

birthday party, all these events made full use of the whole area in front of the stage and all the area on the other side of the creek as well.

- That whole picnic area all the way to the hedge at Jewell
- We now have room for food trucks and Port-A-Potties and room to spread out and we do spread out.
- When I compare the proposed design with what we have now, the proposed event area looks substantially smaller.
- It is the Sebastopol's main gathering space for festivals and events.
- The Barlow is private property and we don't really know what's going to happen there in the future.
- I would hate to see us lose the ability to have large events at Ives Park in the future.

Patty Hiller commented as follows:

- I live at Burbank heights.
- Attached to my bedroom wall I have 13 electric meters. Outside of my bedroom window, 25 paces, I have 13 more electric meters. Outside of my living room, 13 more.
- My question is how much of these EMFs do you think we old people can take? I just think I might fry.
- So I hope there is some way that this City Council can help us prevent this from happening.

Linda Berg commented as follows:

- I'm just so pleased and just so heartening to hear from previous speakers and the rest of them that I have spoken with today
- Some very passionate people that are, like myself, affected by being cooked by their wireless devices, and they have figured it out. They are not going to be putting up with it.
- City Council has made some of the worst decisions I have witnessed since I have been paying attention to what's going on in the City for the last 12 years or so.
- You have an opportunity to be the heroes or to be villains.
- You have a chance now to reverse several of the divisions that you have made like the vilification and demonizing of our wonderful police and to change the position of Diana Rich on getting rid of our fire department but also to come out and make a stand here on wireless devices.
- By the way, I don't know if you heard, but on September 7th, apple came out with their latest smartphone, and it does not require getting signals from cell towers.
- There are tens of thousands of satellites that are in the City now and anywhere you can see the sky you will be connected and you will be getting affected, fried, by the microwave signals that are being beamed down.
- So there is no place to hide. We need to reduce our exposure to wireless radiation.

Michael Carnacchi commented as follows:

- With the talk of expanding the event space with Ives Park, I just want to remind you that right before I left office, I had Supervisors Rabbitt and Hopkins onboard to give us the veterans building and the property.
- That was only in as reimbursement, sort of, for the homeless hotel that we have in town and they're taking over that property.
- Now with the \$1.2 million that was lost because of the county, what are you waiting for?
- That property is worth so much money, and we would have all the event space in the world, and the art center would be paying to the City of Sebastopol.
- It was all set to go. Here we are two years later, and nothing has happened.
- How can you miss the opportunity for the City to increase its revenues by such a large amount.
- This is something you ought to get on.

- If you want to do something as like a hoorah, look at what we did and here's our gift to Sebastopol, the three of you that are leaving, get on the phone.
- You have Hopkins and Rabbit that will give it to us. Robert Brent will come in. He's got the original lease.
- This is a done deal, pretty much.
- Talk to City Manager McLaughlin.
- They were ready to go with just the homeless hotel.
- Now you have more on top of it to incentivize them to give us that building.
- Then we have all of the event space that we need.
- That's huge. That property is expanded by large amounts.

Ambrosia commented as follows:

- I just wanted to take a moment to thank and appreciate all of our City Council and other public servants that take care of our City.
- They work very long hours.
- It's practically a volunteer position.
- I have never had anything bad to say about anyone on the Council because they work very hard and they do what they say.
- On smart meters, I'm wondering if you folks are taking time maybe to reach out to PG&E or whoever it is that has these smart meters and dealt with them on it because correct me if I'm wrong, but I don't think the City can tell them yes or no at this point.

Angela Ford commented as follows:

- I have no prepared remarks but I do want to jump in and just say we have worked hard at Burbank this last few days collecting 111 signatures and more coming.
- It's been a team effort all through our community.
- We are awake. We are alive, and we are determined to do what we can to preserve the health of our neighbors and our friends and this community.
- We're asking the City Council please, please, please talk to PG&E, intervene to the extent that you are able on our behalf of our community. The elders in your community and the frail.
- What else can I tell you except that I'm grateful for all your work and we look forward to you working on our behalf and with us and to preserve our community overall.
- No smart meters. It's not the path of our long future. Unsustainable.

Linda Rothman commented as follows:

- PG&E, I think they're saying that the City Council doesn't have the power to interfere with their smart meters and they're saying that the California public utilities can make the decision.
- I just want clarification over who has the power to make decisions to help us.
- I have been one of the people gathering signatures these last few days, and people here are afraid. They don't want the smart meters.
- I'm not electric sensitive, but my friends here are and I'm very, very worried about them and I don't know how from a human standpoint how we could let this happen to our friends and our relatives.

Mayor Slayter responded to public comment as follows:

- Noted that due to the length of public comment, additional public comment would be at the end of the meeting.
- We had a couple of questions that came up and I don't believe our Planning Director is on our meeting this evening to address those questions.

- 'Question about the City-owned area along the Joe Rodota Trail, I believe that would be a planning question.
- Question about Ives Park and the proposed design, I know that is a planning department question.
- Rather than off the cuff think about how big things are on a site plan, I think it would be best for us to get in touch with a member of the public who asked about that and see if we can't get some at least fairly specific area calculations and what's defined as part of the event space and things like that.
- Then the final question about who has the power to decide about smart meters and apologies for what is probably a poor paraphrasing of the question.
- The CPC regulates those.
- Our City Manager and senior City staff have an appointment with meeting with PG&E.
- I believe it's on Monday of next week, and all of these comments have been noted by our City staff and will be raised at that meeting with PG&E, and I'm not sure that there is much else I can report about that because the meeting hasn't happened yet.

City Manager/Attorney McLaughlin commented as follows:

- We noted all these comments and e-mails and we will very definitely bring the public concern and attention to PG&E about that in our meeting.
- But as the Mayor said, the City really is without legal authority to control the installation of smart meters.
- Concerns we will bring to their attention.
- Legal means to stop it, I'm afraid we are unable to do something like that.

Mayor Slayter commented as follows:

- I'm not sure how the outcome of that meeting would be reported except for at our very next Council meeting, so let's just plan on providing an update early in the agenda
- We'll have a brief staff report just at the very front end of the meeting and we'll work that out when we set the agenda.

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

There were no statements of conflicts of interest stated at this meeting.

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 Slayter read the consent calendar.

Mayor Slayter asked if any Councilmember wanted to remove a consent calendar item.
Mayor Slayter opened for public comment on the consent calendar.

Kyle Falbo commented as follows:

- I'm curious about water filter number seven, its replacement, the value at which that bid was placed at, but specifically the interval in which that needs to be changed.
- Trying to get some sort of context what this cost
- Looking through old agendas, it appears there was a bid for this exact same filter, number seven, in 2018.
- That puts us in a five year replacement cycle. Is that the case for all of our cycles?
- What is the estimated cost of those filters over the years?
- What contribution does our participation in a water district that includes a larger scope come into play in funding these types of filter replacements?

Mayor Slayter commented as follows:

- To answer a couple of those questions, I'll start off with the second one, which was the participation in the water district.
- We're not members of a water district.
- We have our own in the City small business that is the system of City wells and delivering the water.
- With that, we as an entity, as the water company basically we are responsible for testing and filtration of the water to make sure that it meets all manner of criteria.
- I believe the question may have been geared towards the ground water's agency, which is the Santa Rosa Plain or Water Sustainability Agency
- That is a planning long-term for the health of the aquifer.
- While they are related, they are not connected in any way other than our seat with that agency and the City running the water system.
- There is no real connect there at all other than just planning well for the future.
- Water filter media replacement cycle and there is no absolute set that it is by time.
- It is how much filtration the media has accomplished and at what point does it need to be replaced to maintain the levels that are safe with the water.
- The water system is largely run by our public works department and the superintendent is the most knowledgeable of anyone about the system.

Public Works Superintendent Dante Del Prete commented as follows:

- The frequency is based on the sample results.
- So we sample all of our well systems weekly. Really what we're looking for is results that start to trend in a declining matter of media performance.
- So our goal, of course, is non detect.
- This City previously set a policy to replace the media at wells seven when it started getting close to five parts per billion.
- The maximum contaminant level the ten parts per billion.
- We're getting close to five parts per billion. I'm initiating this process now.
- We will have to go through the contract and get all the insurance and everything dialed in, and then by the time it gets at five or just above five, we'll be able to change the media.
- The frequency for each well site and each filtration equipment, it's completely dependent upon what the test results show, so it would be more rapid or it could be reduced.
- It is two totally different types of media, two different types of treatment.

Mayor Slayter called for a motion.

MOTION:

Vice Mayor Hinton moved and Councilmember Glass seconded the motion to approve Consent Calendar Item(s) Number(s) 1, 2, 3, 4, 5, 6, and 7.

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

VOTE:

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

1. Approval of Minutes of August 31, 2022 Special City Council Meeting Minutes (Responsible Department: City Administration)

City Council Action: Approved Minutes of August 31, 2022 Special City Council Meeting Minutes

Minute Order Number: 2022-261

2. Approval of Minutes of September 6, 2022 City Council Regular Meeting Minutes (Responsible Department: City Administration)

City Council Action: Approved Minutes of September 6, 2022 City Council Regular Meeting Minutes

Minute Order Number: 2022-262

3. Approval of Minutes of September 7, 2022 City Council Special Meeting – Closed Session Meeting Minutes (Responsible Department: City Administration)

City Council Action: Approved Minutes of September 7, 2022 City Council Special Meeting – Closed Session Meeting Minutes

Minute Order Number: 2022-263

4. Resolution Authorizing Continued Use of Teleconference Meetings Based on Circumstances of the COVID-19 state of emergency and that the following circumstances exist:

- a. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's subordinate Committee's, Commission's, and Boards to meet safely in person; and
- b. The State of California and the City of Sebastopol continue to impose or recommend measures to promote social distancing.
- c. Resolution needs to be submitted to Council every 30 days. Last approval: August 31, 2022 (Next approval scheduled for October 18, 2022)

City Council Action: Approved Resolution Authorizing Continued Use of Teleconference Meetings Based on Circumstances of the COVID-19 state of emergency and that the following circumstances exist:

- a. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's subordinate Committee's, Commission's, and Boards to meet safely in person; and
- b. The State of California and the City of Sebastopol continue to impose or recommend measures to promote social distancing.
- c. Resolution needs to be submitted to Council every 30 days. Last approval: August 31, 2022 (Next approval scheduled for October 18, 2022)

Minute Order Number: 2022-264

Resolution Number: 6476-2022

5. Approval of Resolution Extending the City of Sebastopol City Council Proclamation of Existence of Local Homeless Emergency (Responsible Department: City Administration)

- a. Needs to be approved every 60 days. Last approval: August 2, 2022 (needs to be approved by October 2, 2022 (October 4th 2022 Council meeting is beyond the deadline)
(Next approval scheduled for November 15, 2022)

City Council Action: Approved Resolution Extending the City of Sebastopol City Council Proclamation of Existence of Local Homeless Emergency (Responsible Department: City Administration)

- a. Needs to be approved every 60 days. Last approval: August 2, 2022 (needs to be approved by October 2, 2022 (October 4th 2022 Council meeting is beyond the deadline)
(Next approval scheduled for November 15, 2022)

Minute Order Number: 2022-265

Resolution Number: 6477-2022

6. Authorization for City Manager to Execute Contract for Well 7 Filter Media Replacement with De Nora Water Technologies, Inc. for Total Amount of \$68, 964 (Responsible Department: Public Works)

City Council Action: Approved 6. Authorization for City Manager to Execute Contract for Well 7 Filter Media Replacement with De Nora Water Technologies, Inc. for Total Amount of \$68, 964

Minute Order Number: 2022-266

7. Approval of Issuance of Request for Proposals – Comprehensive Grant Writing Services. The funding is in the approved FY 2022-2023 City Budget for an Amount of \$60,000 (Responsible Department: City Administration)

City Council Action: Approved Issuance of Request for Proposals – Comprehensive Grant Writing Services. The funding is in the approved FY 2022-2023 City Budget for an Amount of \$60,000

Minute Order Number: 2022-267

INFORMATIONAL ITEMS/PRESENTATIONS: *(Please Note: Although informational/presentations items are routinely informational in nature, some informational items may contain request for actions such as support, direction to staff, follow up, or receipt of item based on the presentation/information provided.)*

8. Informational Item from Sebastopol World Friends On Recent Activities (Requestor: Mayor Slayter)

Mayor Slayter presented the agenda item.

