



City of Sebastopol

CITY COUNCIL MINUTES
MINUTES FOR Regular City Council Meeting of April 18, 2023
As Approved by the City Council at their regular meeting of May 2, 2023

Please note that minutes of meetings are not meant to be verbatim minutes and are meant to be the City’s record of a summary of actions that took place at the meeting. The vote/action is the required information of the meeting actions that took place. Approved minutes are available on the City Council Meetings page.

<https://www.ci.sebastopol.ca.us/Meeting-Event.aspx>

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

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

5:30 pm City Council Special Meeting -Climate Action Committee Interview (Youth Applicant)

Call to Order: Mayor Hinton called the City Council Special Meeting –Climate Action Committee Interview (Youth Applicant) to Order at 5:39.

Roll Call:

Present: Mayor Neysa Hinton – arrived 5:41 pm
Vice Mayor Diana Gardner Rich
Councilmember Sandra Maurer
Councilmember Stephen Zollman

Absent: Councilmember McLewis

Staff: Assistant City Manager/City Clerk Mary Gourley
Planning Director Kari Svanstrom

INTERVIEW:

The Council conducted the following:

Interview for Climate Action Committee / Youth Applicant (Responsible Department: Planning) Interview Time: 5:30 pm

Youth Applicant: Ruby Seidner

Reference Order Number: 2023-097

ADJOURNMENT OF SPECIAL MEETING: Mayor Hinton adjourned the meeting at 5:53 pm.

6:00 pm City Council Regular Meeting

Call to Order: Mayor Hinton called the Regular Meeting to Order at 6:01 p.m.

Roll Call:

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

Absent: None
Staff: City Manager/City Attorney Larry McLaughlin
Assistant City Manager/City Clerk Mary Gourley
Administrative Services Director Ana Kwong
City Engineer Mario Landeros/GHD Toni Bertolero
Planning Director Kari Svanstrom

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

PROCLAMATIONS/PRESENTATIONS:

The following were presented:

- Proclamation – Recognizing April 23-29, as National Library Week
- Proclamation Honoring the Chamber of Commerce and the 77th Annual Sebastopol Apple Blossom Festival and Parade and the Efforts of the Business and Community to Honor the Gravenstein Apple Blossom (April 29 and 30, 2023)
- Proclamation Recognizing April 26, 2023 as Administrative Professionals’ Day
- Proclamation Recognizing the 54th Annual Anniversary of Municipal Clerk Week; Declaring the Annual Municipal Clerks Week in Sebastopol the Week of April 30 to May 6, 2023

Reference Order Number: 2023-098

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 conflicts of interest stated for this meeting.

Re-Ordering of Agenda:

Mayor Hinton requested Item Number 16A be moved prior to Item Number 11. The Council was in agreement.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA (FIRST COMMENT PERIOD):

Up to Twenty (20) Minute Time Limit (Two Minutes for up to ten speakers). Additional public comment will be held at the end of the discussion and action items for up to an additional twenty (20) minutes. Mayor has discretion to allow for additional time beyond the 20 minutes allocated for public comment dependent upon the subject matter or number of speakers.

Process for calling on Speakers: Mayor or designee shall ask for public comment as follows: Speakers to be called on in an alternate manner (One speaker in person to be called on first; then one speaker remote to be called on second with additional speakers to be called on in the same manner) based upon the time limit.

Martha Glaser commented as follows:

- I have written so many time and so many versions of the letter that I want to convey to you.
- The upshot is the issue of the EMFs and the public, and the EMFs being put in through the new water meters, the smart meters.
- I'm terribly upset for a number of reasons and I think we're not done yet.
- I know that our attorney is talking to the City Attorney and City Manager trying to work out some of the issues that we still have.
- One request is to have public areas. There are about 25 of them have the opt out put in place like for schools and parks and the like in Sebastopol.
- I'm really glad that the City Attorney has said that there'd be money to pay for a consultant to do the readings, because it's really clear that Sebastopol has dropped the ball about having a plan to monitor the amount of radiation coming out of the transmission of the smart meters.
- I've been metering them with a professional grade safe and sound pro two meter, and they're available there that this model is about \$400. They're really handy to have because I've noticed that the signal is pulsing frequently,

much more than three times a day, 24 hours that Syserco said it would and the readings are very, very high. So we need to hire a consultant

- The city needs to be monitoring so that the citizenry can be safe. I have more to say, but I'll leave it at that for now.

Kate commented as follows:

- As I know, the Council's looking at the current budget for the upcoming year
- I ask that Council prioritize funding for the police department and the fire department as both are already under resourced.
- We've had two studies on both departments that show that they are under resourced and I feel that these are vital community services that should receive priority funding.
- In addition, I would hope that council would start educating people on the massive infrastructure needs that we have that have been revealed through various reports such as the \$18 million of paving, backlog of paving that's present in one of tonight's agenda items, along with water and sewer infrastructure needs that are probably over \$10 million and of course, the firehouse needs in that regard.
- I would like council to start educating people on what our infrastructure needs are, how much they will cost and what the timeline would be to start addressing these, because people who are paying property taxes deserve to have water, sewer, fire, police, all functioning properly.
- So that is my request, is that police and fire are prioritized, prioritized in the budget
- I assume the city is running at 1 to \$2 million deficit this year based on other projections but that is my requested

President, Board of Directors, Burbank Heights commented as follows:

- Our newest member is Susan Kinder, who is also here tonight.
- I thought it would be a good idea since a lot of three of you are new and were new or some of us are new and I wanted to introduce Leah as our new site administrator and she has an invitation for you

Leah commented as follows:

- I've been on site since February.
- It's great to be here. I'm the property manager for Burbank Heights and Orchards.
- May 23rd at 1:00, we're going to unveil a peace pole and I'll have official invitations.
- I just wanted you to expect that and I wanted to meet you personally. Thank you.

Oliver commented as follows:

- First, just wanted to acknowledge Mary Gourley as a fantastic clerk, as we heard the proclamation earlier
- I would just like to encourage anybody on this call to try and find the April the 5th NHA Advisors presentation to the Budget Committee.
- I've been trying to follow the budget discussions and committee and so on, and there's some really key points here.
- I'm sure a lot of people are aware that there's a lot of disturbance around the town because of the huge cuts that have to be made in all of the departments.
- The NHA advisors slide deck is very revealing about Sonoma County and the City of Sebastopol.
- One of the key slides on Slide 41, they say without action, the city's projected structural financial deficit will reduce and or eliminate its reserves over the next 3 to 5 years.
- There are some critical actions that need to be made to stop that, including increasing taxes.
- We have a very small amount of wiggle room on revenue enhancement restructuring, service levels, which is where the cuts have come from.
- Unfortunately, obviously we really need to be focusing very tightly on sales taxes as I've said in previous meetings.
- I also have a question from that deck on Slide 16, a question for the Council on Slide 16 of NHA advisors. They're saying there is a lease financing agreement for a mobile home park with 308,000 outstanding principal, which is the final maturity is 2028 from the general fund. Does anybody know on the council what that was for? I was looking it up and I just couldn't find it. That's my comment.

Judith commented as follows:

- The tower will come back to haunt us when the tests that already have been studies that already show its effects are more commonly known.
- There are the contracts to be dealt with, but they need to be acknowledged as a real thing.
- I endorse what Martha said.
- Any further possibility in making smart meters less prevalent, anything that can be done along those lines I think should be done.
- I wanted to give thanks for the fountain to be turned back on. It felt like the heart of Sebastopol was flowing again and as I drove past and walked past kids and birds and everything is enjoying the water
- I'd like to commend Mistletoe to be taken as one of dear Luther's mistakes that have gotten crazy and people a part of our plan in the for Dante and for public works should be to keep an eye on the large mistletoe growths and keeping them pruned back.
- I am concerned about when Woodmark is built, the addition of hundreds of cars to our clogged up little town and for some kind of forward thinking. I can't think of any way to ameliorate having hundreds more cars put on the road there. It's just an open question that smarter planners than I need to address.

Linda commented as follows:

- Discussed the theft of our money, more than \$2.2 million in the theft of our health and our reputation.
- For good sense continues with idiotic installation of 3000 Chinese made non-recyclable plastic lithium battery powered, short lived need to be replaced every five years.
- Radiation emitting electro pollution producing environmentally hazardous hackable computerized surveillance easily, easily sabotaged. One layer of aluminum foil will block the signal. Nothing good about them. Pieces of junk, wireless water meters brought to us by the remnants of the previous city council, Diana Rich and Neysa Hinton, who lacked the good sense and will to stop this disaster, who in fact are directly responsible for this expensive boondoggle. They just keep trying to outdo themselves with wrongheaded policy decisions.
- It wasn't enough to waste thousands of dollars on a completely unnecessary audit of our extraordinary police department but then Diana in a fervor over Black Lives Matter was unable to distinguish the difference between the police behavior in Minneapolis and our own model cop's community communication.
- She then bullies Larry's great find of Police Chief Kevin Kilgore into quitting and now they're trying to get rid of our fine volunteer fire department and continuing the environmental and financial ruination of this town with wireless water meters
- You can opt out for free
- Also contact your city council members and demand that we keep our safer mechanical, cheaper and more accurate mechanical water meters. It's not too late

CONSENT CALENDAR: The consent agenda consists of items that are routine in nature and do not require additional discussion by the City Council or have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council requests that the item be taken off the consent calendar.

