

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



Agenda Item Number: 3

City Manager

Larry McLaughlin

lmclaughlin@Cityofsebastopol.org

Assistant City Manager/City Clerk, MMC

Mary Gourley

mgourley@Cityofsebastopol.org

City of Sebastopol

CITY COUNCIL MINUTES MINUTES FOR Meeting of January 17, 2023

As Approved by the City Council at their regular meeting of February 7, 2023

The City Council Regular meeting was held via teleconference pursuant to AB 361. Pursuant to AB 361 (2021), Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting. The City of Sebastopol City Council meeting will not be physically open to the public and all City Councilmembers will be teleconferencing into the meeting via Zoom.

COUNCIL PROTOCOLS FOR MEETING:

- This meeting is being conducted utilizing virtual settings for teleconferencing and electronic means consistent with State of California Executive Orders regarding the COVID 19 pandemic and AB 361.
- Live stream and zoom are being utilized for this meeting.
- Members of the public may view and listen to the meeting by use of Zoom and Live Stream as noted on the City's website and as noted on the agenda.
- Members of the public wishing to speak to the City Council may do so during public comment or may comment on agenda items during the discussion of each item and must be logged into Zoom. Live Stream is a viewing only format.
- Anyone using abusive, vulgar, offensive, threatening, or harassing language, personal attacks of any kind or offensive terms that target specific individuals or groups will be muted, will be asked to adhere to protocols and /or will be removed from the meeting.

Reminder please leave your microphones on mute until called upon and if you would like to provide your name during public comment you are welcome to do that but do not have to.

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

6:00 pm Convene City Council Meeting (ZOOM VIRTUAL FORMAT)

CALL TO ORDER: Mayor Hinton called the Regular meeting to order at 6:02 pm.

ROLL CALL:

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

Absent: None

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

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

PROCLAMATIONS/PRESENTATIONS: NONE

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

There were no stated conflicts of interest stated for this meeting by Mayor, Vice Mayor or Councilmembers.

CONSENT CALENDAR: The consent agenda consists of items that are routine in nature and do not require additional discussion by the City Council or have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council requests that the item be taken off the consent calendar. The Mayor will read the consent calendar items; ask if a Councilmember wishes to remove one or more items from the consent calendar; and then open public comment to the members of the public in attendance. At this time, a member of the public may speak for up to three minutes on the entire consent calendar and request at that time that an agenda item or items be removed for discussion.

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

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

Mayor Hinton read the consent calendar.

Mayor Hinton asked if any Councilmember wanted to remove a consent calendar item. There were no requests.

Mayor Hinton opened for public comment on consent calendar items only. There was no public comment.

Mayor Hinton called for a motion.

MOTION:

Vice Mayor Rich moved and Councilmember Zollman seconded the motion to approve Consent Calendar Items 1, 2, 3, 4 and 5.

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

VOTE:

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

Noes: None

Absent: None

Abstain: None

1. Approval of Minutes of January 3, 2023 City Council Regular Meeting Minutes (Responsible Department: City Administration)

City Council Action: Approved Minutes of January 3, 2023 City Council Regular Meeting Minutes

Minute Order Number: 2023-014

2. Approval of Minutes of January 10, 2023 City Council Special Meeting – Closed Session Minutes (Responsible Department: City Administration)

City Council Action: Approved Minutes of January 10, 2023 City Council Special Meeting – Closed Session Minutes

Minute Order Number: 2023-015

3. Resolution Authorizing Continued Use of Teleconference Meetings Based on Circumstances of

the COVID-19 state of emergency and that the following circumstances exist:

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

The State of California and the City of Sebastopol continue to impose or recommend measures to promote social distancing.

Resolution needs to be submitted to Council every 30 days Continuation of Virtual Meetings:

First Approved: September 21, 2021

Approved for Continuation:

- October 19, 2021
- November 16, 2021
- December 7, 2021
- January 4, 2022
- February 1, 2022
- March 1, 2022
- March 15th, 2022
- April 5, 2022
- May 3, 2022
- May 17, 2022
- June 7, 2022
- July 5, 2022
- August 2, 2022
- August 31, 2022
- October 18, 2022
- November 15, 2022
- January 3, 2023
- Proposed Approval: January 17, 2023
- Next Action: Scheduled for February 7, 2023 City Council Meeting (February 21st City Council Meeting would be beyond the 30 day deadline).

City Council Action: **Approved 3.** **Resolution Authorizing Continued Use of Teleconference Meetings Based on Circumstances of the COVID-19 state of emergency and that the following circumstances exist:**

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

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May 3, 2022

May 17, 2022

June 7, 2022

July 5, 2022

August 2, 2022

August 31, 2022

October 18, 2022

November 15, 2022

January 3, 2023

Proposed Approval: January 17, 2023

Next Action: Scheduled for February 7, 2023 City Council Meeting (February 21st City Council Meeting would be beyond the 30 day deadline).

Minute Order Number: 2023-9016

Resolution Number: 6503-2023

4. Approval of City of Sebastopol Sponsorship for Sebastopol Walks 2023 (Requestor: Agenda Review Committee)

City Council Action: Approved City of Sebastopol Sponsorship for Sebastopol Walks 2023

Minute Order Number: 2023-017

5. Extension of Emergency Proclamation of Local Emergency (COVID-19) issued by the Director of Emergency Services (Responsible Department: Interim Fire Chief)

City Council Action: Approved 5. Extension of Emergency Proclamation of Local Emergency (COVID-19) issued by the Director of Emergency Services

Minute Order Number: 2023-018

Resolution Number: 6504-2023

INFORMATIONAL ITEMS/PRESENTATIONS: NONE

PUBLIC HEARING(s): NONE

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

6. Presentation, Receipt and Acceptance of the City's annual audit for the year ended June 30, 2022 (Responsible Department: Administrative Services)

Administrative Services Director Ana Kwong presented the agenda item recommending the City Council Receive and accept the Annual Comprehensive Financial Report (ACFR) City's annual audit for the year ended June 30, 2022.

Mitesh Desai, Badawi & Associates, Consultant, provided a presentation to the City Council.

Mayor Hinton opened for questions of staff and/or presenter.

Councilmember Zollman commented as follows:

- Thank you very much for the presentation.
- Having audited other municipalities and you having audited ours for a number of years, as far as what we are holding in reserves to meet our CalPERS and OPEB obligations, are we falling in the average amount of what other similar cities reserved to meet those obligations moving forward?

Mr. Desai commented as follows:

- I would say it's somewhat consistent. I would have to go back to look at it.
- In terms of the city, compared to some of our other clients, our other clients are much larger.
- They also have large reserves. They also have separate trust funds funding those liabilities.

- I would say, in terms of your current OPEB liability, it is set to \$2 million and you have more than adequate reserves, I would think, based on the current amounts.
- I went to your pension plan and it is somewhat set by CalPERS.
- Your figures and the cost sharing plan is a bit unique in that you dissipate in the CalPERS.
- The number you are reporting is the share of that total cost sharing plan.
- You don't have a separate trust within CalPERS.
- It's your share of the trust but otherwise, I don't think it is necessarily unusual.
- They would be setting contribution rates and making sure you are paying what you are required to pay.
- I guess that is the debate as to whether you need to have your own separate set amounts to cover your contribution increases.
- They are being reasonable and how much they are increasing your contributions every year.
- Just expect that your contributions continue to increase and plan to have to budget to continue paying required rates based on their rate of increase.
- For now, you are fine but as things change, it's hard to tell. I know they are changing their discount rate next year.
- That's also going to increase how the liability presents itself.
- From this point, it looks like you have money in reserves based on just for those purposes.
- You may have other things you need to fund. I can't say for sure, but it looks reasonable.

Director Kwong commented to put it simply, if there are no taxes coming in at all, let's say no more revenue, the city would have about nine months to weather through.

Vice Mayor Rich commented as follows:

- Thank you for that presentation.
- I had a question about the difference between the two primary categories that you have in the audit report.
- I see the government wide financial statements and then I also see the fund financial statements.
- The fund financial statements, those subcategories are familiar to us.
- That's what we see in our budget
- I also see on page 37 of your report, you reconciled those two.
- So, my question boils down to, what is the government wide financial statements?
- Why are you looking at our finances from that perspective in addition to the fund financial statements perspective?

Mr. Desai commented as follows:

- It is a unique thing for governmental financial statements.
- So, essentially, this was all created from an accounting standard, GASB 34.
- This was created because there was various stakeholders who were interested in various things.
- In terms of looking at a nonprofit or private company where they have one balance sheet and statement, cash flow statement, they came up with this fund accounting concept and also the government wide look at things.
- Looking at your governmental funds, they are accounted for and modified on accrual basis, which has a current financial resources focus.
- You want to present those fund balances as to what is available to spend.
- If you look at the balance sheet of those financial statements, there is no capital assets.
- There is no long-term debt or pension figures.