Patty Levenberg / Steve Levenberg provided information to the City Council and public.

Meg Mizutani was in attendance.

Leaf Roberts was in attendance.

Mayor Slayter opened for public comment. There was none.

City Council Discussion and/or Deliberations:

Councilmember Gurney commented as follows:

- I want to say to our speakers from World Friends this evening how much I appreciate your heart felt remarks and I want to impress among those listening that depth of history and commitment amongst our community for all the work you do.
- I'm grateful for those that supported my campaigns throughout the years because I have remainder funds and through those people's generosity I was able to contribute to the scholarship fund.
- I want to mention that publicly because I think all of us will be grateful.
- That extra contribution to world peace.
- Thank you so much for being there. I'm so grateful for you.

Councilmember Rich commented as follows:

- Just a brief thank you for all of the amazing contributions from Sebastopol World Friends over these many, many years, even in the face of COVID and restrictions. They managed to continue the mission.
- I attended a virtual fundraiser that was amazing in its depth and fun and engagement given that it is a zoom screen but they managed to make it very real and very heart felt and meaningful.
- So thank you that in these times it is even harder. So thank you for persevering through it all.
- I wanted to compliment you for their support of I'm aware of at least one family, Ukrainian refugee family that was brought in through the help and assistance of Sebastopol World Friends.
- That's something that all of us as a community can truly appreciate.
- These are real people who are being embraced by our community here and our community could not have embraced them without the effort and motivation and, you know, just getting it done that Sebastopol world friends demonstrated.
- To thank you for all of that. Not just the ideas but the doing. That's very meaningful.

City Council Action: No Action required. Reference Only.

Reference Order Number: 2022-268

PUBLIC HEARING(s): NONE

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

9. Discussion and Direction for Parklets on Caltrans Right of Way and/or Local Streets (City Engineer)

Mario Landeros, City Engineer, and Toni Bertolero, GHD, presented the agenda item recommending the City Council Staff discuss the continuing use of Parklets and address the following:

1. Should staff apply for a Caltrans encroachment permit for installing and maintaining a permanent parklet at the South Main Street location?
2. Should staff apply for a Caltrans encroachment permit for installing and maintaining a permanent parklet at the Depot Street location?
3. Should staff move forward with a parklets design guidelines for parklets on Caltrans ROW; and/or on local streets?
4. In addition to the elements generally described below and in Resolution 6033, what other elements should be included?
 - a. Design features for parklets on Caltrans ROW and local streets;
 - b. Maintenance requirements and responsibilities;
 - c. Encroachment and building permit process and requirements and restrictions for parklets on local streets;
 - d. Business restrictions on parklet use for parklets on local streets.

Mayor Slayter opened for questions.

Mayor Slayter commented as follows:

- So the action requested by Caltrans, is that per location?
- Is it per parking space? Is it by square footage?
- Or is it just some random thing that they invented to the best of your knowledge?

GHD commented as follows:

- That fee is on a per location, as mentioned.
- There would be a lease agreement for each individual parklet.

- So, yes, it would be per parklet. Per location.

Mayor Slayter commented is it tied to the area.

GHD stated no it's not tied to the area.

Mayor Slayter commented as follows:

- Regarding the Depot Street location and the incredibly curious roadway alignment that exists there
- This was something I talked about when I was on the Planning Commission all those years ago was why can't we have a pocket park on that little block
- At the time, I may have been the only person looking at that. Now it seems everybody else has come right along and I agree.
- I continue to think that is a much better place for people than it is for automobiles.
- So given the roadway and the alignment there, I'm not sure that we call it a parklet, but it isn't a parklet.
- It is a parking space that gets taken over or changes use, rather from automotive storage to the use by people.
- I know that we've had discussions with Caltrans about requesting them to abandon that right away and the City absorb that into its lands and then we could do with it what we pleased, which would most likely be the installation of a pocket park.
- Can you speak to what the definition is and how that little curiosity fits into it?

GHD commented as follows:

- The concept of parklets, as I understand them, from the reads in the agreement and various codes sections is that parklet is basically a space in the right of way for non-highway use for park use purposes for recreation.
- Carving out a space as you describe, as odd as the alignment goes through there in creating that little corner, if you will, it would all come down to its intended use because it is still in right of way, as it stands.
- So removing it from general highway use, the State would do it under a lease agreement and then apply its restrictions.
- In our case it is applying them as park and recreation use only. Call it what you will. We are all calling it parklets.

Mayor Slayter commented as follows:

- Then to push on the question about the definition space in the right of way was the right terminology you used at the front end of your description in the Caltrans language.
- How does a sidewalk fit into that?
- Doesn't the Caltrans right of way extend to the front face of buildings on Main Street as an example?

GHD commented as follows:

- Yes, it does.
- Very typically the right of way extends from the back of sidewalk when you look at the whole cross section.
- So that back of sidewalk very typically coincides with the building.

Mayor Slayter commented how does that particular area work out as definitions of space?

GHD commented as follows:

- Well the general highway use is for the conveyance of people, of materials, livestock.
- By appropriate means that are allowed within right of way.
- Obviously pedestrian use is a permissible use.
- In fact, not to detract from your question but as you keep going more forward in the future, progressive approaches on use of highway, there tends to be more of a push for complete streets concepts, which expands the use of the right of way to other non-motor vehicle users.
- So a lot more emphasis to the pedestrian to bicyclists, to mass transit, for that matter.
- But the use is what's important. Use of the sidewalk to provide pedestrians is typical, normal highway use of the right of way.

Councilmember Gurney commented as follows:

- I appreciate all your questions Mayor. I am very interested in those answers.
- Just as a note, I think you and I have to share that the discussion actually started years before the 2015
- I think this conversation has been going on for potentially ten years now.
- Getting to this \$500 a month fee, that seems like a really round and convenient number, not necessarily based on anything that has market value.
- But we have a public entity renting to our CBOs at greatly discounted years with something that low.
- I'm just thinking that we might want to push back on Caltrans about that.
- Wouldn't it be possible to negotiate that rental agreement and that rental amount?

GHD commented as follows:

- Generally speaking, Caltrans would be difficult to negotiate with other this particular rental fee because, as I understand it, this is applicable statewide, and I doubt they would want to set what would be considered a precedent whereby they would be asked to discount it in a number of different locations.
- So that would be a problem.
- But I will say that in most of the conversations I've had with Caltrans over the years, over the last ten years, inevitably this location has come up for discussion.
- It gets tied in with things that Caltrans wanted the City to do, for example, taking over the responsibility for the Depot Street crosswalk.
- As the Council knows, Caltrans goes through a lot of staff transition. You find yourself talking to different individuals as the years go by. There is not a lot of continuity there.
- So between the request to take over responsibility for that crosswalk and the constantly changing Caltrans staff and responsibilities on the Caltrans side, it's been difficult to have a continuous conversation about this.
- But I have personally discussed taking over that area for a City usage on a number of occasions with Caltrans because, as I say, they have wanted to have something from the City in return.
- That is a problematic crosswalk.
- But your main question having to do with this fee, I would imagine it doesn't hurt to ask, but I would imagine if I was on Caltrans side here, I would be leery of setting a precedent.

Councilmember Gurney commented as follows:

- The question really is finding the right person to talk to in this huge bureaucracy called Caltrans but it sounds like you are saying there are a number of negotiating points which is of interest to me.
- Also I want to ask you the City Manager, can the City receive donations from private parties for the expenses of either designing a parklet or paying its lease.
- Is it possible for the City to receive those contributions through a funding campaign or something?

City Manager/Attorney McLaughlin commented as follows:

- Yes. The City can and does receive contributions and they can be two specific purposes.
- I will say when you relate that to the present agenda item in front of the Council, it appears to me that Caltrans is going to be possibly a lot more strict in applying the restrictions that GHD went through, specifically a park and recreation, quote unquote use.
- We have been a little bit lax, I guess you might say in our enforcement of that since the pandemic.
- It's pretty obvious that some use could be argued to be related to adjoining businesses.
- I'm pretty sure Caltrans is going to be more strict in that regard in the future.

Councilmember Gurney commented as follows:

- That also seems like something we could figure out.
- The requirements of bonding insurance environmental review that GHD mentioned, how big a hurdle are those for the City?
- Are they easy to get through or what?

City Manager/Attorney McLaughlin commented as follows:

- I think it is a challenge that can be met.
- But there would be a cost involved.

Councilmember Gurney commented as follows:

- There is this mention of all the steps that needed to be taken to implement the steps this evening.
- What would be the time line for that, putting this altogether for the Commission.
- That sounds like it would take a long time. What's your estimate?

GHD commented as follows:

- Once we get the decisions from Council tonight, specifically at least the four that I have listed on the slide, then we would move forward.
- It's already been budgeted. It's in the CIP.
- However, I don't know if now we're talking two parklets versus one parklet.
- The difficulty for the permit process is obviously Caltrans. This is new for Caltrans.
- We don't know if any other City that's actually doing anything except for perhaps the City of Calistoga.
- I believe they're also pursuing such a permanent parklet permit as well.
- But they are asking us, hey, what are you going to do? That's the blind leading the blind, as I said. It is new.
- GHD has been pretty diligent about contacting Caltrans often on this, but it is very difficult to get answers with respect to time lines.
- In terms of what we can do with respect to the parklet guidelines, once we move forward, we can move on that pretty quickly.
- I'm thinking that we should probably be able to get a draft out within three months.
- I don't think it will take years and years and years.
- We may not have the answers for anything, but we do need to get some specific things to be done.
- As we get through the process, we will not be all done and then we take it to the Planning Commission.
- I think we do it in parts.
- That's something that we have to talk to the engineers about and the processes about how this will look.
- I think we mentioned the public outreach program.
- Part of that outreach will be taking that to the planning commission as well.

- My concern is the 12/31 deadline.
- We may have to have an interim.
- It could be a draft and we could finalize a draft later particularly with respect to parklets on local streets.
- We have to focus on the ones on Caltrans right of way because those are the ones that are time sensitive.

Councilmember Glass commented as follows:

- I just want to get clear about something that GHD said.
- The way that I heard it from GHD was that the underpinning of this \$500 a month fee is in the relationship between the Federal Money and the State.
- That means that trying to ask for something difficult is kind of problematic because they're saying that they have to do it because it is something to do with the Feds.
- Is that what you said?