The Mayor will read the consent calendar items; ask if a Councilmember wishes to remove one or more items from the consent calendar; and then open public comment to the members of the public in attendance. At this time, a member of the public may speak for up to three minutes on the entire consent calendar and request at that time that an agenda item or items be removed for discussion.

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

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

Mayor Hinton read the consent calendar.

Mayor Hinton asked if any Councilmember wanted to remove a consent calendar item.

Councilmember's Request(s):

Councilmember McLewis requested Item Number 6 be removed from the consent calendar.

City staff noted minor edits to Minutes of March 21 Council meeting on page 34 noting that Councilmember Maurer commented should have read Mayor Hinton commented....

Mayor Hinton opened for public comment on consent calendar items only.

Linda commented as follows:

- I just wanted to echo Sandy's removing that
- I find it interesting that this issue that has never come up before the city council ever before has made its way, made its way on the agenda.
- Now, when there's been tons of people, including myself, that continually talk about the downside of a wireless water meters and nobody seems to want to put it on the agenda about stopping it. Well, except for Sandy, who. Who's been gagged, of course

Kyle commented as follows:

- So I've come to grow somewhat skeptical about our capital improvement projects and the process in which they are vetted, the process in which they're bid upon and carried through.
- I think the most recent Bodega Avenue project, which took years and years to get through its process and in the end, as a result of just simply inflation, the amount that was allocated years in advance didn't actually perform.
- We didn't actually get our money's worth in the end because of just because of the loss of time.
- So here we are with another capital improvement project, this time going through the consent calendar almost entirely through the process, never once really being scheduled as an agenda item.
- I'm just kind of curious about historically, most recently, our capital improvement process, if we can actually get some information about how many of those actually ended up going over budget so that we as the citizens are ending up paying far larger than the amount that was initially budgeted because these contractors are going over time in the amount of effort.
- Then in particular for this one, I'm curious what it is about a slurry seal project that would necessitate a city monument of the cost of \$5,885.
- If that could be addressed simply as to what we're paying almost near \$6,000 for a monument and a slurry seal project that is just slipping through our consent calendar.

Mayor Hinton asked staff to respond to public comment as follows:

Toni Bertolero commented as follows:

- In terms of the process for this project it was approved as part of the capital Improvement program.
- That goes through the budget process and there are public meetings for those.
- In fact we're going through one for next fiscal year.
- That's the process in which these are approved.
- With respect to I think there was a question on a \$6,000 for a monument
- It's because this has a lot of trenching work. So it's not just the slurry seal. We've got a water line and a sewer line that's being replaced throughout the roadways and those trench lines have to be opened up.
- If they destroy a monument, obviously those monuments are pretty standard monuments so it would have to be replaced if destroyed

Mario Landeros, City Engineering, commented as follows:

- Replacement of monument actually is a little more involved because by the sheer destruction of it
- It is a record point on maps and whatnot.
- So destruction of it, first of all, it has to go through a process so that that point can be reestablished.
- That process involves bringing in a surveyor. They identify it. They put what they call witness points.
- Then the construction process comes through, removes, destroys re repaves the road, and that surveyor needs to come back in and establish reestablish that that record monument and then go through a recreation process.
- It's a little involved. It's complicated technical and it involves legal surveying components.

MOTION:

Mayor Hinton moved and Councilmember Maurer seconded the motion to approve Consent Calendar Items 2 (with minor edits), 3, 4, 5 and 7.

Item Number 6 was removed from the consent calendar.

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

2. Approval of City Council Meeting Minutes for Meeting of March 21, 2023 (Responsible Department: City Administration)

City Council Action: Approved City Council Meeting Minutes for Meeting of March 21, 2023

Minute Order Number: 2023-099

3. Approval of City Council Meeting Minutes for Meeting of April 4, 2023 (Responsible Department: City Administration)

City Council Action: Approved City Council Meeting Minutes for Meeting of April 4, 2023

Minute Order Number: 2023-100

4. Approval of City Council Meeting Minutes for Meeting of April 5, 2023 – Closed Session (Responsible Department: City Administration)

City Council Action: Approved City Council Meeting Minutes for Meeting of April 5, 2023 – Closed Session

Minute Order Number: 2023-101

5. Extension of Proclamation Proclaiming the Existence of a Local Homeless Emergency. Government Code Section 8630, requires that the Council review the need for continuing the local emergency at least every 60 days until such local emergency is terminated.

First Proclaimed: November 30, 2021

First Extension was approved January 18, 2022

Second Extension was approved: March 15, 2022

Third Extension was approved: May 3, 2022

Fourth Extension was approved: June 21, 2022

Fifth Extension was approved: August 2, 2022

Sixth Extension was approved: September 20, 2022

Seventh Extension was approved: November 15, 2022

Eighth Extension: January 3, 2023 City Council Meeting

Ninth Extension: February 27, 2023 City Council Meeting

Proposed Extension: April 18, 2023 Meeting)

Proposed Next Extension Needed within 60 days or (June 6, 2023 Meeting)

City Council Action: Approved Extension of Proclamation Proclaiming the Existence of a Local Homeless Emergency.

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- Fifth Extension was approved: August 2, 2022
- Sixth Extension was approved: September 20, 2022
- Seventh Extension was approved: November 15, 2022
- Eighth Extension: January 3, 2023 City Council Meeting
- Ninth Extension: February 27, 2023 City Council Meeting
- Proposed Extension: April 18, 2023 Meeting)
- Proposed Next Extension Needed within 60 days or (June 6, 2023 Meeting)

Minute Order Number: 2023-102
Resolution Number: 6526-2023

~~6. Approval of Resolution Supporting Activists Facing Felony Prosecution for Investigating Factory Farms and Rescuing Distressed Animals Therein (Requestor: Councilmember Zollman/Responsible Department: City Administration)~~

7. Bid Award for the Parquet Street Sewer Line (Project # 0615-21.01) and Water Line (Project # 0819-21.01 Replacement, and Slurry Seal (Project # 0517-21.01) and Finding the Project Exempt under CEQA Section 15301(b), 15301(c) and 15302(c) (Responsible Department: Engineering/City Engineer)

City Council Action: Approved Bid Award for the Parquet Street Sewer Line (Project # 0615-21.01) and Water Line (Project # 0819-21.01 Replacement, and Slurry Seal (Project # 0517-21.01) and Finding the Project Exempt under CEQA Section 15301(b), 15301(c) and 15302(c)

Minute Order Number: 2023-104

Item Number 6 (Pulled from Consent Calendar):

Approval of Resolution Supporting Activists Facing Felony Prosecution for Investigating Factory Farms and Rescuing Distressed Animals Therein (Requestor: Councilmember Zollman/Responsible Department: City Administration)

Councilmember Zollman presented the agenda item recommending the City Council consider Approval of Resolution Supporting Activists Facing Felony Prosecution for Investigating Factory Farms and Rescuing Distressed Animals Therein and provided the following additional comments:

- This was brought to my attention by a local attorney, Omar Figueroa.
- He was actually a volunteer attorney on behalf of one of the charged.
- Why I was interested in this is the fact that Sebastopol holds itself out for being a kind city.
- I always interpreted that for kind for everyone, any sentient being.
- I think that this definitely applies for this particular situation.
- Also in the fact that it's an educational piece and the fact that I'm a former San Francisco public defender and was for 12 years, many in the public do not realize that our district attorney has great discretion about what she does.
- Discussed doing the best that we can by way of fiscal management. In my mind, this is not an exercise of fiscal management on her part in the fact that if these activists continue on the path of prosecution for felony convictions, they may end up in prison. But that's not going to do anything for the actual farms that were causing harm to these animals.
- I would ask that everyone consider the fact that this is something that was important to one of our local constituents.
- It's definitely important for me, again, based upon those two values that I think that we hold a Sebastopolians.
- I did receive one letter in opposition and I just wanted to correct it in the fact that this is at least in my mind, not about veganism and whether you're a vegan or you're not a vegan. So I just want to clear that up. The way that it was phrased in the letter was that they were actually convicted.
- I'm just hoping that everyone understands the process and the fact that you are innocent until proven guilty.
- In this particular case, they do have a defense of necessity on behalf of other sentient beings. But in order to exercise that potential defense, they risk going full forward and having in many cases, juries pay attention to few items but might not pay attention completely.
- As a result, they very well may be convicted and sentenced to prison based upon these particular activities.
- I hope that helps some.