- That's only for your governmental funds.
- The reconciliation that you see on the following page is to reconcile from that current financial reporting focus to the governmental activities, which is reported on a full accrual basis or which has an economic focus.
- That might not be the correct vernacular but you will see when you go back to the reconciliation, you can see we are adding the capital assets, long-term debt.
- That is to appease those who are more interested in looking at a long-term perspective of the financial condition of the city. That is a debated topic as to who really cares about the government wide financial statements
- It was mainly created for the credit rating agencies and things like that.
- Adding the net pension liability to that statement created a lot of conversation and interest.
- Before, they were not reported.
- It has some positives to it but I don't know if it is as heavily used as the fund financials, which seems like more people are interested in. You also have the enterprise funds.
- They are reported on an economic basis.
- There is no difference between your enterprise funds and what is reported for business-type activities on the government wide financial statements.
- You also have your fiduciary funds. If you did have fiduciary funds, those are funds that are not monies that belong to the city for city purposes.
- Those are things that is holding monies for third-party. Sometimes you would have a third category there.

Vice Mayor Rich commented as follows:

- It sounds like the reason for looking at our financial situation from both respects is because it is required of an audit from a number of perspectives.
- On the reconciliation page, I want to make sure that on that page, it did reconcile?

Mr. Desai commented as follows:

- Yes. It has to reconcile.
- I have to clarify; the report is not our report as auditors. It's the city's financial statements.
- I just wanted to make that one clarification. It should reconcile.

Mayor Hinton opened for public comment: Annual Comprehensive Financial Report (ACFR) City's annual audit for the year ended June 30, 2022.

Kyle Falbo commented as follows:

- My comment is primarily focused around the idea of more transparency in our budgeting process are financial disclosures with the citizens.
- This report still leaves a lot to be disclosed or to be transparent to actually allow citizens to know what is going on financially with the city.
- Just a blanket statement while total revenue has increased by \$500,000 in the last fiscal year, expenditures dwarf that and their increase of \$1.2 million in the last fiscal year.
- I'm going to jump to individual page numbers. Page 20. Changes in long-term liabilities. Million in finance purchase obligations to fund energy conservation assets.
- Please explain what these assets are in detail.
- Additionally from the same section, a capital lease obligation of \$3.8 million to finance energy compensation assets in wastewater systems.

- Public safety. \$6.7 million total government activity please provide what percentage public safety is of total governmental activity. It's greater than 50%. Expenditures, public safety is \$6 million and total expenditures, \$11 million.
- Page 65, finance purchase agreement. Energy confirmation measures. To acquire various equipment and improvements consisting of primarily energy efficiency and conservation project including equipment designed, built and elation work and various implementation measures and verification services related to guaranteed energy savings, please detail what these equipment and improvements are, the total equipment cost and proceeds received from this.
- Signature public funding corp., totaling \$4.9 million.
- Fire station collateral for the refunding lease agreement.
- Please explain how this pledge was discussed in the decision to pursue consolidation and how this was disclosed to both Gold Ridge and these discussions as well as the outside consultant paid to explore consolidation with Gold Ridge further.
- Page 71, pensions are getting vested after only five years of service. CalPERS happens after 10 years of service.
- What proportion of our current pension obligations are funding pensions for past employees with less than 10 years vested?
- Page 84, what is the variant so high in many of these subsections despite the low amount of overall variance.
- How do large variances represent losses get subsidized by the large variances?
- How does this accounting practice mask over how the budget looks at
- What mix of the revenue section of the intergovernmental and what is other?
- Page 85. Why was the actual cost more than double of the expenditure city attorney originally proposed?
- What made for the difference of \$116,000 and is this a common practice for the expenditure?
- Page 85, fire protection. A 20% reduction in the expenditure from this budget.
- Why are we discussing consolidation when the department is able to make such deep cuts is to provide such excellent service?
- Page 85 engineering. Why does this expenditure cost 20% more than what was originally budgeted?
- Why was the cost nearly 10% of what was finally budgeted?
- Page 85, capital overlay, what does this consist of?
- Why was it in the budgeted amount in comparison to what was spent.
- You see, there are many questions left to be answered for the public to understand this budget and the transparency thereof.

Linda Berg commented as follows:

- I'm suggesting that the only hope you have for getting any answers to those questions, if you put in the form of a public record act and submit it to the city, otherwise it will be gone and forgotten.
- I hope you do that, please.
- So, aside from that, you know that I am computer free, cell phone free, TV free and electricity free due to being electro-sensitive and being cooked alive.
- The point is I don't have that information in front of me. But I would like the audit.
- I would like to have some information regarding what happens to multiple lawsuits and how they were settled financially with the police department.
- I still wonder what happened to that \$1.2 million that was stolen.
- Also, I would like to know in that audit where the \$2.2 million for the wireless water meters, where is that shown?
- It was such a bad idea and I hope it will never happen.

- Overall, the biggest cost to the city that has been omitted is a failure to take into consideration the healthcare cost of the technology and wireless radiation that this city has been embracing and hoisting on us for technical corporate profits and against the public interest of the city.
- File those questions in the form of public request and submit them so that we can all get answers.

Oliver Marks commented as follows:

- Very quickly, thank you for the presentation. As Kyle says, there's a lot of questions in there.
- The fundamental point I want to make quickly is the trend is very much heading into a very serious recession.
- We have had a very lucrative last decade for the City of Sebastopol.
- Somehow we managed to burn to reserves and the budget has been mismanaged, in my opinion, without naming names.
- What would be helpful in the future is to have a public citizen or two on the public budget committee.
- We are really getting the coins in the back of the couch at this point. We are running the city with all of the businesses closing down.
- For the future, budget committee, we need to state what our budget priorities are and whoever is on that committee is responsible for the fiduciary for the city.
- So, what comes first as fire departments, city staffing, public works, plus City staffing, public spaces and roads
- It would be great to have a lot more transparency around that going forward.
- I think that would be greatly beneficial to the city.

Martha Glaser commented as follows:

- Friends and neighbors, I was not planning on speaking but I wanted to say one thing.
- I really did appreciate when former Mayor Slayter was on the council and he was able to address questions.
- I discovered that if a public comment was posed as us question, he would make a valiant effort to answer it.
- I realize, Kyle did ask a lot of really interesting and important questions about this budget and the audit.
- I'm hoping that his questions have been taken down and that they will be answered and not necessarily waits for a public records act request, although Linda's point is really good as well.

Mayor Hinton commented as follows:

- As Mayor, I would like to address things that I know about. However, I'm not an accountant.
- Kyle brings up a number of questions that I believe will be addressed in the city budget.
- This is an audit, we hire an outside auditor to do this on a fully transparent and non-biased way, which was discussed as part of the presentation. It's an audit.
- So, unless the City Manager has more to add, I do want to add one more thing I know about.
- It is not just a budget subcommittee that will have fiduciary responsibility.
- We are all five elected officials and we use budget subcommittees and other subcommittees to dive deep into issues and do a lot of the background research, but at the end of the day, everything comes forth and is voted on by the full City Council and we all have responsibilities for the budget.
- I want to make that clear as what we discuss in committees.

City Manager/Attorney McLaughlin commented as follows:

- I was going to make the same point you did.

- Those questions are appropriate and relevant to the budget and will be addressed during the budget process, specifically and generally.
- So, that's not part of the audit this evening.
- Those questions will be addressed in the budget process.

City Council Discussion and/or Deliberations/Comments:

There was no further discussion at this time.

MOTION:

Councilmember Zollman moved and Mayor Hinton seconded the motion to Receive and accept the City's annual audit for the year ended June 30, 2022.

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

VOTE:

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

Noes: None

Absent: None

Abstain: None

City Council Action: Approved Receipt and Acceptance of the City's annual audit for the year ended June 30, 2022.

Minute Order Number: 2023-019

7. Adoption of Resolutions amending the Sebastopol Library lease agreement and partner Resolution Authorizing the grant application, acceptance and execution of the grant funds from the State of California Budget Act of 2021 (SB129) for the City of Sebastopol Library Energy Efficiency Infrastructure Improvement + Solar PV Project and approval of change order proposal to facilitate installation of new roof and solar PV. (Responsible Department: Public Works)

Vice Mayor Rich commented as follows:

- Thank you for the presentation. Very interesting.
- I had two questions. My first is, you mentioned the Climate Action Committee.
- What concerns, if any, were expressed by the Climate Action Committee about this proposal?

Superintendent Del Prete commented as follows:

- There were several excellent questions that we answered.
- One of them was to make sure that we took advantage of the current solar rates before it expires.
- That's the NEM 2.0 before it goes to NEM3.0.
- We submitted an application for the project, which has been approved.
- It locks us into 20 years at the old rate.
- We secured that approval.
- Which is critical.
- There were some other questions regarding configuration of the solar panels themselves.
- Some of the shutoffs, whether there was any battery storage with included, which it does not.
- Is not included and not part of the grant.
- The system is designed to where it can be added on later.
- That was incorporated.
- I believe those were most of the significant questions.