GHD commented as follows:

- Yes. The very principal of requiring a payment of lease fee is something that comes out of the relationship between the state and Federal Highway administration.
- What isn't necessarily indicated as coming out is the amount.
- In all fairness, you heard of the term nominal fee just to satisfy that provision.
- Where the State came up with that \$500, they described it to me as the minimum they could charge.
- I don't know where else that comes from.
- Perhaps they are using their own fee schedule for other types of leases that they do allow in thinking cell towers, utility crossings, other elements that are non-highway use because that happens.
- The application towards parklets, quite interestingly, our District (District 4) includes the nine bay area counties, apparently only two agencies have had the relationship for parklets right away, and that is Calistoga, as mentioned, and Sebastopol.
- So from the State's perspective, they don't have experience with this in any other agency.
- This lease agreement was just put together I think over the summer.

Councilmember Glass commented as follows:

- It just seems like another case of like, why is the State which has supposedly a surplus and piles and piles of money charging us local government extracting money because they're losing a parking place that is actually a parking place that is used by our City.
- Makes no sense. But we are starting to know they are doing a lot of things that don't make sense.
- However, it would seem to me there is only two instances of this in our jurisdiction, but maybe there is some elsewhere like maybe Southern California.
- So I think it would be worth a call if no one has done it so the League of CA Cities (Cal Cities) and to the League of CA Cities (Cal Cities) counsel to see if there is any possibility for doing this because it does seem kind of ridiculous.
- We could burn up that much time just making phone calls.
- But it might be worth a call or our Council liaison to the League of CA Cities (Cal Cities), which I think is the Vice Mayor perhaps we could make a call to the league and say, hey, what's up with this?
- Is there something the league could do in terms of lobbying the State of California to start picking on small government.
- I also wanted to ask, so, the deadline to apply is 12/31. If we don't apply by 12/31, then we have to remove our parklets by X date. Is that what we have to do?

GHD commented as follows:

- The way the encroachment permit is written, it says it expires on 12/31 of this year.
- By extension, after that date, whatever is in the right of way is there without permission.
- I take that to mean, it needs to be vacated by that date.
- Now, having said that, and I cannot speak to Caltrans' question that I haven't chased down, but what kicks off the process for the lease agreement
- Commercial rental application that the City would complete, sign and turn in.
- That will kick the State off into drafting up the specific agreement for our site.
- Once in process, perhaps that would lend some pretense to at least allowing the existing parklets to go beyond that 12/31 date. But I can't say that with certainty.

Councilmember Glass commented perhaps if we just go forward with the application process, we buy some time in figuring out what is next.

GHD commented that would be an approach.

Councilmember Glass commented as follows:

- Given the alternative of vacate by 12/31, what do we stand to lose?
- I'm also a little bit unclear.
- I know Caltrans has the right of way where the crosswalk is that's next to Screamin Mimi's that goes over Petaluma Avenue.
- But that section of street where the parklet is now, does Caltrans have that right of way?
- But it is not a City street that is a Caltrans right of way?

Mayor Slayter commented it is a Caltrans right after way.

Councilmember Glass commented as follows:

- It seems kind of obvious that that needs to not be a parklet. It needs to be a park.
- On the discussion about Caltrans possibly getting more rigid about their noncommercial use rules, who actually, if we were to move forward with having a permanent parklet that is in front of sunshine cafe and retro grade, if we were moving into this permanently, who owns the future and who takes care of it and where does it live?
- If we have to be more careful about it not being a commercial use, this just has to be a place that has municipally owned furniture.
- Has that been thought about?

GHD commented as follows:

- Moving forward with the process would require that the City develop a set of plans and specifications that would have to be part of the encroachment permit location.
- Caltrans has established the revised whatever guidelines they previously had.
- I have only started getting into those very recently.
- But one of the elements in there, when they spoke of elements like furniture or seating, tables, what have you, it does specify that those elements need to be integral with the parking structure.
- So tables and chairs and so forth are probably not going to be allowed going forward.
- But I haven't tested that yet with Caltrans.
- We haven't gone down that discussion with details.

Councilmember Glass commented as follows:

- It seems like it would be important if there were tables, et cetera.
- I think that has a big impact on our ability to our desire to move forward as decision makers.
- If we can't have tables in parkland, that seems kind of nuts.

GHD commented as follows:

- If I may just clarify, in the language, it didn't say that you are not allowed to have tables and chairs.
- What it's saying is seating and tables must be integral with the design.
- I'm seeing perhaps tables that are attached on to the -- on to the parklet including seating benches on the opposite side.
- So it is a topic we certainly have to explore as we go further into Caltrans process
- Does it require City develop set of plans and specifications part of permit application
- Caltrans has established revised guidelines

Councilmember Rich commented as follows:

- As I listen to all the questions and more about what's going on with the current situation and it seems quite different from what we were facing in July in terms of expectations, my question is you have set up these discussion and decision items in a particular order.
- Is there any downside to switching that up a bit and instead having the City Council direct that guidelines be developed first, which would then allow the other pieces that are becoming question marks to be inquired about?
- That would involve, for instance, the California League of CA Cities (Cal Cities) suggestion.
- The suggestion that Caltrans be approached about this \$500 a month fee.
- That could perhaps be found out.
- Given what you have said about the time frame that would be needed anyway to develop guidelines, my question would be could we do that first and there would be question about the Relaunch.
- Would do that process first, fill out for details and then focus and focus on bringing those back to the City Council with some options.
- So then hopefully long before December 31 there could be a decision by the City Council about which parklets if any could be appropriate.
- Any reason why we couldn't go guidelines first?

GHD commented as follows:

- We could do the guidelines first.
- However, because of the deadline, the December 31st deadline, we probably want direction from Council at least to, say, pursue a permanent encroachment permit with Caltrans so that we can get that process started.
- We could always pull back from that.
- But I think we have to do that at the same time to make sure that we don't run into a situation where we do the guidelines.
- We won't be able to get through the guidelines process until, say, December.
- Then it's like, okay, now we got to go get the permit and there is no way Caltrans would be able to issue us a permit beyond at least 30 to 60 days is my guess.
- So that's why I was thinking that certainly start with the guidelines, but maybe if we can get direction to go ahead and move forward with the Caltrans encroachment permit at one of the two locations for both, we could at least get that started so that we understand what the requirements of Caltrans will have.
- That will also help inform the guidelines as well.

Councilmember Rich commented as follows:

- I have a number of concerns about submitting an application before we actually know what the best approach might be.
- But it sounds like what you are saying is that you don't feel that the guidelines could be finalized before December 31.
- That's a little different from what I heard you say before, so I'm going to push back a little bit.
- I thought you said that three months would be a reasonable amount of time.

GHD commented as follows:

- That would be the end of December.
- If we just do it the end of December and then we just start the encroachment permit at the end of December, then we run into that time issue that we're talking about.
- So if we could start the guidelines process now on Council direction and go ahead and move forward with that and then as we get additional information maybe we could come back to council and say this is the information we have so far, but we need to get started on the encroachment permit in order to have enough time for Caltrans to respond.

Councilmember Rich commented as follows:

- Given the description of this parklet which is quite at odds, I have to say with how it is currently being used, do you know from your questions and queries surveys whether in fact sunshine cafe is an example and retro grade coffee would be as interested and supportive of permanency with this parklet if they knew that it was not going to be a space where customers could be served and their signage and menus could be placed?
- Do you know that from the surveys and information you have collected?

GHD commented we don't know that.

City Manager/Attorney McLaughlin commented as follows:

- I want to make the exact same point that Toni was making about initiating the application process to attempt to avoid having to remove anything on December 31.
- That way if we do the design work first, I was afraid we would be lagging behind in terms of making application and might have to remove one or more parklets in the meantime.

Vice Mayor Hinton commented as follows:

- A lot of questions have already been discussed.
- But my question to Toni is, is there ever a cost to apply for the permit to Caltrans except of course staff time to do the application.
- We have existing parklets, but if we apply for a permit, do we have to say where the parklet, if we're applying for one, will be placed or can we just apply for a parklet permit in a Caltrans right of way.
- Then I suppose if we got issued a parklet permit and we got our staff recommendations and studies, then I suppose we wouldn't necessarily have to execute it.
- Is that correct?

GHD commented as follows:

- To the first one, cost to apply. For the Caltrans process to get started under this lease agreement, we fill out an agreement, an application for commercial rent and that kicks it off.
- They begin the lease process.

- There is no fee upfront associated with that.
- What that entails is that Caltrans would then generate that lease agreement.
- Once that's complete, which I don't know the time that it would take, so that's a time moment they would submit it back to the City for our review and effectively sign it.
- Once we sign the agreement at that point then we would have to go through the steps within that agreement which would include making an application for encroachment permit, submitting improvement plans, which leads to the second question, do we need a specific location when we apply?
- The short answer is yes because that application process will want some very specific application, including a lot of physical information of the proposed site, photographs of the proposed site and details that would work with that proposed site.
- So that's pretty definitive, yes.
- In terms of pulling back, once we started, as I understood your question, would we need to complete it all the way through, there clearly isn't anything that would compel us to finish it.
- However, as part of the application process, one of the items that the State could require as they listed out would be verification that the City has the necessary funds to complete the process, to complete the project.
- They would want to make sure they were serious about going forward with it and had the means to implement it.
- So these are really the responses I have to that.
- How the state would react to the City pulling out at my point. That I don't know.

Councilmember Gurney commented as follows:

- Thinking of our timing here, I know for parklets on local streets, we have a number of other cities that have examples.
- I'm just checking to ask. Have you guys looked into those?
- We might be able to cut and paste and do that part rather quickly.
- Just checking to see the status over there.

GHD commented as follows:

- We have looked into it. Other cities in particular Healdsburg do have a pretty expensive guideline process.
- Healdsburg I would say they have some parklets with what I heard the other day they have 28 parklets in there.
- They're all on local streets, and they are currently operating under some sort of a temporary park permit process that will convert to a permanent including fees charged to the owners of parklets at the start of the new year.
- My old cohorts there did provide me their guideline package and I'm sure the cut and paste would be a doable thing by all means.

Mayor Slayter commented as follows:

- I would suggest there is a sitting guideline review committee that this council could tap on the shoulder and ask to take a look at that stuff.
- It is populated by a significant amount of professionals.
- So that might be an option.
- So that's it for questions from council.

Mayor Slayter called for a break at 8:06 pm and reconvened at 8:16 pm.

Mayor Slayter opened for public comments: Discussion and Direction for Parklets on Caltrans Right of Way and/or Local Streets

Michael Carnacchi commented as follows:

- I wanted to speak on the idea of Caltrans and giving that corner property there to the City of Sebastopol.
- My experience with Caltrans is different than the City Manager's in the fact that there are principals I met when I was on council.
- They were lifer. They were there for 35 years. One was the district manager.
- The regional manager has not retired yet and she's actually the design manager for the region which I'm not sure how many districts that covers.
- So I reached out to her, and that's the best thing about Caltrans, is if you stay in contact with them and have a good relationship with them as they move up in rank and move up in seniority, they have more authority on getting things done.
- So I reached out to her, and she put me in touch with the new regional manager.
- That is spelled for our consultants on the call, ahmad.rahimi@dot.ca.gov.
- I had a conversation with them.
- So the design manager reached out to him and told him because I called her about it. She put me in touch with him. I had a conversation with him and he said it's still on the table.
- They just need the City to process by having some drawings made, perhaps something simple.
- Paul Fritz agreed to do something very simple drawing and a letter of intent and you can direct it to him and then it can move forward from there.
- So I just wanted to put that out there.