Mayor Hinton opened for questions from Council.

Councilmember Maurer commented is there a hearing date set for these activists.

Councilmember Zollman commented as follows:

- Yes, I think that in the staff memo and thank you to the members of staff for pulling this staff report together, as always.
- I thought I had heard that it was towards the end of this month or beginning of next.

- So that was another part of bringing this forth and the fact that anything that we can do to show our support before the actual trial starts, I think would actually be helpful.

Councilmember Maurer commented so there is no solid date, though.

Councilmember Zollman commented not my understanding and not reflected here.

Vice Mayor Rich commented as follows:

Just to confirm, I've read the staff report, and it appears to me, especially from the answer that was just given, that this is a pending case and there have not yet been any factual findings in this case.

Councilmember Zollman stated that is correct.

Councilmember McLewis commented as follows:

- I see this happen in Petaluma.
- I don't know if it's county or city of Petaluma or if it's actually in Petaluma, but I just don't understand.
- I understand you said that we're kind city and we are, but we're also about laws.
- So I'm just curious why Sebastopol City Council members would weigh in on something, law enforcement or whatever that's happening elsewhere
- It's just puzzling to me.

Councilmember Zollman commented as follows:

- That's a very good question, because it was one of the questions that I had to Mr. Figueroa and the fact that why should we in doing and taking a stance like this and supporting this resolution, as did San Francisco and Berkeley
- It's to definitely let our local district attorney know what priority we would like to have her exercise her discretion to using our taxpayers' dollars to be able to pursue charges.
- I think that exercising your discretion for anyone who she thinks has broken the law, I think that that's true. But in this particular case, even if that does play itself out and the and the necessity defense does not work in this particular case, what is that going to do to the people who farmed these chickens and hurt these animals?
- I think that because we are part of Sonoma County sending this message to our district attorney, who is our district attorney, too, would be an important thing.
- So that is the connection that I made. I hope that helps in some way it does.

Vice Mayor Rich commented as follows:

- Thank you for bringing this forward.
- When I look at this resolution and I also look at the references, the Berkeley resolution, for instance, I notice a point of difference between the two.
- I'm wondering whether when I look at the Berkeley resolution, it's much broader.
- It doesn't present factual findings about pending cases.
- Is there a reason that in this instance you felt compelled to include the factual conclusions in the resolution

Councilmember Zollman commented in this particular case, it was the proponent of me bringing this forward to Council. Omar Figueroa was the one that actually thought that it would be more convincing to have some factual context for it than to not have it.

Mayor Hinton opened for public comment. Resolution Supporting Activists Facing Felony Prosecution for Investigating Factory Farms and Rescuing Distressed Animals Therein

Cassie commented as follows:

- Thank you all for having this opportunity. My name is Cassie King and I'm one of those four defendants in this case in Sonoma County. And I'm here urging you to support the resolution.
- To support me and my co-defendants, not just because I don't want to go to prison, but.

- As you pointed out Councilmember Zollman, this is a very important question of priorities in the county
- What has happened in these instances is activists gathered peacefully at three different factory farms in Sonoma County, where criminal animal cruelty had been documented and reported to the authorities, including the district attorney, Jill Ravitch, at the time and has since been with the new DA and the authorities failed to act and in some cases refuse to act in conversations.
- So activists and members of the public who are concerned gathered to document the conditions, to bring attention to what was happening.
- In some cases, activists rescued animals who were in need of emergency medical care and took them to get that care. In one of these instances, at a chicken farm that supplies to Petaluma, poultry activists removed animals and they were confiscated by the police and what ended up happening is the police took those animals to the vet to do a report on them and found that they were all so ill and injured that they needed to be euthanized and then got a horrible veterinary report from the necropsies as well as examination of live birds.
- The conclusion of that veterinary report was that Sonoma County's own Animal Services Department referred the farm owner as a suspect for criminal animal cruelty yet to this date, the sheriff's office who received that report has still failed to take action.
- So I absolutely agree that it's very important that Sebastopol and other kind cities in Sonoma County join us in calling on the district attorney to do something about what's happening to these animals instead of prosecuting the whistleblowers who are really trying to do the right thing and help animals because we love animals and because we believe we have the legal right to help them when all other options are failed.

Kate commented as follows:

- I would just like to say that I admire the activist work, but I do not feel that this is an issue for our city council because council members are supposed to represent their constituents, not activists.
- I don't think everyone in the city of Sebastopol would necessarily support this.
- In addition, factory farming is a complex part of our economy, and I would bet that every council member has eaten a factory farm chicken and it's highly hypocritical to virtue signal that you're in favor of supporting these activists when we have no idea what your actual eating habits are, which are the source of factory farming.
- I also feel like is being used like a shield for this attorney who wants to get this letter to present before the DA so that they can get their defendants or their clients, rather, off the hook in court.
- So it's also unwise for counsel to be manipulated by local attorneys in terms of bringing their cases to trial.
- I feel that this matter is personal. If Councilmember Zollman wants to speak on behalf of the defendants, he's more than welcome to do that or any of the council members. But this is not an issue that represents the citizens of Sebastopol and has nothing to do with Sebastopol whatsoever.
- It's a dangerous precedent to set.
- I believe in a woman's right to choose. I would not want an evangelical Christian who doesn't believe in abortion to go into an abortion clinic and ransack it and take out equipment.
- I don't believe that people's personal political passions should make them above or below the law.
- We've seen that with the Trump administration. It leads us down a very bad path.
- Activist in that manner, you're taking a risk.

Samantha commented as follows:

- Thank you for having us here tonight.
- My name is Samantha and I support the right to rescue.
- I support the activists that are here today.
- I'm a lifelong resident of Sonoma County. I work in Sebastopol. I just want to speak to the fact that there are people in Sebastopol who care about this resolution. There are people in Sebastopol who care about this verdict.
- So to say that there's no one in Sebastopol who does not care about this verdict is patently untrue.
- I also want to address something that Kate said. Omar Figueroa is no longer on the trial. He's no longer an attorney. So he is not promoting his own defendants. He is giving his legal opinion as an attorney in support of these defendants. So they are not, in fact, his clients.
- I just want to say that Sebastopol should feel more comfortable in weighing in on the decisions of the entire county.

- I think that Sebastopol has a unique and powerful voice. Frankly, this is a fantastic city. You have fantastic values. So throw your weight around, Feel comfortable in doing that.
- You absolutely have the right to weigh in on what your district attorney is doing. And frankly, I think that you have the right to weigh in on what law enforcement is doing in other places.
- You have a voice, use it. There's nothing wrong with that.
- I also want to bring into the I want to bring up the fact that the Reichardt Duck Farm, one of the farms that had the one of the protests on it is in the Blucher Creek watershed, which runs from Sebastopol to Petaluma or runs from Petaluma to Sebastopol.
- There is absolutely no there's dividing Petaluma from Sebastopol environmentally makes absolutely no sense.
- That's why you 100% have the right and should take advantage of speaking to the way that other municipalities operate, because we are literally all living on the same land.
- There's the land that does not care about the distinction between towns.
- So I think that you should support the right to rescue.

Crystal commented as follows:

- My name is Crystal Heath and I'm a veterinarian and I can personally attest to how our current regulatory systems do not adequately protect animals or public health from corporate animal agriculture practices.
- I encourage you to support this resolution and support the defendants who risked their freedom to raise awareness about the mistreatment of birds and the threat to public health posed by these corporations.
- Berkeley and San Francisco both passed similar resolutions in support of these activists, and you can eat factory farmed chicken and still support these activists and you won't be a hypocrite just like someone who wants better public transportation but drives a car.
- I definitely echo what Samantha said previously. This affects your community and you have a voice in this.
- We used to have this ancient contract with animals that we would provide them with protection, food and shelter and a quick and painless death and they would then we would receive food and clothing in return.
- But with the rise of this corporate, modern, intensive animal agriculture practices, this is no longer the case.
- This mistreatment of animals threatens our own health and is largely kept in the dark
- When you have thousands of stressed animals packed into the building, these buildings interfacing with human workers, this sets up the perfect scenario for viruses and diseases to mutate and jump to human beings.
- These farms in particular were misleading the public about the care of their animals and the safety of their products.
- These activists risked their freedom to bring the public's this to the public's attention.
- I just encourage you to support these activists.
- Corporate interests are not adequately protecting the animals or the public's health.
- I urge you to support these activists to protect animals and public health from these harmful practices.

