

City Council

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



City Manager

Larry McLaughlin
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City of Sebastopol

CITY COUNCIL MINUTES
MINUTES FOR Regular City Council Meeting of November 21, 2023
As Approved by the City Council at their regular meeting of December 19, 2023

Please note that minutes of meetings are not meant to be verbatim minutes and are meant to be the City's record of a summary of actions that took place at the meeting. The vote/action is the required information of the meeting actions that took place. Approved minutes are available on the City Council Meetings page. <https://www.ci.sebastopol.ca.us/Meeting-Event.aspx>

Meeting was held in Person and Virtual /Remote Participation
Zoom Link used for providing public comment/Live Stream is utilized for viewing only of Meeting

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

6:00 pm City Council Regular Meeting

Call to Order: Mayor Hinton called the Regular Meeting to Order at 6:14 p.m.

Roll Call:

- Present: Mayor Neysa Hinton
Vice Mayor Diana Gardner Rich
Councilmember Sandra Maurer
Councilmember Stephen Zollman
- Absent: Councilmember McLewis
- Staff: Assistant City Manager/City Clerk Mary Gourley
Administrative Services Director Ana Kwong
City Engineer Mario Landeros/Toni Bertolero (GHD)
Police Chief Ron Nelson

STATEMENTS OF ABSTENTION BY COUNCIL MEMBERS (Use of On Line Attendance/zoom/): None

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

PROCLAMATIONS/PRESENTATIONS: None

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 conflicts of interest.

Mayor Hinton reordered the agenda.

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.

Cristy Lubin commented as follows: Education specialty teacher Anay high school. Discussed that she thought that there is going to be a resolution and brought to the City Council for a ceasefire in Gaza. I'm here because although on the news right now we're hearing about these humanitarian cease fires but they are temporary cease fires. They are not comprehensive cease fires. Every 10 minutes a child dies and guys that right now it's almost 5000 children I have worked my entire life supporting families and children. I have devoted my life to that here in West Sonoma County. It's just an unbearable to watch what's going on. Sebastopol is peace town. I have come before the City Council supporting resolutions around undocumented immigrants; around supporting undocumented immigrants having their cars taken by the Sebastopol police. We worked with the Police Chief at that time to get a resolution passed where they stopped taking cars until the driver's license law went into effect. There have been other amazing resolutions that this city, that previous City Councils have passed and it's really, really disappointing to me. Maybe I don't have all the information about why this resolution wasn't calendered. But I want to urge you to get this resolution on your calendar. There are many, many people in this community who are Jewish, many Jews that are saying not in our name. The Israeli government doesn't represent us just because we're Jewish. We oppose what's going on there now. We want to see this unjust war stopped. The killing of Israeli citizens is intolerable as well but what's happened in Gaza is, is really, under the terms of genocide and is genocide. It is an ethnic cleansing. I want to see Sebastopol really step up and be the peace town that I know and love it to be.

Linda commented as follows: I want to welcome our new City Manager. You look awfully good on paper, I hope I hope you follow through. I'm delighted that you have a background in sociology and so on and so forth. Because God knows, we need some good leadership in this town and Larry McLaughlin is a hard act to follow and he has been totally supportive of the many of us in this town that are suffering from exposure to electromagnetic fields, pulsed electromagnetic magnetic fields, frequencies, radiation, signals, energy. I'm wanting to draw everybody's attention to the most recent PG&E bills which I got yesterday, there's a brochure in there, it's designed so you don't pay any attention to it. It's called understanding electric and magnetic fields EMF. So anyway, it raises the specter of effects on our health, and it is causing an epidemic of cancer. All you have to do is look at some of the data. Our current leadership has failed by ways of allowing the stealing of \$2.2 million for the wireless water meters, and then totally ignoring it and failing to acknowledge their failures. So this is we need to remove them and get some better leadership.

Kate commented as follows: We've had many Council meetings discussing Sebastopol economic future as we have a new City Manager I would love the Council to create goals for immediate and long term economic development. Immediately I would like to see Council retain Head West at the Barlow and address the permitting flaw in the city system. Head West brings that 1000s of visitors to Sebastopol each month, I would ask that if there's \$70,000 allotted for a ballot measure if that does not go through to support local business by sponsoring free events cleaning up downtown, decorations for downtown and a lighting plan that connects Main Street to the Barlow through the town square. This connection could be accomplished with a simple set of string lights, and

we'd give visitors a clear lighted path from Main Street to the Barlow. Let's generate some good press for Sebastopol and welcome visitors to our town. I would like to see Council support the SDA and chamber and making sure that Sebastopol participates in Restaurant Week and other County-wide tourism events. In the long term, it is critical that we get one or two hotels in downtown Sebastopol, hotels will generate millions and sales tax, TOT and property tax. They also contribute to infrastructure. They are self-sustaining, they bring visitors to our businesses. This needs to be our number one priority for economic stability and viability. The second long term goal is creating more market rate and moderate rate housing ; urban infill, particularly in the Redwood Market in place, instead of the vacancy tax Council should be speaking with owners of vacant commercial properties and asking about conversion to residential. The more residents, the more shoppers and customers for our stores and restaurants, the more volunteers and our local organizations, the more housing for people who work in our community.

A member of the public commented as follows: The residents of the Horizon Shine to RV Village will be affected next year to make way for a housing development. Does this city government plan to rely solely on SAVS to preside over an orderly transition. If not what plans are being developed. That said I'd like to know.

Rachel commented as follows: I'm here to urge the Sebastopol City Council to review and adopt a proclamation affirming Sebastopol support for a ceasefire and resolution for all in Palestine and Israel. As we meet tonight on November 21, more than 14,000 Palestinians have been killed by the Israeli government. Over 5000 of these are children. Innocent people are being killed by Israel in retaliation for an attack on Israel that killed 1400 and took 200 hostage. Every human life is valuable and we deplore the enormous loss of life on both sides. We are calling on the City of Sebastopol to uphold its values of peace, dignity and human life. Now is not the time to avoid a difficult subject, but rather because so many people are dying and because the United States government is complicit now is the time for our city to stand strong and publicly affirm its values. We know that a temporary ceasefire in Israel and Palestine does not equal long lasting peace or justice. Palestinians in Gaza have been set back years if not decades from the overwhelming destruction of health care facilities, schools, homes and so much of their infrastructure, the trauma that Palestinians have endured and continue to endure from losing scores of loved ones and fear for their own lives under constant bombardment, starvation and disease will be there for a lifetime. The amount of Palestinians displaced from their homes in the last seven weeks is more than in 1948. We urge the City of Sebastopol to follow through on their plans to issue a resolution for permanent ceasefire and adjust resolution in Palestine Israel and to stand against ethnic cleansing and genocide.

Kyle commented as follows: Our city currently has a public engagement emergency. The numbers don't lie. I talked to some folks in my official capacity as a public speaker and I'm convinced without a doubt that if things continue, without multiple meetings committed to discussion on this issue will have negative public engagement by 2025. Already, our city has restricted access to staff through the four day workweek. Whenever a holiday is present, our city workweek is reduced to three days or less. This is becoming increasingly difficult. Each Council meeting cycle in which time for the public to access staff prior to Council consists of the Monday and Tuesday, the week of Council. While this still meets the standard of Brown Act notification, it puts the public at a disadvantage of being meaningfully educated and prepared to be able to participate in Council meetings. But this lack of access to staff expands beyond just this. For example, let's say we've got a developer who is violating the noise ordinance by operating outside of the time that's scheduled for that project and it is happening on a day in which city is not operating, what the citizen has to do is call the office, leave a message, wait for the entire weekend to pass following that week, and then you get a call back and all that callback consists of is here's the telephone number, email address of the developer. The developer isn't going to respond to an email, the developer is not going to respond to a telephone call, because there's no actual oversight of that developer to have any sort of meaningful adherence to those noise ordinance hours because there's no one in the city that's actually providing that oversight over those developers. So it's my hope that in the new year, we can have a fresh look, fresh eyes on our

city work schedules, our city employee engagement with the public, and we can have increased public engagement and in the future.

