

CITY COUNCIL MINUTES
MINUTES FOR Regular City Council Meeting of September 5, 2023
As Approved by the City Council at their regular meeting of October 3, 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 6:05 p.m.

Roll Call:

Present: Mayor Neysa Hinton
Vice Mayor Diana Gardner Rich
Councilmember Sandra Maurer
Councilmember Jill McLewis
Councilmember Stephen Zollman

Absent: None

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

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:

The following was presented:

- Kari Svanstrom (Planning) – 5 Years of Service Award

Reference Order Number: 2023-191

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.

Councilmember Zollman commented as follows: Discussed Item Number 6. Disclosed that he met individually with the presenter. He stated he reached out to the City Attorney who informed him that he could listen to the item. He also stated that there was no discussion of the lawsuit pending.

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.

Kyle commented as follows: I am concerned about the improvements at the intersection of Bodega and Robinson Road. It appears that the construction has been completed. However, anyone at that intersection realizes that the actual hazard is that the improvement produced by the amount of stuff that's upgrading is happening at that intersection. It is actually not making that A.D.A. compliant as the improvement was intended to. So I would appreciate it if there was an update on that. That would be great. Hopefully, we intend on thing that improves so it is not a tripping hazard which are currently there.

Linda commented as follows: Speaking of A.D.A. compliant. I remain computer free, cell phone free, TV free, and largely electricity free. Other people like myself that are also sensitive. In fact, recently, I was minding my own business as I always do on the trail. I came across this doctor who is an author. We had a nice little discussion. It turns out he has a cancer doctor it turns out in Santa Rosa. His name is Isaac. He is hip to the harm and danger of electromagnetic fields. So he and his nutritionist wife have already taken steps to protect themselves by putting special shielded wiring along their walls. That is another way and I have that on my walls. It is mylar on the ceilings and exterior walls, in addition, the \$900 silver mesh canopy and the \$200 silver sheets that I wrap myself around. I am sitting here all shielded with a face mask and stuff. The City Council has made some massive errors about putting more wireless and radiation emitting devices. Not to mention, specifically, the wireless water meters that are costing \$2.2 million that could've gone to our police or fire department.

City Manager/Attorney McLaughlin commented as follows: The City will provide a response tomorrow to the public commenter.

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 were none.

Public Comment(s):

Linda commented as follows: Discussed item number 3. As I said, I am computer free, cell phone free, et cetera, et cetera. So I would like to go with the electrification survey and what it says. The single most vocal person who is routinely going on calls regarding electricity. The electromagnetic fields. I would like to have that removed from the agenda. I would like to hear more about what that is. It is interesting how these things have targeted to the City Council members and none of the rest of us like the water meter. Excluded all the people like myself who live in apartment buildings. It was bogus water meter survey. So you just cannot trust any of these things because they are designed to eliminate and exclude the voices of people like myself. I would like to have that removed and collaborated on.

Mayor Hinton commented as follows: I will go ahead and address the speaker. This item is for the City Council to consider and review the electrification study results that were published by our climate action committee. This is a brief survey in March and April to learn more about switching from natural gas to electricity in their homes. I might remind the speaker that we do publish in the library a full agenda packet for the public. I believe we publish it somewhat in advance of these meetings.

City staff commented as follows: The packets are posted online. We do not post at the library. But we do send the entire packet out there. So if someone wanted to, they could also asked for it, there is charge for copying, of course if they would like a copy. The agendas are posted at the library, City Hall, community center but if someone would like a copy, they can request a copy of the agenda packet. There is a copying charge.

Director Svanstrom commented the survey is posted on line.

Councilmember Maurer stated she will send the public member a copy of the survey.

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

City Council Action: Approved City Council Meeting Minutes for Meeting of August 1, 2023

Minute Order Number: 2023-192

2. Approval of City Council Meeting Minutes for Special City Council Meeting of August 8, 2023 (Responsible Department: City Administration)

City Council Action: Approved City Council Meeting Minutes for Special City Council Meeting of August 8, 2023

Minute Order Number: 2023-193

3. Receipt of Summary Report of Electrification Survey results (Responsible Department: Planning)

City Council Action: Received Summary Report of Electrification Survey results

Minute Order Number: 2023-194

4. Authorization for Staff to recruit for a citizen representative to the SCTA Bicycle and Pedestrian Advisory Committee (Responsible Department: Planning)

City Council Action: Approved 4. Authorization for Staff to recruit for a citizen representative to the SCTA Bicycle and Pedestrian Advisory Committee

Minute Order Number: 2023-195

MOTION:

Vice Mayor Rich moved and Councilmember Maurer seconded the motion to Consent Calendar Items 1, 2, 3 and 4.

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:

Presentations are to be 10 minutes or less.

5. Informational Item/Presentation of City of Sebastopol Migration to DOT.GOV (Responsible Department: Administrative Services)

Administrative Services Director Kwong presented the informational item.

Mayor Hinton opened for questions.

Mayor Hinton commented as follows: I know it said the impact and the cost changeover was budgeted. I'm curious what the estimated budget is going to be for the changeover. I assume we're talking about new business cards, et cetera. That was one of my questions. Then I thought you might, for the public, recap that we have, basically, a very quick comment about our cyber theft. I know we have been made whole now two years later. I think it is really important for the public that did not maybe know about that to talk about why this is really important to keep us secure.

Director Kwong commented as follows: The cyber theft is kind of like an isolated incident. It was because staff was receiving email from a known source. Now that we have been educated, any links, any email that is not expected, I think the simple way is to pick up the phone and call instead of clicking on links. That is how it was getting into, not the system. But because you are clicking on a link, and those have some sort of viruses. They would have some, I have the I.T. person here and he can explain it better than I can. Like I said, this change is part of trying to be collectively make the website and the email safer. I think that those are two different things and a kind of run together.

Mayor Hinton commented as follows: I just thought the public might want to be made aware of it. That we take this stuff seriously and that is why this is coming forward. Do you have an estimated cost for this changeover.

Director Kwong stated it is estimated at \$5200.

Mayor Hinton opened for public comment.

Linda commented as follows: I think it is important for everybody to understand that all of this shifting from analog for communication, the old school communications. It is making us all more vulnerable. Discussed the \$1.2 million that is gone. It is probably an inside job. But anyway, it is also a test to our health. That is worth a lot. Like I said before, it is a win/win for the cancer industry and all the other health industries. Making us dependent and closing us off with more wireless radiation. It is a pretty stupid idea. As I have said before. It is stupid and stupid is normal. There is a six-year-old who has a rare kind of cancer. On his cell phone and video games all the time. Another 11-year-old kid with a heart transplant. This stuff is not without health consequences. It is hurting the trees and everything else. So how can you do this. This post radiation as a biological effect. It is not magic. As a lot of you seem to think it might be. It is not safe. And it is not clean either. As in clean energy.

Mayor Hinton thanked staff for the presentation.

City Council Action: None taken. Informational item only.

Minute Order Number: 2023-196

6. Informational Item/Presentation on Eviction Process and Potential Protections by Margaret DeMatteo, Attorney for Legal Aid of Sonoma County (Requestor: Councilmember Maurer)

Margaret DeMatteo provided an informational presentation.

Mayor Hinton opened for questions.

Councilmember Zollman commented as follows: I wanted to say thank you to Councilmember Maurer for bringing this forward and thank you to Margaret DeMatteo for presenting tonight. When I read your material, the registry, as you said, it is not going to help with not having people be thrown out for no reason. But it is a rather straightforward, from what I read in the material, process. You mentioned one vendor. Do you know approximately the cost in the jurisdiction where we could prepare to find out about implementing something like a registry.

Ms. DeMatteo commented as follows: Petaluma is not the same size as Sebastopol. I can tell you what the cost. For a City that has roughly 22,000 renters, the initial startup cost, I was quoted to me it would be \$33,000. And then \$100,000 annual maintenance costs. The \$100,000 a year is something that can be paid via a nominal fee to landlords per unit. Or paid by landlords for units. So for instance, if each landlord registered their unit at \$50 a year for their units. You know, a small amount. That is really a nominal fee. That would allow the City to gather data. That \$50 fee or something like that could be passed on to a tenant. That is what they do in San Francisco. They have a rent board. It is paid for by that nominal fee. The City does invest some anti-homelessness dollars into the rent board. It is a large City. The pass-through of that fee could also have an exception for low income tenants. They could apply for a waiver. So there are a lot of different options. Once you have the registry, you have the ability to really know what is going on with your rental housing. I caution the idea of passing a registry without some other thing that has teeth, like an anti-harassment ordinance. In speaking with jurisdictions that have only passed the registry, it is really not very effective unless it is paired with some other tenant protection.

Councilmember Zollman commented as follows: That is what I was going to get to. The benefit of having the registry. It is not just to be able to focus on owner move-in. That seems to be a thing. And when an owner says they're moving in, then that means they're going to take that unit off the market. There is really no way of monitoring that and if you have something similar to a registry.

Ms. DeMatteo commented as follows: That is right. Except in the case of where the tenant protection act does not apply to that unit and there is no protection for owner move-in. The registry can at least identify views of the tenant protection act. Substantial renovation has been deemed eviction. And that is something that is happening in bigger cities. In my experience, they are rights for views because there is no oversight of what happens after the tenant moves out. Did the landlord actually moved in. Now that brings up another loophole in the tenant protection act. There is no oversight. The landlord says they're moving in and they do not move-in, the tenant does not have standing to bring a lawsuit for wrongful eviction. There is nothing holding them accountable to actually move in. And at the same with the Ellis act. Withdrawing from the rental market. When we had the eviction moratorium during COVID, there were only three reasons that a landlord could affect. One of them was Ellis act withdrawal. And at legal aid, we saw people left and right being evicted for Ellis act. It seemed questionable. The property was really going off the rental market. You can put into the registry some sort of reporting requirements. But without adding some sort of modicum of protection, there is no teeth, essentially.

Vice Mayor Rich commented as follows: Thank you for the presentation. I had a number of questions which are really getting to the data you have outlined for us. I know you have a sense of the number of cases that have been brought to your office. You did mention that you believe there is more than half of our homes within the City of Sebastopol are renters. Could you be more precise about that. How many homes do we haven't Sebastopol that are renters.

Ms. DeMatteo commented as follows: I wish I had that statistic right in front of me. I got that statistic from the housing development plan. It could be readily accessible. I could start looking for it now, but in the housing element plan, the City did identify that, I believe it was 51% of the rental housing stack is renter occupied. In 2016, a law firm done a study on renter predictions for the City of Sebastopol, including the things we are talking about now. The legal landscape was a little different. But at that time, and I'm happy to share that memorandum with you, it was the same. It was about 51% renters. As a renter, that makes me feel at home. I know that it is a strong renter community here. Not so much in other parts of the County. But I am happy to follow up with more specific and precise info.

Vice Mayor Rich commented as follows: When you look at our demographics for renters in Sebastopol, how does it break out. Can you give us any idea of seniors versus younger people. Do you have any age demographics.