Vice Mayor Rich commented as follows:

- It sounds like a lease extension was required in order to move forward with this plan.
- What are the changes, if any in the lease extension when you compare that to the current lease arrangement we have regarding the library?

Superintendent Del Prete commented as follows:

- The wording is essentially the same.
- At this time, because of some different -- The library may have some additional items they need to bring forward that would affect the lease as well as the City Manager and administration might have additional items.
- At this time, to meet the needs of the grant requirements, we are extending it out to the -- It is 10 years from the final process of the grant.
- It actually looks like 13 years.

Vice Mayor Rich commented aside from that, the terms of the lease for all parties involved are largely unchanged?

Superintendent Del Prete commented that is correct.

Mayor Hinton commented as follows:

- I'm a little confused. We say our grant funding is \$707,000.
- This grant doesn't cover the L.E.D. lighting, water conservation, and building envelope ceiling, but you are not requesting additional monies at this time, but you said that we had to do those things to be eligible for the grant.
- I didn't hear you say and I don't quite understand where we are going to get that money or how we are completing it.

Superintendent Del Prete commented as follows:

- The L.E.D. lighting, water conservation, envelope ceiling and HVAC were all part of the initial energy services contract.
- We are using that as our 50% match, but unfortunately, those smaller items were completed as part of the initial energy upgrades, so they are no longer eligible for the grant funding match.
- Luckily, the grant funding match for those smaller items would be about \$5000 to \$10,000.

Mayor Hinton commented as follows:

- When I hear match, I think, is the city coming up with another \$707,000? You're saying no. The city is coming up with another \$5000. Is that right?
- Is \$5000 we have already spent and the energy services funding is already in place.
- How much are we having to spend?

Superintendent Del Prete commented as follows:

- We can't leverage that anymore because it has already been completed as our 50% match.
- The city is not coming up with another match of \$707,000
- That additional \$715,000 is already being leveraged is in our energy services contract
- That was the original amount we leverage as a 50% match which then got approved for the \$75,000 but unfortunately, there was a some money that was no longer eligible for that match.

- Those projects are already funded.

Mayor Hinton commented as follows:

- That means the whole library project is costing us \$1.4 Million?
- But those other matches already got funded and they got funded out of the city's capital improvement money? Or by other grants?

Superintendent Del Prete commented as follows:

- That was the energy services contract.
- They have already been funded, yes.

Mayor Hinton opened for public comment: Sebastopol Library lease agreement and partner Resolution Authorizing the grant application, acceptance and execution of the grant funds from the State of California Budget Act of 2021 (SB129) for the City of Sebastopol Library Energy Efficiency Infrastructure Improvement + Solar PV Project and approval of change order proposal to facilitate installation of new roof and solar PV.

Erika commented the library supports this project these improvements will benefit the library and community and will support our reimagining gold to support community resiliency and advance climate action.

Oliver commented as follows:

- I wasn't clear who owned the library. Does the city own the library and they lease it to Sonoma County?
- I'm just interested in the mechanics of that and how that works.
- Then a second comment, the HVAC system being replaced by heat pump, electric heat pump.
- I'm a big fan of heat pumps. I'm just a little concerned that the library, if it's really cold or hot, people gather.
- People take their children to the library and so on and obviously people who are unhoused.
- Our power grid is so bad. Gas is very reliable.
- The existing HVAC because pipes are underground.
- PG&E tends to turn the power off when it gets to cold or hot or a tree falls
- I don't understand the project I
- I'm interested in the logic of replacing the system that probably works really well with something that may be going on and off depending on which way the wind is blowing.

Steve Pierce commented as follows:

- I want to thank Dante for doing a great job on this effort.
- It took a lot of follow-through and a got complicated with the funding and I think that he was very responsive on answering questions.
- I think there were some questions around inverters and the consultant follow-through with those answers.
- I think there was one question about monitoring software that might have slipped through the fingers
- We don't have a constant monitoring to make sure that the system will be performing as expected.
- Those things are probably not set in stone and can be improved over time, including the battery storage as those costs drop, and we can take advantage of that in the future.
- To Oliver's point, it's critically important that we find ways to move off of gas when we can.
- We haven't experienced too many of the power should offs in the last few years. It happened a while ago.

- If you are outside of town, it would be a lot more issues around losing our power but we can't let that stand in the way of making real climate progress by electrifying where we can.

Linda Berg commented as follows:

- You have got to be kidding me.
- This is shyster brought to you by Shyster Co. which has already built the city out of a two point \$2 million for a system that is going to have to sue them to get our money back because it is not going to work and it's only going to increase the toxicity, the electromagnetic field toxicity in the city.
- That's just the wireless water meters, but the library, that's something else.
- Is already so toxic that I cannot go in there.
- It is adversely affecting children and everybody else in there at the magnetic field
- There was a survey done by Carl Riley who wrote the book tracing EMF and building wireless and grounding. I had the pleasure of meeting him.
- Dante knows all about this because Dante is the one who introduced me and got me in touch with Mr. Riley about 10 years ago who did a survey on magnetic field of the library.
- Which, at the time, it had a high magnetic field and it was adversely affecting the children's behavior and that's what caused them to do the survey.
- He submitted it to the city anyway and it's very simple and cheap.
- Larry tried to go forward with everything but it was blocked by Matthew Rose, the librarian, who didn't want anything to do with it. So, it never got fixed.
- You are only going to make this, which is the most loved building in this town, more toxic and what I'm suggesting is you all vote no on this until an electromagnetic field study can be done in anticipation of more wiring and more EMF that this electromagnetic field and radiation will be transmitted in that space in and around that space.
- So, this shyster co. We cannot trust him.
- He is acting in the interest of the corporate stupid head and directly against the interest of the city and population of people and our money and health.

Kyle Falbo commented as follows:

- Discussed the background for this agenda item from December 2021 when the Council approved the energy services contract.
- I wanted to get a little bit more background from the city as to what the bid process was for that contract, how many other applicants there were for that contract agreement and, what are the standards that we have in place for deciding to go with a particular contractor
- In terms the one it's a no-bid contract or bid-contract and then, although it was mentioned that there is no connection between the smart water meters but we are talking about the same contractor here.
- From what I recall from previous council meetings, there was apprehension about the way in which this particular contractor communicated about their products and services on the smart water meter situation.
- I just want to make sure that the council is aware that there is some history with this particular vendor when it comes to transparency and communication both with our city and public and I will leave it at that.

City Council Discussion and/or Deliberations/Comments:

Mayor Hinton commented we are discussing and amendment on the contract that was approved and vetted by the previous City Council.

City Manager/Attorney McLaughlin commented as follows:

- A short version of the facts concerning the agreement, a number of years ago the city entered into an agreement with them to do a citywide energy assessment of all governmental facilities
- Part of that agreement divided that at the end of that assessment the city could pay the cost of them having done that assessment or save that cost if it contracted with them to actually install the improvements the city was voted on by the City Council, proved going forward with them doing the job versus paying them for the energy assessment.
- The relationship was going back quite a few years starting with the initial energy assessment of city facilities.

Mayor Hinton commented as follows:

- This is a grant funding of \$700,000 for solar on our library.
- Thank you to Public Works
- Dante found this grant funding and I remember being very excited when we heard about it and so, I have to say that out loud.

Councilmember Zollman commented as follows:

- As a former library commissioner I am also very happy and grateful for everybody that found this grant opportunity and particularly the matching part of it.
- Dante and people who reviewed it from the Climate Change Committee, everyone, for making our life better than it is now and of course, cleaner.

Councilmember McLewis commented as follows:

- Having been involved with another city building that was having its roof replaced, I'm assuming there might be increased cost and that but once you get in there and start doing that stuff.
- I truly appreciate the effort to get the grant.
- Also, it is quite a conundrum switching over to the heat pump and electric versus having the gas.
- It's such a conundrum but I think we all know that we do need to move forward.
- I just wanted to express thanks for that.

Vice Mayor Rich commented as follows:

- Just to comment thank you to Dante for recognition of the difficulty and downsides to the limited downsides from my perspective.
- Nonetheless, the difficulty in switching to all electric with heat pumps, but yeah I'm definitely on board.

MOTION:

Vice Mayor Rich moved and Councilmember Zollman seconded the motion to Adopt Resolutions amending the Sebastopol Library lease agreement and partner Resolution Authorizing the grant application, acceptance and execution of the grant funds from the State of California Budget Act of 2021 (SB129) for the City of Sebastopol Library Energy Efficiency Infrastructure Improvement + Solar PV Project and approval of change order proposal to facilitate installation of new roof and solar PV and authorize City Manager to execute required documents.

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

VOTE:

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

City Council Action: Approved Resolutions amending the Sebastopol Library lease agreement and partner Resolution Authorizing the grant application, acceptance and execution of the grant funds from the State of California Budget Act of 2021 (SB129) for the City of Sebastopol Library Energy Efficiency Infrastructure Improvement + Solar PV Project and approval of change order proposal to facilitate installation of new roof and solar PV and authorize City Manager to execute required documents.