Tarik commented as follows: I'm just here to add my voice to the rest of the people calling on the City to continue this tradition of supporting peace and justice at home and abroad. I'm not Palestinian, I've spoken to several Palestinians in Sebastopol and around the county and they like me are hurting, hurting very much and would like to see support from our community. I've also talked to many Jewish people, who feel the same way I do. They are hurting too, because they see these injustice is done in their names and that they cannot take that.

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 asked if any Councilmember wanted to remove a consent calendar item. Councilmember's

Request(s): There was none at this time.

Mayor Hinton opened for Public Comment(s):

Linda commented as follows: Many of you know that I am EMF sensitive, and currently I am computer free cell phone free TV free and largely electricity free. So I don't know what this is about. I would like to know, generally, what it's about and how much it costs.

Kyle commented as follows: I'm just hoping that we can get a little bit of detail about this item specifically about the use of putting out a call for an RFP as opposed to the use of a contractor in this capacity. It'd be interesting to know how extensive this list is, how long contractors remain on this list and what type of evaluation process for contractors are on this list. For example, say, some contractor that's on this list that we're using regularly, ends up doing something like under bidding the actual job by over \$100,000, causing us to create an agenda item to authorize the City Manager to increase the budget for a project by over \$100,000 and that just goes into a consent calendar item. What type of oversight on those types of contractors do we have to make sure that those things don't happen again, with that contractor? Because if there's no oversight on our contractors that we have on this list, then by all means, contractors have a field day, overcharges \$100,000 on every single project, because we just slip it into a consent calendar item and approve it with no oversight.

Mayor Hinton responded to public comments as follows: To address the members that spoke on these items and for the one member of the public who is computer free person in the audience. Just a reminder that the Board of Supervisors due to zoom bombing are not even taking public comment through zoom at this time through the end of the year. We did have to add protocols, which do take a little patience. But I think our City Clerk is very patient, and it just takes an extra minute to be vetted and then allowed to speak so we can continue our public comment through our zoom system. This item is just approval for a three year term to have a pre-qualified consultant added to the list. I'm confident they have been vetted. Our City Manager is not here this week, as he's on vacation, but he can address the member of the public that has questioned our protocols. There are protocols

in place I've questioned on myself. I feel very confident in the item moving forward. I would recommend that you send an email to our City Manager if you have further questions. I'm sure that they can send you the details about what our procedures are for pre qualifying our consultants for these sorts of studies.

MOTION:

Councilmember Zollman moved and Vice Mayor Rich seconded the motion to approve Consent Calendar Item 1.

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: None

Absent: Councilmember McLewis

Abstain: None

CONSENT CALENDAR:

1. Approval of a Master Agreement with Fehr and Peers for on-call traffic and transportation engineering services (Responsible Department: Engineering/GHD)

City Council Action : Approved Master Agreement with Fehr and Peers for on-call traffic and transportation engineering services

Minute Order Number : 2023-256

Mayor Hinton re-organized the agenda and asked for Item Number 4 and 5 to be moved prior to item number 2.

INFORMATIONAL ITEMS/PRESENTATIONS: None

PUBLIC HEARING(s): None

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

4. Consideration of Approval of Resolution Declaring a Fiscal Emergency. At the Special City Council Meeting of November 14, 2023 staff was directed to prepare and return with a Resolution for ratification (Responsible Department: City Administration)

City staff presented the agenda item report recommending the Council consider the Resolution Declaring a Fiscal Emergency.

Mayor Hinton opened for questions. There were none at this time.

Mayor Hinton opened for public comments.

Ernie commented as follows: When I first read this, I was concerned because I didn't know whether or not it would override the four votes needed to put an item on the ballot. I see and hear from your attorney that that is not the case. The California constitution still requires four votes to put the sales tax measure on the ballot. So that is alleviated. But I looked at the Court case, I'm not an attorney, but the judge made four findings and one of those findings said that you basically had to show that you had cut spendings, and raised taxes and done some other stuff to address the emergency. I see in the budget, and this was not a complaint that you added a sergeant for \$300,000. So you kind of get exposed legally when you declare an emergency and you haven't met one of the tenants of the court. Again, not a lawyer, but I just point that out to make sure that you know that when you declare this emergency, you have a little weakness here. I'm glad you have your sergeant. That's not my issue. I

don't know what the emergency gets you the county used until they didn't have to negotiate with all their bargaining groups. I don't know if you have bargaining groups that you can get around, but they have about a dozen of them.

Kyle commented as follows: Last time, Larry told us there's three conditions that you have to meet in order to be able to state that you've got some sort of a fiscal emergency. The first one being that you've determined there's an actual emergency, the evidence you provided so far is based on this single year's budget in which you've had massive one time expenditures, as well as addition of two staff positions, which is like mind boggling that you would do that. Then this five year projection, which has been highly criticized both publicly as well in the last, like two meetings, discussions, you're using consistently using ultra conservative projections of revenue and you have not provided the evidence as to why that is the case, nor have you provided the evidence as to why you expect the expenditures to grow at the rate that you have in that five year projection. So you haven't met condition one. Number two, showing that you've taken reasonable steps, you haven't taken reasonable steps. While many departments didn't show a 10% reduction, you had three very significant departments, namely the City Manager, the City Attorney, and the Finance department that had massive growth in their expenditures for this this fiscal year. So you haven't been able to show that you've actually taken reasonable steps to address the problem. Then three, considering any sort of alternatives, you haven't meaningfully provided, what those alternatives would be, in terms of me coming fiscally responsible into the future, nor have you provided any sort of indication or alternatives to what you what you've done, which is basically suggesting just these tax measures, meaning you haven't shown evidence of being fiscally responsible moving into the future. You haven't met the three conditions of a fiscal emergency to do so tonight would be irresponsible.

Kate commented as follows: What is the point of this declaration of fiscal emergency, it does not generate revenue. It does not make the city more qualified for loans or grants or other funding and Councilmembers have already gone on record stating that they do not believe the city is in a fiscal emergency. Data that uses historical growth and sales and other revenue sources contradicts the current forecast, which uses an ultra-low conservative, conservative growth number. There's absolutely no reason to declare a fiscal emergency. In fact, there's significant downside to declaring a fiscal emergency and that is public perception. The city will make headlines and generate lots of negative press by declaring a fiscal emergency. We will be the only town in Sonoma County, the Bay Area, Northern California, declaring a fiscal emergency which is sure to garner press. Journalists want to know what went wrong? And then this middle class small town with million dollar homes? How in the world can Sebastopol be in a fiscal emergency? Who is to blame? This will be terrible in terms of attracting and supporting a new hotel and new businesses. A simple Google search for Sebastopol will populate with fiscal emergency. Any people doing their due diligence for financing a \$40 or \$60 million hotel will see that and wonder what is going on. Investors like stability. We have competition with other towns Sonoma, Petaluma, Cloverdale, Healdsburg, Windsor, Cotati, none of them have fiscal emergencies, is someone more or less likely to invest in the city with a fiscal emergency. Just declaring a fiscal emergency will ruin the brand equity of Sebastopol for anyone trying to sell a home get financing for a business, lease a commercial building, or finance a major project. It puts all of us in jeopardy.

Linda commented as follows: I want to thank Kyle and Kate, and everybody who are all wonderfully articulate people. I only wish that our Mayor and Vice Mayor would listen, listen to you, you're extremely articulate and insightful. It just goes to show their I'm sorry to say stupidity. That's exactly what will happen. Like Kate was saying about the press the public perception of Sebastopol when they declare another emergency, it goes to their mismanagement of this town is just that's what it is. They have proven themselves like Vice Mayor and previous Mayor Patrick Slater, who proved himself time and time again that he was arrogant, ignorant and uneducated will. That's what our Mayor and Vice Mayor seem to be doing so I am definitely opposed to another declaration of emergency which they have created.