A member of the audience commented as follows:

- On March 6th of this year, I emailed Omar Figueroa and Councilmember Zollman about considering a resolution in support of whistle blowers facing trial here in Sonoma County.
- That was all I did.
- Credit is due to Omar and everyone who worked on getting this on the consent calendar today.
- But the reason I brought that up is to shout out to the City Council of Sebastopol. An issue going from a citizen's email to consent calendar and only six weeks is amazingly impressive.
- I'm so grateful for Sebastopol because I've never seen a city council act so fast.
- Days after I sent that email, a jury in Merced County agreed with the defendants Alicia Santorio and Alexandra Paul, that their actions were not a theft, but a rescue of two chickens forced in a distressful and criminally cruel environment, as was the case in Utah and hopefully will be the case here in Sonoma. Juries in the Court of Law and Citizens of America agree that rescuing animals from abusive situations is not a crime.
- Whistle blowing animal cruelty is not a crime.
- Tax dollars should be spent prosecuting criminals, not prosecuting the activists who expose those criminals.
- Please approve the resolution supporting those facing trial here in Sonoma County

Oliver commented as follows:

- I think it was Samantha earlier who I can't remember exactly what she said, but of course, there's plenty of people in Sebastopol that would support the activists.
- However, my feeling is basically this is the second time this year we've had lengthy discussions about things that aren't anything to do with the city of Sebastopol.
- Earlier this year, we had a long council discussion about the Atlanta Public Safety Training Center, which is 2500 miles away, and a whole bunch of discussion about activists there.
- I think the guy that shot somebody shot the policeman and then somebody graffiti all over the bank here. It all got very messy and difficult.
- We have a \$2.5 billion budget deficit in the city, approximately.
- I'm surprised that Councilmember Zollman has time to be discussing rescuing chickens in Petaluma
- This is basically I have a lot of respect for going through the right channels to actually make sure that factory farms are behaving appropriately.
- But in this particular case, it's a bit like do the crime, do the time.
- I don't think we can really expect the City Council of Sebastopol to be pulled into these endless activist activities where people are explaining they're justified in vandalizing and breaking into places and on behalf of their beliefs. You have every right to do it. But where does it stop? Chicago. Atlanta.
- I respect what you're doing, but I just don't think this is council business

Sarah commented as follows:

- I am a Sonoma County resident.
- I've lived here for seven years.
- First I want to mention just in response to the comment that we just heard, I want to remind everybody that none of the actions that have been taken by activists have been of any kind of violent nature.
- They have all been peaceful protests.
- To also remind that rescuing any sentient being in distress is not a crime.
- What I would like to ask everybody to do tonight is just to take a second and picture a barn, if you will, in your mind. Just picture a barn for a moment and think about what comes up for you.
- What images or thoughts or feelings are conjured when you picture a barn?
- I want to say that for me what I think of is a home for animals. It's a safe place. It's a place for shelter, food for babies to be born, for caring and kindness and compassion towards animals to happen. These are places with open doors or doors that can be opened.
- What is going on now in this County is part of our responsibility as members of this county, this community.
- These aren't barns. They call them barns, but they have no business being called barns. They are prisons and they are behind closed doors. Things happening in these prisons that are abominable.
- We want to be on the right side of history with this. We can't stand for it.
- I would like to ask the council to do is to just please keep that in mind.
- We need to support the animals and the activists that are brave enough to speak up for these beings who are being treated like criminals behind closed doors and out of sight and out of the mind of the community and to support the right to rescue and prosecute the real criminals here

Elmira commented as follows

- My name is Elmira Tanner and Omar Figueroa was actually my attorney.
- As someone earlier mentioned, I'm no longer in the case and therefore he is no longer in the case.
- So this is not an issue of him trying to get his clients off the hook.
- But this is an issue of him representing the pro bono and going through this case until this point and coming to learn about what is happening in Sonoma County and being horrified by it.
- I don't think he was very aware of all the things that was happening until he was confronted with the reality of what activists were trying to expose and want to be clear that going to these farms and rescuing these animals was not step one.
- I spent months and months personally trying to contact anyone who would listen.

- The district attorney at the time, Jill Ravitch, Sonoma County Animal Service, the sheriff's department, the attorney general. I have sent dozens, if not hundreds of emails and also from others including from other people reporting this cruelty.
- I have spoken to the mayor via email of Petaluma, and the answer is always, there's nothing we can do.
- In Petaluma they wrote back to us and said, well, these farms aren't even within city limits, and that is because they are in unincorporated Sonoma County. A
- That is yet another reason why I think it is so important for cities who are progressive, who are kind like the councilmember said, to take a stand on this issue because everybody is playing hot potato.
- Nobody wants to take responsibility for what is going on.
- Everyone's pointing the finger.
- Sebastopol has a chance right now to speak up and say, we do not think that this is right and maybe it's not happening in our city, but it is happening in our county.
- The district attorney is clearly not listening to us.
- If enough cities rise up and say that this is not okay and we don't want this to happen in our backyard, maybe she will listen.
- Sebastopol has a chance to be the first city to do this.
- I really hope we will be the first city.
- I also hope you will not be the last city.
- So thank you for paving the way and encouraging many people to speak up for what we know is right, which is to be compassionate and kind to animals.

Katia commented as follows:

- First of all, thank you for allowing me to speak.
- I'm here today to urge you to pass the resolution regarding peaceful activists.
- History shows that it is activism that shapes a safer America.
- As Martin Luther King Jr said, injustice anywhere is a threat to justice everywhere and those who expose injustice should not face prosecution for doing so.

Woody commented as follows:

- I'm a member of the Sebastopol community. I support the activists.
- I support the resolution.
- I really appreciate Councilmember Zollman for bringing this up.
- I think it is absolutely appropriate for the city of Sebastopol to telegraph its feelings, its opinion about this to the larger Sonoma County community and the DA.
- This is clearly an issue, as the previous speaker just mentioned, of humanity and justice and treatment of our fellow creatures on this planet treating them humanely.
- I And so I fully support this. It's fully appropriate for the city of Sebastopol to be doing it.

Alex commented as follows:

- I would also like to speak in favor of the resolution.
- I wanted to say I just felt like it was wrong to say that the activists are manipulating council and manipulating the legal system.
- I think it's sort of the opposite.
- These whistleblowers are working really hard to fight for what they believe in.
- I acknowledge like that that these factory farm companies play a role in the economy here.
- I think that they play such a big role that they're actually able to manipulate the police and the DA in supporting them.
- That's why these like very large corporations get away with their practices that cause harm to animals where they don't get medical care that they urgently need and they're able to pollute nearby communities and abuse their workers.
- They get away with these sorts of things a lot.

John commented as follows:

- Thanks so much to everyone for having this meeting and discussing this topic.
- I was formerly a defendant in this case.
- I took a plea deal not because I wanted to. I did it because I was being threatened with prison and I have a family to take care of.
- I obviously still 100% believe in everything that we did.
- I want to respond to a couple points that Oliver made earlier. He used the word vandalism. There was no vandalism at any of these three actions. There was no property destruction whatsoever. People just simply walked in and tried to observe and document and rescue very clearly sick and distressed animals.
- He made a separate comment about using proper channels. I agree that it would be amazing if law enforcement would actually investigate these facilities, but they don't. The clearest evidence is actually written in this resolution.
- We talk about McCoy's poultry services, and as Cassie who was there mentioned, there was an animal services report that found that all nine birds we tried to rescue were in horrible shape. There was one bird who had a lesion that was so large that you could see his muscle tissue and his bone and just and this was a living bird. You cannot imagine and it's unfathomable how much suffering there was
- That report went to Jill Ravitch. It went to Robert Wiener. It went to Jesse Mills. These are all attorneys in the district attorney's office.
- They charged us as a result.
- There's just this basic absence of humanity that you're ignoring the suffering of these animals.
- So clearly, channels don't work.
- There's a very uncomfortable relationship between law enforcement and the Farm Bureau. Their donations, they give each other awards.
- We need cities to step up and say, no, this is not okay. We care about animals. We care about factory farms polluting the environment.
- We need to transition to a totally different food system and not just prop up this one by attacking activists.

Judith commented as follows:

- I've been following this case online.
- I've been very happy to see acquittals and precedents being set.
- I'm delighted that there are brave, committed people and especially ones who are before the grey hair stage, which my peers are often despairing to, to not know of your actions, to hear the all of the means by which you've tried and tried, and then the courage and guts that it takes to actually do what you have done and then to show up here and to ask for an approval by a town.
- I certainly hope it happens.
- It's the least we can do to keep more animals from suffering and to keep more young people doing what needs to be done for our world.

June commented as follows:

- I just wanted to say I do support the resolution.
- Thanks to those who have worked on it, brought it forward, and everybody who has taken action.
- It's not appropriate for the DA to be using our limited resources and prosecuting the whistleblowers, as they have said.
- As far as it being part of Sebastopol, we're certainly part of the county.
- In our Apple Blossom parade, we celebrate being part of the county as our theme this year.
- If we want the county to blossom, we have to be responsible for making sure the DA knows what sort of priorities we have for where we should be prosecuting and where we shouldn't be putting excess resources and making folks go through the kind of stress that others have done that had to settle and other means.
- We have other things we want to be using the DA's resources for.
- Thank those that have worked on this and support the ask that all the council support the resolution.