Minute Order Number: 2023-020

Resolution Number: 6505-2023 and 6506-2023

8. Discussion and Consideration of Calendar Year 2023 City Council and City Staff Committee Assignments and Appointments (Responsible Department/Presenter: Mayor Hinton/City Administration/City Departments)

Mayor Hinton presented the agenda item recommending the City Council Discuss and Consider Calendar Year 2023 City Council and City Staff Committee Assignments and Appointments.

Mayor Hinton opened for questions of staff. There were none.

The Council discussed each appointment line item by line item.

Mayor Hinton opened for public comment: 2023 City Council and City Staff Committee Assignments and Appointments.

Rich Ressler commented as follows:

- I just have some concerns for the council.
- One, is when will we resume in person meetings.
- Two is going to be when are we going to tend to the roads, the repaving of our roads?
- When will we attend to the potential hazards of trees as the storms are around the city.
- I just wanted to make a public announcement that these are my concern.

Una Glass commented as follows:

- Well, thank you all for being, or allowing me to speak tonight.
- This is public comment, but I just wanted to mention I'm very desirous of remaining on the continuum of care.
- The governance of the organization was reconstituted the past year, and the structure of the governance was reconstituted this past year, and that's when I got on.
- This position is representing the district, basically, so it is us as the capital of West County, along with the rest of the 5th district.
- I have been put on the funding and evaluation committee, which I think is an extremely important committee.
- I have been working with several of the other small city representatives to step up our reliance on actual data and work on evaluating where we can get the best, the most bang for the buck, and what programs are actually working to solve homeless issues and to move us forward into, hopefully, someday down the road, zero homeless in our future.
- I want to very much stay on us.
- We lost quite a bit of institutional memory in January with a number of people who were on the committee previously

- It is an 18-person board, by the way. A good percentage of them are now gone, and I think it's very important that I continue on, because I do have the institutional memory.
- I would like to do this for the next year, and then hope that I can pass this position on to somebody in the council next year after I have helped carry the information onto this new board member's in the coming year.
- I have to say that this committee has been doing so much better.
- The COC, in my opinion, has become a much better organization since Dave Kiff was put in charge of the CDC, which is basically the organization that staffs the COC. He's been really great to work with.
- In particular, this reconstituting of the board has put the small cities into actually having a voice at the table.
- Before that, it was, everything was run by the county, and the county didn't think about the interest of the small cities.
- So now I'm working regularly with other representatives of the small cities to advocate for our needs, and for the needs of our homeless population, and the needs of our residents.
- So hoping that you will consider keeping me on this committee, and thank you very much.
- This is my first council meeting since I haven't been on, so you all are doing a great job, and I'm so happy for all of you that you're here and that I am here.

Kyle Falbo commented as follows:

- So one of the committee assignments I saw on there that wasn't discussed because it doesn't really involve councilmembers is the REMIF committee where the City Manager/attorney sits on, and I'm curious about the future when Larry is no longer the manager/attorney for the city, and his involvement beyond that.
- What the plan would then be at that time for our city's representation within REMIF, and if that could be detailed.
- Secondly, there was a bit of discussion about the budget subcommittee.
- It was mentioned it was an agenda meeting, and as I've asked before but got no answer is why are these meetings not recorded, why are there not minutes published for the public, and these recordings should be made available to the public as well.
- It's my hope that the budget subcommittee can be not just an agenda meeting, but recorded meeting with minutes that are published for the public to review after the fact.

Oliver commented as follows:

- Kyle just said what I was going to say, actually. Increased transparency for the budget meeting is critically important.
- As I said earlier, it would be great to have a member of the public on that committee as well, monitoring things and just, you know, chipping in additional local institutional knowledge.
- That's the first thing. Then the other thing I'd like to say is following what Una Glass just said, I track very closely because I'm interested in the well over million dollars a year the county spends on homeless services.
- I'm okay, I've heard Una speaking at the meeting, which is a bit like a revolving door to that point.
- A lot of people coming and going all the time, and it's incredibly bureaucratic, but I think it's good that Una is doing that.
- I also think that we have to be very mindful of, um, leveraging far more of the county homeless services and holding Dave, who literally just started in the latest job as director, we have to get much better quality, um, service from that locally because we have all kinds of, you know, tremendous problems building up around this.

- So, thank you Una for doing what you do, because I know it's a ton of work.

Steve Pierce commented as follows:

- I just want to talk a little bit about the process.
- This is the first time I've seen the process in action, and I know it's new this year.
- Having read through the staff report, there is just one recommendation that I can see to improve it.
- I saw some of the councilmembers put their priorities, and I found that was very useful.
- I hope that if, in the future, we have everybody put their priorities, there wasn't much in the terms of conflict tonight, but if we had a sense of who really valued what the most, that would help resolve conflicts.

Linda commented as follows:

- One thing that I didn't hear was the, the committee member representatives from Sebastopol to the Marin-Sonoma Mosquito control.
- I know, I've watched it for years and been one of the people that attended the meetings, that the board, as far as I know, still exists, and so that's an important thing because that's just one more agency, that gets your multimillion dollars in parcel tax and misspends it, and it needs oversight, and it has zero oversight.
- There are no public members that ever attend the meetings.
- So anyway, that's an important position because they're misspending, like I said, millions of dollars of parcel tax.
- Their failure to acknowledge the disease epidemic that we have, and right here, right here we have more than our share.
- We're rich in talented people and stuff, but also rich in habitats that's perfect for ticks.
- Now there are a lot of ticks out there getting their third and final blood meal. So we need to have signage, adequate signage.
- Please address what's going on there.
- The Zero Waste committee.
- What that brought, with the apple fair, it brought, you know, with there being no water bottles, no plastic water bottles available in 95-degree heat, and one person hospitalized.
- Six people suffered dehydration. It made the headlines, it was a news story.
- This is just wrong headed stuff that you, you know, are bringing.
- Along with that is the, the \$2.2 million wireless water meters that have to be replaced, and the PG&E smart meters that have to be replaced every five to seven years and are not recyclable.
- In the meantime, they transmit toxic wireless radiation, which goes right through buildings and bodies and causes cancer and a long list of other ailments.
- The Zero Waste is your wasting our money and our health.
- I can't believe, you know, you continue to allow PG&E to put in these pieces of junk that, again, are not recyclable.
- You need to address it, and of course the wireless water meters.

Mayor Hinton responded to public comment as follows:

- So just to address our last speaker, Diana Rich is to continue on the mosquito control. It's a two-year appointment. She's done the first year, so she'll be completing her second year as recommended at this point.
- So follow up on some of the other comments, our first speaker talked about in person meetings.
- I do believe we're looking to go back to in person meetings some time in March.

- Mary might have a targeted date, but we'll be looking at in person, and possibly a hybrid model, and that will be coming to an agenda soon, in February, to have a full council discussion on that.
- Regarding our roads, we have a capital improvement plan reviewed every year with the budget subcommittee and make recommendations for road repairs.
- That's available from the city if someone would like to take a closer look at it. It's a five-year plan.
- We discuss it at various agenda items, and we just had it on agenda discussing an upcoming road repair
- We do frequently update our roads based on our budget just as a general rule of thumb.
- Regarding trees going down, I know my neighbor's tree was tagged, and it's on private property, and they asked the tree board if we can take it down, and I see our busy public works trimming trees and cutting up trees that came down in the weather.
- I don't have an answer as to how to avoid more trees coming down.
- Regarding the budget subcommittee. We're currently not doing minutes or recording our ad hoc committees.
- It's an expensive proposition, as we'll see in the upcoming agenda item to talk about going back to in person meetings.
- I appreciate public comments, and in full transparency in a small city we're always trying to balance our budget that was talked about earlier, and our need for trying to make these meetings as, um, transparent as possible.
- We do post them and agendize them, and at this time that's how we're handling the meetings.
- I think our City Manager can step in and answer the REMIF question.
- Since he's not gone yet, he's going to continue for now, I believe, to be our representative.

City Manager/Attorney McLaughlin commented as follows:

- I thought it might be useful to take a couple of minutes to kind of educate the new councilmembers a little bit, and also the public as to how we handle insurance, quote unquote insurance coverage.
- Our city used to have standard insurance policies with insurance carriers, but in the 1970s, a few small cities came up with the idea to form an insurance pool to essentially pool our money and resources and self-insure where we would have control over our own claims, and we'd have control over settlements and coverage.
- So the city of Sebastopol was one of the original seven cities that in the late 1970s formed an insurance pool recalled redwood empire municipal insurance fund known as REMIF.
- A couple of years ago, the REMIF board decided to merge with another larger organization and pool resources on a broader scale.
- So with the agreement of our City Council and all the other City Councils, the 15 cities in REMIF joined with a number of other cities, and are now part of a 50-city insurance pool, which you saw on the screen.
- Each city sends one primary representative and one alternate representative to sit on the board of this organization.
- It's a very steep learning curve. It takes, generally speaking, at least two years before you are an effective board member.
- For that reason, most likely, most of the board members are long time staff members who have kind of been up through the seats, so to speak, to learn the ropes.
- But it can be an elected. I've been on the board for over ten years. I'm now in my third term as board President of REMIF that.
- Term is up in June. Last year I was also Vice President of CIRA. I am no longer Vice President.
- So the Council, upon my retirement, will have to make an appointment or determine who would sit on that board, although I would again recommend it be an experienced staff member, and Mary Gourley, our Assistant City Manager, has been the alternate for a number of years.