Michael commented as follows: As you know, I served a four year term on City Council between 2016 and 2020. I've met Don at one of the Mayors and Councilmembers' dinners. I think that I'm just going to go on record as supporting Kate and Kyle. I think what they said is I can't say it any better. But also I want to bring it into the chambers. I'm thinking what do you want to do to scare away the new City Manager? I mean, my God who would want to be CEO of Bed Bath and Beyond or Sears or Rite Aid? I mean I think that for that reason, you should really think about declaring a fiscal emergency. Because, you know, we don't have Graton casino. Like you got a little bit of money from there.

A member of the public commented as follows: What would what actions would be open to the city to the Council, that would not be open to public scrutiny should they declare a fiscal emergency? Would they be able to place measures on a ballot without public input and comment, such as a parcel tax? I just expressed concern that by declaring a fiscal emergency, this opens the door for broad actions that would go unchecked by this Council.

City Council Discussion, Deliberations, or Direction to Staff:

Vice Mayor Rich commented as follows: I'm happy to address this fiscal emergency situation, I continue to feel that we are in a fiscal emergency, we have a situation where we have projections of \$1.67 million this year as a deficit and continuing on to the future \$1.5 Million and above. We have \$5.1 million in reserves coming into this year, which is fabulous. But if you do the math, we run out of that amount of money pretty quickly, eclipse July of 2026. We are facing a cliff. I am of the opinion that we need to embrace the reality that we need to not shy away from it. We need to recognize the sense of loss and grief and discomfort that that engenders. But we need to plan ahead. That means not worrying about how others might view us and not shying away from the reality. But taking action and saying yes, yes. I am not blaming others. I'm not doing any of that saying yes, we're going to do something about it. We're going to plan ahead in a good and productive way. I think this is a great opportunity right now because declaring the fiscal emergency doesn't authorize any action. It does require in answer that question from the public, there would not be any action that the City Council could take without City Council direction that's been confirmed multiple times to us by multiple attorneys. We need to engage the public, we need to step up, we need to say to everyone, yes, we are in a really serious situation. We need to all engage all of us as a community and figure out the path forward. By the way, it includes our new City Manager. I personally am confident that he is an individual who can lead us through that path, whatever it might be, he's not going to shy away from it either. So I am completely in support of this fiscal emergency and recognizing the truth of the situation we're in and starting a path where we can all continue the discussion and not push it to the backburner because it makes us uncomfortable. So that's my position on this.

Councilmember Maurer commented as follows: Right now, this city has a 44.4% reserve. That is, it was predicted that this year at for our adopted budget which we just adopted, in the end in July are predicted reserve was 14.8%. We are now at 44.4%. The purpose of the fiscal emergency was so that the Council could put a sales tax on the March ballot, and that failed. So the original purpose was for that sales tax, we don't need that anymore. I asked our City Manager, has there ever been a fiscal emergency declared? He said, Never, not, at least not since he took over in 2013. Looking through the budgets, the reserve in I think it was 21-22 got down to 5.2%. And they didn't declare a fiscal emergency. And as I've said before, at a previous Council meeting, I'm looking at years of chronically under predicted under projected revenues. I'm looking at the forecast, because I think that that's why you want to have the fiscal emergency because of the projected deficits in the future. But if you go back, I went back to 2019 and looked at the forecasts and stated these numbers didn't pan out. You are talking about relying on projections into the future, historically, that haven't played out. I mean, even in the last couple months, the budget has shifted from a predicted 14.8% to 44.4%. To me that's not showing clear evidence of a fiscal emergency. I agree with our residents that I think it's the wrong message to send to the public.

Councilmember Zollman commented as follows: I think as I said before, I think looking at the past data is just great and in a lot of ways it's helpful. But the fact of the matter is, we are where we are now. For the projections, the best we can do is try to do the best we can by way of them. But the bottom line is the expenditures are only going to increase. So I'm looking forward to when everybody has a bigger and more in depth understanding of the budget to be able to figure out the fact that there have been one time contributions consistently since 2019, that I don't think people are taking into consideration that those bumps help the numbers look good, but we can no longer rely on those bumps. It's not like we're going to get any more COVID money. A big donation is probably just as equally not likely to happen. It was comments made about what our general manager said, our general manager actually sat there, and said that this is one we are one step away from bankruptcy. So I don't know what is more clear about how and when we need to declare this emergency. So I am still fully supportive of it.

Vice Mayor Rich commented as follows: I just wanted to clarify the percentage reserve but my understanding is that the end of year reserve just to make sure Councilmember Maurer that we have our numbers out there because we might want some accuracy here. Or at least I do. My understanding is that when we published the budget, the end of year reserve was projected and I think Councilmember Maurer said this 14.8% at the end of this fiscal year. At the end of this fiscal year in the October 17 report, which took into consideration the audited numbers that increased our beginning of the year, reserve by I think \$1.6 million, I believe it increased our end of year reserve, not to 44% but to 27.4% listed in the staff report tonight. That's by the end of this year, end of this fiscal year. At the end of the fiscal year, we originally had 14.8%. And then with the audited results, and the fiscal year went up to 27.4%

Vice Mayor Rich commented as follows: I think the 44% perhaps Councilmember Maurer was at the end of the prior fiscal year, going into the beginning of this fiscal year, in which and I'm not trying to suggest that 27.4% versus 14.8% is not a huge range, it clearly is, but it's smaller than 44%. So just want to point that out. But I do appreciate your comments and your input and your amazing work. And I really look forward to where we're going to end up on this path because of these amazing Councilmembers that I respect so much.

Councilmember Maurer commented as follows: Just to clarify, 44.4% is what we have now in reserves, correct? So I just want to point out that over the last since 2016-17, that is the highest reserves the City has ever had since 2016-17.

Director Kwong commented as follows: Clarified the 44.4%. The year that we are in right now is 23-24. And that is the adopted budget, there's no adjustment, there's \$1.7M in a deficit, you have to subtract that. And the projected for the end of June of 24 is 27.4%.

Mayor Hinton commented as follows: I'm voting for this fiscal emergency tonight. I've been on the Budget Committee and in office for seven years, not one, seven, and I sat on the Budget Committee for five years. I also trust the budget committee that did 40 hours of work this year in budget subcommittee work, who are both in favor of the fiscal emergency. I trust that they cut many, many expenses, I know over a million dollars or something like that, or we would certainly not have the money in reserves that were showing tonight. We can't sustain that as a city. Our expenses are growing and our revenues are not. I'm not betting on a new hotel that we've been hearing about since I ran for office. It hasn't been built yet. I just can't bet on that. When the graph on the agenda tonight is showing we're going to be upside down in a few years. It's true, we've been talking about it and the full Council was not in support at this time of moving forward on a tax revenue measure. We need to follow the rules. But we can declare a fiscal emergency with a majority vote. I'm going to support that. We've heard from some members of the public economic development. Let's remember that we have invested over \$400,000 and economic development in the last three or four years with the City Council. I helped make those decisions. We are just not growing revenues as fast as expenses are growing. I wish there's been a lot of one time

money as I pointed out when I was Mayor in 2019. We got \$1.5M for our flood, and we continued to get COVID money from the state. Over the past few years we've continued to get money from estate planning that was directed to our fire and police departments. Those are like pennies from heaven for this small town up. We got that money but we cannot rely on that moving forward. So I'm going to vote for this tonight. I know that maybe it's just a declaration that hopefully will show where we believe we're at. I do believe the numbers. I know that occasionally the city has conservatively budgeted. I'm okay with that. I like conservative budgeting, I like to have a little money in the bank. We might have a large reserve right now. But we also have the for worse roads in town, in the county, and maybe in the state in Northern California. We also have problems with water and sewer infrastructure. If we started to invest in that kind, that kind of those kinds of things that are desperate needs, we would have no money in the bank. So we've got to turn this around and declaring a fiscal emergency is the first step in my mind. So I will be supporting it tonight.