Oliver commented as follows:

- I think the Retro Grade and Sunshine Café that's been a spectacular success on Main Street, I think Main Street is really struggling.
- And that's not a particularly busy road.
- It would be nice to see more reinforcements on that park so it survives into 2023.
- We could put a park on Burnett Street on the City streets around the corner by the little inset in that office building, take a couple of parking spaces if there is a problem for that area.
- Talking about the parklet road, we've already had one accident there and there is an awful lot of children and people running around in the road.
- Hopefully when the pandemic restrictions are over, the ice cream shop will open its doors again and people can sit down. So there will be 75 people outside running around.
- I wonder what the liability insurance is for that particular corner, which is one of the busiest intersections in Sonoma County.
- Is it the business or the county which would have liability if an accident would happen there and how such could insurance be?
- That's a significant consideration in addition to renting the space off of Caltrans.

Danielle commented as follows:

- I own Retro Grade Coffee Roasters on South Main Street where there is a parklet.
- It is shared of Burnett Street in South Main.
- The bar that is newly opened and I know their patrons also use it as a smoking section, if you will, after hours when we're not open.
- So there are four businesses that benefit from our parklet and I appreciate everyone's support and everyone that has taken the time to just discuss this.

- So obviously I really want the parklet to be made permanent in that location because, like I said, it supports not only us but four other businesses total.
- I think if it was moved to Burnett Street, that would be an issue for the other tenants in my building.
- There are many tenants whose clients park on Burnett Street to use the hair salon.
- There is an architect upstairs and it is a doctor.
- It's important they can access the elevator to go up to their doctor's appointments.
- I really hope that we can make the Mimi's parklet permanent. I think it helps increase walkability of our town.
- To address Councilmember Diana Rich I also wanted to just say that I'm willing to sponsor the parklet and pay the lease fee.
- I would be happier if it was more of a park setting with landscaping.
- Our team takes care of the parklet every day. I spend a lot of time taking care of the parklet.
- A lot of love goes into it.

Maraline commented as follows:

- I just wanted to thank everybody for your time thinking about this and dealing with it.
- I want to state that personally I have always been opposed to the parklets and years ago Paul came to me and I didn't want to lose the parking spots.
- We opened up to the idea during the pandemic, and I am a full converted lover of parklets.
- I am going to say I don't think it will affect my business one way or another if the parklet goes away.
- Screamin Mimi's has been around for 27 years. We're going fine.
- We made it through economic upturns and downturns, but personally when I drive into town and I see a group of families and diverse group of families all different ages, all different races, that's the town I want to live in.
- I don't know how you could possibly be opposed to a lively, beautiful center of your town.
- I think that's on all of our parklets.
- I think it's the same thing in front of Danielle's parklet.
- When you drive down Main Street and you see people sitting there eating coffee and drinking and talking, that's a great thing in a town.
- I just want to say as a personal Sebastopolian, I love the parklets.

Janelle commented as follows:

- This is mostly regarding Screamin Mimi's.
- I feel like those are taking away parking spaces from the businesses themselves.
- However, when it comes to the one in front of Mimi's, my feelings are definitely different.
- When I think of businesses in Sebastopol that have continued to thrive during the pandemic, Mimi's is the first that comes to mind.
- I don't think can argue their ice cream is addictive, unfortunately for me.
- However, I do believe it is time for the parklet to be removed.
- It has a wonderful indoor area to enjoy their ice cream.
- Just as other businesses have fully reopened, I believe it is time for Mimi's to do the same.
- For anyone that chooses to be outside, our one town square is literally around the corner.
- That's where I would always take my kids before the pandemic when I would get ice cream.
- We would walk over there and sit by the fountain.
- I don't feel like the parklet benefited any of the other businesses, and that's where I feel it's a problem because I know how hard it is to have a business in town and I know I'm running out of time.

- Anyway, I have actually witnessed a couple of businesses that support the fact that it's been a hindrance to create right next door, and I don't see that.
- The business that Mimi's brings is benefiting a salon or a yoga store or a ceramics store.
- All that coupled with the danger it's shown to present

Trava commented as follows:

- I just have two points I would like to address.
- I do have a little yoga studio and retail store next to create it and Screamin Mimi's so I am affected by the parklet out there.
- The biggest effect I am having and I think is really it a concern is the safety of the sidewalk.
- They are very crowded. Oftentimes, I have to step out into the street to get around the crowd, around the corner.
- I don't know if opening the restaurant would alleviate some of that, but that would be great.
- The parklet is used primarily for restaurant use, and that is just the point I would like to point out.
- I would like to see the parklet being used for more than just one or two particular restaurants that are benefiting from it throughout all the parklet in the City.

Paul Fritz commented as follows:

- We all know how I feel about parklets. I am the one who sort of instigated this. I think they are fantastic.
- I really don't understand how this can be bad for anyone's business.
- People hanging out, lingering, looking at your storefront, locking past your business, I just don't get it.
- We have plenty of parking downtown.
- I think we can deal with Caltrans.
- I think we can work with them on how to craft this and we were trail blazers in many ways and I think we can take the lead on this.
- I am working with Calistoga and other cities going through this. I think this is a great thing for Caltrans to take on.
- I think we just need to find the right people had Caltrans to talk to because I think there are people that Caltrans that get this and I don't think we should give up on pushing back against the \$6000 leap.
- That's insane. This is an extension of the sidewalk.
- We don't pay for the sidewalk, we don't pay for the parking space but now all of a sudden we have to pay for something. That makes no sense whatsoever.
- I just want to point out that people before the pandemic serves people on the sidewalk.
- That was illegal from Caltrans standpoint.
- I think we can do this. I think it is important.
- I love driving into town and seeing people having fun, talking, enjoying themselves that Mimi's, going around the corner and seeing people enjoy themselves at sunshine.
- This is the kind of place where I want to live.
- I want to live where people are enjoying themselves and having fun outside and being social and we don't have those places downtown.
- We did not before, and now we do and I think we need to stick with it.

Jen commented as follows:

- I own Create it and I want people to be happy.
- I have a stroll with kids, fun things to do

- I get it and more or less I have been feeling really kind of pitted against Screamin Mimi's from the City Council and all the things we've been going through for the last two years.
- I don't want that. I want all my neighbors to thrive.
- I want them to thrive and me to thrive and I have nothing against anyone or them, especially, and so I just wanted to say that there was a car accident in the parklet on June 27th.
- I was there with my campers, sitting, eating it and I wasn't really for or against it but that happened and being there personally, having that scene hitting the table with three people eating ice cream was terrifying.
- No one was hurt, thank God somebody was taken away in an ambulance but I've been there 17 years.
- It's an intersection with a lot of accidents. So again, I brought this to the City Council.
- I had an e-mail sent to me from the City Manager and it says we have been reluctant to move the parklet adjacent to you due to the negative impact it would have on Mimi's.
- At that point I felt very unheard and neglect did myself, and maybe other businesses.
- It gave me the understanding that they were for meanies only, and again, I want them to survive and thrive.
- I just don't want my windows covered in ice cream, the sidewalk dirty, my deliveries not being able to come through, people loitering in front and constantly asking people to please move their tables and chairs and having to be the bad cop because they're right in front of all my windows.
- It has just become very difficult for my business.

Ted commented as follows:

- Thank you to the City Council for taking up this issue, as I think you know I am a big supporter of our glitz and outdoor spaces downtown.
- I think we have far too little of it that I have lived here for 30 years and finally we have outdoor space downtown.
- Most of it is in the Barlow in a little of it is in parklet and I think we need to correct that.
- We need to move outdoor space into downtown, not just leaving it is the realm of the Barlow and like Paul and merrily said, I want to come into town.
- I want to see people outside enjoying themselves, having an ice cream, sitting at a cafe having coffee.
- That is kind of what my ideal town is all about so to think about not continuing this, I think it's ludicrous.
- I think it's crazy. This is the best thing that's ever happened to this town.
- We have five lanes of traffic. Three Southbound, two Northbound given up to Caltrans
- We have tiny sidewalks that we can't do anything with so we need to correct that.
- The parklet's to me are the first step. I think those spaces should be made permanent.
- They should be created in bulb outs and if Caltrans said the sidewalk is okay, move the sidewalk out there.
- I'm fine with that but let's design them. Let's make it something permanent.
- Paying a lease to Caltrans is ludicrous. They don't charge for someone to park the car but they're going to charge for someone to sit and enjoy the space? That is insane and we need to push back against it.
- I am a business consultant and a branding consultant.
- I have never in my 30 years heard businesses complaining about having too many people in front of the shop.
- I think that is craziness in the shops that have done well in this town are the ones that leverage outdoor space.
- All of them that are using outdoor space are all succeeding and doing well.
- The ones that are not engaging, some of them are struggling.

- It is not really too hard to do the math, so keep the parklets but then put the wheels in motion to create permanent outdoor space downtown.

Jim commented as follows:

- I'm calling in favor of parklets.
- I think that the one in front of Screamin Mimi's is awesome.
- I think we can mitigate the issues and I think it is sad when there are businesses that feel negatively impacted.
- I also don't understand how having hundreds of people staring at your store window can't be turned into a business opportunity but I will believe the illness that there are issues, and I would suggest that we can build a parklet there if we get permission that is safer, with proper berms or whatever it takes to make sure cars can't squeak through.
- They could get through anyplace, really, any of the other parklets.
- If there are delivery issues or cleansing issues, I am sure we can work that out.
- I would hate to see the City Council afraid to take the move that I believe is to the benefit of the whole town from the vibe perspective, from the entrance to Sebastopol perspective, as well as it should be for all the stores there in front of it because there are some people who claim to be negatively affected and I think that is where we would have to have leadership on the City Council and say this is going to be great for our town, to have these parklets here permanently, and to legitimately listen to problems and see what we can do.
- I know we already offered some parking spaces out of the lot next door and there used to be a special way to open it up for special delivery.
- Let's think about that. I'm sure we can get creative and solve these problems.
- The safety issue is a big one, but I think that can be addressed, also, so I hope we can make them permanent.

Dennis commented as follows:

- I don't think that little strip of Depot has anything to do with highway 12 and I think it is an independent street.
- I think we should look at both decommissioning that as a street and making it a parklet and we have to look and listen to the pros and cons, but I know it is well used.
- My concern greater than that is the crosswalk.
- I think the crosswalk needs to be moved North is more of a traffic cushion but I agree with the people who say they supported and they like people being outdoors and by the same token, I'm not trying to play both sides of the street, but by the same token, I also think we have to critically look at the backlash from that.

Lars commented as follows:

- I have my office downtown right around the corner from the Depot Street parklet.
- I am also in support of parklets, generally, but I wanted to go a little bit to the specific matter of the agenda and what to do next.
- More specifically, design guidelines were brought up.
- These parklets came about in a pretty ad hoc way, because we wanted them. We needed open space in the time of COVID. It took a while to get them and they came about very quickly.
- They are probably the ugliest parklets I have seen of any in the San Francisco, Healdsburg, Sonoma, you can go through the list.
- They are pretty nasty, I think, but the intention is not.

- We can make them beautiful. We can make them safe.
- We have many good designers and architects in the City that would be happy to participate in that and Mayor Slayter mentioned that subcommittee, which I am part of, I would be happy to take that on as part of our design guidelines subcommittee.
- I think the intention is correct.
- But you know, issues that have come up we can address and it is not just because of the parklet as a concept to me, it is because they were instituted quickly without a lot of thought, so that is my comment.

