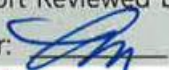


Agenda Report Reviewed by:
 City Manager: 

**CITY OF SEBASTOPOL
 CITY COUNCIL
 AGENDA ITEM**

Meeting Date: April 19, 2022
To: Honorable Mayor and City Councilmembers
From: Kari Svanstrom, Planning Director
Subject: Reintroduction AND Waive First Reading and Adoption of an Ordinance to Amend Sebastopol Municipal Code, Chapter 2.24 “Planning Commission” to modify the number of Planning Commissioners (to five members) and eligibility requirements for membership
Recommendation: Adopt the Ordinance
Funding: Currently Budgeted: _____ Yes _____ No X N/A

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

INTRODUCTION/PURPOSE:

The item is to request City Council hold re-introduce and waive the first reading of an Ordinance to amend the Sebastopol Municipal Code, Section structure of the Planning Commission Chapter 2.24 “Planning Commission” to modify the number of Planning Commissioners and eligibility requirements for membership.

BACKGROUND:

At its December 21, 2021 regular meeting, the City Council received the staff report and presentation, held the public hearing and discussed an ordinance to amend the Sebastopol Municipal Code, Section structure of the Planning Commission Chapter 2.24 “Planning Commission” to modify the number of Planning Commissioners and eligibility requirements for membership. The changes will remove language relating to a Planning Commission “Alternate”; changes the references for out-of-city boundary geography from the 95472 zip code to the three elementary school districts: Twin Hills, Sebastopol Union, and Gravenstein Union; and, specifies that a majority (4) members of the Planning Commission will need to be City residents at all times.

DISCUSSION:

At its April 5, 2022 regular meeting, the City Council held a public hearing and deliberated a proposed Ordinance. They introduced an Ordinance and waived the first reading to:

- 1) eliminate the alternate position;
- 2) modify the geography for out of town resident and business owner members to be within the three school districts: Twin Hills, Sebastopol Union, and Gravenstein Union; and
- 3) modify the ordinance to specify that there shall always be a majority of City residents on the Commission.

The City Council then discussed the current vacancies and the number of Commissioners. The Council then voted to direct staff to further revise the ordinance to:

- 1) Reduce the number of Planning Commissioners to five; and
- 2) Simplify the Ordinance language to eliminate the references resolution regarding the number of commissioners.

Staff is return to the Council with the revised ordinance. As noted in the April 5, 2022 meeting, the agenda did not include notice of the reduction of number of Commissioners, so this Ordinance needs to be Reintroduced.

GOALS:

This action supports the following City Council Goal 5: Provide open and responsive municipal government leadership, by providing a more appropriate geography for individuals eligible to serve on the Planning Commission.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comments. Additional public comments from interested parties following the publication and distribution of this staff report will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

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

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends the Sebastopol City Council reintroduce the Ordinance and waive the first reading.

Attachments:

Ordinance No. _____

City of Sebastopol
Ordinance No. _____

REINTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
MODIFYING THE SEBASTOPOL MUNICIPAL CODE CHAPTER 2.24 "PLANNING COMMISSION" TO MODIFY
THE NUMBER OF PLANNING COMMISSIONERS AND ELIGIBILITY REQUIREMENTS FOR MEMBERSHIP

Whereas, the Planning Commission conducted a public meeting on February 23, 2021 to review potential changes to the Planning Commission composition and provide recommendations to the City Council; and,

Whereas, the City Council conducted public meetings on February 2, 2021, March 16, 2021 and September 21, 2021 to review potential changes to the Planning Commission composition; and,

Whereas, on April 5, 2022, the City Council conducted a duly-noticed Public Hearing, deliberated, and found that the revisions to the Sebastopol Municipal Code Chapter 2.24 "Planning Commission" are in the best interest of the City to ensure appropriate representation of the public on the Planning Commission as it carries out its duties; and,

Whereas, the City Council further found that the proposed Ordinance revisions are consistent with City Council Goal 5, to "Provide Open and Responsive Municipal Government Leadership."

Chapter 2.24 PLANNING COMMISSION

Sections:

- 2.24.010 Creation.
- 2.24.020 Members and terms.
- 2.24.030 Vacancy and removal.
- 2.24.040 Meetings.
- 2.24.050 Officers.
- 2.24.060 Quorum.
- 2.24.070 Duties.
- 2.24.080 Expenses.
- 2.24.090 Conflicting ordinances.

- 2.24.010 Creation.