Kyle commented as follows:

- I'd really like to congratulate the massive, massive turnout for this item by our youth.
- I think this is a wonderful opportunity for our community to really get a conversation going about how we choose to support the values that we as a community have.
- I think this is a perfect example of this.
- I think that as we as a community watch, as our council continues to debate and comes to a decision about this, it will be very telling. The arguments that are being made. Watch the debate strategy. Watch the arguments that are being made.
- I'm very much an appreciation of the public speakers who recognize the attempts of argumentative style as a couple of our speakers to try to dismiss and really just kind of downplay what this issue is.
- So congratulations on being able to stop that attempt.
- But now it is going to be in the hands of our council and watch very closely and listen very closely to the words and the attempts at argument that they use as they move forward in making a decision and take that to your next fight and your next battle with your next group of policy makers and people who are making decisions and people who hold budgets.
- As for our budget being used as an argument for this debate, our budget sucked for the last 3 to 5 years.
- That's going to keep happening.
- So whatever we do tonight regarding conversations outside of our budget, that that battle is going to be long, long going on.
- We have plenty of time to talk about things that matter in our community, to our constituents.
- I look forward to hearing more about this and things like this in our council meetings in the future.

Linda commented as follows;

- First of all, I'd like to applaud all these people for their organizational ability and their energy.
- The electromagnetic sensitive community that knows that we're getting cooked alive by all the manmade wireless devices have been unable to do what you did it in a short period of time.
- We've been speaking up and trying to educate people for the last 13 years with the opposition.
- This was ground zero for the opposition of electrical, the smart meters and smart meters.
- They're still trying to jam all these things down the throat.
- But what you all have to understand and I would appreciate if you could educate yourself about the harm and danger of these devices, these wireless devices that you may have heard me speak about earlier.
- It is a bigger thing than chickens. The chickens they're suffering. What about what about the rest of us?
- I'm here in shielded apartment with all kinds of shielding on it. I'm a prisoner in my own place because I cannot be around manmade pulsed electromagnetic fields.
- Your chickens and yourselves are also being literally cooked alive by the microwave radiation, which is invisible.
- It's the way that the telecoms have their trillions of dollars all depended upon keeping us clueless about the consequences of wireless radiation.
- I hope that you will educate yourself about this, this bigger atrocity and injustice.
- Harm and danger of a manmade electromagnetic fields and wireless devices and smart devices.

Mayor Hinton responded to public comment as follows:

- I did want to address one of the members of the public that talked about this item.
- They called it a fast track. I wouldn't necessarily call it a fast track, but I will point out that the Vice Mayor and I said on agenda review committee and things get to our agenda as requested by all the elected bodies on the city council.
- Every council member can submit an item for consideration.
- I believe it's our responsibility to make sure that we move that work forward and get to a public forums like this where we can talk about it and decide what we're going to do on that.
- I just wanted to make a comment to that respect.

City Council Discussion and/or Deliberations

Councilmember Maurer commented as follows:

- Thank you, Councilmember Zollman for bringing this issue forward.

- It's just wonderful to hear all the comments on this issue.
- I think that this is a very, very important environmental issue and I think that Judith, who was a public commenter, said it so beautifully.
- She basically said exactly what I wanted to say.
- I think it bears repeating I am inspired and grateful for your courage, for your commitment and to your values and for the care that you feel for the animals.
- I believe in the right to rescue animals in distress.
- I hear that you spent months trying to report the cruelty or somebody in your group did and that those requests were unheard and that this is a problem that is continuing.
- I'm just grateful for your actions.
- The difficulty for me is that the resolution that's before us for Sebastopol is not substantiated.
- It's like a story that I cannot prove.
- One of the comments as just one example of that it says that the day that there was a member of the DA's office appeared at an event.
- I don't have proof of that. I don't have proof of a lot of this. It's like a story without proof.
- I'm uncomfortable with that.
- However, I'm not uncomfortable with what Berkeley passed
- If there was a way that we could adopt the resolution that Berkeley passed and just modify it slightly with that, that would we do that because I cannot tell a story on behalf of the city of Sebastopol that I have no proof of this
- When you write a resolution, my understanding is you make a point and you have to give the data for it, like Berkeley did. The first thing they said was there's 2500 studies showing that non-human animals have emotions, personalities and the ability to feel pain, fear and stress.
- Then it cited citation number one. Marc Beckoff after 2500 studies.
- Then the Cambridge Declaration, there's the citation for it.
- So without that I couldn't support it but I would support copying the one that Berkeley did, maybe adding back in the fact that Berkeley and San Francisco passed it and making some small changes too, because Berkeley said there were six activists from Berkeley so that if that could be changed to four activists and then adding back in Berkeley and San Francisco have passed resolutions and then changing the last further, be it resolved so that it would go to the right people.
- That's what I'm suggesting as an alternative.
- I know this is time sensitive, so I don't know if we can do this within the time limit, but that's what I would that's what I would support and thank you all.

Vice Mayor Rich commented as follows:

- I have to take a minute to just say thank you for all of you who are here and are being so articulate and are passionate about your goals.
- I have no concerns about the city of Sebastopol, our ability, our standing, our authority to take a position on this issue.
- I'm confident as an elected that we could take a position on this issue. That does not concern me.
- We see the city of Berkeley and San Francisco having done exactly those, taken exactly those steps.
- I too, was my disconnect was I felt that I was being I feel that in the resolution as it's currently drafted, I am being asked to reach factual conclusions.
- I just can't do that.
- It's a pending case so I'm not comfortable with that needs to be adjudicated in a court of law.
- We aren't a judiciary here.
- However, in terms of the principle, that's what I see captured in the Berkeley resolution and also the San Francisco resolution, but specifically the Berkeley resolution, because what they're talking about and I direct this to you, Councilmember Zelman, because you brought this forward, the strength, the force of that Berkeley resolution is they're talking about the law. They're laying out what California Penal code, Section 597B says, reiterating that voice and that statement and then stating that there city and I would be comfortable with the city of Sebastopol doing the same thing. Supports the legal provisions and the underlying principles regarding activists that are reflected in that.

- I too would be very interested if it would serve the purposes here in taking the Berkeley resolution, all of the whereases and making some limited changes that honestly I think we could work through tonight if you were interested Councilmember Zollman to come up with a final resolution. That's what I would support.

Mayor Hinton commented as follows:

- No one on city council, of course, controls our agenda. But with that said, I'm not comfortable supporting this.
- I admire you all youth. I want you to be who you are.
- But we just deliberated on a very similar issue about a month ago, which we all stated that activists have the right to protest.
- I publicly stated in that respect that I didn't think it was something that I should be weighing in on or addressing in this role on City council.
- I have my own personal beliefs that's separate, but in this role we're policy makers and especially because it's still a pending case.
- I kind of refresh myself on the article.
- I'm not prosecutor, I'm not the police. I haven't studied the issue at all to the point where I could make a firm decision.
- I certainly hope our youth, because you did something you believed in, are not going to end up. In jail for that.
- In this role, it's not appropriate for me to weigh in on this decision.
- Therefore I'm not going to support the resolution.
- While I can appreciate that that two people on the council have studied the Berkeley resolution, I can see it's multiple pages long and I have not read that. I don't think that that's something that we can go through and adopt as it wasn't part of our agenda item.
- I am not prepared for something that I haven't studied to adopt it on the fly. So if somebody wanted to bring that back on another agenda item, that would be fine.
- That's where my position is kind of weighing in on this.
- I just don't know the facts of the case.
- Since it's a pending case, I don't feel comfortable backing a resolution that leans one way or another.
- The reason they want the resolution is because it will help the case.
- I just can't I can't agree to that for my vote.

Councilmember McLewis commented as follows:

- First of all, I just wanted to commend your passion, you know, your tenacity also your compassion for animals.
- I'm very compassionate.
- I have many animals, many who are sick and I take care of daily.
- I'm sorry that the paths you've gone down have been frustrating and not finding the answers that you that you seek and the resolutions.
- But that being said, I just I just don't feel comfortable supporting this tonight.
- Again, the case is pending. I don't feel like in this role that it would be appropriate for me to weigh in.
- I love to see that you're all here and that you have much to say. I have a son who's in high school, and I know he feels very passionate about some things. But the one thing that we always discuss are the consequences.
- I live by that, and I'm not here to judge, but I just don't feel like in this role right now that it would be appropriate to weigh in on this.
- I'm just not comfortable with it.
- I just want you to understand that I also commend you for your passion and tenacity.
- I hope that this gets resolved for you in an appropriate way
- I don't want to see people going to jail.
- But at the same time, I just don't think it's appropriate for me to support this tonight.

Vice Mayor Hinton commented as follows:

- The Berkeley resolution came to me because it was distributed at the request of a Councilmember to all Councilmembers. It wasn't posted, I don't think, on the website, nor was it distributed publicly. B

- I'm trying to note what Mayor Hinton has said, which is that how can we be talking about a resolution as a basis for decision tonight when it hasn't really been publicly distributed? Can you respond to that?