Kurt commented as follows:

- I am the co-owner of Screamin Mimi's.
- We have all seen it at the Barlow. We saw it at the farmers market on Sunday. The social and the structure works.
- People outside draws more people. There is no question about that. There is no argument.
- Those spaces are for people, not necessarily directly for businesses that are next to them, but they are for people, and for the town, in general.
- The current spot on Depot Street at 116 is the best opportunity we have in town.
- It is probably the best opportunity in West Sonoma County to have a livability billboard.
- It is the highest visibility stage and we can pump 300 to 1000 people out there per day.
- In addition to that, the people out there are sharing ice cream, which is kind of like a travel brochure captured the good life in Sebastopol.
- Apparently, the people who oppose this don't want to see lots of people in front of their shops.
- There are all types of people with disposable incomes.
- My question is why did you locate yourself next to the busiest ice cream shop North of San Francisco.
- You are clearly in the wrong location if that's a problem for you.
- The town is sending the wrong message by allowing these type of objections to delay this process since February. It is long overdue.
- The safety and maintenance issues are easily handled by every City in the world who knows how to deal with traffic safety. The car got through.
- The street is actually significantly safer now closed off than it was when cars darted across 116 using it as a short cut.
- Let's move forward now, secure the property.
- I am totally in favor of and agree with Michael. It should've been done right since the start.
- We should get the property from Caltrans and we are willing to volunteer manpower to do that.
- I will do that. I will do the legwork to get through Caltrans and find the person we need to find.
- Private partnership. Rental sharing.
- We can help with all of those and let's move forward now and not lose the opportunity.
- Hopefully the City will send the correct message by not delaying this anymore because of objections.

Jill commented as follows:

- I just wanted to say that in general I am in favor of outdoor spaces, which I think most of us are.
- I think in general that is a good thing. I love the parklet on Main Street.
- I think it has been a great thing, being someone who does not really want to eat inside right now with all the things we're dealing with COVID and I think it's great.
- I wish that we were talking more about the town square and the upkeep that it needs.
- It would be a much more beautiful space if we actually did do some things with that.
- It would be appealing for everyone to hang out in.

- I do have concerns, thinking about from the City perspective, liability if there was an accident or anything that happened to anyone.
- Would that be on the City since they would be holding the insurance? That is a concern for me.
- Also, I was happy to see Danielle say that they would be willing to carry the cost because with the limited budget that Sebastopol has right now, I think adding more expenses right now is not necessarily a good thing, especially when it comes to private as this is.
- We should help them out but the question I also have is that if we are providing these services, providing these parklets in the future, if other businesses on Main Street around the City decided that they, too, needed and outdoor spaces that something that would be offered to everyone in an equity way?
- If we're going to have some to have outdoor spaces I hope we would consider all of them in the future.

Kyle commented as follows:

- There are a couple things that were said during the presentation that really stuck in my mind.
- The first was that this process is somehow described as the blind leading the blind.
- Parklets are being made permanent all across the City.
- Municipalities are dealing with this issue with Caltrans or other agencies that are responsible for transportation all across the state.
- There are multiple media articles to describe this process, to describe our inability to be further along in the process is a deadline that is quickly approaching as being somehow the blind leading the blind.
- It is crazy to me and again I just can't help it imagine if we had a permanent Engineering Manager for the City that would tasked with looking at this thing on a more regular basis then we might actually have made progress.
- We saw this at the beginning of parklets. We stalled for months.
- Paul is talking about getting parklets prep for months hired to getting the parklets now we have parklets that are being monopolized by individual businesses.
- The other thing is City Manager being lax on enforcement.
- We have businesses that are operating on our sidewalks. We have businesses that are placing table numbers, condiments, menus on these tables inside her parklets.
- We have rampant discussion saying this is a Mimi's parklet. These are supposed to be parklets, emphasis on park.
- Recreation for public space, not an extension of a business, a handout to a business to expand their private business into the public.

Linda commented as follows:

- I am all for open spaces and parks and stuff and I think we would have a lot more of them if it was not for the previous planning director having altered studies.
- Aside from that, there is one little thing that we need to not continue to ignore the environmental hazard of exposure to electromagnetic fields.
- Make it understandable for you it is comparable that we are going through the beginning of the phase like we did with DDT.
- They thought that was the best thing since sliced bread.
- It was increasing crops around the world and they used it generously, you know and thought it was great until you know all the cancer came about and then it was and about 30 years later in the 70s, and it is very comparable also to smoking.
- Imagine a family and everybody is gathered around Screamin Mimi's sitting around the table smoking.
- These days this just is not a good idea, but then 50 years ago or so, you know it was promoted and given to the troops 70 years ago in World War II in trenches and so forth.

- We need to take into consideration just like a City.
- She measured the electric magnetic fields at Burbank.
- If the City Council goes ahead and forces us to wireless water meters is going to be one more source, 3000 of them admitting radiation.
- Not a good idea. We cannot do it.

Mayor Slayter responded to public comments:

- Thanks to everyone who made public comment and I think it is rather obvious that in my inbox, I think all my colleagues in box indicates that there is a lot of support for the idea of pocket parks, parklets is space for human beings in our downtown.
- There is, as one individual noted nobody does not want a beautiful town that has space. Everybody wants that.
- Everybody wants a beautiful, walkable pedestrian oriented downtown, and by extension I think there is wide support for these kinds of public spaces, these pocket parks, these parklets and I would agree that there are some issues with the incredibly quick cousin and another commenter said the ad hoc way they were put together as evidenced by their physical expression. K rails. That is as good as we could do at the time when we were trying to do it.
- K rails are not the answer here from an aesthetic standpoint, and nobody is saying that they are.
- I think it is the intention that is important, and I think it is also important for us to understand when a long- established business owner indicates that there are issues that are seen and impacts that are dealt with, we need to listen to that and we also need to make sure that things like the public Right-of-Way are clear and free, so that people just walking down the sidewalk can just walk down the sidewalk.
- All of these things, I believe, are issues that can be addressed in some sort of a comprehensive ordinance.
- That makes sense to me.
- So, circling back to a couple of the questions that were raised, and this is when I had noted before we concluded councilmember questions and failed to get to, it was raised by a couple members about insurance requirements, what are liabilities and as I would understand it, and as I understand it, it is the same as any other public location with our insurer.

City Manager/Attorney McLaughlin commented as follows:

- The City was responsible for creating the three parklets we presently have and if someone is injured and the design or other features of these parklets contributed to the injury, the City would have its own insurance.
- It is not an independent insurance company, it's an insurance pool presently made up of 50 small to medium-sized cities which basically self- defense.

Mayor Slayter commented I would hazard a guess that most of the members of that pool enjoy parklets in their own little cities.

City Manager/Attorney McLaughlin commented we have had a number of discussions with our insurance for at their is no issue with the City having sponsored the parklets.

Mayor Slayter commented as follows

- So, the issue being promulgated is from Caltrans.
- I know there are good people who work at Caltrans, but the bureaucracy, they have a reputation that is well-earned, I believe.
- It feels like everything Caltrans touches turns to frozen mud in a lot of ways.

- I'm not going to say it's the opposite of the Midas touch, but as the engineers were describing some of the requirements laid down by Caltrans, this should be one of the simplest things possible.
- This is repurposed thing parking places for people to enjoy.
- I just don't understand why it is so onerous, and to that point, I have had a couple of conversations with Senator Maguire and I have another one where trying to schedule in the next day or two following up from this meeting and he is doing what he can to look into it with all his other things that are top priority in his life.
- I am hopeful that turns to something that is useful.

City Council Discussion and/or Deliberations:

Vice Mayor Hinton commented as follows:

- We did get our mailbox filled up. We have a lot of opinions.
- It is frustrating to listen to some of the comments tonight from people who said you know, how can people oppose this they must be crazy or such like that.
- I think everybody has a different opinion and as you say, I haven't heard anybody that does not want or outdoor space downtown and doesn't want some sort of Green space as I do.
- But, I am also concerned about the new rules that Caltrans is putting on us.
- We bought these K rails as a temporary source. They can be moved.
- I also heard parklets described as Danielle's Parklet or Screamin Mimi's parklet. That does not seem fair to the other businesses.
- This is taxpayer money we are working with and this is a taxpayer right-of-way, the streets that are maintained with tax dollars.
- I really liked my colleague's idea about researching. I would hope it would not take three months so we could have some recommendations.
- I am not positive that the parklets need to stay in the Caltrans right-of-way.
- It kind of feels like if somebody else to turn, and so I would like to have our City staff study this more before we go down and \$85,000 road for a parklet with Caltrans because based on my questions, it sounds like once we go down that road we might not be able to back out of that road.
- So, that's where I'm going to come into start with and I am interested in what my other colleagues feel tonight.

Councilmember Glass commented as follows:

- Is the fact that we are calling it a parklet the reason why Caltrans wants to charge us all this money and make it be so expensive?
- I think one of our design professionals, it might have been Ted, somebody said something about the parklets being nicely designed.
- I thought gosh, if it could just be a bulb out then would they be charging us?
- If the sidewalk instead went out closer so the sidewalk wound around the outside of the parklet, and then the inside of the parklet became the space where there was a permanent like chairs and benches, et cetera, I wonder does that make dealing with Caltrans earlier but what is hired me was that idea that one of our design professionals saying they need to be bulb outs.
- We have to pay this kind of money and have to deal with this much insanity when we put the bulb out to the post office?
- Just wondering if we just need to turn it a little bit on its head in terms of design.
- I think parklets are great.

- Everybody wants to have everyone outside downtown being social, enjoying each other, so let's move forward.
- It does seem that these kinds of questions, though, would indicate we need to do some more work in terms of design work, so it sounds like we need to do things in parallel.
- We need to move forward with doing whatever permitting, et cetera so we can stay in the game while simultaneously having staff move forward with the design concepts that need to happen in order to make this anesthetic and hopefully economically affordable thing to do.

Councilmember Gurney commented as follows:

- I wonder if staff wanted to answer Councilmember Glass's question about is it any different to deal with Caltrans if you're making a bulb out for the sidewalk out there?
- Do we have any instant answer to that question from Mario or Toni or anyone?

GHD commented as follows:

- With the recent bulb outs that have been done for pedestrian enhancement improvements, I believe the answer is no.
- There is no fee that Caltrans charged for that usage. It's going back to the notion of usage.
- The sidewalk into pedestrian enhancements for safety, those are all part of normal operations in terms of highway use.
- Extending a bulb out for wider pedestrian areas, it would seem that also has the same implication as general highway pedestrians.
- I think it's when you start to change the use there that may come into question, but exactly I don't know how Caltrans would address that.
- In general with old bulbouts that have been done for minor pedestrian safety enhancements, there has not been, to my knowledge, a fee issue come up on that and by that, we are talking about like you said, the curbside changes to the street.

Councilmember Gurney commented as follows:

- I believe also if I could add that the question was is it easier if we go through a bulb out situation versus calling it a parklet and I know that we have gone through Caltrans for bulb outs for pedestrian crossings, for example, like with our quick strike project and it has been very difficult.
- I don't believe it is any easier.
- In fact, it might even be a little bit harder because it is definitely permanent, which means that if they ever want to do any street widening, they would not be able to do anything in that area because now all of a sudden it's a permanent facility infrastructure, so I don't believe it would be any easier.
- I guess I thought the question was what it be less complicated than proposing a parklet and I would say no.

GHD commented as follows:

- I just want to summarize if we have a straight crosswalk and we shorten it or making bulb outs that's a landscape issue and a safety issue but if we make a wiggly sidewalk that takes pedestrians out closer to the traffic, then it remains complicated, essentially.
- I don't think it is any less complicated than a parklet.
- I appreciate that suggestion. That's a creative way of looking at it. Outside the box.