Ms. DeMatteo commented as follows: We have our internal database and the numbers is who we serve. That was going through each Sebastopol case. That included people that are out of City limits because it is by Z.I.P. Code. We combed that information. The table where we say, these are not totals, like people who have a disability, illegal lockout. These are us scanning through every case we have because we do not have more sophisticated internal database. We are working on it. I cannot give you those kind of stats. We did see, for instance, in 2022, we studied 30 households for that included 36 adults and seven minors. I could break that out into how many seniors.

Vice Mayor Rich commented as follows: You mentioned that these are not all City of Sebastopol cases. In fact, these are 95472 area code.

Ms. DeMatteo commented they are 95472.

Vice Mayor Rich commented as follows: That is an important piece of information for us here. I also noticed in the graph you provide, looks like maybe those are individuals, not households. So I am looking at 2022, it seems to be somewhere around 42. Legal aid intake cases. But I think you said it is actually 30 households. I do not need to get into the details that I want to make sure we understand it is 30 households in 2022 that came to you from the 9472.

Ms. DeMatteo commented it is 30 households with 36 adults and seven minors.

Vice Mayor Rich commented as follows: If you can help us understand, because I'm trying to get a sense of the breadth of the problem here. Anyone being evicted is a horrible thing. But the bigger the number, the more horrible it feels. When you look at our community in 2022, we are not looking at the City. But 95472, can you give us a sense of how many people in 2022 faced unlawful detainer and actions. Of that group, how many actually got locked out of their homes.

Ms. DeMatteo commented as follows: In 2022, there were less than 10 sheriff lockouts. I noted in my report that, I consider that a good, it is not good, like you said. But it is a better ratio than seen in other parts of the County. I

meant to say in the intro, when someone is being evicted, if they get an eviction notice and they do not move out, they have a court procedure. Unlawful retainer. In the worst-case scenario, that court procedure is a judgment that goes on the record. And the landlord can go to the sheriff and say, hey, I got this judgment. Somebody did not move out. They can set schedule for lockout What we need to do to intervene to help people get a softer landing. Sometimes, that is a matter of, are they getting paid. There are income guidelines. We help seniors no matter what their income is. You had under 30 evictions in 2022. Just keep in mind that 2022, we had the just cause moratorium at the County level all the way up to October 1st. So because it seems like an artificially low rate. I cannot project yet what the rate will be for 2023 with zero protections. There were also non-payment protections in effect last year at the County and state level through the end of March.

Vice Mayor Rich commented as follows: If we wanted to find out how many actual lockouts there were within the City of Sebastopol, is that data you would be able to get for us.

Ms. DeMatteo commented yes.

Vice Mayor Rich commented as follows: I think that would be super interesting if you have the opportunity to provide us with the City of Sebastopol specific information on lockouts and evictions. That may not be the same thing anyway. Lockouts and unlawful detainer actions within the City of Sebastopol.

Ms. DeMatteo commented as follows: I have to backtrack. A lockout is not the only eviction. The court procedure might be 50% of the evictions. We do not know without a rental registry. So I urge you not to think about sheriff lockouts as the only actual evictions. There are tons of other types of evictions. The court data is not available by anything other than Z.I.P. Code. But their share of data is available by address. So it would take some time. But I would be happy to share with the City as much information as possible to try to clean the actual City limits numbers.

Vice Mayor Rich commented as follows: In terms of the suggestions you have for possible policy decisions to address the issues you have raised. It occurs to me that every single one of them requires code enforcement. Someone within the City staff that is actually doing something to enforce those roles. You have any options there that would not require a code enforcement effort.

Ms. DeMatteo commented as follows: I think it just depends on how they are structured. Who is going to enforce it. The County Council said the courts . In Petaluma where they passed that ordinance, I do believe that the housing manager might have hired a position part-time to help administer. There is not really administration in the ordinance. These are options, really, to just provide a legal remedy for renters that have their rights violated. They have to pursue that remedy in the courts

Vice Mayor Rich commented as follows: In terms of seniors what are the number of seniors that are being evicted or losing their homes in our town.

Ms. DeMatteo commented I can follow up.

Councilmember McLewis commented as follows: I do not want to belabor this. Details matter. And that 95472 covers about 50,000 people. So I think it is really important for us to understand what really impacts the people we service versus the entire West County. So I also think it is important for us to look at the people we serve and understand it really is a problem here.

Councilmember Zollman commented as follows: Thank you for providing some context and the fact that providing a registry is not helpful unless you have an anti-harassment. When you say antiharassment, you're talking about retaliation. Because I am more familiar with retaliation. There is a defect in the premise. Then they report that to the landlord and all of a sudden, they're facing an eviction within seven days. That can be construed as retaliation. So I just wanted a little more clarity of what you mean by tenant harassment provisions.

Ms. DeMatteo commented as follows: A lot of times, tenant harassment and that anti-retaliation go hand-in-hand. If a jurisdiction was going to take the time to acknowledge harassment and give tenants legal standing to sue, if it happens to them they could include in the definition of harassment, retaliation. In general, harassment is practice, a pattern of behavior intended to influence a tenant to vacate a property without actually serving a notice. So you know, entering without giving notice you just walking in. Usually in the ordinance, there would be a list of behaviors. There would be sort of a catchall. Retaliation is you complain about a repair and then the landlord does something to try to get you to leave rather than make your repair. Or tries to raise your rent. I had one client, a senior, who did not have heat for 10 years. Finally made her way to legal aid. The attorney demanded heat. In the landlord raised the rent and said the reason they were raising it is because they had to put in a heating system. Obviously, that rent increase did not stand. But the idea is you cannot do certain things. Because the tenant asserted their rights protected all be encompassed in one definition.

Mayor Hinton opened for public comment. Presentation on Eviction Process and Potential Protections

Oliver commented as follows: I have had the pleasure of being harassed and illegally evicted during the Christmas holidays. Got forced out of the apartment we were living in. It was very disruptive and difficult. However, that lawyer was very helpful. The issue here is that legal aid is actually suing the City. So there is a big conflict of interest there. The City of Sebastopol is very small. A very small budget, easy to bully. You have that rural assistance with the Sonoma County lawyers. Two sides of the coin here. I think it is really important we know that. The presentation talks about 95472. I do not the many details in the presentation which have any impact on landlords. I would really like to know more about that lawsuit. I understand in the USA, we are not, we cannot see anything in public. But I am pretty sure it is not good in terms of activities that have been going on and rights to park on the street and so on and so forth that is my public comment.

A member of the audience commented as follows: Thank you for bringing this up. Tonight, I know you are talking about the mobile home. They are basically owner tenants. 40% of people's incomes on the rental side from the elements study are higher than average amount of rent is being paid by our renters here in Sebastopol. I understand people want to really dig down and find how many are affected. I appreciate those questions. But I really want you to look through the lens of equity. If a regulation is going to be put forth toward protecting some renters, then I really want the City Council to look at all renters instead of just a subgroup.

Paul commented as follows: I'm a homeowner living on Bodega Avenue. If our community is to thrive into the future, we must affirm fair and affordable housing, production, preservation, and protection. Renters must feel safe to express their maintenance need to landlords without fear of reprisal, such as the rent increase or threat of eviction. There is no single solution, so I ask you to explore multiple ordinances and initiatives that will strengthen renters rights and protection and also support affordable housing. Some suggestions include the just cause of action ordinance. In which case, you can refer to Petaluma's recent ordinance for rental registry and full funding rent board for a successful example. Check out Pasadena's Mazer H, as in hotel. There's also the tenant opportunity to purchase assets programs. Also called ". Rent control, of course. Also land trust and permanent real estate initiatives. An example is the East Bay cooperative that provides for affordable housing for all. Mandatory proactive rental inspection program to make sure that our tenants are not having to confront their landlords may be ignoring the need to do maintenance. Relocation payments. Social housing initiatives. That

allows for affordable housing with a cross-section of our community. Rent stabilization. That is particularly important for people living in apartment complexes and mobile home parks. Disaster policy triggers but we know there is going to be more disasters. Finally, antiharassment/anti-retaliation.

Adin commented as follows: Oliver touched on this already. But legal aid with Sonoma County is suing the City of Sebastopol. I believe that is in regard to the parking ordinance 1136. I realize that Ms. Margaret DeMatteo and our City attorney, cannot talk about the details of the suit. What I was curious about is how much Sebastopol has spent to defend itself to date in this enterprise.

Kyle commented as follows: Discussed the amount of litigation against our City. We do not know until it is time to budget allocation of significant portions to our attorney budget for litigation. I think this happened so frequently. We should be having a regular reporting on the cost of active litigation. That should be happening monthly or bimonthly at this point. The public deserves to know.

Linda commented as follows: Speaking of regular reports, they need to have regular reports on the levels of radiation. On this topic, I want to think the woman from legal aid for what she does and what they do. You know, because as it turns out, that was away, pro bono legal aid agency here, the facilitators of my getting my apartment shielded. Without them, it would not have happened. Because the landlord in this case was not going along with my request to accommodate my disability to sensitivity and the need for shielding. hey tried to evict me, in fact, three times. So of course, I had to seek legal help. And I got it. Anyway, they caved and complied. Grudgingly. But anyway, I now have a shielded apartment with a lot of useful sections. But anyway, everybody else needs this too. When people move into a place they need to be apprised of the levels of radiation. The cell towers and stuff like that.

City Council Discussion/Additional Comments:

Councilmember Zollman commented as follows: In connection with another matter around tiny homes I had a conversation with our planning director. If our planning director could confirm as a follow-up for this discussion. The Planning Commission is bringing forth a work plan maybe it would be in October. That could be a way for us, if we have suggestions or direction to staff, that we could offer up the directions for tonight at that point. Was that correct.

Director Svanstrom commented as follows: Yes, that is correct. So as a bit of background. Margaret DeMatteo presented to our Planning Commission this spring . Many of the same, slightly the same presentation, but many of the same topics were covered. Our Planning Commission would certainly like to have direction from Council if there any items the Council wanted the Planning Commission to look at some point. Whether it is sooner or later. They would have the work plan for the Planning Commission for the upcoming year or year and a half. We have one more meeting and then we will be coming to Council in October to make sure we are working on what Council wants to have us working on. One of the things they have been discussing that they did add was, we have this housing element. One of the actions from the grant is to look at commercial zoning and are there other items in the housing element that you should be looking at as well at the same time. So the tenant right are the things in the housing element. That would be a good time to get direction from the Council.

Councilmember Zollman commented as follows: So we can come back in October and include some ideas from tonight if we wanted to.

Director Svanstrom stated that is correct.

Mayor Hinton thanked the presenter for the presentation.

City Council Action: None taken. Informational item only.

Reference Order Number: 2023-197

PUBLIC HEARING(s):

7. Public Hearing – To Consider, Discuss and Waive Further Reading, Introduce and Conduct First Reading by Title Only Ordinance Amending Chapter 9.28 of the Sebastopol Municipal Code; Mobile Home Rent Stabilization (Responsible Department: City Administration). This item was continued to this date/time from the August 1, 2023 City Council Meeting.

Mayor Hinton commented as follows: I will just start before I pass it to City administration. This is a draft ordinance. That means what we are looking at on the agenda tonight is a draft. That is why we are opening the public hearing so that we can hear from the public about what is in our agenda item tonight.