City Manager/Attorney McLaughlin commented as follows:

- As I understand it, the Berkeley resolution is on the city website.
- It was posted as soon as it went out to the city council that was posted to the city website. That one, as well as the San Francisco resolution was also passed, posted to this meeting's packet as well.
- However, I might comment, to me it's a matter of logistics, so you could take any document tonight that's related to this agenda item directly, the one that's referenced, and you could work through it if you had the time to do that and craft a resolution tonight from it, because I think it's part of the agenda item since it was posted in response to the agenda item on the city's website.
- However, that would be a time consuming process similar to when we worked through planning documents and other things up on upon the board.
- That would be quite a lengthy process tonight.

Vice Mayor Rich commented as follows:

- Is this an urgent matter
- Is this an item that could be brought back to the city council and still be meaningful to the individuals who are concerned here

Councilmember Zollman commented as follows:

- I had thought I had saw in the staff report that the next court date was the end of April or the beginning of May.
- That was my understanding.
- But I don't know for sure that that is the next court date.

Vice Mayor Rich commented as follows:

- But it sounds like it's a pending case.
- It sounds like it looks mayor like we have someone in the audience who could share an answer.

A member of the audience commented that would be May 8th

Vice Mayor Rich commented as follows:

- Checking in with Councilmember Zollman to see if he would be even open to using the Berkeley resolution as a foundation for a revision that he could then bring back.
- So that would be the first question.
- Then secondly, I have gone carefully through the Berkeley resolution and I could enumerate approximately eight specific changes that I would propose, and we could do that very quickly.
- Can we walk through that really quickly whether that whether he would be willing to consider them

Mayor Hinton commented as follows:

- I don't think we should go through the items tonight
- We're not tackling that tonight
- I think the question is Councilmember Zollman is since you brought the item is that Vice Mayor rich and Councilmember Maurer suggested using Berkeley resolution, is that something you think that you can take away and work on it and bring it back

Councilmember Zollman stated yes.

Vice Mayor Rich commented as follows:

- So then general observation would be just to use in terms of my observation personally use all of the whereas in the Berkeley statement if I were revising it
- Clearly Councilmember Zollman will do what he wants to

- Then in the now therefore integrate the City of Sebastopol portions.
- That would just be my general overview.
- The other piece before we move on is that I think it would be very useful to have the Berkeley and San Francisco resolutions actually passed in the next.
- I'm looking at the Berkeley resolution. I would. All of it is good up until the second to last.
- Whereas where it says six, it's talking about six activists and then 15 activists. So that particular whereas would have to be changed for this particular case
- I would suggest that you add San Francisco resolution and the Berkeley resolution as a last, whereas after all the others.
- Then the only other thing that would be needed to be done is just take the last be it further resolved and have the copies go to everyone that's pertinent for our county because this would be for Berkeley area. So thank you for your willingness to move that forward.

City Council Action: No action taken. Item to be returned to future City Council Meeting.

Minute Order Number: 2023-103

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

8. Appointment Climate Action Committee - Youth (Responsible Department: Planning)

Planning Director Svansson presented the agenda item recommending the City Council consider appointment to the Climate Action Committee – Youth.

Mayor Hinton opened for questions from Council. There were none.

Mayor Hinton opened for public comment. Appointment of Climate Action Committee – Youth Position

Linda commented as follows:

- Just note the people and everybody else that are concerned about the climate.
- We'll look up to the sky and see those things that are clearly not clouds that that just cross our sky
- Do a little bit of research. It's all already done for you.
- There's a lot of information if you just go to geoengineering watch.com and you will get more information about how these particulate that comes out of the jets affects the weather and a lot of other things.
- It is weather manipulation and it is weather warfare. They've been doing it for decades.
- Military knows who controls the weather and controls the world.
- I hope you'll look that up.

City Council Discussion and/or Deliberations

- Vice Mayor Rich commented as follows To comment on this wonderful young woman. Her name was Ruby Sidner.
- Talk about passion and problem solving and creative solutions and articulate and very approachable and engaging and collaborative.
- I'm all for this 14 year old amazing young person that that we would be fortunate to have her on our climate action committee. So I'm a thumbs up on this.

MOTION:

Vice Mayor Rich moved and Councilmember Maurer seconded the motion to appoint Ruby Seidner to the Climate Action Committee Youth Position.

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 Ruby Seidner to the Climate Action Committee Youth Position Page 18 of 51

INFORMATIONAL ITEMS/PRESENTATIONS:

9. Informational Presentation from Russian River Water Shed Association (Responsible Department: Engineering/GHD)

Toni Bertolero, GHD, presented the agenda item recommending the City Council receive the informational presentation from the Russian River Water Shed Association and introduce Andy Rogers.

Andy Rogers provided a presentation to the City Council.

Mayor Hinton opened for questions from Council.

Vice Mayor Rich commented as follows:

- It sounds like I'm not familiar with the organization.
- I've read the staff report, but still, this isn't an organization that I'm intimately familiar with.
- It appears that your efforts are to educate the public and do outreach in order to improve I think you say, to coordinate regional programs for clean water, habitat restoration and watershed enhancement.
- Can you give us which obviously you've lauded? That's wonderful, wonderful goals.
- Do you have any sense of your outcomes?
- Do you think that your organization because we do have \$38,000 going into supporting the organization.
- Can you give us a sense of whether there have you have a sense of outcomes change that you've seen happen as a result of your efforts

Mr. Rogers commented as follows:

- That's a great question.
- One of the things that we do to support on behalf of all the member agencies is to comply with a stormwater permit.
- So we a lot of the activities we do are requirements of the member agencies that we do on behalf of all of them.
- Every five years there's actually a requirement where you need to survey the populations that are being served and what is their awareness around stormwater, What is it, where does it go? What are the issues?
- So we actually have every five years survey results and the last one was a couple of years ago and the top most familiar campaign that folks are familiar with are the articles that we facilitate getting written and published around the watershed every single month.
- That was the top stormwater awareness out of all the different kind of water awareness programs that exist.
- That's the one that people recognize the most because it shows up every month in the West County Gazette or the or in some of them. Sometimes they make the CD, but mostly it's the smaller papers and it's on social media

Councilmember Zollman commented as follows:

- hat I remember when I was lucky enough to get this appointment was the words of our mayor and the fact that this this group does a lot of wonderful work, but it also meets our water requirements. Right. Because without engaging with you and Tony, correct me if I'm wrong, we would not be able to meet the water requirements as far as testing, etcetera. I just want to try to be really succinct about why we're paying 3000 \$800,000 a year.

Toni Bertolero commented as follows:

- The work that the RWA is doing is related to the work that you're referring to.
- What they do is provide us with a lot of technical support in terms of what kind of testing has to be done.
- I think RWA through Sonoma Water, they do a lot more of the regional type testing and we do our own individual testing of our own creeks.
- So they kind of go hand in hand.

Mayor Hinton commented as follows:

- I just wanted to add to that conversation because when I first got on council being on the Budget Committee, this is one of the largest organizations that cost us.
- I got very involved with Andy and our City Manager on this issue and learned that there's a lot of feel good to it.
- Obviously, we're supporting water projects and education, but it does meet our water compliance for storm drain and other monitoring that's required of cities.
- That I think is really how the organization grouped together with the other cities, very similar to our GSA group that we, many of us belong to, because we had to come up with a plan and it was easier to do it as a group and contribute based on our city side.
- I know this was part of my education as a new elected of why we belong to Russian River watershed.

City Manager/Attorney McLaughlin commented it became apparent that we get a lot out of the benefits from our RWA. So that wasn't always known before, but it certainly is now.

Mayor Hinton opened for public comment. Russian River Watershed Association Presentation

Linda commented as follows:

- First of all, I want to thank you for what you do.
- I also want to say there are a few related issues that I hope that you will incorporate into your surveying and your outcome.
- That is around the globe the frogs.
- Frogs are facing extinction with a lot of other animals.
- I'm thinking that it might be interesting if you kind of like do a little bit of a monitoring or a survey about like the frogs and some of the other pertinent wildlife
- Regional parks are ignoring it and so forth, but it just needs to be addressed and that is the tick population
- This is going to be a bumper crop this year with all the water because the exotic specificus needs water, it's in leaf litter and it's around the rivers and on the coast and any body of water.
- The vernal pools are hundreds and hundreds of ticks just waiting for their third and final blood meal so that then they can reproduce 5000 eggs.
- I'm asking you if you would please, please start collecting as I have done ticks and then put a signage up. There's a lot of signage through the state that is available already made up.
- The power that be don't want to inform the public about the very hazardous costing us millions and millions of dollars in health costs and preventable pain and suffering.
- So help. Please put some signs up about the presence of ticks.