Councilmember Rich commented as follows:

- I wanted to thank everyone for all of the comments, their input, and in response to a member of the public, I just wanted to make it clear to everyone that all comments are welcome, and all comments are listened to and heard here, so if an individual has an opinion, it is not a matter of our judging whether or not those opinions are well-founded.
- They are here to share their opinions as citizens of this town.
- So, I personally listen to all of them, no matter whether I personally agree with them or whether the majority agrees with them.
- So, thank you for everyone, to everyone for sharing their information here.
- What I noticed most, Mayor Slayter, was what you were commenting on, which came through in the e-mails and in the comments here, and that was a reinforcement of a lot of wonderful aspects of parklets - walk ability, sense of community, commerce, joy, use of outside spaces for gathering, the attractiveness of downtown although there is some conflict on the right of the moment in terms of our current parklets but the image of a town that is friendly, festive, and accessible.
- These are all comments we received. Having a lively, beautiful center of town.
- All of that is wonderful but all of that needs to be taken into consideration from my perspective in light of equitable concerns and the need to make sure that we can move forward with spending the money on this particular project in order to meet all of those goals and we are careful about choosing locations.
- As I look at this, it strikes me that the real question marks are location, location, location.
- Let's say that we chose to request information on two parklets, which would be the two best locations for parklets.
- I'm really unclear on the answer to that? I'm also unclear on the cost associated with using a local street location versus a Caltrans location.
- From that comes my sense that what we need here is to move forward with the development of guidelines and to provide some input to City staff on the guidelines, how the guidelines might be considered and honestly I think all the comments that we have heard identify what concerns should be.
- There may be a better location in terms of walk ability, in terms of providing a sense of community, commerce, and joy, use of outside spaces for gatherings.
- We have the street parklets, but we may not have them in the right location.
- I also feel that we have not taken advantage of input from really important elements in our community.
- We have not heard from the chamber of commerce.
- We have had minimal input through Michael Carnacchi tonight from the Downtown Association but we don't know where they would suggest would be the best location.
- We have Relaunch going on. What would Relaunch's perspective be beyond these particular locations?
- We also held the parks connection and we have this design ad hoc group that we have as part of our City so I guess I go back to the comments made by I think it was Lars who said these are wonderful but maybe we need to actually be more intentional and considered about making a decision about these permanent locations.
- For me, I would be all in favor of spending the \$35,000 that we have allocated to develop the guidelines and try to encourage them to move forward as quickly as possible and if City staff and GHD say in order to protect our opportunity, we absolutely have to submit an application before December 31, and we can do that without making a decision on one of them tonight, I would be forced to say okay.
- Then I would say pull the trigger on the location on South Main Street, but I would much prefer that seems like cart before the horse to me. That is my position at this point.

Councilmember Gurney commented as follows:

- Coming right up with the opposite position because I think that approach is paralyzing to us.

- We've spent so much time on this and I think the message from the community is really clear and I think we do have the ideal location where the problems are very solvable and it's going to take work and we have to jump in on all that work all right away all at the same time because the clock is ticking and how much longer can we wait this is an around I would say since 2013, in 2015.
- We started in on the pandemic last February this summer and now here we are you know, later in the fall.
- We need to get going because I think we have the responsibility to build the physical infrastructure that's going to support our social infrastructure so we can look visually like a community that is in relationship and rapport where our citizens are enjoying being here in the locations are named simply for convenience.
- Yes it's in front of Mimi's. Yes it's in front of retrograde. A. B.
- We say Retrograde because more of us know Danielle then we know the owners of Sunshine Cafe where I have never yet eaten, even though I can see that it's really popular.
- I would suggest that we have confidence that our staff can do the design work at the same time that it does the application work and we can actually solve the problems which are really clear.
- Number one, safety. Number two, maintenance. Cleanliness. Passage on the sidewalk.
- All of that is doable and we should have confidence in our design professionals' members of our community to ask for their help, to ask for funding from our citizens and customers if we need financial help.
- We just really need to get going on this I think.
- We can't wait we can't delay and we can't go ever so carefully that it is so slow it kills the idea.
- I think we should go for it.
- The answer to all the questions yes and we can work out the details that are the stumbling points on number four, Mr. Mayor. Let's do this.

Mayor Slayter commented as follows:

- I agree with Councilmember Gurney.
- I don't want to be paralyzed due to too much analysis.
- Paralysis by analysis is for I was going.
- Just to run down the questions I'm going to do it the way that I intended to do it so I'm going to do it the way I intended to do it which is number one yes I did City staff should apply for a Caltrans encroachment permit for the South Main location.
- I think that is a winner of the location and it is responsive to the businesses that are in a direct location although maybe it would need some revision, but I think good design guidelines would lend us the appropriate and approvable designs.
- Number two, should staff apply for a Caltrans encroachment permit for the depot location?
- What I would prefer is that we obtain that property from Caltrans and turn it into a pocket park, which would then encompass the now populated by shrubbery's area, so all of that would need to be burned or designed in a Caltrans approvable way to be safe for human inhabitants of a small park there but it could be so much better than it is now and allow for a place for people that is protected from traffic, but also allows sidewalk to operate as a sidewalk, assuming that all the businesses reopen their doors, which I think we are all hoping for very soon.
- I saw some communication that a couple of the additional businesses were going.
- If the process needs to be that we apply for permanent parklet while we are also on a parallel track attempting to gain that land from Caltrans, then go ahead with the permanent parklet and then we can deal with it once it is ours rather than Caltrans.

- Number three. Should staff move forward with parklets design guidelines for parklets on the Caltrans right away and/or on local streets? Yes.
- I don't see any reason why we would not do that and there are lots and lots of good models that we can steal from, so I don't see that as -- yes, it is work but I think we can overcome that.
- Item four. In addition to the elements generally described below and in resolution 6033 foot other elements should be included design features for parklets, that would be in the design guidelines.
- Maintenance requirements can be rolled up into the ordinance and the responsibilities for those things.
- Encroachment and building permit process, restrictions for parklets on local streets.
- It would need all those things and that would be in the same document.
- I think we should probably have a parallel process between both Caltrans and local streets so that it is not category a or category B.
- What we need is parklets and everybody plays by the same rules because then that avoids favoritism due to locations.
- From a design standpoint, urban design standpoint I want to point out some things that are striking and it is such a dichotomy between two corners of the same intersection.
- Look at the Depot Street location and all hours of the day and night, there are human beings there using outdoor space that people drive by the thousands, daily, and it is a statement of intent for this community in a lot of ways.
- Contrast that with the property that is South of there.
- I suppose it would be Southeast of their, diagonally across that weird intersection at the CVS property and the design of that building and all the legal wrangling that it be pushed back because it would be less visible I never saw how that was possible.
- It's a big two story building pushed back from the sidewalk, so we have this extremely wide sidewalk or plaza that is good for zero.
- Nobody is ever there, so it has to do with the businesses that are in adjacency.
- I think about if the new building that was developed at the same time as CVS that is now currently empty, to me, that is a location that is crying out for a business that has an indoor/outdoor component and I just don't understand why it's still empty.
- Maybe it has something to do with ownership in their lease situation.
- That is where I am on these four items in the agenda and that is all I have to say about that right now.

Vice Mayor Hinton commented as follows:

- I'm going to go ahead and say as a Council we voted to approve the parklet on Main Street in front of Retrograde and Sunshine, and I would be in favor of applying for the application for that parklet which we have already voted on and budgeted for and moving forward with the guidelines, but that is where I choose to stop today.
- I think we have a lot to learn, and I do think that as you point out, that another area might be better suited to take control if we can get it from Caltrans, which would be a different process, and put a permanent park there whether it is a parklet or a park.
- I think that is up for discussion and not decided, at least in my head, tonight.
- So I would be willing to move forward on those two items.

Councilmember Rich commented as follows:

- I think I am in agreement with basically what you're saying and what I heard echoed by Vice Mayor Hinton.
- As I said initially, I am in favor of the guidelines.

- If we instead take the questions in order, I am in support of approving the application for the parklet on South Main Street.
- I think what was communicated by GHD is that was an important element to move forward with and for my City Manager and I certainly am willing to agree with my fellow City Councilmembers on that point.
- In terms of the second question in the staff report, which has to do with the Depot Street parklet, I would not be in support of moving forward with that although I really like the application for that being a parklet although I really do like your idea, Mayor Slayter, of pursuing that from a different angle with Caltrans.
- My reason for not wanting to move forward with the Depot Street location is twofold.
- Number one, we are talking about an additional amount of money that is not been included in the budget.
- My understanding is that the \$85,000 that we approve was sufficient for one parklet.
- Perhaps GHD could help me understand that but I think that is what we approved, the South Main Street parklet that we approved in February for a total of \$85,000 parklet that we approved in February for a total of \$85,000
- There is the budgetary and obviously has the short-term and long-term implications for the City.
- That is one reason, and the other reason is that I just feel that we need to look at our guidelines first, understand that we are not going to have an unlimited ability to implement parklets and although I am in support of moving forward with the South Main Street location, which has had a lot of discussion, I am not at this point prepared to say well, if there is a second parklet, it's got to be at Depot Street.
- In terms of input on the conditions, I like the conditions that have already been proposed by GHD.
- I would like to add that we get input on development of the guidelines from the chamber of commerce and downtown associations and relaunch.
- I'm not sure that's a condition or consideration, but that is one piece that I would like to see added here.
- And then finally, in terms of a specific issue to address in the guidelines themselves, and I think this is probably implied that whatever guidelines would be implemented would need to be in compliance with Caltrans roles in terms of any parklets that were located on trip Caltrans rights-of-way.
- That is my thought at this point.

Vice Mayor Hinton commented as follows:

- Just that my experience last year is that it does start to ideally rain at the end of the year so the parklets are not in the same usage position when our Caltrans permits run out as they would be in the middle of summer so I think the timing on that To move forward with one and the guidelines will help us guide what we are doing that in the spring, once we have our guidelines
- Is Caltrans looking at this on a calendar year where if we miss that deadline, is that an actual deadline or can we apply March 17th?

GHD commented as follows:

- The deadline of December 31st is on the existing condition, which is the encroachment permit and at this, technically, there is not necessarily our relationship to the City going forward with the lease agreement, if you will.
- I had mentioned that perhaps going forward with the lease agreement, knowing that the City is actively pursuing action on an existing parklet might buy some time, but as I said earlier, I cannot guarantee that.

Councilmember Gurney commented as follows:

- It seems like we all agree on all of the points except is it going to be a consideration of the Depot Street area or not.

- The Mayor has suggested we pursue that as a possible parklet it also pursue purchasing the right-of-way from Caltrans.
- Personally, I've got to say give it to us if it's such a problem for you. We will take it off your hands.
- I'm going with the Mayor on this one. I think we do all of everything.
- I have not heard anything to convince me otherwise and I am not really in favor of slowing down more because I think we do need to go full steam ahead.
- I said that with a lot of enthusiasm at my last comment but I do think we are missing a major point here.
- That is this opportunity entering town that captured the business for which we are known all over the United States.
- I was sitting in my son's living room in Brooklyn, picked up a magazine. There were two businesses in Sebastopol mentioned in one happened to be Mimi's. The other when I'm not going to advertise for right now but listen. I hear from people all over Sonoma County we come to your town for ice cream.
- We have a business that is a huge success and I'm naming them because they are already well known and if we can capture their success and make an island there off of the sidewalk, a bulb out as Councilmember Glass was saying, that is attractive and full of people who are happy, eating ice cream and doing other things, maybe just sitting there talking.
- Maybe they walked down from Retrograde with their coffee cups.
- We can provide a public space that is visually attractive and captures the attention of all the people rolling through that whole time.
- It is an opportunity to capture all that traffic and advertise for ourselves as a community.
- This is what many of our design professionals have said this evening.
- We need to make ourselves look fun, look alive, look vibrant. Look like hey, we have some young people here, a diverse crowd. We've got a lot going on. Stop here. Take your ice cream to the plaza. Park at CVS. We have extra parking there.
- There's just so much we could do if we use the space rather than continue to paralyze ourselves by analyzing it.
- I think we again have to have confidence in our professional staff that we can launch all of these fronts at the same time and potentially even by the right-of-way and have a real bigger park, not just a parklet, so I am still where I am.
- I am with the Mayor as he sees things.