- I hope that question about who sits on them has been addressed.

City Council Discussion and/or Deliberations/Comments:

The Council discussed the committee assignments and after a lengthy discussion of each appointment provided the following consensus:

- Climate Action Committee liaison to return to next City Council meeting for discussion of composition of committee reference Council Committee assignment
- Consensus with following appointments.

Item #	Committee Name	Representative	Alternate
1.	Marín/Sonoma Mosquito & Vector Control District. (2- or 4-Year Term). City has typically appointed for two years. Term Ends: December 31, 2023	Vice Mayor Rich	None
2.	Redwood Empire Municipal Insurance Fund (REMIF) CIRA (Vice President – Larry McLaughlin)	City Manager	Assistant City Manager/City Clerk
3A.	Sonoma County Transportation Authority (SCTA)	Mayor Hinton	Councilmember Zollman
3B.	Regional Climate Protection Agency (RCPA) *Rep should be same Rep as SCTA	Mayor Hinton	Councilmember Zollman
4.	Sonoma Clean Power (SCP) Authority Board of Directors If representatives change, staff will need to prepare a resolution to send to Sonoma Clean Power)	Councilmember Zollman	Councilmember Maurer
5.	Zero Waste Sonoma Board	Councilmember Maurer	Vice Mayor Rich
6.	Zero Waste Sonoma SB 1383 Technical Group	GHD	Associate Planner
Item #	Committee Name	Representative	Alternate
1.	AB 939 Local Task Force	Sunny Galbraith Three Year Term Ends December 2024	Councilmember Zollman
2.	Community Development Commission Cities & Towns Advisory Committee(CTAC)	Planning Director (Chair of this Committee for 22-24)	City Manager
4.	County-wide Bicycle and Pedestrian Advisory Committee (CBPAC)	Associate Planner	Planning Director
5.	GSA Board/ Santa Rosa Plain GSA Basin	Mayor Hinton	Councilmember McLewis
6.	MS4 Storm Water Co-Permittee Working Group	GHD	City Engineer
7.	Russian River Watershed Association Board of Directors	Councilmember Zollman	Councilmember McLewis
8.	Santa Rosa Plain Groundwater Management Plan Basin Technical Advisory Committee	GHD	Public Works Superintendent
9.	Sonoma County Transportation Authority Planning Advisory Committee (SCTA PAC)	Planning Director	Associate Planner
10.	Sonoma County Transportation Authority Technical Advisory Committee (SCTA TAC)	GHD	Planning Director
11.	Sub regional Partners Technical Advisory Committee (TAC)	GHD	Public Works Superintendent
12.	Zone 1A Advisory Committee (Sonoma County Water Agency)	GHD	Public Works Superintendent

Item #	Committee Name	Representative	Alternate
1.	Association of Bay Area Governments (ABAG)	Voting Delegate: Mayor	Alternate: Vice Mayor
2.	League of CA Cities/CAL Cities	Voting Delegate: Mayor	Alternate: Vice Mayor or as designated (Must be in attendance at meetings)
3.	Legislative Committee	Vice Mayor Rich	Councilmember McLewis
4.	Mayors and Councilmembers Association Board and City Selection Committee	Mayor	Vice Mayor or as designated (Must be in attendance at meetings) Followed by Council in alphabetical order: Councilmember Maurer Councilmember McLewis Councilmember Zollman
Item #	Committee Name	Representative	Alternate
1.	Gravenstein Health Action Coalition	Vice Mayor Rich	Councilmember Zollman
2.	Laguna Stakeholders Committee	Councilmember Maurer	
3.	LANTERN	Councilmember Zollman	Vice Mayor Rich
4.	Library Advisory Board for Sebastopol Regional Branch	Councilmember Zollman	Vice Mayor Rich
5.	Sebastopol Area Chamber of Commerce	Mayor Hinton	Councilmember McLewis
6.	Sebastopol Center for the Arts	Mayor Hinton	Councilmember Zollman
7.	Sebastopol Community Cultural Center	Councilmember McLewis	Councilmember Maurer
8.	Sebastopol Downtown Association (SDA) Liaison	Councilmember McLewis	Councilmember Maurer
9.	Sebastopol Senior Center	Councilmember Maurer	Vice Mayor Rich
10.	Sebastopol World Friends	Councilmember McLewis	Mayor Hinton
11.	Meet Your Neighbor (MYN) and Sebastopol Neighborhood Communications Unit (SNCU)	Vice Mayor Rich	Councilmember McLewis
12.	Council Liaison to Homeless Service Organizations	Vice Mayor Rich	Councilmember Zollman
Item #	Committee Name	Representative	Alternate
1.	Agenda Review Committee	Mayor Vice Mayor City Manager City Attorney Assistant City Manager City Clerk	N/A

2.	Budget Committee	Vice Mayor Rich Councilmember Zollman City Manager/City Attorney Assistant City Manager/City Clerk Administrative Services Director	N/A
3.	Fire Dept Funding & Staffing Committee	N/A	N/A
4.	Design Guideline Subcommittee Members – 1 CC, 1 PC, 2 DRB members	Planning Commissioner Fritz DRB member Langberg DRB member Level Staff: Planning Director, Associate Planner	N/A
5..	Relaunch Sebastopol	Mayor Hinton Councilmember Maurer City Staff	
6.	City Wide Staffing Assessment Study Committee	N/A	N/A
7.	Climate Action Committee (Combined Members of the Zero Waste Committee) New Make Up Below	RCPA/SCTA Councilmember Zero Waste Sonoma Councilmember Planning Commission Liaison Gerald Glaser Sunali Shanti Sikand Alex Goodman Woody Hastings Dena Allen Argus Brent Josho Somine Ambrosia Thomson Kenna Lee Liselotte Pierce Deborah Burnes Evert Fernandez, Planning Commissioner Sarah Gurney, Councilmember Diana Rich, Councilmember	Vice Mayor Rich to continue to serve until agenda item is returned to Council for Amendment to make up of committee
8	Continuum of Care	Una Glass as City Representative for West County	

MOTION:

Mayor Hinton moved and Councilmember Maurer the motion to Adopt the Calendar Year 2023 City Council and

City Staff Committee Assignments and Appointments and to return to a future Council meeting proposed amendment for the composition of the Climate Action Committee for Council appointments.
Mayor Hinton called for a roll call vote. City staff conducted a roll call vote.

VOTE:

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

City Council Action: Approved Calendar Year 2023 City Council and City Staff Committee Assignments and Appointments and to return to a future Council meeting proposed amendment for the composition of the Climate Action Committee for Council appointments.

Minute Order Number: 2023-021

Mayor Hinton called for a break at 8:58 pm and reconvened the meeting at 9:09 pm.

9. Discussion and Consideration of Creation of Ad Hoc Committee for Recruitment for City Manager/City Attorney Position (Responsible Department: Mayor Hinton/City Administration)

Mayor Hinton presented the agenda item recommending the City Council Discuss and Consider Creation of Ad Hoc Committee for Recruitment for City Manager/City Attorney Position.

Mayor Hinton opened for questions of staff and/or presenter.

Councilmember Zollman commented as follows:

- That would be the charge of this committee
- Would it be going out to hire for the combined role of City Manager/City Attorney
- Or going out to hire for those two roles separately
- Hoping that some of the work will be put forth as to how it makes sense to move forward with a similar situation of same person or to split them up
- City has received information that it would not be good to maintain as one position as well as hearing other concerns to split the position
- What charge the committee will be pursuing and bringing back to the full Council

Mayor Hinton commented as follows:

- Recommendation would be that the committee bring back options
 - Research both
 - Committee would come up with options and bring back recommendations for full Council
 - Review of money issues as well
- Heard that role does not exist really and City has received report that is not recommended

Vice Mayor Rich commented as follows:

- Proposal is for Ad Hoc Committee
- Exist for short period of time for assigned tasks
- Committee would include two councilmembers plus City Manager and Assistant City Manager

Mayor Hinton commented that is what she is envisioning.

Mayor Hinton opened for public comment: Creation of Ad Hoc Committee for Recruitment for City Manager/City Attorney Position.