City Council Discussion and/or Deliberations

City Council Action: No Action Required. Informational item.

Minute Order Number: 2023-106

Mayor Hinton called for a break at 8:04 pm and reconvened the meeting at 8:15 pm.

10. Informational Report: Sonoma Applied Villages (SAVS) Quarterly Informational Report as required by Use Permit (Responsible Department: Planning)

Planning Director Svansson presented the agenda item recommending the City Council receive the informational presentation from the Sonoma Applied Villages (SAVS) as required by Use Permit.

Mayor Hinton opened for questions from Council.

Councilmember Zollman commented as follows:

- Thank you very much for all your ongoing hard work.
- Very much appreciated and thanks for your report tonight.

- What I'm interested in is your mental health piece. I understand none of your staff are trained mental health clinicians.
- What I heard you say tonight is the fact that you get them connected to the extent they're willing to be connected with your outreach worker and the city's outreach worker.
- Neither of them are licensed mental health clinicians either.
- I was a former San Francisco public defender.
- I've worked with this population for many, many years. All most of them have pretty significant mental health concerns, either pre-existing or due to trauma from being without resources.
- I'm very concerned about where we are actually spending money on behalf of the City Council and on behalf of the city about actually offering up those people that we're intending to serve unless we're actually connecting them with the people they need to be connected with in order to get a diagnosis, in order to get a treatment plan, and most specifically, to get them connected with our county's continuum of care.
- I'm wanting to know I know West County has one therapist, and again, our outreach worker is not a licensed therapist so how are you in your program helping them to get connected, to get the assessments in order to get them into the best we have in this county is continuum of care.
- Because while you don't feel like they're violent, we have received many letters and continue to hear many letters.
- I think that you are very upfront in your letter. But those were violent acts and if you have to let them go because of mental health conditions, of not being able to honor the behavior code, it is a concern like what are they going to do
- I think many of us would be a little bit more relieved if they were in some type of treatment that they voluntarily agreed to participate in. So those are my questions.

SAVS commented as follows:

- First of all, our village manager has spent many years working in behavioral health and in facilities with people with mental illness. She has a great store of knowledge and resources. Most importantly, because I think you're right, resources are really important and they're difficult to come by for mental health issues. As you know, it's vastly underfunded. So she works with people pretty much on a daily basis to try to hook them up. And it has to be voluntary, not only because that's the rules, but because that's what works. We do have, through the good graces of the West County community health centers, we have a mental health worker who comes once a week for the afternoon, and he has appointments with various people that are wanting to have use of his services. And then lastly, we proposals for funding. We have asked for another one or two full time people who are experts in either mental health and or addiction because the county is focusing on that. They want to fund that and we think it's really necessary. I think you're so right to make the point that homelessness itself is a trauma and we offer a little bit of stability, which does help. But a total recovery from trauma takes some time.

Vice Mayor Rich commented as follows:

- In the next quarterly report, if you can spell out again when you have the worker coming, what I heard was every week, at least in the afternoon, how many have actually engaged in this free service that's being provided to them
- I think that could at least reduce my anxiety too, of like if you have to let people go, they're just going to go into the community and do what?
- If they're not really connected?
- They're not really bonded with anyone that can help them not end up in jail. So thank you.

SAVS commented Suzanne Landy is here, who's one of our major volunteers. I think she could answer that question if people want that answer.

Councilmember McLewis commented as follows:

- I just wanted to clarify because I'm not quite understood. You said when Councilmember Zollman asked about the mental health expertise, the person that you said has a wealth of knowledge. Are they actually a licensed health care practitioner? I myself am one. So it's just important to me to understand what their actual scope of practice and knowledge is, because as someone who's worked in the hospitals for two decades, I often have people come

in and say, Hey, I know this and that, but as a practitioner, a licensed practitioner, I know that it's much different than having just someone tell me what they think is going on. And as a practitioner, being able to actually assess what's going on and provide, you know, the proper. So I'm just wondering if you could clarify for me if they are actually a licensed mental health provider.

SAVS commented as follows:

- That she is not.
- She is working on her master's right now, but I would invite you to come and meet her and I think you would be surprised or pleased because I certainly have been.
- I think we don't pay her enough for what she brings in this area.
The people that we are looking to hire with our new funding would be that licensed level.

Councilmember McLewis commented as follows:

- Just because I've tried to read the reports, but just to put the numbers together and I know that previously was it last year someone else was also asked to leave that I can recall from various meetings, what would you say the percentage of people who've been asked to leave is
- I don't know the full number of people that you've served so I was just curious if you if off the top of your head what percentage of people you have found to be violent and had to ask them to leave

SAVS commented as follows:

- I'm going to tell you again, we don't find them to be violent.
- We find them to have had a violent episode or a violent incident.
- I do think it's important because we have so many stereotypes about homeless people or they're all crazy and ready to punch people out at any minute. And
- That just couldn't be further from the truth.
- But to answer your question, it's about 10%.
- We do connect people with the continuum of care. That's one of our requirements from the county, and we are in an ongoing effort to do that in a real and significant way.

Vice Mayor Rich commented as follows:

- Thank you for that report.
- I just want to make sure we understand in terms of those who are being exited it from your report and I'd like confirmation it appears that SAVS and the Horizon Shine staff specifically coordinates substantially with our police officers and also with our West County Community Services Homeless outreach coordinator in order to facilitate services and support for those individuals.
- I think, as you point out in your in the report, to ensure that that prosecution, that legal avenues are pursued, if the police feel it's appropriate, is that is that the case and are you continuing to do that

SAVS commented that's true. The police are informed and usually involved on some level with each of these situations.

Mayor Hinton opened for public comment. Sonoma Applied Villages (SAVS) Report

Arthur commented as follows:

- Appearing on behalf of West County homeless advocates and ad hoc volunteer group drawn from the mainline churches, service organizations and community activists.
- I'd like to speak in support of the SAVS report. It's thorough, it's candid. It addresses the problems that they have had, their efforts to try to overcome those problems.
- There are certainly deficiencies, as Councilperson Zollman said, and also others on terms of mental health. It's really not particularly a failure of SAVS. There's a shortage of services in general and SAVS is doing what it can. And it's important to highlight these shortcomings and to continue to move in those directions. There were some written comments submitted. I'd like to respond to those talks about Redwood Marketplace. The police chief has commented on those in the past indicating that the problems of Redwood Marketplace are page 22 of 51

Shine residents, but other unhoused people who are drawn to the vacant spaces there. It's really a failure of commerce, the marketplace to fill those spaces rather than Horizon Shine. Mr. Zachary Imbrogno said that the Villagers there illegally. Well, that's not true. At least two courts have reviewed it even at the appellate level, and found that everything here is appropriate. Um, Mr. Imbrogno raises a good question as to why people who are experiencing substance and mental health issues not being housed in some other safe institutional setting. And again, that's really a fault, if you will, of other levels of government that the city can't.

- The problem of the unhoused will continue. It is continuing. SAVS us doing what it can. And I respectfully support its report.

Martha commented as follows:

- I just wanted to thank Adrian and all the people who are working so hard to make SAVS work and I know it's challenging, so I really appreciate the report you gave and I appreciate hearing about the status.
- It sounds like a really positive situation going on at this point and developing, and I hope the funding comes through.

Oliver commented as follows:

- A couple of questions about this.
- Interesting, particularly about the continuum of care and the extent to how closely this is meshed into the continuum of care.
- I believe Una Glass is now our what would you call it, assistant or representative on the, on the community of care?
- It might be appropriate if you're getting lots of funding at SAVS to contribute something back to the city. Then two other points.
- I'm very sympathetic to homeless people and people addicted to substances. Mental illness and so on and so forth.
- But the reality is this is pretty much a bottomless pit and I'm kind of a bit a bit concerned about the fact that it seems to be just an open ticket for you to stay as long as you want or until Saint Vincent DePaul decide you might want to leave rather than the city council. So that's a concern there.
- I greatly appreciated what Stephen Zollman said. I thought that was absolutely spot on. This is a very complex, deep problem. People with very serious problems.
- I've had members of my own family in this situation, one of whom died. So I don't underestimate how difficult this is.
- But the City is in a terrible budgetary state right now, and we're carrying a tremendous weight here.
- You seem to be hiring quite a few people and bulking up. So I'm a little concerned about that.

Angie commented as follows:

- I just wanted to say that I obviously support the program, and I'm hoping that funding continues.
- I'm a resident at Horizon Shine.
- It's been very good for me to be here.
- I have secured a full time job that I've been at since September, and that's been good for me.
- I also secured health care again
- I have a regular doctor that I've been seeing and have made a lot of progress in some things that were causing me problems for a few years now, actually resolving problems and moving on to the next things.
- I've secured a dentist and had participated in JobLink and had done interviews with the Rotary Club, mock interviews and things like that.
- They really have been quite a few programs that worked for me.
- I agree with Adrian that there's been changes in staff and such that kind of brought things to a standstill and we are just now seeing services coming back to us.
- It's been very difficult to familiarize new staff with everyone.
- we had some deaths, Some that were very close to us that really affected everyone
- We kind of saw a pause in things and feel like things are starting back up again.