Councilmember Rich commented as follows:

- I really appreciate all of the businesses in town and certainly Screamin Mimi's is one of them but we've heard from a lot of businesses that are not in support of that particular parklet.
- I don't think we are being paralyzed here.
- I appreciate the resolution that we are heading toward, which I am hoping will be supported by the City Council here, which is to move forward on the one parklet that we have already discussed and approved In February, and to move forward with the guidelines, but to not move forward with a parklet at the Depot Street location.
- So I'm going to go ahead and make a motion here, which would be on the various questions, I want to make sure I am clear on it here.
- Question number one, should the staff apply for a Caltrans encroachment permit for installing and maintaining a permanent parklet at the South Main Street location. Yes.
- Should the staff apply for a Caltrans encroachment permit for installing and maintaining a permanent part but at the Depot Street location. No.
- Should the staff move forward with the parklets design guidelines for parklets on Caltrans right-of-way and local streets. Yes to both right-of-way and local streets.

- Four. In addition to the elements generally described below and in resolution 6033, what other elements should be included, I would add as an item E.
- Currently there is:
 - a, design features.
 - b, maintenance requirements and responsibilities.
 - c, encroachment and building permit process and requirements and restrictions for parklets on local streets.
 - d, business restrictions on parklet use for parklets on local streets.
- I would leave it as is. I don't see a need to add anything else and I would say yes on all of those items.

Vice Mayor Hinton commented as follows:

- I think I have already heard the answer, the motion that Councilmember Rich just made keeps us within our \$85,000 budget which is already been approved.
- Another direction would take us over budget which I am not for, so I'm going to second that motion.
-

MOTION:

Councilmember Rich moved and Vice Mayor Hinton seconded the motion to approve:

Applying for a Caltrans encroachment permit for installing and maintaining a permanent parklet at the South Main Street location

Staff to move forward with a parklets design guidelines for parklets on Caltrans ROW; and/or on local streets?

In addition to the elements generally described in Resolution 6033, additional elements to be included:

- a. Design features for parklets on Caltrans ROW and local streets;
- b. Maintenance requirements and responsibilities;
- c. Encroachment and building permit process and requirements and restrictions for parklets on local streets;
- d. Business restrictions on parklet use for parklets on local streets

Discussion:

Councilmember Gurney commented as follows:

- I would like to request of the motion maker that the items be voted on individually, one, two, three, and four.
- That will make it much clearer for us rather than defeating a motion that is in total has some good parts and some not acceptable parts to some of us so I'm wondering if the motion maker would consider doing those one at a time.

The maker of the motion stated that is acceptable to me.

City Administration recommended withdraw the motion and restate the motion for each line individually.

Councilmember Rich and Vice Mayor Hinton withdrew the motion.

Councilmember Glass commented as follows:

- My thought was going to be was that the original motion that was put forward, which was not to apply for the Caltrans and a parchment permit for the Depot Street location yes I agree with that, but what if we had and direct staff to do preliminary reconnaissance on the acquisition of that street and come back

to the council with more information about the possibility, cost, and logistic of creating that permanent park there?

- Not major design work. Just do the preliminary information so that than the council can review it, looking at what it would cost to make that into a permanent mini park.

Councilmember Rich moved and Vice Mayor Hinton seconded the motion to approve:

1. Applying for a Caltrans encroachment permit for installing and maintaining a permanent parklet at the South Main Street location (\$50,000).

Discussion:

Vice Mayor Hinton commented as follows:

- I would like to split the budget so I think we have \$85,000 on the table for part of this motion action and then we would have additional money if we take a vote on the additional item
- I would like to have a dollar estimate attached to that, whatever that is, so maybe we should take the motion that spins the 85 together is what I'm thinking, which includes the permit work and that one parklet.
- That was just my question.

Mayor Slayter commented as follows:

- For everybody's understanding on page three of nine of the staff report, fiscal impact pre- design is \$35,000.
- This is an estimate for preparation of the parklets design guidelines and project management, which I assume that project management would be for the South main parklet, because then in construction, the next paragraph, the approved CIP budget includes a budget of \$50,000 for final design construction and inspection of a permanent parkway on Caltrans right-of- way.
- It actually does not specify in that verbiage location, but I think that is up to the council's discretion.
- That is what we voted on back in February, so I just thought the motion should take in then one and three and four in one motion, and then two separate.

Councilmember Rich commented as follows:

- I am happy to modify my motion in any way.
- I'm going to ask our staff if, from a budgetary perspective and an action perspective, are we -- I see merit in the vice mayor's suggestion that the actions need to be tied to the budget approvals.
- I could simply modify my motion by adding a phrase, as approved by the City Council in February, and included in this CIP budget in July for the amount of 35,000 in design +50,000 and I'm sure I could come up with the language, but basically, construction and oversight.

City Manager/Attorney McLaughlin commented as follows:

- I have the CIP open in front of me and just for the council's information, but I believe Vice Mayor Hinton was saying is correct.
- The entire \$85,000 is specifically earmarked for South Main Street parklet.
- It is construction and design for \$85,000.
- Included in that \$85,000 is the promulgation of design guidelines and the other documents but it is all designated South main parklet.

GHD commented as follows:

- I did want to point out that the \$35,000 is for project management and also parklet design guidelines.

- It would include any parklet on the Caltrans right-of-way. Those are actual design guidelines, not the final design.
- The \$35,000 include any parklet on the Caltrans right-of-way. Those are actual design guidelines, not the final design.
- The \$50,000 is for the final design and construction of a parklet at South main.
- So, if you want to take it, item number one, applying for that Caltrans permit, that would be related to the \$50,000.
- Question number two, for the Depot Street location, that is not included in the budget.
- However, if there are questions, for example, if you wanted staff to do preliminary work like just asking Caltrans what is involved in vacating that piece of triangle property, what is the process and what do we have to go through, we could certainly ask those questions as just staff.
- That would not, I don't think would require another budget request at this point.
- As we go further down the line perhaps they may say you have to file a map and you have to go through all this other process than there is cause at that point but to do the preliminary work, I think that is something that we can certainly ask those questions.
- But not actually file the actual permit.
- That would be a budgetary item.
- Item number three has to do with that \$35,000 as well as item number four. It is items one, three, four
- Then if you just want preliminary work to ask those questions about vacating the right of way for park purposes, we can do that without a budgetary request.

Councilmember Rich and Vice Mayor Hinton withdrew the motion.

Vice Mayor Hinton moved and Councilmember Gurney seconded the motion to:

- Direct staff to apply for the Caltrans encroachment permit as item one on the South Main Street location.
- Direct staff look for guideline designs on Caltrans another local streets
- a. Design features for parklets on Caltrans ROW and local streets;
- b. Maintenance requirements and responsibilities;
- c. Encroachment and building permit process and requirements and restrictions for parklets on local streets;
- d. Business restrictions on parklet use for parklets on local streets.
- Funding for \$35,000

Discussion:

Councilmember Gurney commented as follows:

- I appreciate the question about how does the budget money attached to the questions.
- I'm grateful for Toni's very clear answer on that because we still have the possibility here on item number two, and I am ready with a motion on item number two. After this one is voted on.

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

VOTE:

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

Councilmember Gurney commented as follows:

- It is important to me that we get a really clear message to our community, to our respective individual positions on the parklet at the Depot Street crossing
- I hope we will be really clear with our public, who is as clear with us that they support that parklet and we can support that parklet and still move forward with an investigation of the transaction on the Right-of-way

Councilmember Gurney moved and seconded by Mayor Slayter to:

- Direct staff to apply for a Caltrans encroachment permit for installing and maintaining a permanent parklet at the Depot Street location

Discussion:

Mayor Slayter commented as follows:

- To follow up on a statement that was made by staff much earlier this evening, that making that application for the encroachment permit does not require a check.
- We can make the application and withdraw it at any point along the line, and that gets us in line with a potential encroachment permit approval at which point the lease starts to get drawn

GHD commented as follows:

- Making the application and the first step would be an application for lease agreement, which would trigger Caltrans to begin its drafting of the lease agreement and to fulfill that agreement, we would need to then put the effort into an encroachment permit application.
- While there is no fee attached to that, there would be effort in fulfilling that effort.

Councilmember Rich commented as follows:

- Thank you for that clarification.
- My question is what costs would be associated with submitting the application for an encroachment permit.
- I know that you may have answered it, but I am assuming that there will be time that is required of GHD.
- We allocated \$50,000 to the effort for the South Main Street parklet.
- Are you saying that there would be no budgetary amount needed for applying for the second encroachment permit?

GHD commented as follows:

- To be clear, submitting an application does not require payment of any fee at that time.
- To complete the process, which would include preparing plans and specifications, taking that process to a complete encroachment permit application would require an effort that has not been budgeted for this location.

Councilmember Rich commented as follows:

- I appreciate that input and the other approach to inquire about of Caltrans regarding other opportunities for the City taking control of that particular area could be done without a budgetary allocation.
- Is that correct?

GHD commented yes, that is what was stated earlier, which would effectively be inquiring with the state on that request.

Councilmember Gurney commented as follows:

- I think we have much more flexibility in the funds budgeted because our staff can adjust their time.
- We also have the opportunity after 12/31 to look at budget adjustments in January or February whenever that comes out, assuming the new counsel is interested in parklets.
- I think we are not accurately estimating costs for staff time because to look at the Right-of-way there is a whole research issue, and as to who actually owns that street, I think the former Councilmember Carnacchi mentioned that earlier.
- It may be that we find with research, which costs money, the City owns it already.
- It may be that we don't own and then we have to negotiate a purchase.
- None of that comes without a cost, and it is unfair I think it is inaccurate to answer that oh sure I think we can just call and ask him some questions because the questions are really complicated.
- I spent about a half hour talking to our City Attorney about this very issue today so I think we have that again go with what our community wants and put our staff to the task and give them the direction that our community wants them to work on this evening.

City Manager/City Attorney McLaughlin commented as follows:

- First of all, I can guarantee you that we don't have ownership of that strip on Depot Street.
- You can research it, but we don't want to spend a lot of money doing so, because I guarantee we do not on that.
- Secondly, there will be staff, engineering staff costs for doing some of this.
- We can keep them minimal, but I want the record to be clear.
- The cost associated with pursuing an application on Depot Street to the extent it requires any assistance from the engineering staff will be paid for.
- It is not presently budgeted.
- I'm not anticipating a large amount, but want the record to be clear that services incur a bill, as they should, and we will pay it.

Councilmember Rich commented I just wanted to point out that the support that the comments regarding the Depot Street location has not been unanimously in support of Depot Street, so just want to say that.