Vice Mayor Rich commented as follows: This has already been a long road. I look back at my notes. We started out in April of 2023. On the Budget Committee, Councilmembers Zollman and I, looking at this situation, and the reason for this follow up comment is because Mayor Hinton's comment about the cuts. I think that's worth calling out. We cut we when it went into those budget committee meetings. I'm looking at my at the Chief of Police. We froze positions in the police department, and other departments, heavy cuts. Totaling \$1.1 million. I'm feeling emotional about this because I looked at all the cuts, there were things like trainings for our staff members, conferences, and I'm sorry, these aren't just you know, they go off boondoggles. These are training opportunities that educate people like our City Clerk, who by the way, as a result of these cuts, now has to look to her peers for information and get the conference materials from her peers. Conferences, trainings, equipment, replacement laptops, conferences for City Council members, how about the shade structure at Libby Park? The fencing around the pond, the community benefit grants \$100,000 It's not huge, but we had to cut that to our wonderful nonprofits like the community center, cut that the facade improvement program, cut that support for our sponsorships for the wonderful Chamber. These are huge cuts. If we hadn't done that we would not be looking at \$1.7 million folks, we'd be looking at more like \$2.7 million. There is no way that we're going to pull \$2.7 million out of the hat by the end of this fiscal year. So do we want this staff to be functioning at this level? I think you get my message. This is a reality. These were already deep cuts. The suggestion that we didn't make efforts, Councilmember Zollman and I and staff did cut expenses and it just hits me in the heart because we made huge efforts and staff stepped up. In terms of staff, we could have fire Mary Gourley, and sure that would have met some cuts in her department but this is a department that is already skinny, you do not punish departments who have already tightened their belts. So that's my emotional statement. Sorry to take the time. But this is an important issue that our community needs to, to circle around so that our staff members and our community and our roads and everything else can have what they want.

MOTION:

Councilmember Zollman and Vice Mayor rich moved and seconded the motion to approve and adopt the Resolution Declaring a Fiscal Emergency.

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

VOTE:

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

City Council Action: [Approved Resolution Declaring a Fiscal Emergency.](#)

Minute Order Number: [2023-259](#)

Resolution Number: [6564-2023](#)

5. Continuation from Special City Council Meeting of Tuesday November 14, 2023: Item is to continue the discussion of Consideration of Measure(s) for a March 2024 Special Election. This item was continued as due to Council protocols, the meeting was adjourned as it did not have unanimous support to continue beyond the 10:30 meeting ending time. (Responsible Department: City Administration/Administrative Services Director).

Mayor Hinton presented the agenda item. There were none at this time.

Mayor Hinton opened for questions.

Councilmember Zollman commented as follows: I think we do have a different attorney from the last time and thanks for being here with us. You've had an opportunity to look at the staff report, like your predecessor did last week. I think what I really want the bottom line is what would be the what would be the quickest and easiest way to draft a parcel tax. I see that in the staff report. I clarified with your colleague last time that he seemed to think that just having a flat tax would be the one of the easier ways is that still your opinion as well?

Mr. Mog commented as follows: The easiest way to draft that would be to have a broad class of services being covered by it to give the Council flexibility on how to spend the parcel tax and then also to have one uniform class because then you don't have to divide up parcels by size or by the size of the building just one rate per parcel, regardless of the size of the parcel or type of parcel or what's on it is the easiest, fastest to draft.

Councilmember Zollman commented as follows: As far as listing a broad amount of services that the money will be spent for you're also of the opinion that that still prevails?

Mr. Mog commented as follows: That's relatively quickly the draft and then doesn't take as much time for the Council to decide on exactly how you want to spend the money upfront.

Councilmember Maurer commented as follows: How will this get passed? Is it a simple majority or is it two thirds?

Mr. Mog commented as follows: It is a special tax so it would require a simple majority from that Council to place it on the ballot but two thirds of the voters would need to approve it.

Vice Mayor Rich commented as follows: What is the cost for the election.

City staff commented I believe the lowest estimate was \$33,000 for County elections, as well as budget for outside legal review as well as drafting of ordinance with a budget estimated at \$30,000- 37,000 for a total of around \$63,000- \$70,000.

Mayor Hinton opened for public comment.

Ernie commented as follows: Appreciate what the Council does. I don't like sales tax. We need the enhanced fire services. I don't know I haven't really thought through you putting a property tax on at the same time. It's kind of dicey. Since time is limited. I want to move right to a couple of suggestions. One raise a bed tax again, it's a no brainer. The people will vote for that. Some of the people may complain but it's a pass through. You have a surplus of rooms. You're not going to drive anyone away, raise the bed tax. Explore the infrastructure tax as per the City of Oakland for your vacant lots. It's court tested. And if you construct it right, I think that would pass to as

a no brainer. It would spur people on to develop that property and bring in other revenues on the fire tax. They have not decided on the final take but I've heard underground may not be accurate. You all know better than me that you're in line for a million for the firehouse and some ongoing money for operation and maintenance over time. Lastly, since your new City Manager is here, give him the issue to wrestle with before you make any kind of a decision.

Kate commented as follows: One big outstanding issue in regard to the parcel tax is the fact that we do not know the outcome. If we go into consolidation with another fire district, which has a parcel tax for fire services. I mean, it's doubtful that anyone's going to want to consolidate with us now that we're in a fiscal emergency, but on the off chance that someone still would be willing to work with us to combine services that would mean that citizens of Sebastopol would be double parceled taxed. The second thing is that the amounts that were tossed around in the staff report really don't amount to anything in terms of infrastructure, I believe the amount would be like around \$870,000 per year, which doesn't even begin to address like the \$40 million dollars of infrastructure needs. So basically, this parcel tax would just be going it's a substitute sales tax, which would be going to maintaining the status quo of city services, without any real commitment to infrastructure. I'm sure that the Council will write it as vaguely as possible, so that they can keep the status quo. The third thing is to Ernie's point is that the head of the Sonoma County Fire Services actually came to a Council meeting, and asked Council not to put a competing tax on the ballot, and then all fire Services have also asked Council not to put a competing tax on the ballot. So all in all, you know, between the very poor decision to declare a fiscal emergency when you could just wait and see if there actually is one after we get the revenue numbers and the merch sales tax, we're now in a fiscal emergency. And then you want to put a parcel tax on but the actual where that money is going, and its outcome, if we do consolidate with another department is completely unclear.

Kyle commented as follows: So we really need to know what the current costs associated with revenue generation have been so far, by my account, we spent money on that bias telephone survey. We've continued to use that consultant to some unknown costs, then we've got outside legal costs over the last month to some unknown costs, then Council has suggested that this last meeting of a coalition of the willing to help promote revenue generation that consisted of the who's who of past Councilmembers, what could be directly correlated to the actual fiscal irresponsibility that got us to this point, one of which consists of a past Councilmember that this city has paid previously, as a consultant. I want to go on record against choosing that consultant, again, with the goal of reeducating the public in hopes of generating support for a parcel tax, that even tonight, you provide absolutely no details on how this parcel tax will be calculated, how it will be administered, and including what the expected cost of administering this parcel tax might be. We learned earlier this month that we have an absolute need to have greater oversight on our water, sewage, bookkeeping, which currently suggests a \$55 per bill. So let's go back to that conversation about what is this going to cost to administer. How much is it going to cost us to collect this parcel tax? What can we be doing to reduce the administration of that cost? No details tonight have been provided that are anywhere different than what we saw week from week from now, or week ago. So what has happened in the last week? Why is none of that included in this in this agenda item? Why is this just a copy and paste of what we've seen previously, we still haven't addressed the issue of using projection projections into the future that are completely ultra conservative and unrealistic of what we've seen over the last decade.

Rachel commented as follows: I would just like someone on the Council to articulate what specifically this parcel tax will be used for him. All I can guess from listening to the discussion is that it will be used to bolster the general fund. If that's the case, is that the way it will appear on the ballot? So voters will have that at their discretion when they want to approve it. Or will it be something that is going to be paying like maybe the water and sewer or something else such as Fire Department. I'm not sure what will happen but you know, it just seems odd to put a parcel tax up on the ballot. That is largely undefined. That's all I'd like to say.