Kyle Falbo commented as follows:

- Thanked Councilmember Zollman for his comments
- Mayor make suggest that the recommendation that Ad Hoc committee would come back with multiple options, the agenda item does not state that
- Multiple instances in the agenda say City Manager/Attorney position – singular
- Makes reference to looking for a hire as singular
- Any motion relate to this agenda items needs to be explicit
- Looking at specifying related to hiring of position/positions
- Not having the Council pigeon holing themselves into single position as stated
- Hope there would be broader content of hiring options in agenda items in future

Oliver commented as follows:

- Good idea to have an ad hoc committee
- Valuable to explore outsourcing the legal work
- Thanked Larry for all the hard work
- A lot of, sort of, institutional history. It would be good to have some fresh people here with a different perspective, and, from a legal perspective, when you hire a new city manager.

Linda commented as follows:

- One way of looking at it. I understand that I can kind of see your point on that.
- On the other hand, Larry is not going to be easily replaced.
- Any number of people our chief, Bill Braga, extraordinary people, and I cannot see them being readily, easily replaced.
- Locally, I can see that it could be advantageous to have somebody that knows this city.
- Since we got these new City Councilmembers here, and now we are kind of looking around to see what other cities are doing, and following them, but it would be nice, I don't know if it's possible to find somebody's attorney, who is sort of familiar with the character of directed in the right direction, despite the current leadership on the other hand I can see the point of getting something outside central would lack the familiarity of the richness of the intelligence in our town.
- So, anyways, that's about all I have to say. These people are very difficult to replace.
- I am all for Mary too for her service.

City Council Discussion and/or Deliberations/Comments:

Mayor Hinton commented as follows:

- I can appreciate the caller saying that they didn't feel like, I guess, this was as clear as it could be.
- When I look at this, we currently have a city manager/city attorney position.
- The agenda item was written with the intent to create a subcommittee to work on the purpose of recommendations to the full council on a recruitment for that position, and, again, that opens up all kinds of ideas and recommendations I believe.
- So, if we did word it correctly I apologize for that.
- I think the processes that we need to first recommend and have a motion to create a committee and after re-create the committee then we get a motion to who will serve on that committee.

MOTION:

Councilmember Zollman moved and Vice Mayor Rich seconded the motion to Approve Creation of Ad Hoc Committee for Recruitment for the current City Manager/City Attorney Position with direction to provide all options for recruitment possibilities for the current position of city manager/city attorney. Ad hoc would return to council with all options for consideration by the entire City Council.

Discussion:

City staff commented as follows:

- I just want to clarify though, that that action is being discussed tonight, that is going to be what the ad hoc we would be bringing back at so, the ad hoc committee to my understanding is that they are going to be bringing multiple options.
- I think that it is clear that what you are directing the ad hoc committee to look at all possible options for the current position, that could include two separate positions it can include a firm, it can include a contract, staff attorney.
- So, it is looking at every single option that is out there, and bringing that back for a final decision at the next meeting, as to what position or positions you would be recruiting for.
- I hope that is clear for the public.
- We are not saying that the ad hoc committee is just going to look at whether it is one position or two positions.
- There is multiple options that are out there, and we are going to be bringing back all of those options to the City Council, from transparency, so that the entire public can weigh in on all of its options on the ad hoc committee.

City Manager Attorney commented as follows:

- As I understand it, and would agree with the idea is to not restrain the ad hoc committee, that they should look at whatever options they feel are available to the City Council.
- But they are going to need to take an in-depth look discussion of that, because there's a lot of elements to it.
- So, as I understand the motion, it is very broad, and the committee is supposed to do the hard work of reviewing whatever it needs to review to decide what recommendations it is going to come back with, and return with those recommendations.
- So, I think that is the spirit of this motion, and I think that is right.

Vice Mayor Rich commented as follows:

- Just for my purposes, wants to make sure that my preference would be to have a report back, from this ad hoc, that this City Council could consider, that would present, not just one recommendation, but multiple recommendations with the benefits and drawbacks to each, because, as city manager, Larry McLaughlin, it is involved, is that consistent with the motion that has been made?
- We aren't just going to get one recommendation, we are going to have information that we can then ponder as a group.

City staff commented as follows:

- That is correct. Will be seeing multiple options for the City Council as a whole to direct what type of recruitment we would go out for.
- So, it is not just, here, we talked about it, here's one recommendation, it is all of the possibilities as to do type of recruitment you want to have, again, whether it is sitting manager, sitting manager and then an attorney on staff, a city manager going for RFP attorney, so, you know, the recruitment process and all of that.

- So, it is not just one option that is coming back to the City Council, it is multiple options.

Vice Mayor Rich commented that makes would be considering an interim, or the benefits/drawbacks to an interim?

Staff commented as follows:

- Stated that is correct and that would be part of the options.
- There are multiple options. I don't want to get into the discussion of that right now, but there will be multiple options that will be coming back to full vetting and a final decision in public transparency.

City Manager/Attorney McLaughlin commented as follows:

- For the record, I 100% support doing this in the most transparent manner possible.
- However, I do have an existing contract, and I have already had one meeting with the City Council influence session that is not only allowed, but it is appropriate, in my opinion, depending on what needs to be discussed.
- So, I just wanted to state it, openly here, that there may also be a need to discuss some of what the committee's work was, to the extent it affect your existing employees.
- They may need to have some of that discussed in a closed session.
- So, I just want to air that. The idea is to do it as transparently as possible.
- However, again, we have employees with existing contracts.
- Those are normally discussed with those employees in a closed session.

Mayor Hinton commented as follows:

- With that said, that brings up a point of we are creating a subcommittee with a member that is in the retiring position.
- It is kind of an odd thing to be creating a subcommittee with our current city manager as part of that subcommittee.
- So, is that what we want to do?
- Is this something that we want to do a subcommittee with both our manager, and Assistant City Manager, or do we want to create the subcommittee -- three person subcommittee, with our current employee, who is continuing?
- I'm just asking, because this seems a little unusual.

City Manager/Attorney McLaughlin commented as follows:

- The last time I was city manager, coming to an end, I was the primary person who assisted the City Council through the entire process of selecting a new city manager.
- That, by the way, was Dave Brennan, so that is when that was.
- I am just noting that there is a possibility some aspects of this might properly be discussed in a closed session.
- But I do think it is appropriate that the, if that is what the council chooses to do, I don't think it is an appropriate at least for the existing city manager to help the council in the process only of selecting a new city manager.
- I don't mean helping you choose who it would be, but facilitating the process.
- Some staff member has to facilitate the process, and we are not exactly overstaffed.

Vice Mayor Rich commented as follows:

- I think that it is essential that we include our current city manager, city attorney in this committee, ad hoc committee task.
- We need his expertise, we need his knowledge, we need his experience.
- He is leaving on his own. It is his own decision.
- We would gladly hang on to him, if it was a possibility, but he is retiring and offering us the benefit of his deep understanding of our city needs, of our staff needs, of the process that has been pursued in the past in these situations.
- So, I vote for insisting that he be a part of this ad hoc committee.

Councilmember Zollman commented as follows:

- Yes, I think it would be great to have all of the experience from Larry with trying to facilitate the process for filling the city manager's position.
- As far as weighing in on the different options and making recommendations about how the final recommendation should be presented to the City Council, when it comes to the city attorney's position, in my mind it is different, because of the existing contract.
- It just seems very different to me.
- So, I'm just hoping that everyone can just sort of, again, as we all are, mindful of our different roles, and what we contributed to the process, and also, if we do keep the current configuration for the majority vote of any subcommittee, that is prevailing anyway.
- So, if we did it with four, and then there is three, and one outlier majority ends up ruling.
- So, those are my comments.

Councilmember McLewis commented as follows:

- I share some of your concern with that, just, I have been in this position before of vetting out different roles
- I think that facilitating the process would be super helpful, but also knowing, being part of that final decision-making or anything like that, that is where it would, sometimes, in my experience in the past, it has been a little odd at times, so, share your concerns with that.
- I don't know what the answer is, because I think it is good to have him facilitate the process, I am on the fence with that fiduciary concern as well.

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

VOTE:

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

Noes: None

Absent: None

Abstain: None

City Council Action: Approved the creation of an Ad Hoc Committee for Recruitment for the current City Manager/City Attorney Position with direction to provide all options for recruitment possibilities for the current position of city manager/city attorney. Ad hoc would return to council with all options for consideration by the entire City Council.

Minute Order Number: 2023-022

Appointment to Ad Hoc Committee:

Mayor Hinton commented as follows:

- I am going to lead and say I created this. I am very interested in serving in it, on it.
- I think my experience on the budget subcommittee, and since I am not serving in that role this year, I can

certainly take this on, and it does involve Monday.

- I know a lot about the budget.
- I think in my role as Mayor, this is a major thing that will happen this year.
- I would be honored to help serve on this process of doing that legwork for the full council.
- So, I'm going to go with that. Put that out there.