City Manager/Attorney McLaughlin provided the agenda item recommending the City Council Public Hearing – To Consider, Discuss and Waive Further Reading, Introduce and Conduct First Reading by Title Only Ordinance Amending Chapter 9.28 of the Sebastopol Municipal Code; Mobile Home Rent Stabilization.

Mayor Hinton opened for questions.

Mayor Hinton commented as follows: You have got a first and second reading in 30 days. Can landlords change rents today. Based on all of this controversy. Or can we hold the rents by passing something tonight.

City Manager/Attorney McLaughlin commented as follows: We could have affected a moratorium. They could've done that here that is not before you this evening so you cannot do that this evening. One of the reasons we did not go that route is the rent anniversaries for all the residents in that park are all different. So their rent increases take place at different times. That is another reason why we did not try to time this ordinance in some way to make it effective at a certain date. So to capture all of the increases next year or something like that. The park anniversary dates for all the residents are all different. So for that reason, I did not think a moratorium should be brought to the Council. I did not think it was needed. And we do not have any particular date in the ordinance, other than the procedures for adopting the ordinance. If I could, I will allude to Park Village. Park Village is also a mobile home park in our City. Because of equal protection laws, we cannot differentiate between Fircrest mobile home park and Park Village mobile home park. Mobile homes in Park Village are subject to the same ordinance. One difference moneywise. The City helps with West County Community Services and managing that Park by some subsidies yearly that we make there. We help subsidize them. Because Park Village is, basically, a de facto in real life. It is an affordable housing project, really. The rents there are by and large all very affordable. There are a number of low income people that reside in Park Village. It is possible there could be adverse effects on West County Community Services by this ordinance that would not take place in Fircrest because of the artificially low rents in Park Village. It is possible they may come seek the City for some financial relief when the anniversary date of their agreement comes up and they are looking toward the City to pay it further, the fee for them for management of Park Village for us. We own Park Village. The West County Community Services manage it. So we have had representatives of Park Village, West County Community Services, have been on these stakeholder calls. You may hear from them this evening. That is a unique circumstance of Park Village as opposed to Fircrest mobile home park. That this ordinance would affect both.

Mayor Hinton commented as follows: We could ask a representative tonight. I see WCCS on the call and is there a representative from the landlord for Fircrest.

City Manager/Attorney McLaughlin commented as follows: I would like them to identify themselves. Whether they are here and present in person or on Zoom. I'm sure there are those who would like to speak.

Mayor Hinton commented as follows: I seem to recall some family member transfer law that impacts mobile home parks. I remember we ran into that at Park Village. Is there something special about transfers, family member to family member.

City Manager/Attorney McLaughlin commented as follows: I don't know that off the top of my head. I'd have to look into that. Possibly somebody here in the business knows the answer to that question. For me, I would have to research that.

Councilmember Maurer commented as follows: Thank you so much for that report, Larry. That was an excellent overview. Thank you for all of your staff work on this issue. My question is about what the family had sent regarding the appended recitals. And there are some analysis in the staff report. There are some typos and some things that need to be changed. So is there, are we going to be doing that tonight. Do we need to make those corrections tonight.

City Manager/Attorney McLaughlin commented as follows: I guess the three looks like an eight or something. It says it is 37 spaces and the factors 87 spaces. So tonight, consider that draft to read 87. That is a change that would be incorporated in the first reading. The rest of the provisions in there, I would say, they were accurate as the CPI at the time they were written. They are date specific point they are accurate. Any additional information we here tonight has come from residents who are more current as to current CPI increases that the Council may be making this evening in terms of potentially passing this ordinance to defend it in the future, as well as we could seek to incorporate any updates in CPI. What I understood the primary argument to be, that was a crisis, but it is less so now. The CPI is not as dramatically high as it was before. So I think the question and the need for the ordinance.

Councilmember Maurer commented as follows: My question is, for example, the changes in CPI reflect that inflation is that is highest for the last 40 years. I was not able to actually go back and check, but I know for sure the last 20 years it is the highest. Then apparel should be corrected. How do we make these changes.

City Manager/Attorney McLaughlin commented as follows: If we can make the changes tonight, we should make them. The conflict on that with a number of ordinances seen in recent years. Where you make the changes as you go through the ordinance this evening. If it is not possible to make all those changes, staff may have to correct them and bring it back for a first reading or a subsequent meeting like I alluded to earlier.

Councilmember Zollman commented as follows: Discussed 75% of CPI or a 4% cap. And also, a 10% vacancy control. Is that right.

City Manager/Attorney McLaughlin commented as follows: That is right.

Councilmember Zollman commented as follows: Can you explain to me again about how we got to the 10% cap. Because with comparing with other cities, it seems like on the chart that I printed out before I came, it is just Santa Rosa, Sonoma at five, and Windsor 5. I'm wondering how we arrived at what is being proposed tonight being at a 10% cap with the vacancy control.

City Manager/Attorney McLaughlin commented as follows: Again with no study session to guide staff, we took a middle-of-the-road approach but it was apparent to me that the other cities had felt with the changes in the CPI,

the rent CPI provisions. They provide some to the park ownership with some level of decontrol. So I thought that was basically a middle-of-the-road approach. It was also responsive to the information that we heard in the stakeholder meetings, both from park ownership as well as from residents. Residents want the changes in the CPI. And park ownership at some level or vacancy decontrol. So taking the middle-of-the-road approach. It gave each of those stakeholder groups something they had asked for.

Councilmember McLewis commented as follows: I was just wondering is Fircrest is affordable or is it considered market rate.

City Manager/Attorney McLaughlin commented it is not considered affordable.

Director Svanstrom commented as follows: It is market rate and it is not deed restricted. You need to have a deed restricted on the affordability for it to be a specific category.

Councilmember McLewis commented what is Park Village considered.

Director Svanstrom commented as follows: Some of those are deed restricted because of the funding. For instance, the two apartments that were used in the grant. And with the apartments, you have a deed restriction. So there are some with deed restriction. There also some where the owners on their mobile homes still from what it was privately owned before they said he purchased it. Those do not have an income restriction on them either.

Councilmember McLewis commented as follows: I understand with Park Village, their water and sewer and all of that is part of the cost that is charge in the rent. Without cost, is that part of, or is that individual.

WCCS stated it is paid individually.

Councilmember McLewis commented as follows: Have you done any kind of analysis to help us to better understand how this change could actually impact Park Village and the cost associated with that. I know we have had discussions about the water and sewer and our trash at previous meetings. I'm curious if this kind of analysis has been done to share with us.

City Manager/Attorney McLaughlin commented as follows: We have no real information. Residents actually pay in the park what level of income they have. And the impacts of them, we do not know the actual impact of the individual residents by the ordinance provision.

Councilmember McLewis commented as follows: I was just wondering because I'm looking at the P&L for Park Village but I see they want a very, very slim margin. We know lots about Park Village because we own it. And because they have services to operate it. We do not have that information.

Vice Mayor Rich commented as follows: Thank you for the presentation and the information. I have a couple of questions, initially. The first is you said there were a number of jurisdictions that have not made any changes in the jurisdiction with in Sonoma County. Are there any to consider changing their ordinance but elected not to. Do you know.

City Manager/Attorney McLaughlin commented as follows: One reason I did not put all their names upon the chart this evening was I was fearful it might not have any additional proposals that they were considering.

Vice Mayor Rich commented as follows: The question is more specific. Did other jurisdictions, do you know whether other jurisdictions have already considered the change in their existing ordinance but elected not to change it.

City Manager/Attorney McLaughlin commented that I do not know.

Vice Mayor Rich commented as follows: I looked at all of the comments and the input we have had that the main painful point for the residents of Fircrest mobile home park was this past year when so as compared to prior years, it went up 6%. So this past year, they had rent increases that went up a lot more than historically have gone up because it appears that historically, the CPI had been less than 6%. So I hear that as the concern. That makes me wonder whether when you were speaking with them and going through this process whether there was ever a consideration so perhaps it really needed to be done was to leave the current ordinance in place with the CPI trigger. With the 6% to go 4%. So the 75% of CPI with the 6% cap and allowing a substantial increase from my perspective. Was it ever considered that it was perhaps best what happened to be the primary painful issue. That was reducing that cap at 6% to go 4%. Was it ever discussed with any of the parties.

City Manager/Attorney McLaughlin commented as follows: No, the reason was that the residents came forward to the Council back in April. They had a request. They had an ordinance change to be what was happening and other ordinances in the County. So that was the direction we got from the Council. So we prepared the ordinance that is in line with other ordinances in the County. No, we did not consider alternatives. We would not hold up meetings to talk with anybody about alternatives. That was not the direction.

Vice Mayor Rich commented as follows: As I look at this, at the variables here that have been considered, the CPI, what percentage the cap on annual increases. Should it be 6% or should it be lower. And then the potential for increasing rates when there is a vacancy. What is most important for the discussions. What is most important allowing 10%. Or allowing the 10% increase to allow increased profits. Or maintaining the CPI percentage in some way.

City Manager/Attorney McLaughlin commented as follows: We did not have any discussions like that. It is kind of an unknown factor. Only times the mobile home sales that would take place and the park would get the additional revenue from the park to a 10% increase from however many mobile homes sold in place. We do not have that figure.

Vice Mayor Rich commented as follows: I assumed there was no disclosure from the owners about any information regarding profit or expenses or any of the financial information that might help us understand what profit margins are being placed here.

City Manager/Attorney McLaughlin commented as follows: We did hear from them about the difficulties in ownership or management of a park in the financial challenges. I do not think we had a profit loss.

Mayor Hinton commented as follows: I just had a question of the range of rents. Is there something published. Obviously, you have a contract with somebody for 10 years. For somebody moving in, if I wanted to rent a space for a double wide trailer, can I look at a price sheet. Like I own a boat. I rent the square footage for my boat space. I'm curious, does not exist. Then my second question is, annually, does the rent go up for every single person in the trailer park. Or are there years that are skipped.

Fircrest representative commented as follows: We are not management. I have been a family member for 46 years. Regarding the rate chart, the answer is no. There is a range and I think it kind of depends on where

people are moving over time and how long. The question about how long a typical residency is, is good. I believe that was quoted by the members of the Fircrest Homeowner Association, stating it was 35% in the last five years point there is been a turnover. In some cases, there might have been more than one turnover of a specific space. But 35%, over a five-year period of time, works out to 14.2 your average for a turnover. That is a pretty long tenancy. If your carving out a portion of the CPI you are continuing to lose money and you are continuing to have your income reduced while your expenses are going to follow the CPI. Or be higher. Because it is an older park that requires more maintenance. If the park was new, no. But things wear out, water systems wear out. They all need to be repaired. And so staying in touch with the CPI for the space rent, that is rational but if you do not recover, it is going to create, particularly after year, for 14 years, it will create a significant loss of the income stream.

Mayor Hinton commented is there a fee.

Fircrest representative commented as follows: They have their space rent and they have utilities.

Mayor Hinton commented as follows: Can you give a range of what people pay for the space rent from the low to the high. I am curious about that.