Mary commented as follows: The lawyers saying this should be used for broad services, which covers who knows what. I doubt if the voice of the voters will understand what I don't think that part will be on the ballot. I don't think it will pass anyway. But I don't understand why you're going ahead with this, when so many people have asked you not to put this on the ballot in March. I think it's really rude.

Matthew commented as follows: I understand that it costs money to run a government. We don't have that money coming in. It's a problem. So you need to raise money.

Linda commented as follows: This is just another prime example of the Mayor and Vice Mayor, being totally deaf, not listening to presidents of this town, public, they do what they want, and they don't know what they're doing. It's a problem. So anyway, I want to thank Ernie, it was so good to hear your voice. According to what I understand, I thought this early basis for this declaration of emergency fiscal emergency was unfounded and legally unfounded. It's my understanding that it can be legally opposed. So I hope that some of you might look into that. But anyway, it's just one more example of you know, the leadership not knowing what they're doing. Again, the reason why we're in this fix. The Mayor did not one until a month ago when literally the City Manager apprised her that they had got a loan out for \$5 million. She was totally unaware of and what she does not acknowledge to this day, that went for Syserco \$2.2 million of that went for the wireless water meters that again, the Mayor didn't know that they were wireless until after six months after she approved it. Even then, she didn't know about the opt out. Total ignorance.

Michael commented as follows: One thing that I was thinking is the one size does fits all. I think that would put undue pressure and I think it would be unfair to the smaller retailers and merchants on Main Street because those are all individual parcels that will be affected. So my business is you know, my landlord is going to get that that parcel tax and she's going to raise the rent. The Barlow is one parcel so those retailers aren't going to feel the effect because their rent is probably not going to be raised or at Redwood Marketplace, the retailers up there. That's one parcel. I think there is also the one parcel and I think the one where the former McDonald's is now Starbucks. So I think that the pressure will be on the retailers in the downtown core and the ones that are standalone retailers because their rents are going to go up, which is going to put pressure on those businesses, that it gave that unfair competition in my opinion, over the Barlow, which is going to pretty much skate through. So that's something that we should consider when you're thinking about doing one size fits all.

Tina commented as follows: Having listened to this now for a couple of weeks, I have to say that the idea of imposing a parcel tax when your own fire department has come to you and asked you please not to do this in March, and when other fire departments have come to you and implore you not to do this in March. It seems incredible to me that you would want to go forward and do this in March. That's what I want to say. I personally would not support it. I think that you will have a hard time persuading a lot of people in Sebastopol to support it when they learned that the fire department asked you not to do this.

Robert commented as follows: This is a question about tax strategy. I don't know how many times you get a choice or get an opportunity to go to the public and ask for a parcel tax, and how many parcel taxes the public will approve. It seems like water and sewer is going to be coming up shortly, a parcel tax might make a very a very good strategy there to help stabilize the need for concern constantly increasing annual rates to cover capital improvement projects. For example. You have the streets, which I think Vice Mayor Rich brought up as an issue. There's certainly other infrastructure in the city that are not water and sewer that are issues that are going to need a tax source of some kind to address. Is there an overarching strategy here that you have a plan for this parcel tax and then to others, and believe that you can sell three of them to the general public?

Mayor Hinton responded to public comment as follows: I'm just going to address a couple of questions from the public and say this is our fourth meeting out of the last five weeks all that went to the deadline of 1030 pm. So depending on how closely you've been following this, some of these questions I think I can answer. First of all, for the caller that asked about a property tax and how that might be impacted if we were to consolidate with another fire department where another property tax might be impacted. There is a rule that annually you can reduce a property tax measure to zero. So in which case if a property tax measure was passed, and then it was determined it wasn't needed for that specific year or multiple years, the governing body could reduce it to zero so we'd have learned that in the last few weeks. We did the math for the callers that talked about the fire measure, the number of voters in Sonoma County that are in Sebastopol jurisdiction are 1.8% of all Sonoma County voters. So that came out in a previous meeting. So just to let everybody know, on a county wide tax measure, we represent 1.8% of voters. To the caller that said would it be clear, we've heard from our legal counsel that it would have to be clear to have to specifically spell out to the voters in a fully transparent way, what the special tax would cover so that that would be a laundry list of items, is what we heard in the last meeting.

City Council Discussion, Deliberations, or Direction to Staff:

Councilmember Zollman commented as follows: Again, following up with what we just passed here, as far as an emergency, I do think that we need to act as if we're an emergency and try to get some money in as soon as possible. I am not keen with not doing something in March. As I said before, that means that we're going to end up pushing this off until November 2024, which means we won't get the money until 2025, which again, is 18 months before we all fall off a cliff. So I am not excited by that prospect at all. So I'm going to propose that we do have a parcel tax on March 2024. For that it'd be in the amount of \$300. And based upon what the attorney said, as far as how clean and how fast this is prepared, it seems like the flat tax per parcel would be the way to go. Yes, I do think that what counsel had said tonight, and the last time we were here is having the language be as broad as we can for as many uses as we can does seem appropriate.

Mayor Hinton commented as follows: This one is super tough for me. But at the end of the day, I don't think I'm going to be supporting a parcel tax tonight. We know if you've been following the Council for the last five weeks marathon meetings so that we don't have enough support to put a sales tax measure on the ballot currently. I just can't feel good about voting for a property tax measure. I do hope that this year with the guidance from our new City Manager and a new budget subcommittee and looking at this math that we will all feel confident in the numbers moving forward and we'll be able to get a tax measure that will be supported.

Vice Mayor Rich commented as follows: On the parcel tax issue, yes, I am really conflicted on this. Because as everyone knows this fiscal emergency is a serious one from my perspective. I joined Mayor Hinton to try to get something on the ballot in November of this year, that effort failed, we failed to get the support to get a sales tax measure on the ballot for March. Now we're looking at only a parcel tax, which gives us \$800,000. It's a partial solution to a much bigger problem, sales tax half percent, would have brought in \$1,000,006. So I think the idea of burdening a parcel tax is not the right. Not the right measure. It burdens only our property owners it as Mayor Hinton was saying, it's better to spread the obligation amongst a larger group of people. By the way, do have people from outside the county who have contacted me to say, yes, they think a sales tax is actually a wonderful idea. So there is some support for that I also have had people support a parcel tax. So we are hearing all of those voices. I also feel like we're on a and so I'm not in support of a parcel tax for March. I was never just so everyone knows, in support of a parcel tax for fire, I thought that would create a conflict with our fire tax in March. I also just wanted to make the bigger picture argument here, which is that we have a City Council and a community that we are all in all in a process of taking in this change this fiscal emergency, we're experiencing this discomfort and having to deal with the reality of it. For some of us, it's easier to process more quickly. But for a lot of people it's really, really new. If we can give ourselves the time with the right leadership, to come to an agreement and an understanding educate all of ourselves, that will then lead to a better, bigger solution that will answer a lot of the

questions that have come up which people have raised. I think there's great opportunity there. I do fear for our success in November, because there will be a lot of ballot measures, and there will probably be only a half percent left for if the fire attacks, passes, and a lot of competing measures. So it's not a done deal. And it saddens me. But the reality is, I don't think a parcel tax for this community at this point, is a good idea. Makes me really sad. But that's where I am with that.

Councilmember Maurer commented as follows: I'm really relieved that we will not be moving a parcel tax forward, I did not support it. I did not want to spend the money on it. I think that waiting until November is a good idea. At that time, we'll only need a simple majority to pass whatever measure we're going to be putting forward at that time. I will support coming back to this and looking at that, at that time. I just wanted to tell the public about the issues that we actually agreed on at the at that big meeting, we agreed on quite a few things in terms of raising revenue. We agreed on the potential for a vacancy tax, for events licenses enforcement, for asking the county to help with funding some of our social services such as the Senior Center, Community Center, and Library. An Emergency Medical Services reimbursement, review city leases, discussion to establish an enhanced infrastructure financing district, review the business licenses, continue to seek grants and possibly a cannabis tax.