A Planning Commission is hereby created and established. The term "Commission" as used herein shall mean and refer to such Planning Commission.

2.24.020 Members and terms.

- A. The Commission shall consist of five members.
- B. The members of the Commission shall be from among residents of the City of Sebastopol or shall be the owner of a business within the City of Sebastopol and a resident of one of the following school districts: Twin Hills, Sebastopol Union, and Gravenstein Union, and up to one person who is not in one of the above categories, but who is a resident of the area served by one of the following school districts: Twin Hills, Sebastopol Union, and Gravenstein Union, may also be appointed. Members shall be appointed by a majority of the members of the City Council. A majority of the members the Planning Commission shall be residents from within the City limits at all times.
- C. Members shall serve at the pleasure of the City Council, and may be terminated without cause, by a majority of the City Council.
- D. Members shall not serve for more than four years unless reappointed by the City Council.
- E. In the event new Commissioners are appointed by reason of any increase in the number of the Commission, they shall serve for such period of time as to provide for as close to equal a number of commissioners being selected each year as possible.
- F. Final determination of the length of the term of new members shall be determined by the City Council.
- G. All terms of office shall commence on January 1st of the year of appointment, or as soon thereafter as apportionment is made.

2.24.030 Vacancy and removal.

Any member of the Commission who fails to attend three consecutive meetings of the Commission shall be considered automatically removed and a vacancy shall be deemed to have occurred unless a showing of good cause is presented to the City Council. The City Council shall be the sole judge as to whether or not good cause is shown.

2.24.040 Meetings.

The Commission shall meet at regular stated times and places and all meetings of the Commission shall be open to the public as required by law. The Commission shall adopt rules for the transaction of business and for the proper conduct of its meetings and the discharge of its powers and duties. In the event of a lack of quorum at any regular or adjourned meeting, the Commission may act as "a committee of the whole" and hear any matters before the Commission. No action may be taken, but recommendations may be made to the next regular or adjourned meeting of the Commission.

2.24.050 Officers.

The Commission shall elect a Chairman and a Vice Chairman from among the appointed members who shall serve for a term of one year.

2.24.060 Quorum.

A quorum at any regular or special meeting of the Commission shall consist of a majority of the members of the Commission. No action of the Commission shall be valid without the affirmative vote of three members of the Commission.

2.24.070 Duties.

The Commission shall have the following duties:

- A. To recommend special studies and amendments to the General Plan.
- B. To perform such duties and functions as prescribed by law.
- C. To perform such other functions and duties with respect to zoning and other matters as prescribed by City ordinance or as may be directed by the City Council.
- D. To act in an advisory capacity to the City Council on public park regulatory issues, improvement needs, and on public park development projects; and to serve as a forum for members of the public to voice their comments regarding such matters.

2.24.080 Expenses.

The members of the Commission shall receive no compensation except such expenses as are authorized by law and the City Council.

2.24.090 Conflicting ordinances or Conflicting Laws. During the continuation of the effectiveness of this ordinance, the provisions of this ordinance shall govern. If there is any conflict between the provisions of this ordinance and any provisions of the Sebastopol Municipal Code, or any City ordinance, resolution or policy, the provision of this ordinance shall control. If there are any conflicts between the provisions of this ordinance and any provisions of State or Federal law in effect during the same time as this ordinance, the provisions of this ordinance shall be null and void.

The Sebastopol Municipal Code (SMC) Section 2.24 "Planning Commission" is hereby repealed and replaced in its entirety.

Effective Date.

This ordinance shall become effective (30) days after the date of adoption.

NOW, THEREFORE, the City Council does hereby approve for first reading, introduction, waiving of further reading of ordinance.

The City Council hereby finds that adoption of this ordinance will enact minor changes to the administration of governmental body, and does not impact any physical location within the City. It can therefore be seen with certainty that there is no possibility that the proposed amendments will have the potential for causing a significant effect on the environment, and is therefore exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3).

APPROVED FOR WAIVING OF FIRST READING AND INTRODUCTION OF ORDINANCE at the Regular City Council Meeting of April 5, 2022.

APPROVED FOR REINTRODUCTION AND WAIVING OF FURTHER READING OF ORDINANCE at the Regular City Council Meeting of April 19, 2022.

SCHEDULED FOR WAIVING OF SECOND READING AND ADOPTION OF ORDINANCE at the Regular City Council Meeting of May 3, 2022.

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____

Mayor Patrick Slayter

ATTEST: _____

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____

Larry McLaughlin, City Attorney