Fircrest representative commented as follows: I do not specifically know.

Mayor Hinton commented as follows: Questioned family transfers and ability to transfer.

Fircrest representative commented as follows: There's some language of that nature. Again, the ownership that hires very competent management to take care of the park.

Councilmember McLewis commented as follows: Just to better understand insurance rates. I do not understand how this works . I understand real estate agents are continuously asking people who are ready to purchase any kind of homes because you have to check the rates. I want to have a better understanding of how this works. Also, the cost of the mobile home park owner and insurance rates with the fires we have in Sonoma County and everything else are they are going up significantly. A number of carriers have basically left the states. In some cases, you do not have the carriers. You get less coverage and you spend more money. That is just the way it works. Unfortunately, it is working for everybody. That is part of your expense as well.

Fircrest representative stated yes.

Vice Mayor Rich commented as follows: Questioned if members of the Musser family were in attendance.

Members of the Musser family introduced themselves. They discussed the additional costs that are passed off, that expected to be paid prior to the residents such as the capital projects but stated do not believe that there has been much that has been passed on.

Vice Mayor Rich commented as follows: We hear from the ownership that one of the concerns as the changes being proposed, or any changes, that might limit the potential for profit could actually cause financial hardship of some kind on owners and reduce profitability. Perhaps, because is that accurate. Am I misunderstanding.

Fircrest representative commented as follows: The concept of not being able to recover our expenses and to keep our income matching our expenses. Particularly if it is 75% or any number less than that, it continues to erode. The first year it does not sound like that. But we have done some financial scenario analysis. The 2%. We

can go a long time. At 3% per year, it starts impacting. At 4% per year, given 75% recovery if inflation runs at 4%, it becomes very, very difficult. 10 years, 15 years down the line is not saying if all of a sudden it is up to 6%.

Vice Mayor Rich commented as follows: It was a spike that is, that resulted in a 6% increase.

Fircrest representative commented as follows: Actually, the CPI and the United States, I believe, it was seven point three.

Vice Mayor Rich commented as follows: Are you saying that you ran off a number of numbers. You said 2% it was going to be different.

Fircrest representative commented as follows: The pain threshold is not that high. 2% of CPI. If we get 75% recovery using the workings that is a percent and a half that we are half a percent whole. It takes money and operational costs what we have increasing expenses.

Vice Mayor Rich commented so 2% if the CPI is 2%.

Fircrest representative commented 2% for 10 years, provided there is the vacancy deed control. It works. It will work 10 or 12 years. 3%, it doesn't work. 10% at 3% 75 CPI, 75% CPI, we never catch up. We never get back.

Vice Mayor Rich commented as follows: 75% of 3% is more. More than 75% of 2%. I'm not following.

Fircrest representative commented as follows: The numbers are the higher the rate of inflation, the less recovery we get if we are getting 75%.

Vice Mayor Rich commented as follows: We are talking about profit margin. So really what you are arguing is of margin here.

Fircrest representative commented it becomes a profit margin that is diminishing to the point that the profit margin will no longer be, the property will not be economically viable.

Vice Mayor Rich commented has it been economically viable up until now.

Fircrest representative commented the profit margin has been sinking for a number of years. Because of our expenses. However, this will accelerate it. 75% will certainly decrease.

Councilmember Maurer commented as follows: Question about the CPI. Did you raise rents in 2021. And 2022 at 6%. Or was it 2022 and 2023. Did you raise the rent 6% in 2022, 2021, or just 2022/2023.

Fircrest representative commented CPI was 6% in 2021. I don't have the number. It is whatever the CPI was.

Councilmember Maurer commented this year is 6% as well.

Fircrest representative commented no. When he goes through this year according to the chart I think it is going to be 2.9%.

Councilmember Maurer commented so just one year of 6%. Is that correct.

Fircrest representative commented that is correct.

Councilmember Maurer commented as follows: Discussed the WHEREAS. When I read about it says the fifth whereas. It says the City of Sebastopol has two mobile home parks with a total of approximately 37 spaces. How many spaces are at Park Village.

City Manager/Attorney McLaughlin commented there is 87.

WCCS commented as follows: Park Village is a very unique animal as you know. We actually have 31 units there total. If you include the deed restricted ones that we did to expand for the low income. So those would not be counted in there. You were eight vacancies when we took over as you know when they have our units that they are renting under that. It is 29 RV spaces but in actuality only 19 of those are owner occupied. So there are 19 RV spaces that are owner occupied.

Mayor Hinton commented my understanding is this ordinance, even though those others are not occupied, it would include all spaces. Correct.

WCCS commented as follows: WCCS owns the units. And we only do 30% of income. So some people pay \$87.

Mayor Hinton commented we are talking about a Citywide ordinance for all RV spaces. How many spaces would Park Village.

WCCS commented as follows: You have to remember the other ones are funded and they have specific things from the funding sources. So they are actually out of that. Those would not be counted together. There are 19 that are considered.

City Manager/Attorney McLaughlin commented as follows: The ordinance should be self-explanatory should this ever go to court. So we like the figures to be correct. If the judge might be reviewing this someday, and accurate picture of what is going on. By the way I have looked up the CPI figures. The reason this ordinance has the CPI figures in September 22, that basically is the last of the official CPI readings that we had. I'm not necessarily advocating that you put 3.2 in your ordinance. It was accurate through September of 22. The figure given is accurate. In the ordinance. So I don't really see a problem with their findings.

Councilmember McLewis commented as follows: I would just like to ask about the cost. I saw the P&L for what you guys run and I'm just wondering operationally how that impacts you. I am just trying to figure out how this impacts you as a whole.

WCCS commented as follows: We don't want people be homeless. We do low income housing. We bring other resources in that we can. United way and Bethlehem funds in that to augment our programs to help people who were moving out and getting rid of their trailer so they didn't have to pay anything to have it disposed of. Because being a nonprofit, so, we do everything we can. This is an apples and oranges conversation. My job is to try to provide the housing there for people that are very low income and people who are paying like in the 300s. And that is in their own place. So in order to, I have a fiduciary responsibility. I have to maintain the property. I have a program contract with the owners to keep it as affordable as possible and balancing those two things as we see costs going up and up. And 6% of the \$300 rent is \$18. The rent went up \$18. So it doesn't make a huge difference when your rent is as low as Park Village. And then of course the costs still go up. The plumber doesn't come in and say okay, I am only to charge you 80% of what I charge. So it is a tight rope balancing act. If the and we do the best we can.

Councilmember McLewis commented how frequently have you had to increase your rent over the last 10 years for costs.

WCCS commented as follows: We have managed the property now we are in our sixth year. We have raised it twice. It could've been raised 21.4% compounded. But we have only increased at 9%. So trying to balance what we need to run the property versus the needs of our very low income tenants.

Councilmember McLewis commented as follows: When you raise those costs has that cost been passed on to your residence and not the City of Sebastopol.

WCCS commented as follows: Part of our arrangement of the City from the beginning was the City of Sebastopol is putting X amount of dollars in general funds of the project before we took it over. And by us coming in being able to leverage more funds from other places, like I just mentioned, being able to provide a case manager there that sets residence up with many things. Including section 8 vouchers. Being able to do all of that and reduce the cost as we go along. That is what we have been doing steadily. Reducing what the City is put in. As we can get more stability there, we have been able to reduce the City's investment in this and we plan on continuing to do this as we bring more section 8 vouchers in. It is giving very low income people paying low rent while being able to garner more in rent from the County.

Vice Mayor Rich commented as follows: If you are in a position to share it, what are the market rental rates at the Park Village RV Park.

WCCS commented as follows: Our oldest resident had been there over 50 something years. So her rent was \$300. That unit and several others are still in the 300s. Some are in the 400 than some of the 500s. When we took over, there was a cap of 700. We moved it to 750. That is some of the concerns. I am trying to balance this and I have these judiciary obligations on both sides of the fence. Even though we chose not to for a few years, there is a compounding effect that takes a toll on the property. We still want the maintenance done. We still have our costs. There is a community room and it needs X, Y, and Z. So, how do I balance both of those. It's my charge.

Vice Mayor Rich commented as follows: It sounds like it is 300 - 750. At the moment. And then do the residents pay for their utilities at the RV.

WCCS commented the ones that on their own units, yes. The other ones are in program and we cover those.

Vice Mayor Rich commented as follows: Any general commentary on this ordinance given that, assuming there going to have changes. Do you have any recommendations that would serve the needs of West County Community Services at Park Village better.

WCCS commented as follows: It seems like the one I saw put up seems pretty fair to me. As long as we can have the adjustment. The vacancy adjustment. For our case we have not had a unit . We have had units go from a parent to a child. Unfortunately our oldest resident did pass away this summer. But when her children were living there we put them on the lease. So when she passed there really was no shift because they were already on the lease. So we have not encountered that issue. If somebody is living there they need to be over 18 and on a lease.

Vice Mayor Rich commented as follows: A hypothetical here. Because you do know the mobile home community. You know a lot of people in the area living out of their vehicle. You know the limited number of spots available. So assuming hypothetically, we have a mobile home park where some of the rents are currently at \$900 for a spot,

and this ordinance is in place with a turnover rate of about 35%. Would you have concerns. From a policy perspective, would you have concerns about the long-term impact on the affordability of those spots.

WCCS commented as follows: You started the conversation with the people who are in their RVs that are not in a space. And right now none of those would be able to pay that. That is why we did, why we expanded Park Village. We got the infrastructure funding and we added places specifically for people living on the streets and RVs. Some of that has a 30% income restriction.

Vice Mayor Rich commented as follows: I have a clarifying question. I don't know and I apologize if you haven't seen this but I am looking at the P&L and I see utility expenses are about \$9900. But the charges, the revenue you bring in is \$4300. You mentioned you pay for some of the utilities and then owners actually pay their own. So how does that, I'm just trying to clarify what I'm looking at here for numbers.

WCCS commented as follows: You have electricity that goes to the units themselves that are sub-metered. So you can tell what unit is using what. But you also have what it takes to run the property. The other RV place can tell you this as well. You have streetlights, you have a community room, you have a managers unit. You have all the things that are around the park that are not in the unit. So those of course come on the master bill and are not passed out to individuals. So that is the doing of business. Also with the units that we were talking about that are actually deed restricted and in contact restricted and owned by us, or through the City process you can make a choice. You can charge them utilities but then you have to back out of their rent. Back out of the utility allowance that the funding source requires. Or you can pay the utilities. It is a matter of other housing that we have. We have opted to not do the utility payment.

Mayor Hinton called for a break at 8:21 pm and reconvened the meeting at 8:30 pm.

Mayor Hinton opened the public hearing.