Councilmember Glass commented as follows:

- I want to say that I think there has been a very large amount of support for the idea of having something that is park-ish that has the kind of outdoor amenities that we are looking at that are currently there, but it would be massively better and would actually allow for better throughput in terms of pedestrian traffic and a nicer ambience and probably a safer environment if we actually look at turning it into a small park instead of in in the street parklet.
- That does not make sense to me to be spending money on an application for a parklet if we can just right away super quick let's get in there and start figuring out how to acquire the street and make sure that we turn it into a mini park rather than spend money on something and then change our minds into something else or even deal with that parklet and then a year or two down the road, turn it into more of a park-ish thing.
- I think we need to move forward right away with the concept of continuing to have a park-ish facility there, but something that's going to be even better and let's move forward with that rather than wasting the time actually investing in the application process.

Councilmember Gurney commented as follows:

- I do like the park-ish idea. I think that's really valuable.
- However, our experience with timing is an idea like that would take a lot of time.

- In fact, this came before us last February again in June or July and here we are now still having a difficult time making a decision, so for our process and our comments are really creating great delay.
- That's why I think advocating for moving forward on a parklet in the same timeframe we are looking at investigating purchasing the Right-of-Way is the most economical approach because all we have to do is pick up the one that is developing more effectively.
- If we see possibilities in the Right-of-Way research we can go that way.
- If we don't see possibilities there, we have delayed the parklet another six or eight months or a year.
- So that is why I am looking at the simultaneous approach because I think it has the potential for getting something done and dropping out the less workable idea of the two.

Vice Mayor Hinton commented as follows:

- I just have to say, we voted on this February. It's not like we've been dragging our feet.
- Caltrans just change the rules.
- We just got our budget approved.
- We skipped a meeting in August and what are we here like right at the end of September so I don't feel like we have delayed on this.
- Caltrans changed the ball game and I really like the idea of making that a permanent park-ish and not wasting money and also spending money that is not in the budget right now, when we know we have a new counsel coming in in two months.
- I think a long-term view to make that really attractive at the entrance of our town and safer instead of this letter K rail situation is a much better plan for us, so that is where I'm going to fall on this tonight.

Councilmember Glass commented as follows:

- I am perceiving from listening to GHD I believe that filling out an application to Caltrans is not like an application for a driver's license
- It really does require a fair amount of work and gathering materials and so it is going to cost us some money
- So why spend the money and time on doing that when we can move in the direction we really want, and that's what I'm advocating for.

Mayor Slayter commented as follows:

- One final question for staff.
- It was noted that the application for the encroachment permit is not location specific, so if we make an application for one parklet on South main that is intended to be for the South main location by all of our budgeting and meeting And everything clearly that is what we want.
- Is making the second application using exactly the same forms?
- What is the difference?
- Not having ever applied for a Caltrans encroachment permit, perhaps Mr. Fritz can fill us in on what that looks like. I know he went through that exercise a few years ago.
- Is it as simple as saying instead of saying one in a box, it is a simple as saying two?
- Do we have any idea?

GHD commented as follows:

- It was location specific.
- What I had said initially about the temporary parklets, that was one permit for the temporary relocation.
- To go to a permanent continuous parklet, that does require one specific application for one specific parklet and the specific location is important with that.

- That is the real answer. They want specifics. That is one location.

City staff restated the motion:

Councilmember Gurney moved and Mayor Slayter seconded the motion to:

- Direct staff to apply for a Caltrans encroachment permit for installing and maintaining a permanent parklet at the Depot Street location

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

VOTE:

Ayes: Councilmember Gurney and Mayor Slayter

Noes: Councilmembers Glass, Rich and Vice Mayor Hinton

Absent: None

Abstain: None

The Motion fails.

- Mayor Slayter moved and Councilmember Gurney seconded the motion to:
Direct staff to approach Caltrans regarding abandonment of the Depot Street Caltrans right away and eventual City acquisition of that property for municipal purpose.

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

VOTE:

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

Noes: None

Absent: None

Abstain: None

City Council Action: See actions above.

Minute Order Number: 2022-269

Councilmember Rich commented as follows:

- There was discussion of outreach to the community.
- I'm wondering in terms of development of the guidelines whether there is a need for the City Council to give direction to GHD and staff indicating that we expect them to reach out to particular groups in developing those guidelines.
- My thought was chamber of commerce downtown association.
- The relaunch team, but there may be others so I am just putting the question out there.

Mayor Slayter commented as follows:

- I think staff has received that direction.
- I would not recommend a formal motion to include direction from the council as to making sure the outreach is included.

Councilmember Gurney commented as follows:

- The motion about Depot Street right-of-way do not include a statement of the purposes council would dedicate to that.
- A mini park, not a parklet, a park-ish, I don't know how he would say that.
- With that be an important point to confirm by emotion as to the intent of that purchase if it can go through?
- Or I should ask the maker of the motion.

The maker of the motion stated that was the intent of the motion.

Councilmember Gurney commented as follows:

- We will all be gone by the time this comes back.
- Three of us will, and so I think it's helpful to add that to the motion or make a second motion as to the purpose of the acquisition of that property.

City Manager/Attorney McLaughlin commented my advice would be I don't think you need to state the intent at this point in time, just that we would like to pursue the idea of acquiring it for municipal purpose.

Councilmember Gurney commented as follows:

- I'm going to ask the mayor as the maker of the motion, do you feel comfortable with that not stating your purpose?
- I would prefer stating the purpose.
- The point is open space, community use.

Mayor Slayter stated that is the intent of the motion.

City Manager/Attorney McLaughlin commented as follows:

- Would point out that this was not specifically agendized.
- I certainly believe that talking to Caltrans about the idea of acquiring that is a very good idea.
- That is something I have personally pursued for almost the last 10 years but since it is not agendized, there may be a public interest with what the council intends to do with this property in the future and perhaps we should just initiate the inquiry without tying it to a specific intent.

Mayor Slayter called for a break at 10:09 pm and reconvened the meeting at 10:19 pm.

Due to the lateness of the hour and Council protocols regarding agenda items, Mayor Slayter stated item number 11 would be continued to a future City Council meeting.

10. Discussion of City Council Policy No Cost Opt-Out Program for City Wide Water Meter Project
(Responsible Department: Public Works Superintendent/Administrative Services)

Public Works Superintendent Dante Del Prete presented the agenda item recommending the City Council consider and approve a no cost Advanced Metering Infrastructure (AMI) Opt-Out Program.

Mayor Slayter opened for questions.

Councilmember Rich commented as follows:

- Thank you very much for the presentation.
- I just want to make sure I am absolutely clear on this.
- What we would be offering is an opt out program.
- There would be no initial fee associated with that for our citizens, nor would there be any monthly fee?
- To those people who opt out.
- Is that correct?

Superintendent Del Prete commented as follows:

- That is correct.
- No fee service.

Councilmember Glass commented you can opt out, no fee, and then are we also adopting a policy to require that these transmitting devices only paying three times a day?

Superintendent Del Prete commented as follows:

- That was already a previous requirement that was confirmed by the company.
- That is already part of the program.
- Two at night and one that is random.
- It was agreed that one would be random and that two would be scheduled in the evening.
- In the night.
- The night time.

Councilmember Glass commented how long are those dings?

Superintendent Del Prete commented as follows:

- I did not bring any specific meter data with me at this time, but I could go back and look.
- I don't want to give the wrong information.
- It is not going to be 10 seconds
- I assume it is less than a few seconds a day, but I don't want to give specific data without that in front of me.
- I apologize for not bringing that.

Mayor Slayter opened for public comments.

Linda Berg commented as follows:

- That's just laughable it is standard though because it is clearly written up the spirit that Dante red was clearly written up by corporate is full of fraud.
- He doesn't know what he's talking about.
- You don't know what he's talking about but I have a heads.
- The thing is we don't want those pieces of junk, soon to be pieces of trash they have to be replaced every five years because they have lithium batteries and their plastic made in China.
- They are not recyclable and they are going to cost even -- they have already cost you \$2.2 million and the people it is listed on are already getting paid 1.25 out of our pockets and has accosted is not being talked about, the healthcare cost and the birds and the bees of all that wireless radiation that we will all be exposed to if those things are installed.
- We do not want them.
- He already has them and they're sitting there waiting and we need to send them back.
- It is easier than you think as I told you before because they were foisted on us by fraud but I will be happy to give you evidence.
- Of course, my colleagues have already gotten a lawyer and you're going to be at the other end of that lawsuit if you allow these things to be installed.
- Not to mention your karma and your future lives.
- This is just not a good idea.

- This City Council has made such bad ideas you know, with our wonderful police department and then trying to get rid of our wonderful fire department you know and to tip it off with you know cooking us alive and adding to the radiation that we all will be exposed to if you allow the installation of these stupid pieces of junk pieces of trash floating around in the landfills and the oceans.

City Council Discussion and/or Deliberations:

Councilmember Gurney commented as follows:

- I'm just listening and thinking this over and I have to be reminded why we have to charge to read the few meters that are going to be a part of the opt out program.
- The logic for me, we are spending City money installing new things.
- We're going to have to pay to maintain them and replace them and we are going to create waste and we are not going to have those many customers pay anything for the change and the purchase of new things and their future but we are going to penalize those who want to stay analog with an \$18.75 charge every two months.
- I just need to be reminded of why we have to charge them that.

Superintendent Del Prete commented as follows:

- The original conversation back in February did have a fee associated with it.
- There was a charge for time.
- In discussion with City administration and review of regular work practices, we decided that we could accommodate the opt out individuals that chose this program at no cost.

Councilmember Gurney commented am I reading the wrong part of the report where it says read the manual meters every other month six times a year?

City Manager/Attorney McLaughlin commented that is a part of the background of the item.

Mayor Slayter commented as follows:

- This is what counsel has directed staff to bring to us and what they brought.
- It looks like exactly what we asked for, which was an opt out that is responsive to the request of our community.

MOTION:

Mayor Slayter moved and Vice Mayor Hinton seconded the motion to approve City Council Policy No Cost Opt-Out Program for City Wide Water Meter Project

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

VOTE:

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

Noes: None

Absent: None

Abstain: None

**City Council Action: Approved City Council Policy No Cost Opt-Out Program for City Wide Water Meter Project
Minute Order Number: 2022-270**

11. Receipt and Discussion of Final Report out and Recommended Actions from the Former Ad Hoc Committee for the Unhoused. This report was originally scheduled for June 2022 Council Meeting (prior

to the disbandment of the Ad Hoc Committee). (Responsible: Former Ad Hoc Committee/City Administration)

Due to the lateness of the hour and City Council protocols, item number 11 was postponed to a future meeting.

City Council Action: None taken. Item postponed.

Minute Order Number: 2022-271

Mayor Slayter reopened public comment for items not on the agenda:

Kyle Falbo commented as follows:

- Introduced the City Council to his newly born daughter.
- City Council and City staff congratulated Kyle on his new baby girl.

The following items were not heard due to Council protocols.

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

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

- a. Report Out – Relaunch Sebastopol Ad Hoc Committee (Bi Monthly Report)

Reference Order Number: 2022-272

13. 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)

14. Council Communications Received

15. Future City Meeting Dates/Events (Informational Only): (See City Web Site for Up-to-Date Meeting Dates/Times)

ADJOURNMENT OF CITY COUNCIL MEETING

September 20, 2022 City Council Regular Meeting will be adjourned to the Regular City Council Meeting to be held October 4, 2022 at 6:00 pm.

Mayor Slayter adjourned the September 20, 2022 City Council Regular Meeting at 10:45 p.m. to the Regular City Council Meeting, to be held Tuesday October 4, 2022 at 6:00 p.m.

Respectfully Submitted,

Mary Gourley
Assistant City Manager/Attorney/City Clerk