Councilmember McLewis commented as follows:

- Yes, I too would like to express my interest in being on the ad hoc committee.
- I've been in this position, as far as vetting out roles, and spent a great deal of time doing this over the last decade.
- So I think that experience could be a great benefit. I, too, think it would be an honor to be part of it.
- Since I am not on the budget committee, I think it would be great to be able to be a part of this big decision, you know, kind of spreading that around all of the, you know, at least vetting it out so we can all come back and evaluate it.
- So, I hope that everyone will consider me for that.

Mayor Hinton opened for public comment. Appointment of Council Committee Members.

Oliver commented I would like to see Councilmember Jill McLewis with the Mayor, you have a lot of business experience and the objectivity that would be needed, thanks.

Linda commented as follows:

- I would like to see Councilmember Sandra Maurer, on this committee, because I am sorry to say, Mayor Hinton and Vice Mayor Diana Rich, I have zero faith in your ability to judge people, and pick a good manager / attorney, because of your track record
- Discussed the Police Chief. Larry looked high and low and we went through several police chiefs, and then he finally found one outstanding one, that would be Kevin Kilgore, which he was bullied by both of you on the City Council, into quitting.
- Now, I'm not giving you a pass on that, and I'm expecting you to apologize to him, and a couple other people that keep this city going that you have not recognized and you are trying to get rid of the fire department at the same time.
- It is just not really in the interest of the city.
- I have no faith in your ability to size up a situation.

Loretta commented as follows:

- I would like to thank Vice Mayor Diana Rich for her suggestion that we have a person with expertise on the City Council, and one of the newly elected members, and I would like to advocate for Councilmember Jill McLewis, because she has had so much experience running a business, and she knows the ins and outs of what it takes to have a fiscally responsible government.
- That is just my two cents, thank you, Diana, for that suggestion.

City Council Discussion and/or Deliberations:

There was no further discussion at this time.

MOTION:

Councilmember McLewis moved and Vice Mayor Rich seconded the motion to Appoint Mayor Hinton and Councilmember McLewis to the Ad Hoc Committee for Recruitment for City Manager/City Attorney Position.

Discussion:

Vice Mayor Rich commented as follows:

- This is a tough call for me, because we have two excellent, newly elected councilmembers, and I just think it is worth taking a moment to recognize that they are both willing to do some hard work on what we know is going to be a really difficult, difficult topic.
- Dealing with this change in our city leadership.
- But I do think we need the experience of our Mayor, Neysa Hinton, and when I look at just the particular background, and experience that Councilmember Jill McLewis and Councilmember Sandra Maurer bring to this particular task, I have to go with the selection of Councilmember Jill McLewis as the second person, because I have to agree that she has tackled these issues in the past and is probably a bit more prepared to tackle them in this situation, despite the fact that I have incredible confidence in Councilmember Sandra Maurer's ability to deal with anything that she is presented with and decides to tackle.

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

VOTE:

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

Noes: None

Absent: None

Abstain: None

City Council Action: Approved appointment of Mayor Hinton and Councilmember McLewis to the Ad Hoc Committee.

Minute Order Number: 2023-023

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Speakers are allowed to speak for a maximum of three minutes so that all speakers have an opportunity to address the City Council.

Power point or visual presentations for public comment shall not be permitted unless approved by the Agenda Review Committee two weeks prior to the requested meeting date.

Speakers may not "yield" a portion of their allotted time to others.

The Mayor has the authority to limit or extend the time allowed for speakers dependent on the number of speakers in attendance.

The Mayor can poll the members of the public for an indication of the number of people wishing to speak, then call on individuals to speak.

It is the goal of the Council to conclude the public comments portion of the agenda within 20 minutes. If the public comment period exceeds twenty minutes, the presiding officer, typically the Mayor, reserves the right to reduce the time per speaker or carry over public comments to after all business items are completed.

The City Clerk will monitor the time for public comments and inform the speakers when the time limitation has been reached.

The Mayor could survey the members of the public, as appropriate, to move agenda items up or back to address the members of the public items of concern.

Public participation is encouraged on all public agenda items.

Council and staff will treat participants and each other with courtesy. Derogatory or sarcastic comments are inappropriate. The public will likewise be encouraged by the Mayor to maintain meeting decorum.

In Council meetings when citizens are agitated, the Mayor may call a short recess to calm the situation.

If a member of the public is unable to attend the Council meeting, written communications may be sent to the City Clerk by e-mail or by regular mail. Communications received after distribution of the agenda packet will be made available to the Council at/or as soon after the meeting.

Loretta commented as follows:

- Dear councilmembers and the police department.
- We have spent three long years battling for the clean-up of Morris Street, and during that time we have vandalism to our business, our customers and employees were worried about their safety.
- For the past year and half, Morris Street has been free from people living on the street.
- There is room for customers to park while they shop at the businesses along the street, and families are using the sidewalks to walk to little league games, committee center events, the Laguna trails in the Barlow.
- The bicycle lanes are free for cyclists to ride safely.
- We used to have to call the police department several times during the week with complaints, but since the area has been cleaned, we have not had one single phone call to the police department in a year and a half.
- It is to our dismay to have our customers recently register concerns about a tent camp that has recently popped up in the community center parking lot.
- It has been there for 2 weeks now. Has Jennifer Lake to be notified to offer services to this person?
- I hope that a shelter but has been offered to get this person out of the elements that have been so terrible in the last few weeks and received services available.
- Don't want another homeless encampment to grow on Morris Street, which prohibits our families from safely traveling, walking and parking along the street.
- It is not good for our city, not good for our businesses and not good for the outhouse person.
- We ask for a swift position solution to this issue.

Kyle Falbo commented as follows:

- I'm looking for an update on the Bodega Avenue repairs that were funded sometime in the last council.
- Before the most recent council actually took hold.
- It was my understanding that the repair work, which proceeds the grant funded larger scale project, was to be completed, sometime in December.
- We are now into January, and that work was not completed.
- It is my understanding know that that work isn't scheduled to begin until March.
- This is a project that has seen delay after delay. With very little communication, by the city, as to the justification for the delay.
- So, I think, at this point, it is reasonable for how long of a delay there has been, for a larger scale description of project timeline, the delay, and an explanation for these delays and an expected timeline as to what we can expect, moving forward, and maybe some dedication to making sure that delays like this, that are entirely preventable, will not take place in the future.
- Our roads are in terrible decay.
- The last engineering report we had was that our city streets, one third are rated as very poor.
- The most recent report, which came out in September of last year, which we haven't actually been updated by our engineering firm that we outsource hundreds of thousands of dollars to, we are fourth from the bottom of the bay area, rankings of pavement conditions.
- So, we have these Capital improvement projects that continue to get approved, funded, but not completed.
- It is really unfortunate to brush it under the rug, or make some kind of blanket statement about a particular project's timeline is not being fully vetted or fully approved or full scope of work determined, that time needs to come to an end.
- We need to hold the engineering firm, we need to hold the contractors, and we need to hold our decision-makers accountable for these things.

- Secondly, this holding public comment at the end of the night, there is an alternate solution that is a beautiful compromise that can be used, that was proposed as being used, but never really was in force, which is you hold public comment at the beginning, like we have in the past, for a fixed time periods, and in public comment exceeds that fixed time period at the beginning of the meeting, you then take remaining public comment, and you can put it at the end of the meeting, as we are speaking now.
- This allows the opportunity for individuals to speak, who are not going to be up at 9:50 P.M.

Steve Pierce commented as follows:

- First, I would like to agree with Kyle on the public comment period.
- I think we can make that change work, and if it doesn't work, we can flip it back to having it at the end.
- I really wanted to talk some more about the electrification initiatives that we are hoping to do here in building energy use is, 25% of our greenhouse gases and we see electrification as being a key component in addressing that 25% greenhouse gas emission.
- Discussed things to consider when it comes to the power shut off concerns.

Oliver commented as follows:

- I just want to second what Loretta is saying.
- We have a situation building up in our parks
- I know several people have called the police, but nothing is happening, and it is very difficult for everybody.
- Something needs to happen, or we are going to have another Boise versus Martin blowup, and we've got all kinds of legal companies, who can't wait to sue them for homeless.
- So I think that needs to be cleared up rapidly, and my second point very quick, general public comments
- People choking up the meeting so the meeting doesn't even start until 9:00 and the people who commented earlier on don't just go and participate in the meeting.
- My third point is the 95472 Climate Action Committee, I think we should limit that to people who just live in the city limits, and because we've got all kinds of people who are in the greater Sebastopol area and the Climate Action Committee meetings, and so on and so forth.
- So it would be nice to have a little bit more, if we are going to have it associated with the City of Sebastopol, it would be good for people who just live in the city limits, so not just people who are living outside and telling the City of Sebastopol what to do.