Hilary commented as follows: I am the old-timer. I have lived here longer than anyone in this audience. That has been 18 years. I have something to say about maintenance and good faith on the part of the owners. When I moved in the road repair had just been passed through to the residence. And it was called a capital improvement. We won arbitration but then we lost on the appeal. Just finished paying for the road repair. Another thing that happened was falling down fence. The perimeter fence, which is the owner's responsibility. When I moved in 18 years ago, my fence was falling down and had powerlines on it. And when I requested that be repaired, it was not repaired. Finally I wrote a kind of sad, manipulative letter about what a shame it would be about the whole Park to burn down. In the next day the site manager was out. They grabbed the pole from the other side of the fence to kind of prop it up. But it was not repaired. So the other thing that happened that showed me the questionable attend on the part of the owners to maintain a safe environment was we had electrical fires. Again, the repairs were not made from a very long time. In fact the City I think promise to withhold renewal of license until the work was done. And that took a couple of years to get that to happen. So this sort of sad story about how expensive the maintenance is, not if you keep it up. It's expensive if you let it go for 50 years or 20 years. But I just find that incomprehensible.

Marilyn commented as follows: I would echo the concern that Hillary just expressed. I would say that it also has been my experience, I have lived here in Fircrest mobile home park for 25 years. That the ownership has deferred maintenance as a policy. Therefore we have had water problems here that were not addressed. And then resurfaced as huge problems. I also saw the road repair was passed along to us. There are also other problems that we apparently don't get fixed as they come up. The park laundry is in disrepair. For 10 years. And I am a person who does not have a washer and dryer, I am impacted by that lack of a reliable park laundry. As climate change

takes its toll, there was no air conditioning in the park clubhouse. Many of our homes are vintage 1970s and 80s. And they are poorly insulated. As we age we cannot drive to a cooler place to escape. So there are some things that make it hard for me to live in this park. The space rent is 46% of my fixed monthly income. 46% of my next monthly income. So I must be very creative and making ends meet growing a lot of my own food. I am lucky to receive fresh produce from different places. Over the customary 3% base rent would put me at even more of a squeeze on my budget. I hope that you consider that the park ownership has had a checkered history as good stewards. So please try and get us in RSO that will help us to stay in our homes.

Dorothy commented as follows: I live in the mobile home park. I've only been there six months. Marilyn is a good friend of mine. She is like 82 years old. I stopped counting how many times I hear the high percentage of their, probably only their Social Security check. And they can't afford these continual raises. So it is really prominent. I am 74 and I am one of the younger ones. So there is quite an aged group. The other thing, I do have to think the management for the Fourth of July party and things like that. You do show some healing for us. That was appreciative. But one thing that we did not have access to, and neither do you at this point, none of you live in our mobile home. Most of them are double wide. The size of the lots vary a little bit. I have a smaller one but there are larger ones. The average rental in that park is \$825 a month. Times 12. That is \$69,300 a month. Times 12. Times 12. You get \$841,000. I don't know where it is going. There are maybe lots of family members that we are providing subsistence for. It is getting tough on some of the older people that are living only on their Social Security. That is why we are so concerned.

Margaret commented as follows: I just wanted to speak up in support of the mobile home park residents and let you guys know a couple of things that I have witnessed and observed in the process of amending ordinances around my County. The County, Santa Rosa, Windsor, and looking at other jurisdictions for how they handle this. If you read the Press Democrat you have heard a lot about it. In Petaluma there was change from all ages, or from senior living to all ages. In Santa Rosa immediately took out the senior living sign and converted it unlawfully to an all ages park. Residents when they speak up for these changes do so out of fear. They are afraid that if this rate decrease, which they need, because there is a power imbalance because this is the last naturally occurring affordable housing in the County. When they speak up for that to survive, they do so out of fear of retaliation. And so I just would alert you to that. We haven't seen a single park owner open their books or show a profit or loss statement. Whether it is an argument against this or in an arbitration hearing. Because they do make a good enough profit that they don't want anyone to know what it is. So the 4% cap, 75% of the CPI, most importantly the 4% cap.

Resident of Fircrest commented as follows: I have been there for five years. My background is to special needs kids. So I was not putting enough money into Social Security is much as I should have. So, I am in a very limited budget. I am 71 years old and I worked three part-time jobs. I am also trying to start a business so that I can afford to keep up with my expenses. So in five years that I've lived there I was racking my brain trying to think where the projects they were talking about. And the only one of them that I am aware of is they wanted to have PG&E going from the park paying for it to individuals paying for it. So there was a tariff of the roads that happened. They never really got repaired adequately. They got put together but my biggest memory is there is a hole in the road about this big. It was about this deep for two years. And I kept saying, why is and this being prepared. Finally someone cracked their head open and fell and ended up in the hospital before it finally got repaired. There was still that kind of thing started to show up again. So I cannot see where all of this repair is. And also I have heard of how they have in paying for the last capital project. So I love the park. I love living there. I can just not imagine it continuing to go up and up and up and up. Because I don't know how I would do that.

Saulo commented as follows: I am strongly urging the staff and Council to work with Greg Evans and his team to find a path forward that helps residents in need with infringing on the local business right of operating. The steps

you want to take will severely diminish the Fircrest maintaining community to the standard that residents expect and deserve. Doing so based on outlier inflation data and during an unusual short period of high readings, as the rate is lowering itself back to normal. This is not good policymaking. This will lead to consequences, disrepair, and a more adversarial relationship with the park management, residence, and City. That is what happened in Santa Rosa and Petaluma, when park owners have been forced to take immediate action in order to stay in business. Those cities the result has been as I mentioned the poor and adversarial relationship between the City and the park owners. The situation is likely headed to court. If this is what they want to do, why not be creative and in grades in a discussion about a memorandum of understanding instead. We have recently been part of a negotiation in other parts of the state and they have all without fail been successful. The managers of Fircrest and Park Village have expressed interest to my understanding. We are happy to help. Let's move in that direction instead. Let's engage in a productive discussion. Let's talk about ways to actually address housing and security and help the people who need it the most. I would be happy to be a part of that conversation. I know the owners and operators of Fircrest will be too. Please take a step back. You don't need to rush this. Do it right.

Andy commented as follows: I have lived at Fircrest for about two years. I love living there. I love the town of Sebastopol. My wife and I were ecstatic to move in there. Silly me I was thinking, stress free, now I am not so sure. And I'm scared. And I totally agree with this gentleman. I would like to get out of the adversarial role. That is the way we seem to be in. I would like there to be full transparency. There seems to be a big dispute between profit, business, and what you're paying for. So open the books. Let us see. Let's have a dialogue about that. As I do not feel like we are there. And I have not lived there that long so I don't have maybe built up animosity for some of the years and things not being covered. But I am more aware now. So I absolutely agree. I don't want to slow the process down. Am I want transparency. And I want it to be fair and equitable. Even 4%. I am pleased with that. But I am still working. I'm a social worker. I worked over 40 years. I had made a lot of money. It's a sacrifice I made. But it is tough for me. Even 4%, which seems reasonable. That is a hardship for me and for lots of us. So I think that needs to be cleared as well. And I would love to have some fair and equitable transparent negotiations.

Marissa commented as follows: I have lived in Fircrest for the last four years. I did raise my kids here and I've lived here for a lot of years. I moved in Santa Rosa Sequoia Gardens. So I've been through a number of histories of major lawsuits. My mom is 92 so I'm there every day. I help her out. So I am still in contact with them. I have a friend in a mobile home park in Santa Rosa. But the other two mobile home parks have practically the same rent that we pay. But they do have extensive staff, even besides the managers. And immaculate roads. They want to say about the profit margin. But they happen to have an extremely high profit margin. So when I moved in here it was about 3%. I did not imagine it to be double that. I was planning on a fixed income three years compounding I pay \$2500 a month. Some people pay hundred dollars a month if not more depending on the age of their home. Maybe some other factors. I did move from one mobile home park to the next. I did have to move for certain number of reasons. But I was so happy to come back home to Sebastopol. It is my community. I am part of the community.

A member of the audience commented as follows: Before I get started I just want to say I come from having about four years of experience property management for 18 residences. Up in Humboldt County. So regularly I am facing back-and-forth between tenants, property owners, these things happening annually. Are these things based on cost of increases. So I kind of have a sense of the actual decision-making process. It is not as easy as just making some random number like a CPI. To begin with the CPI is a poor metric of inflation. Even more so as a metric of cost property management. CPI is simply a measure of changing basket of goods associated with the typical family not property management ventures. It is criticized as an overestimate of inflation and its ability to change drastically but a single year makes it not really a useful, it is just a snapshot really. And use that to determine a significant renters cost is really an equitable throughout the year. So I suggest a better approach. I encourage you to look into that. 75% of CPI is not a bad compromise on a poor metric to begin with. But I would

hope we would be a little more creative in coming up with a solution that is kind of more forward thinking. Discussed larger scale housing protections. So when you look at apartment rents in the state of California the rate is about 40% per year, which is really high. If we can come up with solutions to being able to protect our renters so that they can remain in their homes and not face radical increases as a result of things like inflation being the metric that is determining what the rent cost is, that would be great. What I'm hearing tonight is some really disturbing stories about quality of life. I also hope is this Council looks at housing protections that starts to look into things such as requirements of landholders to provide necessities of basic needs.

Larry commented as follows: As far as maintenance, I was a property manager for 30 years. Maintenance can be considered an operating expense. But where things get tripped up, then it becomes a major expense and that could be considered a capital improvement. So if park owners don't maintain things and try to say that they had a capital expense because of their own lack of responsibility that is problematic. Also, yes, the inflation surges over. It has raised our rent basis. Because rents are compounded based on a basis that gets raised each year, the next year will be a percent of this year's rent. So the inflation surge will affect us forever. Maintenance can fluctuate with the economy. Rents only go up.

Phillip commented as follows: I live in Fircrest. Very good friend of Larry. I would've said exactly the same thing. 6% was a giant surge for our rent. It will perpetuate itself every year, not the percentage increase. I would only ask you to do the best you can to keep my rent increase down as little as possible. On my fixed income they will eat it all away. Previously to that we had a more contentious relationship with the local management. But things have gotten better. We can only hope that we will keep it up that level.

Linda commented as follows: I want to congratulate and acknowledge the residence of Fircrest for their diligence and activism and for their organizing and keeping the PG&E Smart meters out for several years. Until September PG&E came through the entire town and Fircrest as I understand it. Like a bunch of storm troopers. And deployed electric wireless meters both and also gas. So this is a lot to do with the quality of life. So I am anticipating all throughout town of my apartment complex. The healthcare costs are going to skyrocket. This is like the elephant in the room. Why those people are knowledgeable about it and I am encouraging them to reorganize and regroup and go after PG&E, which is totally knowledgeable. We know it is about the harmful effects. And then they post electromagnetic fields and they are liable for triple penalties. Punitive damages. Because they know but the harm and danger of radiation. So thank you all for what you have done in the past.

A member of the audience commented as follows: I am at Fircrest and it is great. Everything is way more expensive. And everybody is feeling the pinch. Hopefully the people on fixed income, which is many of Fircrest, they will get more Social Security in the coming months. Or next January I guess. I just wanted to bring the attention back to Park Village. Because the City owns that but we don't receive any full rent. There seems to be from a Council perspective, it's a dynamic in the City that we can buy a mobile home and pay somebody to run it for us. They collect rent and then the City doesn't get anything back for that. And that we are arguing about how much rent they should pay for the private property. I think everyone has to be aware that they could choose to just sell out, which is happening all over in America. Sadly at the moment. People like Warren Buffett who squeezed lots of money out of retired people and made life very difficult for them. So I don't know what the family has been doing on the part's in the 80s but be careful what you wish for. It's quite a delicate balancing act running a business like this.