There was no motion to move the item forward.

City Council Action: No Action Taken to move forward with a parcel tax.

Minute Order Number: 2023-260

2. Approval of Employment Agreement /Contract for Newly Appointed City Manager Don Schwartz
(Responsible Department: City Administration/Human Resources)

City staff presented the agenda item recommending the City Council approve the Employment Agreement / Contract for Newly Appointed City Manager Don Schwartz.

Mayor Hinton opened for questions. There were none at this time.

Mayor Hinton opened for public comment.

A member of the audience commented as follows: Just want to take a quick note and thank all of you for your exemplary work. It's been a tough several months and I know you guys have put in a lot of hours. I think the Mayor said 40 hours in subcommittee. So thank you so much for all your hard work. It is appreciated. And then to Don, we've crossed paths briefly in the past, and I just want to welcome you excited to have you come aboard and work with you on kind of moving Sebastopol forward, it's obviously got a few tough challenges to be confronted, and I'm sure you'll solve them and looking forward to working with all of you.

Kyle commented as follows: Don, I welcome you to the city, it's going to be a pleasure getting to know you and see how you change things up for us. I think it'll be an interesting shift for you going from the city with the youngest demographic to probably the city with the oldest demographic. In terms of the employment and the agreement, just I want to kind of make it known that we just passed a fiscal emergency for our city. I think, with that being said it might be an opportunity to have discussion upon hire about maybe some changes to that. Shouldn't with all of our department heads to see if there's opportunity move forward to help get us out of this as we did vote on an fiscal emergency. Welcome to the City.

Linda commented as follows: I also would like to welcome Don and I hope that you are in the right place at the right time. We need better leadership. But you know, previous, like I said, our previous leader, the manager who is my next door neighbor and lives on the street over and so I've had the privilege of being able to talk with him.

We both walk sometimes at the same time during the same direction. He has been really extraordinary along with Mary, too, of course. But you know, we have a leadership problem here. I hope that you will be able to nudge them in a better direction. As Kyle said before about this decision to declare the fiscal emergency, you might advise them perhaps to give it another thought, along with a lot of the other stuff. I'll be more than happy to fill you in on how we got to where we are, since I've been sort of paying attention and participating for the last 12 years or so ever since I got over my public speaking. So anyway, my name is Linda and I am the voice of the people who are electro sensitive and will bring them bring to the city more awareness of health, medical care, and also social issues.

City Council Discussion, Deliberations, and or Direction to Staff:

There was no further discussion.

MOTION:

Mayor Hinton moved and Councilmember Maurer seconded the motion to approve the Employment Agreement / Contract for Newly Appointed City Manager Don Schwartz.

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: None

Absent: Councilmember McLewis

Abstain: None

City Council Action: Approved Employment Agreement / Contract for Newly Appointed City Manager Don Schwartz.

Minute Order Number: 2023-257

Resolution Number: 6563-2023

Mayor Hinton introduced Don Schwartz and his family.

Councilmember Maurer commented as follows: I'm just thrilled with your appointment. One of the things that happened, which was a wonderful surprise, is that this was a unanimous decision. I have this image that if we if this Council was like at a diving competition, and we were judging, we'd all be like 10 10 10. I don't think I'm exaggerating. It was wonderful. We were unanimous in selecting and appointing you. So I am looking forward to working with you. I'm looking forward to learning from you. I bought the book by the two authors that you recommended. I'm almost through with it. I probably could read it five more times. It's just got so much good information. So I'm already learning and we haven't even really started working. So thank you. Welcome.

Councilmember Zollman commented as follows: I'm very delighted, I was very impressed by all the contents of your interview, and in particular, your commitment to respecting all diverse voices in the community. That resonated a lot with me. I'm looking forward to all the things that you can implement here, including what has happened in Rohnert Park with law enforcement being invited on a regular basis, on a monthly basis to citizens who just want to show up and say what they need to say. So I am looking forward to working with you.

Vice Mayor Rich commented as follows: I just have to recognize your incredible depth of expertise and experience. Looking at our fiscal crisis, knowing what you've done in Rohnert Park with your fiscal plan there, and your deep dives into those issues and your ability to kind of bring people together. The resume is just so impressive and your reputation. do want to say there have been so many people who've reached out to me and said, Wow, you got Don Schwartz. Cool. So thank you very much. And welcome to Sebastopol.

Mayor Hinton commented as follows: The first time we met was at a Mayor and Councilmembers meeting and you were advocating for cities to have a voice with Continuum of Care. I know you're an advocate for local cities. I love that about you. Then your resume the interview it was you did your research. You're right down the road, as I've already stated in public comments and I know the Council was very excited and magnanimous vote. So we're thrilled to welcome you tonight and meet your family.

Mr. Schwartz provided the following comments: Thank you so much. I have some prepared comments. Thank you for the true honor of being selected as your City Manager. It's a real vote of trust and I am appreciative of that and truly honored by your decision. So thank you for that. And I want to thank my wife and my daughter for their support over the years. They have been super supportive throughout my career and I just I'm going to continue to need that support at home. That's kind of the foundation for being able to be successful outside the home. Thank you, and I love you. I appreciate you for all you've done. We spent a lot of time when my daughter was here with Sebastopol families when she was going to school here. We look forward to being back more than we've been in recent years. So that's something for all of us to look forward to. There are certainly challenges ahead, tonight's a good evidence of that. My promise to you is to be mindful of for me deeply held personal values and taking those on that includes integrity, and telling you the truth as I see it. It includes fiscal responsibility and honoring the taxpayers and ratepayers and their dollars and treating them respectfully. It includes collaboration, which means working together well with you, with a fine staff and with the community. When I do that, and what I mean by that, it will always be with the intent of keeping in mind the best long term interests for the residents of Sebastopol. So again, thank you for the honor. I'm really glad to be here

Mayor Hinton called for a break at 8:00 pm and reconvened the meeting at 8:19 p.m.

3. Presentation and Receipt of the Surveillance Technology and Community Safety Annual Report (Police)

Police Chief Nelson presented the agenda item recommending the City Council receive the presentation and authorize the continued use of all existing technologies in use throughout the city.

Mayor Hinton opened for questions.

Councilmember Zollman commented as follows: Stated as Council liaison to the LAB, ongoing working group, the LAB has held many meetings and heard from numerous concerned citizens and as the City Attorney is not here, is it your understanding that as this is drafted now it would only apply to City departments for this surveillance ordinance.

Chief Nelson commented as follows: In reading the ordinance with the City Attorney, it does not address City owned parks or buildings only departments.

Councilmember Zollman commented as follows: Discussed Ives Pool and the management of that pool is by an outside entity and not a department head.

Chief Nelson stated that is correct.

Councilmember Zollman commented as follows: Stated is an anomaly and not carved out and it is not an official department of the City but another group and asked if there is an exception for the pool and library. It is a City owned building but ran by an outside group.

Chief Nelson commented as follows: Stated it can be amended simply with additional of a sentence stating City departments or City owned buildings and tenants would be subject to the ordinance if amended. It would need to be brought back to the Council for approval of any amendments.

Councilmember Zollman commented as follows: Discussed it was alluded to the library administration that it was subject to the policy for cameras on the library and stated the report referenced incidents at the library of unruly patrons as the reason for the cameras and had to access tapes and was the ordinance passed since then.

Chief Nelson commented the ordinance was since passed and discussed safety of staff and ability to provide information or evidence if an assault were to occur,

Councilmember Maurer commented as follows: Discussed there are several cameras on City Hall and asked if the cameras were capturing that side of the library already (the entrance to the back side).

City staff commented that the cameras do not reach that far.

Vice Mayor Rich commented as follows: Stated the Senior Center is a City building and asked if they had cameras.

Chief Nelson stated he did not know.

Vice Mayor Rich commented as follows: The community center, youth annex, senior center have leases with the City and asked if that is parallel with the library building.

Chief Nelson commented that is correct.

Vice Mayor Rich questioned what are biometric technique.