Linda commented as follows:

- Well, anyway, of course, I am in agreement with Kyle and about putting that public comment at the beginning, because as I mentioned to Kyle, that is a violation of my and other people's time and sensibilities, and a lot of people, those that live in Burbank heights don't stay up, they are older, or something like 78, and if they are going to participate in a Democratic process, being able to early on in the process in the meeting.
- I suggest that we move it by the next meeting, back to where it used to be.
- So, that said, I know that power needs to come from somewhere, and the vehicles and the electric vehicles and stuff, it takes a long time for them to charge.
- If there is a disaster or an emergency and people need to get out of town and evacuate
- We shouldn't be going in that direction the byproduct of magnetic fields, which is time and time again having a biological effect, and that is to promote cellular growth
- I have several of them, I donated one to the city.
- The electricity flowing through power lines, through your alternator, any kind of a motor when it is off, and it has that effect of putting cellular growth, as in cancer.

- So, going back to the other thing about this wireless water meter, Kyle, during the breakout meeting, just readily looked up badge meters and multiple lawsuits.
- That is not what we want to get embroiled in.
- So, I strongly suggest that people slam the brakes on this wrongheaded thing that you have been conned into agreeing to avoid future litigation because the stuff doesn't work that's all, thank you.

Mayor Hinton responded to public comment as follows:

- I know that city manager is going to report on the road repair.
- So, I am going to leave that for him after my comment.
- I did hear from a number of people, as I said at the beginning, we were going to try public comment at the end of the agenda.
- We were not getting through our agendized items, and last year, and our meetings were running extremely late. So, this was a trial.
- I did hear from a number of people, including a phone call. There's other ways to communicate for public comment, and written comments. I have a number of them.
- When you look at the addresses, they are heavily influenced by people that live in retirement communities, like Burbank Heights.
- So, working with seniors, I do understand seniors. But this decision was trying to balance our agenda and our comments.
- So, contemplating in our next agenda review, taking public comment, a section of it, back to the beginning of the meeting, to do a 10 minute public comment with two minute time limits, I wish it was like a handicapped, and they get to drive first, or comment first.
- So, I would ask that we keep that in mind, that hopefully we will have limited public comment at the beginning of the meeting, and then we will expand public comment if you don't get a chance to come into the two minute section at the beginning to a three minute time limit at the end of the meeting.
- So we will try that as our next trial and hopefully that will satisfy the public, it is not that we are ignoring the public we are just trying to balance the community needs, and get through our agenda items that are published and noticed and it is a shame when people wait all night to hear their agenda item.
- I think we have got a member of the public on here that that has happened to.
- So, and then to not hear the agenda item, very disappointed.
- So, that is my comment on that.

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

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

- Save the Date: January 31, 2023 – 6:00 pm – City Council Special Meeting – Study Session – Presentation on Report of Fire Services Delivery Study by Matrix (City Consultant)
- February 7th City Council Meeting: 4:00 pm to conduct interviews for openings on Design Review Board and Climate Action Committee
6:30 pm (Regular Meeting will begin at 6:30 om instead of 6:00 pm for February 7th Council meeting)

City Manager/Attorney McLaughlin reported out as follows:

Engineering Report (Posted to city web site)

Bodega Avenue Digouts and Repairs Project

- This project was scheduled to begin a couple weeks ago but due to the poor weather and ground conditions, the work was not started.

- The contractor, Ghilotti Construction, has requested that the work be suspended until such time the weather and ground conditions make it more feasible to start up the work.
- The work is tentatively scheduled to occur sometime in March, weather permitting. If all goes as planned, the work should be completed in about a week.

Parklets update

- The parklet on Depot Street (fronting Screamin Mimi's and Create it) and the parklet on North Main Street (fronting People's Music) have now been removed. The parklet on South Main Street (fronting Retrograde Coffee and Sunshine Café) remains and an encroachment permit has been submitted to Caltrans to make this a permanent parklet.
- Regarding the Parklets Guidelines:
- GHD is scheduling outreach meeting with 3 stakeholder groups (Chamber of Commerce, Downtown Business Assoc., and Relaunch Sebastopol) to receive preliminary input. The virtual meeting is scheduled to occur this month (TBD).
- A meeting with the Design Review Committee is scheduled for January 26 to receive initial feedback of the draft guidelines.
- The draft guidelines will be presented to the Planning Commission on the February 14 meeting to receive comments on the draft.
- The draft guidelines will be presented to Council on the March 7 meeting to review and consideration of adoption of the guidelines.

Councilmember McLewis commented as follows:

- Having been on all the different minutes with the discussions with the parklet, I wanted to be clear but I thought at one time, it was said if we kept the parklet, that we had to abide by.
- You couldn't do any sort of commercial, I don't know if it is sales here the question was whether they could get the tables out there permanently because of all the -- did I miss something in there that you said there that addressed that?

City Manager/Attorney McLaughlin commented as follows:

- I have to say that strictly speaking, the present configuration of that particular parklet was not allowed under the old Caltrans rules.
- Parklets are supposed to be treated like many city parks and maybe they could have some generic benches in them or something like that.
- Because of the pandemic, because of the challenges of the pandemic, the economic challenges for the particular businesses involved, we did have pretty much a lesson as he fair attitude about those three existing park let's.
- And we let the nearby businesses kind of create what they look like.
- That really is not going to change.
- Caltrans still has that general rule about their parklets.
- They're going to be more strict about the engineering of these parklet and the new parklets when we finish that application.
- They're going to be more strict on the engineering.
- And I suspect they may be more strict on the use of those parklets.
- I hope that clears it up.
- I recognize how those South main parklets are being used.
- And we haven't done anything to correct that.
- It has been that way in our time of existence.
- But with the new parklets, it is conceivable that will have to change.

Councilmember McLewis commented as follows:

- If we are looking at the getting feedback from the SCN for guidelines, but yet Caltrans could have guidelines as well?
- How is all of that reconciled?

City Manager/Attorney McLaughlin commented as follows:

- Most of their guidelines are engineering type guidelines.
- As I understand it.
- There has to be a certain level of construction.
- I don't know.
- And X amount of inches or something off the roadway.
- That kind of thing.
- I'm not an expert in it.
- But I think most of them are along the engineering lines.
- And what we are looking at for a few back is how they would look.
- What would be attractive to the public and the nearby businesses for the look of the parklets.
- I think that is mostly what we are looking at.
- We cannot table service and parklets is something that may come to an end in the future.
- We are really looking at how do they look?
- What kind of construction would be attractive for public use?
- And any of the nearby businesses as much as we can.

Councilmember McLewis commented as follows:

- What was the date you said that meeting was?
- Since being a member of the SDA, I've not heard anything from anyone at the SDA.
- I don't think any of the businesses have.

City Manager/Attorney McLaughlin commented we are working on getting that meeting scheduled now.

Councilmember McLewis commented I assume that Relaunch is going to do outreach on that.

- City Manager/Attorney McLaughlin commented as follows:
- I am not sure what the goal is with relaunch.
- Will ask tomorrow at the staff meeting.
- We have kind of got feedback they are looking for on that.
- I don't know whether it is to bring in feedback from the public or whether it is to bring back feedback from the consultant who is doing the relaunch.
- I know that Holly has been working with the staff to do outreach for the businesses and trying to get input for that as well.
- Will make sure that both of them are courting together to get that information out to the public.

11. 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)

Vice Mayor Rich reported out as follows:

- A report out on two meetings that I have been present at since the last City Council meeting.
- One was on Monday, January 11th.
- That was a Climate Action Committee working group.
- A very interesting presentation by Alan Siegel and Shelley Brown was provided on their to green stations at the apple fair.
- They diverted a huge amount, tons of actually, 8000 pounds, of waste to pig farmers.
- So that has not gone into landfill, but instead, in the two feed farm animals.
- And also, 200 pounds of edible food.
- That has taken off for people to consume.
- Then on Wednesday, January 11th, I attended the Sonoma County monthly meeting.
- The focus there was on a reorganization on the staff level that is focused on increasing financial accountability.
- That's by adding checks and balances just as a general responsible major by the director there.
- Also, included a report on an unfortunate challenge that the district is facing.
- They are not -- it was very invasive, right before Christmas, December 24th.
- And really caused some major computer problems for them.
- But they have ironed it out and retrieved information they needed.

12. Council Communications Received (Information/Meetings/Correspondence Received from the General Public to Councilmembers). There was none.

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

CLOSED SESSION: NONE

ADJOURNMENT OF CITY COUNCIL MEETING

January 17, 2023 City Council Regular Meeting will be adjourned to the Special City Council Meeting – Study Session of January 31, 2023 at 6:00 pm by Zoom Virtual Format

January 31 2023 Special City Council Meeting will be adjourned to the City Council Meeting to be held February 7, 2023 at 4:00 pm for Interviews followed by regular meeting start time of 6:30 pm.

Mayor Hinton adjourned the January 17, 2023 City Council Regular Meeting at 10:14 pm to the January 31 2023 Special City Council Meeting Zoom Virtual Meeting Format.

Respectfully Submitted,

Mary Gourley
Assistant City Manager/Attorney/City Clerk