Nancy commented as follows: I am the current Park Manager. I apologize for not speaking earlier. I just wanted to answer some of the earlier questions. The average range for the rent at Fircrest currently is between the high sevens and high nines. Also, to put into perspective about the turnover, first of all I have lived here for six years. I've been the manager for two years. So of course the ratio, income ratio was a concern when I first moved here.

The average turnover we have had within the past 3 to 5 years has been higher than normal. When I go back and look at the files of previous owners and current owners or residents, it shows people do not typically move from Fircrest mobile Park. They stay for years and years. They either pass away or need to move on to assisted living. So there is not a lot of turnover.

Fircrest Representative commented as follows: Our family has owned and operated the park since 1985, and we have plans to operate the park for many years into the future. We appreciate that the Sebastopol general plan has encouraged continued operation of our park. And, this amendment of this ordinance is going to make this much more difficult for us. We respectfully ask that the Council take adequate time to consider the proposed amendment. We know that the 6% increase of rent was a very tough thing for the residence. The CPI was the 6.8 level at that time, this is the only time since the family has owned the park, that there has been a 6% rate increase, and I believe there's only twice but it's been five. The average the last two years has been 2.9. As it is with running any business, our expenses go up, and we need to have the revenue to cover those expenses. Someone asked about the insurance that the park has to cover the park, the liability insurance. It actually has gone up four times, it's quadrupled between 21 and 22, and it is an issue every year when it's going to be, the next. And how many providers are willing to provide insurance for mobile home parks. We feel it's important to keep the 100% of the CPI, 75% capital make it very difficult to balance park income with expenses. In closing I hope that you read the commentary that my brother sent on Sunday, the family plans to keep the park for many years to come, we can only do it if operation of the park is economically feasible. Income has to balance with expenses, we have grave concerns that implementation of all the components of this amendment will make this difficult.

Danielle commented as follows: I would like to highlight a gentleman before me who made a comment that said in some of these meetings, for people who are different types of fixed income, SSI and the like, he was making notice that they're getting 8.2% raise. The government uses a similar index to decide on cost-of-living raises for individuals. Unfortunately, this came in July, and the rates won't come until the beginning of the year. But they will be getting increases, even going forward, paying staff and whatnot, they have a 6.8% CPI, but yet, our contracts only gave us 3%, even staffing, people that are out there working, are getting everything is increasing to a huge amount, isn't keeping up with that I there. It's important to realize that there will be arrays coming for these people that are equal to or above the CPI.

Roger commented as follows: I'm the president of the homeowners association, I'd like to address the stewardship of Fircrest by the Musser family. The clubhouse for our senior citizen have never had air conditioning to relieve us on hot days. It still doesn't have Internet. These are basic amenities that we do without. When I moved in, the roads had many cracks and ruts and they weren't addressed until an elderly woman tripped on the street and got a concussion. Since then, a few places have been patched, but most of the roads have not been patched since 2004. And each home was charged multiple thousands of dollars over time for that work. This generated a lawsuit that cost the City of Sebastopol substantial money. We felt that this was a maintenance issue, not capital improvements. They let it get to the point where they could call it a capital improvement and charged us. We lost because of technical difficulties. I moved in 13 years after the roads went in and I still had to pay monthly for two years for old roads. And I really wonder what percentage of gross income the owners spend towards maintenance. And how much they save for big projects such as improving roads or maintaining infrastructure. Such as water lines, I wonder if there's any, when a property changes hands, the current ordinance says rents cannot be changed. I was told that there was a magic number for my rent when I moved in, it was not what the prior one had. I talked to the manager at the time, and he said that his understanding from upper management was that when somebody moved out, they could raise the rent to market rate. I wonder how long they had this policy, my base rent is currently \$900, and I'm wondering what it really should be.

Gail commented as follows: I've been listening to this all evening. I'm wondering if there is some middle ground, for all of us, the managers and the residence. And if there's a way to do some kind of mediation or something so everybody wins. Because, the world is so full of us and them, and people that have a lot of money, people that don't have a lot of money. And we're Sebastopol. How can we make it work.

Member of the Musser family commented as follows: I'm a member of the Musser family, and you asked me a question about, what have the rent increase has been over the last few years. And I said, we had the data. In 2018, it was 3.9%. 2019, it was 3.2%. 2021, it was 1.6%. I believe those are the numbers and that it was capped. From being 6.8% to 6% for the last.. Also, if you will look, the CPI information that's more recent is in the charts that are on here on your table. We feel strongly that a percentage of the CPI, really, is a problem long-term.

Karen commented as follows: I live in the Fircrest mobile home park. What I'm seeing is, how are we going to find common ground between people who are trying to maintain their profit margin and increase it, and people who are, many of us, low income are trying to survive and worried about either becoming homeless, or I don't know what the other options are. So, how do we find common ground. I don't want to hurt the family, I don't want them to be suffering like I do with low income. It might be hard to you to understand how scary it is to wonder if you're going to have enough money to pay your bills, and if you're going to have a home. And I'm not exaggerating. Many people, especially elders, who are in this situation, we're asking for rent release so we can stay in our homes and community that we love when we feel connected, safe, and stable, rather than becoming homeless or leaving the community. And it's a real risk. So, if I don't know that we're endangering the owner's ability to survive, I want to know more about that. I want more details. I don't know if it's clear that we pay for our own gas, electricity, water, sewer, and property taxes.

Ryan commented as follows: I live in a mobile home, and I do not think the Council is really aware of how bad the rent prices are with inflation. We get testimony after testimony, the woman last time, right before me, was very informative but, we need to wake up that, are we going to hold this hearing and hear from people for two minutes at a time, and then go on with our day tomorrow while people still are stuck with their rent. I'm falling deeply more cynical with where things will go even after we hear everyone for two minutes. We are just falling more and more into hyper capitalism with exploiting each and every person in mobile homes, for more and more money every day, every month, for rent. And I don't see the end of this insight, I don't see a real change, actual progress in the works. What are we actually going to do about it. Besides hear testimony. We should wake up and put in actual reformation, actual change. If the Council is for the people, let's actually pass genuine legislation.

A member of the audience commented as follows: I've been living in Fircrest mobile home park for 10 years. My husband and I were thrilled to be able to find a wonderful place to live in Sebastopol where we want to spend the rest of our lives. In a mobile home. It's an affordable way to live, a very economical way to live. We were thrilled. My husband is disabled, and we've been doing great, there. Although, now that I'm 75 1/2, I realize that we will eventually have to go into assisted living. We will have to sell our house. So, we will need to be able to do that, and it needs to be easily done. So there needs to be a compromise between the people who own the park, and the people who live there who are on fixed incomes. And it gets hard. I know I'm still working part-time, little odd jobs just to keep us going, and every year it does get harder and we do go through our savings. Those are things to think about but I understand running a park, there's expenses. I agree with what Gail said, compromise.

A member of the audience commented as follows: Wayne and Roberta was my mother and father-in-law for many, many years until they passed. They had big desires for the park over the years, and what is Fircrest. It's a safe community for a place for everybody to call home, not just an address on a wall and 90% of the people in Sebastopol don't know it exists, seriously. It's tucked back in a corner, it's a nice spot, so, we have Nancy being right now as our manager, on-site manager, she's doing a great job. I know the residents love her. She does a

smooth operation, and she's very in tune of what's going on in the park. That's a big asset. The families desires to keep the park running as smooth as possible, as if they lived in it, and my mother-in-law and father-in-law lived in a mobile home park for 36 years. They know what it is to be in a park and they wanted to maintain a park like they live in the park. So, not subsidized by any government, it's like a business. You have to run it like a business. You have every tax, every insurance thing possible, maintenance, that pops up, whether it's plan or not, you budget for it, but, inflation has taken over. With insurance, now, and taxes and that stuff, it's jumping up here! I'd like to consider, please consider, our family, let's keep Fircrest an asset to Sebastopol's need for affordable housing.

Eric commented as follows: I'm a member of the Musser family as well. I want to say thank you for the opportunity to speak on this matter. Fircrest is a family-owned park, family-owned risk business, the unit that way since my grandparents purchased it. We've been a long-standing part and partner of the City of Sebastopol providing one of the few affordable housing options that's still there for people. I think that's an important matter to keep in mind with this. More restrictive rent ordinance will limit, if it limits rent, to less than 100% of CPI, it runs counter to the City's long-standing goals and objectives stated in the City plan, stated in the goals and objectives of the City Council in 2013 and again in 2018. If passed, the compounding effect of more restrictive rent control ordinance would have major implications on our businesses ability to keep operating the way it has been. We really ask that you guys give more thought to this, and keep in mind our expense is are increasing just like everybody else's, and we want to be able to maintain the park as a wonderful place to live.

Teresa commented as follows: I've been a resident of the Fircrest mobile home park for four years, now. It's a place where people go to retire. So, to have a cumulative raise on our rent every year, causes real hardship for many people in the park. Our eldest person in the park is 100 years old, still living in her home. She can't afford any more raises. I probably have taught some of you, in the public schools, here. I've worked in Petaluma, I work in Sebastopol, and I know that you are all willing and able to think this through, and make a good compromise for us. As elderly people.

Mayor Hinton commented as follows: As the Council weighs its options, I want to say that we have the figure of 106 spaces total in the City, so the number is confirmed. 106.

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

City Council Discussion/Additional Comments and/or Deliberations:

City Manager/Attorney McLaughlin commented as follows: Clarified 106 total units /spaces in City and that he would not be recommending any changes the language concerning the CPI.

Councilmember Zollman commented as follows: I appreciate everyone who's come out. The occupants of the park, and owners, for everything that they have contributed tonight. I have read all the letters, I've been to the park at least twice, so I'm very familiar with what's offered, and what's not offered. Before anybody gets any preconceived ideas, my grandmother lived in a mobile home park until her death, as did other relatives. It's not like it's somehow beneath me or above me. With my knowledge of what I've read through all the letters, and hearing things tonight, I'm still staying it was been proposed before us tonight, which is the 75% CPI with 4% cap, and I'm not persuaded that we need to do the 10% for vacancy control. Again, I'm referencing the chart that we all received earlier, and the updates that the City Attorney gave tonight, not convinced that because one, two, three municipalities have somehow decided to give 15 to 5%, that that would warrant us from going with what's been recommended through City Attorney.

Councilmember Maurer commented as follows: It seems to me, based on my research, that the average over the last 20 years of increases has been about 2% in terms of CPI. So, it seems like that's been a good business for the owners.. It seems that our job is a Council is really to set policy for the City. It's not about these particular owners or these particular tenants. But what do we want to do for our City. What policy do we want to set for our City. And, I did spend some time speaking with one of the members of the family. We had some nice conversations. I don't see any compromise, here, between what the residents have asked for and what the family wants. The residents have asked for a 50% of the CPI, and they've compromised and asking for 70% of the CPI. And the family is asking for 100%, plus the 10% vacancy de control. We have an example that both Petaluma and Rohnert Park have set, asking for setting policy at 70% of the CPI with no increase in vacancy. I would support that.