Chief Nelson commented as follows: Cameras identify features and characteristics of eyes and such and there are issues with that.

Councilmember Zollman commented as follows: Discussed the LAB meeting and they do not believe in any surveillance of anyone coming in or out of the building; discussed privacy rights and monitoring of patrons. He thought this was addressed in the policy but the City Attorney stated the policy did not apply to the library. He discussed the need to work on the language and return it to Council.

Chief Nelson commented as follows: Discussed born worn cameras and use of the body worn cameras in incidents and stated it is routinely requested by the District Attorney's office as well as defense counsel related to justifiable reasons for charges.

Councilmember Zollman questioned if the library cameras are installed or are in use.

Chief Nelson commented as follows: Believe the cameras were installed in late November or early December and not know factually if they are activated.

Vice Mayor Rich commented as follows: Do we as city have any authority to require that the library not use the camera or ask as a courtesy.

Chief Nelson commented we can ask as a courtesy.

Vice Mayor Rich commented as follows: Discussed body worn cameras and asked if officers are required to activate them except with privacy issues and asked for examples.

Chief Nelson commented as follows: In response of sexual assault investigations they may not be activated.

Vice Mayor Rich asked if there were times when this has happened where they were not activated.

Chief Nelson commented as follows: Not to my knowledge unless it was an extraordinary circumstance and that would be documented in the report and explained.

Mayor Hinton questioned officer conversations.

Chief Nelson commented as follows: They would not be activated if they were conversing with one another and were discussing information that would not be appropriate for public disclosure.

Mayor Hinton opened for public comment.

Mathew commented as follows: Speaking as a private citizen, read the ordinance, says that the Council approves prior to a third party installing cameras and installing them, and discussed enforcement actions.

Jim commented as follows: Thanked Chief Nelson for working with the ACLU; thanked the Council for passing this ordinance; working since 2021 in bringing this ordinance around the county and Sebastopol was the first city to do it so far; close to having this completed in two other cities; made aware of an article in the Sebastopol Times, cameras at the library and stated he was unable to find the policy for CCTV or surveillance cameras. Stated this is the first example of finding a hole in the ordinance; need to develop policy for surveillance and insert word for closed circuit tv to make it easy to find on the web site.

M Kelley commented as follows: Thanked the Council for the report and transparency; does walk Sebastopol; not noticed any buildings that had signs for surveillance cameras; need transparency; discussed crime prevention.

Dena commented as follows: Member of LAB; everyone at the meeting talked of the surveillance; dismayed library went forward and installed the cameras without public input; would like them to withdraw the use of cameras; review and rewrite the policy so that any City building has to come before Council for Council to weigh in prior to installation of cameras.

Kyle commented as follows: It is my hope that through tonight's discussion we will take the opportunity to re-visit this policy and make revisions as needed. For example, we should really have in place who decides where a video camera will be placed, what areas will be under surveillance . We should be clarifying what types of notices we post to inform employees and the public about the video surveillance and what type of retention period that will apply to any footage, since it constitutes a public record. With that being said, any type of recording that is being done including recording a public meeting, that needs to be satisfying the public records requirements which would include the retention of Council meetings for up to six years, what you do not believe is currently happening as a result of the revision to our website. So, having this is an opportunity to take a look at the policy, revise it, i think in particular making sure that we are clarifying video and distinguishing up separately from any sort of audio recording that may be connected with that video.

Linda commented as follows: First of all, thank you, Police Chief, I want to acknowledge our exemplary police department. Especially compared to say, the sheriff's department which is full of thugs and goons. But that being said, I really like our police and support our police and fire department and I'm sure most people do but about this policy of surveillance, it is appalling. It is appalling and to think about what surveillance can be used for and abused. It makes me nervous thinking about the swimming pool. You got cameras there, are they in the dressing rooms. Why do the swimmers need to be surveilled? Then what is done with that footage? In the same can be said for the library. That is a place people go thinking it is safe and unfortunately it is not. So, not only the surveillance but I think this whole thing about the surveillance cameras, they should be removed and that money should be better spent measuring for meters, measuring the levels of radiation which we are all being literally cooked alive by the smart meters that PG&E, our cell phones which are weapons. It is my suggestion that we start looking at the health consequences of the radiation, we already had a physicist come through our city and he was a commercial meter and he found levels of radiation in the access of 1000 times.

City Council Discussion, Deliberations, and or Direction to Staff:

Councilmember Zollman commented as follows: Support request of either having Police Chief contact Library Administration and ask them not to turn the videos.

Vice Mayor Rich commented as follows: Asked staff to review the policy and return to the City Council a revised ordinance to provide clarification on which property this would apply to; asked staff to look into provisions that may need to be added to any future lease for city properties.

Mayor Hinton commented it should be clear who is viewing the videos; why would they be viewed and for what action.

Councilmember Maurer commented as follows: Appreciate the report; did get a comment today on the impact of the camera at the library; asked if this item would come back at a later time.

Chief Nelson commented it would be returned to the Council for amendments.

MOTION:

Vice Mayor Rich moved and Mayor Hinton seconded the motion to accept the report, authorized continued use of all existing technologies in use throughout the city and directed staff to contact the Library Administration and ask as a courtesy to not turn on the cameras until such time the ordinance returns to the Council for review for amendments of language.

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: None
Absent: Councilmember McLewis
Abstain: None

City Council Action: Accepted the report, authorized continued use of all existing technologies in use throughout the city and directed staff to contact the Library Administration and ask as a courtesy to not turn on the cameras until such time the ordinance returns to the Council for review for amendments of language.

Minute Order Number: 2023-258

6. Consideration of Amendment of City Council Protocol Meetings for City Council Closed Session Special Meetings and Agenda Review Committee Meetings to allow for in person meetings only (Responsible Department: City Administration). *This item was removed from the Consent Calendar at the November 7, 2023 City Council Meeting.*

City staff presented the agenda item.

Mayor Hinton opened for questions. There were none at this time.

Mayor Hinton opened for public comment.

Kyle commented as follows: There two arguments being made for trying to reduce public access to meetings restricting access to zoom. To both agenda setting and these closed sessions. The first suggesting that the only solution would be to moving large amounts of equipment to and from different locations and public works time. Currently I'm looking at the face of Vice Mayor Diana Rich, Mayor Neysa Hinton, and I also see laptops open and available for Assistant City Manager Mary Gourley and there are many technical solutions to allowing both in-person, as well as image the patient which do not require the need for hauling around large amounts of a/v equipment to be able to provide public access to these meetings. Secondly, the other argument is about low participation. It could very well be that low participation is actually a result of a failed public noticing and access to these meetings , to the public. For example, there was a meeting that was scheduled for the date after our last City Council meeting for agenda setting. There is no zooming provided to the public for that agenda setting meeting. There was no notice provided to the public of that agenda setting meeting. This is not outside of the norm. Very regularly there is lack of proper noticing of agenda setting for zoom participants. This can also be expanded out to close session, which is not providing the same type of public noticing , social media presence that we would see with other meetings. So, to claim that lack of participation is an argument for this is also not worthwhile exploring is justification.

Linda commented as follows: Thank you, Kyle, I'm so glad you're here. I hope you will run for the seat of Diana Rich, which here will be available next year. Anyway, I agree with everything that Kyle said. For people like me and the growing number of people who are electro-sensitive cannot go in town say that because of the levels of radiation and in fact, I am officially disabled due to being electro-sensitive which is written up in the American disabilities act and you, by making public meetings not available to people via zoom. I can only attend these with my fully courted landline phone, you are in violation of mine and a lot of other people's civil rights. It is just not a good idea. You keep taking steps to not only do you not listen to the public and I'm talking to Vice Mayor and Mayor, you don't listen to us but you do everything you can to prevent us from speaking and being heard. That is why people do not see the use of speaking because they are not being heard. My point is that I think you need to reverse the course and try to engage and listen to the public, rather than the direction of making yourselves less accessible to the public.

