recruitment meetings.
- I was thrilled to attend, along with some other Councilmembers, the fire department appreciation dinner, which was really cool.
- The Sonoma Mosquito Vector District Control Meeting met.
- They are looking at executive committee changes.
- They are continuing to refine their financial auditing and cyber security policy.
- The zero waste working group, which is part of the climate action committee, met.
- That is a group that is now looking at a couple of projects which are really cool such as what is a data metrics project to really come up with numbers that demonstrate how Sebastopol is doing in terms of waste versus compost versus recyclables.
- Then the other project of putting together an in station that we are talking to the community center about piloting. There is a problem where people go to the bins and they don't know which been to put their copperplate in.

Mayor Hinton reported as follows:

- We welcomed world friends from Japan. We had three Councilmembers, myself, and our city manager and the whole room at City Hall. That's a tradition.
- They have not been back prior to COVID, so that was a fun event. To see the students and their advisers.
- After they met with us, they went to the senior center and had lunch.
- We also have had two Sebastopol fire ad hoc meetings.
- That subcommittee with myself and Councilmember McLewis are working diligently to bring forth a plan of action coming up at our next Council meeting. We are working on what that's going to look like for our agenda item and our work plan for that committee to present to the full Council and get agreement on the work plan direction that we are headed in.
- I also attended the Sonoma County Ag and Open Space meeting, which I am an appointed representative
- I attended here at the Community Center for Bobby McFerrin where his first two shows were for the high school students.
- I was able to say hello to the students at the morning performance.
- Kind of on a side note, that night was the big Democratic grab feed annual meeting.
- We had a Relaunch committee meeting

Councilmember McLewis reported as follows:

- I attended a variety of meetings as well.
- I have attended a couple fire ad hoc committee meetings.
- Also , the city manager ad hoc committee, participated in that. Things are moving along. We will be bringing things back to the Council soon.
- I also attended World Friends latest board meeting.
- They would like everyone to know that on April 23, they are having an event to commemorate the 30 years of friendship between Sebastopol and Ukraine.

- You will want to check that out. They are hoping they will have some good attendance from everyone.
- That's at St. Stephen's Episcopal church.

Councilmember Maurer reported as follows:

- I also went to the fire department dinner.
- Met with Anne from the Laguna Foundation.
- We talked about possible ways we can work with the Laguna Foundation on honoring the Laguna and celebrating the Laguna and honoring the native peoples who lived here.
- They have an art gallery there. The art gallery is part of what could be used as a retreat place. She suggested that maybe the city could use that.
- There is a section of a couple of acres of land that is available for hiking off Palm Avenue. She is motivated to collaborate with the city on projects.
- Discussed Relaunch
- Took a tour of the Burbank farm. They had some concerns about phase two of the repaving of Bodega Avenue. They are concerned about the trees being removed or disrupted in the park. They were reassured that their trees would not be harmed.

11. Council Communications Received (Information/Meetings/Correspondence Received from the General Public to Councilmembers)
12. 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

March 7, 2023 Meeting will be adjourned to the City Council Meeting to be held March 21, 2023 at 6:00 pm. (In Person and Remote/Zoom Virtual Meeting Format)

Mayor Hinton adjourned the City Council Meeting of March 7, 2023 at 9:24 p.m. to the next regularly Next Regular Scheduled City Council Meeting of March 21, 2023 In person and zoom virtual meeting format. In person meeting to be held at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, Ca.

Respectfully Submitted,

Mary Gourley
Assistant City Manager/Attorney/City Clerk