Vice Mayor Rich commented as follows: I had a quick question I'm hoping someone can answer, which is, the CPI index, there are a Gill gazillion CPI indices in the area. Can anyone tell me what exact CPI index is being used.

City Manager/Attorney McLaughlin commented as follows: I can tell you what the ordinance requires which I think is just the bay area CPI. San Francisco. It's in the definitions.

Vice Mayor Rich commented as follows: My perspective is that, I'm leaning towards a 75%, or 4%, the lower of those two. That seems like a good compromise, and for my perspective looking at the numbers would provide some profit for the owners that also provide some protection for the renters. I agree that our job here is a policy decision, and that's where I get concerned about the 10% decontrol provision, when I look at even a 35% turnover over the course of five years, you're looking at every year approximately six spots that are going to be vacated that would be subject to this increase. Over time, I could see that really cutting into the availability of what is really, one of the only affordable by design opportunities within Sebastopol. I'm concerned about that 10% decontrol provision. I'm not convinced that we just should not do it at all, but I'm expressing my hesitation, here, about a 10% or any decontrol provision. And my general support for 75% +4% cap. I will note that part of my hesitation about the decontrol provision is what we have heard from Danielle, who is in charge of housing at West County community services. There's an organization that has kept their rates down very low, and has, despite their commitment to affordable housing, we have heard Danielle urging us to consider the decontrol provision. I hear that loud and clear, I hear that they speak compassionately and that they are not a for profit entity. And from a budget perspective, let's face it, to the extent that they are not able to meet their financial goals without that decontrol provision. They will be returning to the City of Sebastopol whose budget is suffering quite a bit. So, that's my general observations. I will comment that I wrote down the numbers that were given to us by the family in terms of increases, and I also looked at the Social Security increases over a similar number of years, and although they align fairly closely, in each case, the amount, the amount of the increases at the Fircrest mobile home park, were in fact higher than the Social Security increases that I saw online on the Social Security administration site. So, that's my comments for the moment, but I'm interested in hearing what other Councilmembers have to say.

Councilmember McLewis commented as follows: I read every letter, every email that came in, and also, I don't do this often but I grew up in a double wide. So, no preconceived ideas about, whatever. Some current concerns that I have, is that, I'm sympathetic to the cost of living here, I did not grow up here, I've only lived here about 10 years. It's extremely expensive to live here and I understand that. But I also believe that business owners deserve a fair business return, and everyone knows that I'm a huge supporter of businesses, any business owners, here. I also have a great concern regarding the City budget. Personally, I feel that we haven't explored enough the impact that this could have, regarding Park Village. We've heard a lot from everyone that lives at Fircrest, but we really have not deeply explored the impacts and the concern I have is that is operational costs go up, anyone that's been in her previous meetings we talk about possible increases, likely increases in trash and water, there's a lot of stuff that's coming down the pike, and I have great concern about those costs and impacting a truly low

income housing that we have, here, and anything that West County is not able to meet they're going to come back to the City. Personally, I took a note that someone mentioned and personally I'd like to better understand what those MOUs were, and how that worked. And also, with Fircrest not being labeled as a low income park, and you've got a lot of different income levels, there. I don't know what the solution is but I'm not ready to support this tonight, I think that not everything has been explored, nor has it been vetted as far as Park Village. At this point I don't have suggestions because I think that there needs to be more due diligence with all of this, and I would like to see some type of compromise with this, I understand how expensive it is to live here and how hard it is, but at the same time, I don't feel like I have enough information at this point to really support was proposed tonight. That's where I'm at right now.

Mayor Hinton commented as follows: My grandma grew up in a Napa double wide trailer park, I spent a lot of time in the summer with her, but more importantly, may be, the public doesn't know that I manage assisted-living's for a living, and I control unit prices for 50 residence. So, that really gives me, I think, very in touch, I guess, perspective on this. This community is a 55 and plus older community and it serves mostly seniors. I really listened to Danielle talk about how Park Village doesn't raise rents every year. Nor does my facility. For existing residence. So, when I look at rents, I'm like, on one hand, this trailer park is on record as saying they raise rents every year, so over time that goes up a little and a little and a little, and some people that are landlords don't raise rents every year, so it feels hard when it does go up. I occasionally, for long-term tenants, have to send the rent increase, and I'm required to give a 60 day notice, and I take that very seriously. I can really see both sides, I know Park Village pretty well, I sat on the initial team that put that together five years ago, six years ago, now. So, I know pretty well what's going on over there. But, with that said, what I would support tonight is passing this ordinance, we've been talking about it since April. We've heard from the public, I also will support right here, the recommendation by the City staff, decontrol with up to 10% for an in-place transfer, that's a new tenant coming in. I will support, also, some sort of cap, here, I'm I suggested to my colleagues to just make it 3% across-the-board. And not tie it to CPI. Everything that I've researched always ties to CPI but we've heard from a member of the public that's not really the best, and I do agree. And I like the idea of 3%, because it's predictable. It's predictable for everybody. It's predicable for the landlords, it's protectable for the tenants. It seems like that's the average, anyway. Instead of this percentage of CPI that averages out, it just might make it easy, easy math. Anyway, I would suggest that, but I will be supporting the ordinance tonight, and we can talk about how that percentage is figured out.

City Manager/Attorney McLaughlin commented as follows: With respect to that last suggestion about not using CPI. It does have to be tied to the CPI. We would have to extensively rewrite the ordinance. That's why CPI is defined in the ordinance.

Mayor Hinton commented as follows: Thank you for clarifying that. I did wonder, because they're all tied to CPI. Anyway, it does seem like 3% is on average what we're talking about. I would be in support, based on that, at the 70% level of CPI.

Councilmember Zollman questioned are you proposing 70% of CPI, or 3%.

Mayor Hinton stated that is correct.

Councilmember Zollman questioned with a 10% decontrol.

Mayor Hinton commented that is correct.

Councilmember Maurer commented as follows: Why 70% as opposed to 75%.

Mayor Hinton commented as follows: How much is that, really. Is that a dollar, five dollars. I don't know. Can somebody do the math on that. What is the difference between 70 versus 75.

Councilmember Maurer commented as follows: I like the 3% cap, I'm personally more comfortable with that than 4%, that's what I'm hearing as an average from the residents, and others. So, I would be open to that, as to 70 versus 75%, I'm not sure how I feel about that, but either one would be fine.

Vice Mayor Rich commented as follows: Discussed three percent and 70 or 75% CPI.

Mayor Hinton commented as follows: Having adjusted rents for the last 11 years in my job, that is the time that you can get to a reasonable market rate for some long-term tenants that have been at a low amount for a very long time. A new owner comes in, the price is listed, they know what they're buying. People live in Fircrest for a long period of time, there's not a lot of turnover. So I think it's fair to try to compromise on those couple of things. That's why I would be in favor of it, trying to find that middle ground.

Councilmember Maurer commented as follows: It is my understanding is that the tenants and the family, they both had agreed on the 4%. So this would be a change from something that they actually had agreed on. Just wanted to say that.

Mayor Hinton commented I am proposing a 70% CPI, with 3% cap, and a 10% vacancy.

Vice Mayor Rich commented as follows: In response to Councilmember Zollman, you were asking about the 10% , rationale for the 10%. Decontrol provision. My rationale is, really, the comments from Danielle Danforth at West County Community Services. A very, a nonprofit that has done their best to keep their rates down really low with a cap at 750, and as a result is going to be limited if we now change this ordinance from the 100% plus cap of 6%, we're now going to modify that element, it sounds like they're going to be facing financial hardship if we don't provide some decontrol provision. We could ask that question more directly I suppose from Danielle Danforth, but, it's my concern for West County Community Services in the absence of that concern, I would just leave the decontrol provision out, because I think we need to protect this as an affordable housing location. I'm concerned about the change over time. But given West County Community Services, that seems an important concern.

Mayor Hinton commented as follows: If you don't raise your rents for the current tenants on a regular basis, then you have to make it up somewhere. I think it's important to protect the renters we have to make this their home, first, and then people moving into the community.

Councilmember Zollman commented as follows: I'm persuaded, now, hearing more. Thank you for the more explanation, yes, as Kari had said, this is all about our housing element and the cheapest way to meet our housing element goals and commitments is to preserve the current stock that we have. With your further explanation, I don't want West County to have to suffer, just because they're a nonprofit, but also as our Vice Mayor said, I don't want them coming to the City asking for more money to maintain and keep those people in their houses, because clearly we don't have any money.

Vice Mayor Rich commented as follows: I wanted to address, Councilmember McLewis comment about the possible need for additional due diligence to fully explore other options. I have to say that I applaud all of those people on that topic, who wrote to us, provided information, including the owners, and the residents , and their City Manager. I feel that having read all of that information, and a full staff report, and done my own informational gathering, I feel like this is an opportunity to take action, especially since this is the second meeting

on this topic. I do feel fully informed and I do feel that I can make a decision tonight, that I will be comfortable with.

Councilmember Maurer commented as follows: I'm just a little confused. So, you're recommending 70% of the CPI with a 3% increase.

Mayor Hinton commented it would be 75%.

Councilmember Maurer commented but no decontrol, vacancy control would be zero.

Mayor Hinton commented as follows: No. So, on item F, we are recommending, on page 12 of our staff report, to go with the City's recommendation, which is the park owner shall be permitted to increase the base rent for a mobile home space by up to 10% when an in-place transfer of a mobile home occurs, other than a lawful space vacancy.

Councilmember Maurer commented as follows: I understand that that makes it harder for someone to sell their property, if the next person coming in is going to have to pay 10% more on that rate. So I don't agree with that. I would want to mirror what Rohnert Park or Petaluma is doing, with the zero, I don't know what the word is, decontrol.

Vice Mayor Rich commented as follows: I don't mean to interrupt, but we do have Dannielle Danforth in the meeting, still, would it be acceptable to ask her a few more questions about that decontrol provision.

Mayor Hinton commented as follows: If it's still under debate. We have, I think, three agreements. If we have three thumbs up on that, we've heard from Danielle, we do understand, we understood her position before.

Vice Mayor Rich commented as follows: It would help me to ask her the specific question about what percentage of decontrol we she feels is really necessary for the financial health at West County Community Services.

Danielle, WCCS, commented as follows We've operated for six years, in that time we haven't had an in-place turnover. It just hasn't happened. Like I said, when we've had people who have passed on, they had children living there, and it went to them without any change. We did have two that moved out, the units were de-assembled, so we had two totally vacant spaces. That is a theoretical situation. It's also one of those things when we talk about compound, it's also about, when you talk about averages, if you want to average a three you're not going to get an average of three if you don't have a year that's a two and a year that's a four year. That's how you get to a three. But if you have a top at three if you have a one and a three and a one and a three you're going to be averaging two. That's how the averages and compounding works. It's going to be the same thing with the decontrol, if you're only doing it & it's only going to be once in a great while. And it's a known entity for whoever is buying in.