City Council Discussion, Deliberations, and or Direction to Staff:

Mayor Hinton commented as follows: Supports the item; has attended the last two years of agenda review committee meetings and they have not had a lot of participation from members of the public; 90% of those meetings did not have anyone tuning in to the meeting; usually one person attended 10% of the meetings; meetings are and will continue to be open to public; Sebastopol is 1.88 square miles; discussed measure of time and energy for movement of equipment; and encouraged putting energies into areas where more members of the public can participate.

Vice Mayor Rich commented as follows: In support; can confirm the numbers of members of the public who attended these meetings; City has limited resources; and supports use of in person for these meetings.

Councilmember Maurer commented as follows: Stated agenda review committee meetings are regularly at City hall and closed sessions were the ones being moved around.

City staff stated that is not always the case.

Councilmember Maurer commented as follows: Recommended in person for Closed Session but continue use of zoom for agenda review committee meetings but understand Agenda Review committee meetings move locations; important work being done at Council meetings; any Councilmember can remove an agenda item if they do not like it on consent; encourage members of the public to let a Councilmember know if they want an item pulled; and support this requests.

Councilmember Zollman commented as follows: Supports the request; City is in a huge deficit; mindful of where the money goes and also wear and tear on equipment and staff time.

MOTION:

Mayor Hinton moved and Councilmember Zollman seconded the motion to approve the request to amend the Council protocols to have the Agenda Review Committee and Council Closed Sessions to be in person meetings only.

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: None
Absent: Councilmember McLewis
Abstain: None

City Council Action: Approved request to amend the Council protocols to have the Agenda Review Committee and Council Closed Sessions to be in person meetings only.

Minute Order Number: 2023-261

Resolution Number: 6565-2023

7. Consideration of Amendments to City Council Committee Assignments – Liaison to Sebastopol Chamber of Commerce (The Annual Committee Assignments where all Committees will be discussed will be at the January 16th 2024 City Council Meeting to allow for applications to be submitted to the Mayor for Recommendation Per the Council Process Established December 2022 (Requestor: Mayor/Responsible Department: City Administration). *This item was continued from the November 7, 2023 City Council Meeting.*

City staff presented the agenda item.

Mayor Hinton opened for questions. There were none at this time.

Mayor Hinton opened for public comment.

Ernie commented as follows: Would like to have the Mayor continue as the representative and keep this going as it is important to all.

Kyle commented as follows: Think the agenda item tonight is also a symptom of a larger problem. Regularly the Council meeting will not get to Council reports , we do not get updates on any of the meetings that are happening or should be happening from our Council liaison and to hear that we have Council liaisons that are not able to meet the expectations of those positions. We should be having those regular reports that might come to light sooner than we are at this point in the meeting. Again, I'm calling for the Council to reconsider the way in which they manage reports out to the public from Council subcommittees. I think that it should not be an unreasonable expectation that written reports be presented regularly, as a part of the agenda. To continue this process of ending meetings at 10:30 without any reporting out, we are not hearing from city staff, we are not hearing from Councilmembers, we are not hearing about Council sub-committees for multiple meetings in a row and it is actually more of the regular standard practice that we do not. I think the kind of general disdain for these types of committees and the reporting out has been prevalent for many years and I like to see that type of attitude change and it is actually a huge privilege to be able to represent our city on the sub-committees and that responsibility should be taken seriously as part of the reporting process that happens regularly.

City Council Discussion, Deliberations, and or Direction to Staff:

Mayor Hinton commented as follows: Council works really hard on committees and discussed attendance at committee meetings.

Councilmember Zollman commented as follows: Discussed Council should be in attendance at these meetings; and stated Councilmember Lewis would be great as liaison as she has requested and he would volunteer as the alternate.

MOTION:

Councilmember Maurer moved and Vice Mayor Rich seconded the motion to approve appointment as Council liaison to the Sebastopol Chamber of Commerce as follows:

Councilmember McLewis	Liaison
Councilmember Zollman	Alternate

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:	None
Absent:	Councilmember McLewis
Abstain:	None

City Council Action: Approved appointment as Council liaison to the Sebastopol Chamber of Commerce as follows:

Councilmember McLewis	Liaison
Councilmember Zollman	Alternate
Minute Order Number:	2023-262

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.

None at this time.

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

8. City Manager-Attorney/City Clerk Reports: (This will be either verbal or written reports provided at or prior to the meeting). No reports.
9. City Council Reports/Committee/Sub-Committee Meeting Reports: (Reports by Mayor/City Councilmembers Regarding Various Agency Meetings/Committee Meetings/Sub-Committee Meeting /Conferences Attended and Possible Direction to its Representatives (If Needed) on Pending issues before such Boards. (This will be either verbal or written reports provided at the meeting)

Councilmember Maurer reported as follows: The senior center has let go of the Joan Churchill and brought back Katie Davis who is their new director. With the statement that there were not any performance problems, they just re-hired Katie. The next item is the zero waste group, I am on the board for zero waste and the board at the last meeting which is on a Thursday, that will be processing household hazardous waste and I think the property was a \$3 million property and this is a really big deal for the zero waste group and we also acknowledged Green Mary, she's like a real celebrity, I've heard about her work for so many years and she educated us about a few things. Then the climate action committee, they have voted to continue meeting monthly and they will continue with their sub-groups and Vice Mayor Rich and I have agreed to meet more often with them on a steering committee with the two moderators of that meeting and the Recology committee, we've had several meetings, we are just gathering information and we are continuing to gather information and we do have a meeting coming up next week.

Councilmember Zollman reported as follows: Attending the Library Ad Hoc Committee Meeting and heard from Erick Roeser from the County on how Santa Rosa proceeded with their EIFD; and discussed moving forward by not just focusing on the library but the library would be a big part of it; Discussed Supervisor Hopkins' interest and building of that; SCTA meeting and new executive director onboard; regular meeting with Debbie Ramirez who is also on the School District Board and discussed collaboration, Health Action Chapter meeting; and attended the Subcommittee on Child Care Planning Council.

Vice Mayor Rich reported out as follows: Recruitment of new Executive Director for Marin Sonoma Mosquito District; Attended City Council Closed Session and Special Meetings; Zero Waste working group within the Climate Action Committee and working on series of zero waste heroes publications; Obtaining information to share with staff on potential goal setting facilities; bringing forward a request for direction on EIFD; report on the unhoused; WCCS outreach worker continued to be helpful and supportive and provides important data in her reports; Discussed Horizon Shine and that individuals did receive a 90 day notice; it is the expectation that St Vincent De Paul will want that property in March to break ground for their affordable housing project; Discussed warming centers and the WCCS outreach coordinator has volunteer to train volunteers for the warming centers and discussed potential funding from the council for the warming centers; individuals can still go to the police department who will transport individuals to a warming shelter; and discussed the Continuum of Care report from Una Glass.

Mayor Hinton reported out as follows: Attended SCTA meeting where Suzanne Smith retired; new GM James Cameron; Attended the Chamber Awards; Conducted Lunch with the Mayor at the Senior Center; Attended the

Sonoma County Fair Board budget and grounds meeting and discussed the trailers that at the fairgrounds that house the homeless; attended fire ad hoc committee meetings and a report will be coming soon.

- a. *Committee Report /Housing: Continued from October 17th 2023 City Council Meeting
(Responsible Department: Planning
City Council Action: None Required. Informational Only.
Minute Order Number: 2023-263*

- 10. Council Communications Received (Information/Meetings/Correspondence Received from the General Public to Councilmembers): None
- 11. Future City Meeting Dates/Events (Informational Only): (See City Web Site for Up-to-Date Meeting Dates/Times)

CLOSED SESSION: NONE

ADJOURNMENT OF CITY COUNCIL MEETING

November 21, 2023 Meeting will be adjourned to the City Council Meeting of December 5, 2023 at 6:00 pm.
(In Person and Remote/Zoom Virtual Meeting Format)

Mayor Hinton adjourned the regular City Council meeting of November 21, 2023 at 9:44 pm.

Respectfully Submitted:



Mary Gourley
Assistant City Manager/City Clerk