Councilmember McLewis commented as follows: I have a question. I'm just wondering, I'm looking at the chart they provided us earlier and I've stated what I think, and I have concerns about unintended consequences moving forward tonight. I don't understand why be aggressive and go to 3% when everyone else has done 4%. I don't understand why we need to step out and be more aggressive, I'm just trying to understand the thought process with that. I know you have a lot of experience, so I'm trying to understand.

Mayor Hinton commented as follows: I feel like 3% is the average, and it gives stability. But, that's my position. If somebody wants to advocate for 4%, would that change your mind.

Councilmember McLewis commented as follows: I don't know if it's going to change my mind but I think that, why go to 3%. Everyone else in the County has done with that, I don't do things just because everybody else does it, but at the same time it seems to me that there's been a lot of thought out there with that, and I don't know. I don't understand why we need to be so aggressive with that.

Vice Mayor Rich commented as follows: My answer to that would be that in listening to, this is our community, and in listening to what we've heard from a number of sources here, the average that has been reported is 3%. So, for me, that seems like a comfortable number. The average wasn't purported as 4%, it's been 3%. That's worked for the residents, it's worked for the owners. With the only exception being this past year, when it was 6%. So, it feels like a comfortable number that does rely on the information that we have available about our community.

Councilmember McLewis commented as follows: I just worry about unintended consequences, we see people buying properties and it will all be a moot point, and is what happens.

Vice Mayor Rich commented as follows: I can see that the 10% decontrol provision is causing some concern, we hear theoretical opportunity from West County community services, but it isn't necessarily an opportunity that they expect to see and if it them from a financial perspective. We know that it's going to cause, over time, and elimination of units at Fircrest mobile home park in terms of the affordability level, I'm wondering if, from Councilmember Maurer's perspective, if her perspective , position is simply no decontrol or whether she might be comfortable with a lower decontrol that wouldn't have such a compound, over time, affect. It would have to be more than the 3% but maybe 5%, 6%, just asking the question.

Mayor Hinton commented as follows: I stated earlier that I feel like the park has to have an opportunity to raise the rent to a reasonable amount, and that I feel strongly about supporting the people in place first, and then new tenants coming up, it's got to be a balance between the current tenants and the landlord. I feel very strongly about that.

Councilmember Maurer discussed 70% CPI, 4% cap, and no vacancy changes.

MOTION:

Mayor Hinton moved and Vice Mayor Hinton seconded the motion approve the Introduction and Waive Further Reading and Read by Title Only Ordinance Amending Chapter 9.28 of the Sebastopol Municipal Code; Mobile Home Rent Stabilization.

75% CPI
3% cap
10% vacancy decontrol

And following amendments:

106 Total Units
Apparel

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: McLewis

Absent: None

Abstain: None

City Council Action: Approved Introduction and Waive Further Reading and Read by Title Only Ordinance Amending Chapter 9.28 of the Sebastopol Municipal Code; Mobile Home Rent Stabilization.

75% CPI

3% cap

10% vacancy decontrol

And following amendments:

106 Total Units

Apparel

Minute Order Number: 2023-198

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

8. Vehicle Miles Traveled Threshold project Introduction and Discussion (Responsible Department: Planning)

Planning Director Svanstrom presented the agenda item and presenter.

Ian Barnes, Principal at Fehr & Peers, provided a slide show and presentation.

In response to Council protocols, the Council was in consensus to continue this item beyond 10:30 pm.

Mayor Hinton opened for questions.

Councilmember Maurer commented as follows: Who determined that the baseline vehicle miles traveled for a Sebastopol resident would be 17.1

Director Svanstrom commented as follows: This was actually done based on a traffic model study that Fehr and Peers did for SCTA. I was involved as the planning advisory committee person through SCTA, which determined the inputs to make sure the study avoided any weird Covid stuff that was happening, and represented school year and summer vacation traffic. We do not have mass transit, and we are generally always going to have a higher VMT than some others any sort of mass transit.

Councilmember Zollman commented as follows: Requested that Council get the slides before the night of the meeting.

Councilmember McLewis commented as follows: In terms of economic development here, how does this impact us, as far as we talked about retail.

The presenter commented as follows: Environmental Quality Act applies to a lot of projects. There are many projects that are just exempt, and there are some where you have to go through that kind of checklist to see if there are going to be significant impact on the environment. Traffic is one component of it, which is changing from traffic congestion to the VMT component.

Director Svanstrom added: So, for projects that are required to go through CEQA, generally for bigger projects, like the City Ventures, Huntley Square, and the carwash, we will do traffic study, and instead of looking at only

level of service (congestion) for CEQA, we instead need to look at VMT. Right now we are doing that individually for each project, to see if there is a significant impact then, yes, we do need to look at what mitigations there might be to reduce VMT. CEQA is a disclosure document, but it does affect potential approval. For VMT, if someone can show that they are at those thresholds, or below by the 15%, then it is not an issue, in terms of the CEQA environmental option.

Councilmember McLewis commented as follows: Do you see this as creating a greater hurdle for businesses or not.

Director Svanstrom commented as follows: With the change to VMT, it is probably not a huge change in Sebastopol for the most part. And again, for businesses, that is the reason why we want to use the bay area region of 22.3 miles per worker, when we only have an average of less than 12 vehicle miles traveled. So, that provides us a lot of flexibility for business development - particularly, in terms of the nonresidential component.

Councilmember McLewis commented as follows: Doesn't this make the argument for a planned community. In talking with some of this and wanting everything to be close, I lived with in a planned community for so long and we only went a half-mile for basically everything we needed.

Director Svanstrom discussed planned communities being more of a greenfield development. We did get the sustainable transportation grant to look at things in downtown, and how the traffic is happening here. And that actually can help with the VMT component of it, but also the economic development potential.

Mayor Hinton commented as follows: I'm a little bit confused too, but with this add to a project, you talked about mitigation fees. Is there going to be a fee. I'm just using an example of a big hotel building, right. So, we've got our workers, and our people coming to stay at it. Will their building fees impacted, or is this just looking at it for CEQA approval.

Director Svanstrom commented as follows: This is CEQA only. We have development impact fees that the Council adopted in 2021, including impact fees for traffic. This doesn't change that at all. What it may, is if somebody has too much VMT, say their project is going to create 18 miles per resident, or 17 or more for home-based, what can they do to mitigate the vehicle miles traveled.

Vice Mayor Rich commented as follows: Can you explain succinctly how a developer would calculate VMT per project. How is that calculated. Is there a computer program.

Ian Barnes commented as follows: Sonoma County uses a computer program that bases the numbers on average trip generation for different types of uses.

Mayor Hinton opened for public comment.

Kyle commented as follows: I appreciate the presentation, and there is a lot to adjust here, and it is really getting pressed for time, seems to be a regular occurrence in the current Council. So, first off I just wanted to ask a quick question on the cost of consultant, it appears this consultant is heavily involved on their website, they claim to be working with over 350 jurisdictions in the state of California, working on this. So, they are deeply engaged in it. They provide the tool. So it doesn't look like these numbers are coming from nowhere, they are coming from the consultant who you hire to walk you through this process. Also from their website, if you are doing a comparison between the current metric and VMT, some exclusions from VMT is they do not consider driver delays, speed, driver delays, or intersection cross times or safety speed. So, just know that those things are absent in terms of

the way that this VMT works. But what it does do under this is consider things like emissions, air pollutants, fuel consumption. Now, we are in a changing environment, right. We are regularly going more towards electric vehicles, electric vehicles are not taxed in the same waiver gasoline tax works. So we are moving towards electrification and reduction of those things. So, artificially these numbers will be reducing as a result of electrification of vehicles on the roadways that will not necessarily be considered as the result of construction. Just want you to consider it, there's a lot going on here, thanks.

Linda commented as follows: It is just ludicrous in my experienced opinion is that people are talking about things like this and totally ignoring the levels of radiation that we are increasingly exposed to and a greater number of people like myself cannot go downtown to the library, to the Safeway, to the City Council meeting, because of the levels of radiation from your cell phones, which are weapons themselves in making and transmitting deadly lethal radiation over a period of time, which results in extremely increased amount of ill health, cancer, strokes, heart attacks, which also explains why the EMT, emergency vehicles-- Emergency medical calls have gone straight up, according to Larry McLaughlin. We need to start looking, and reducing the amount of radiation from each one of these new cars are traveling cell towers. Something that needs to be addressed, and bless his heart, Arthur of the cellular phone task force has opened a new group, which is called people without cell phones, and he is encouraging every person of every City to form their own chapter and there's a growing number of people that are hip, aware of the harm and danger of microwave radiation they ought to be out front waiting away.

The Mayor thanked the presenter for the information.

Reference Order: 2023-199

Due to Council protocols the meeting was concluded and no further agenda items were heard.

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.

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

September 5, 2023 Meeting will be adjourned to the Regular City Council Meeting of September 19, 2023 at 5:30 pm for Planning Commission Interview (One Applicant).

The September 19, 2023 Regular City Council Meeting will convene at 6:00 pm (In Person and Remote/Zoom Virtual Meeting Format)

Mayor Hinton adjourned the September 5, 2023 City Council meeting at 10:41 pm to the next regular meeting of September 19, 2023.

American Disability Act Accommodations/Accessibility: A request can be made orally or in writing, and submitted to the ADA Coordinator by email: building@Cityofsebastopol.org or to the City Clerk's Office so as to avoid delay in reviewing and processing the request. Requests can be made by contacting the ADA Coordinator's Office at (707) 823-8597, via email at building@Cityofsebastopol.org or by mailing such a request to the ADA Coordinator's Office located at 7425 Bodega Avenue, Sebastopol, CA. Note that if you contact the ADA Coordinators Office, via mail, you need to make the request early enough that a response can be timely provided.

NOTICE: All Resolutions and Ordinances introduced and/or adopted under this agenda are waived of all reading of entire resolution(s) and ordinance(s). The City of Sebastopol is a general law City formed under the laws of the State of California. With respect to adoption of ordinances and resolutions, the City adheres to the requirements set forth in the Government Code. Unless otherwise required, the full reading of the text of standard ordinances and resolutions is waived.

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

If you have any questions regarding this meeting, please contact the City at Email: info@Cityofsebastopol.org or CityCouncil@Cityofsebastopol.org or please call: 707-823-1153. The public is advised that pursuant to Government Code section 54957.5 all writings submitted to the City Council are public records and will be made available for review. The Sebastopol City Council welcomes you in person or remotely to its meetings that are generally scheduled for the 1st and 3rd Tuesday of every month. Your interest and participation are encouraged and appreciated.

Government Code Section 54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

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

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

There are times that the City Council open meetings may not be live streamed due to technical issues; if that is the case, the meeting will be video-taped and uploaded as soon as possible to the City Web Site. In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the

call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

COUNCIL PROTOCOLS FOR MEETING:

This in person and virtual/remote meeting is compliant with the Governor's Executive Order allowing for a deviation of teleconference rules required by the Brown Act. Traditional Brown Act and AB 2449 requirements can be utilized for all City Council meetings as long as required notice and posting is conducted per the Brown Act.

Please Note the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting.

Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).

(b) As used in this section:

(1) "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2) "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.