- I hope that is the case. Case management is starting up again more consistently and hopefully this housing specialist will be useful because while I still have a full time job right now it is still very difficult to afford a place in this county unless you have housing or some other help like that when you're making low income.
- So hopefully this program will go for a little bit longer.

Kyle commented as follows:

- Arthur George brings up an excellent point that some of the loitering some of the crimes, some of the public nuisance that we are experiencing in Redwood Marketplace is not a result of SAVS or the housing that's located there, but in fact is a result of the vacancy of those retail spaces.
- So here we've got the wasted resources of policing, of vacant properties, vacant commercial properties within our city, and then having members of the public wrongfully blame our attempts at supporting those that don't have homes in that framing.
- I would propose and encourage Council to explore, seriously explore the option of a commercial vacancy tax.
- That is that if we've got commercial lots within our city that are generating nuisance and some problems and generating essentially wasting of resources and policing these vacant commercial spaces, the owners of those commercial vacant lots should be paying for that.
- I think it'd be a great revenue generation in a time in which we are hurting financially with our budget, and I think it would be a useful thing to explore.

Suzanne commented as follows:

- I'd like to speak a bit about our mental health support that we do have on a weekly basis at Horizon Shine.
- The therapist is through the Third Street clinic in Guerneville.
- His name is Chris Reardon, and he's a double specialist Behavioralist Therapist and he's also a social worker but he comes as a therapist every Friday from 1 p.m. to 4 p.m., an occasional Friday like this particular week.
- In addition to serving people at Horizon Shine, those who have left exited for whatever reason.
- He sees them outside of Horizon, Shine if they wish, and helps them.
- I know you'd like a number. I can't give you an exact number, but he really makes his way throughout the village.
- Horizon shine sometimes is called the village and checks with people if they want to talk to them.
- Sometimes people don't want to talk to him because they just want to be their own entity.
- Then after a while they talk to other residents and.
- The police also can bring the county mental health resources, and he's an invaluable asset to our community.

Linda commented as follows:

- I live three properties from, from the RV village, and I have the pleasure of actually meeting several of them.
- There's talent there
- There's a number of people who are writers, poet, another who has written a script
- There's just an interesting number of the person who supposedly hanged herself.
- Chloe, I've heard from multiple people that she was murdered. Although there was a noose found around her neck a bit after the rigor mortis set in. She was not in the position of hanging from a fence or anything.
- There are people who have issues.
- I would like to mention is there's somebody else that told me that there's a better model that works.
- She said about it in San Antonio around there and they have these case workers that come in and they ask people what brought them to being homeless.
- They start out there and then they go from there.
- Apparently it works better
- It's that that characteristic is, of course is not limited to them, but having that liquor store next door, there are a lot of addiction problems there.
- It turns out gambling going to Graton.

City Council Discussion and/or Deliberations

Councilmember McLewis commented as follows:

- I was just wondering, I recall in the fall in the report, if my memory serves me well, was that the county had I don't know if it was promised or however it was worked out that the county would be providing, different services such as the mental health.
- I don't know if there was somewhere in the report but then it said that SAVS was not able to provide that because the county actually did not have the services to bring to them that they had that had been arranged. So that was in a report previously.
- I was just wondering from Adrian if that if that had improved at all? I
- I can't think of the exact names of the services they were going to provide, but I recall it saying that you couldn't do it because they weren't able to provide that.
- I'm just curious if that's still the case or if it's gotten worse or better from the county.

SAVS commented as follows:

- I would say there's been no change.
- If you write to me separately, I'll try to research and see what it was you referred to the first time. I can give you more detail.
- We have our volunteers who are wonderful and our relationship with West County Community Services and West County Health Clinic is really the big support that we have out there.
- I guess I should say the county pays for it, which is huge, and Sebastopol actually doesn't pay for anything. I think some people think that Sebastopol is supporting us financially.

Councilmember McLewis commented I just simply ask this. Just because mental health is important and providing the proper services is crucial to people in this situation.

SAVS commented I would really love to interact with you about that and give you more specifics if you want.

Vice Mayor Rich commented as follows:

- My comment looking at this report is that I see a real focus on developing, developing a skill set, providing support in a way that is reflected in multiple signs of stability.
- I think that's super important because I know that part of the focus is on making sure that people are prepared to move on permanent housing, that kind of thing.
- So jobs, the permanent housing indications, the medical care, the mental health efforts that you're trying to pursue, I think that really speaks volumes and should reassure us in terms of the more structured management that we see happening there.

Mayor Hiton commented as follows:

- I just want to say that vehicles and valid IDs that is important for sure.
- I'm glad that that's all happening.
- Thank you for that presentation tonight

City Council Action: No Action Required. Informational item.

Minute Order Number: 2023-107

16. 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)

16A. City Council Liaison to Unhoused (Vice Mayor Rich/Responsible Department: Planning)

Vice Mayor Rich presented the Council Liaison report.

Tim Miller and Una Glass were in attendance and provided comments.

Tim Miller:

- I did want to say thank you.
- It really does take a community to make things work.
- I hope the community has seen a significant increase in the quality and quantity of services to the community so that it mitigates the impact of homelessness on the broader community.
- I did want to point out that our goal at Park Village and in our outreach program is to assist more people while trying to be cost efficient and decrease the impact fiscally to the city of Sebastopol.
- I think it's worth noting that at the peak for Park Village and the outreach worker, the cost of the city was approximately \$172,000
- We're serving more people and there are decrease in costs at Park Village.
- I should say that \$113,000 will be the case worker in July due to the outreach grant that we applied for through the county.
- In addition to that, it's not just going to be one outreach worker.
- It's effectively going to be one and a half because we have to for our entire agency and that's going to three through the grant and that third person will split their time between the coast and the kind of the greater Sebastopol area as well. So there's going to be additional outreach support to Sebastopol to through that ground grant, not just Maria Rico, who we're very proud I think does a great job in the city.
- I did want to also acknowledge the churches SAVS your fantastic library staff and the city for being great partners in this effort and to please note too, that it's not just these services that are available to the city of Sebastopol and its citizens, but also our rapid rehousing and homeless prevention programs as well.
- So after July 1st, when the new funding comes in, if anybody in the city of Sebastopol is facing eviction and facing homelessness, they should give us a call and we'll see if we can help them with these funds as well.

Una Glass:

- I've been working very hard on the past several months since I left the council really diving into our strategic plan and the work that the organization is doing, trying to bring together homeless services in the county.
- I have to say that when I talk with other representatives from other parts of the county and other parts other cities, people are very impressed to see what we're doing here in Sebastopol with the kind of budget that we have, which is pretty microscopic compared to actually a lot of the other cities.
- Kudos to our wonderful partners, WCCS ad SAVS, and the other organizations that help with homelessness in our town and particularly to the amazing volunteers we have.
- I think we have the most incredible group of volunteers.
- I'm trying to get at things from the 30,000 foot level.
- If the public thinks that things are really confusing about who provides what service and who is actually a licensed caregiver and who's providing health services and who's providing community outreach and job links, et cetera. Et cetera. If that seems confusing to you, that's because it is really confusing and there's an incredible amount of duplication between the various services and the various entities that provide these services.
- My work on the COC, I'm trying to focus on siloing all of these different groups so that we're exchanging information and so that we can take a more strategic approach to how we're funding homelessness.
- Discussed the committee that the Planning Director is on which is determining funding for CDBG money and other forms of funding through the Community Development Commission.
- The continuum of care is having its funding and evaluation committee to determine how we are going to be funding a different pot of money.
- If this sounds kind of crazy, it is because we really need to be collaborating to figure out if we are doing rapid rehousing. We don't want to be duplicating the effort.
- That is why the continuum of care adopted a five year plan to set priorities for a strategic plan to set priorities for how to solve homelessness in the county.
- That plan was then sent on to the Board of Supervisors and the supervisors adopted it. So that plan should also be advising the work of Kari's committee so that we can hopefully be on the same page.
- We are starting to get into that kind of collaboration. I think this is the first year that that plan is will have been in place and will be starting to take a look at how much money should be, what percent should we be spending on rapid rehousing versus permanent supportive housing versus the chronic homeless versus families who are homeless? Et cetera.

- So that is the work that I have primarily been working on over these past three months, is trying to work out a more strategic way so that we're collaborating between the Community Development Group, which is where Kari is doing some work
- Tomorrow we will be looking at how to distribute, prioritize, distribution of about \$9.5 million and which organizations we're going to be recommending funding to the entire board.
- But in any case, if the public feels frustrated, there's a reason for that. Because none of this this entire continuum, this system of care is very duplicative. But there are people that are looking at it to try and pull all this information together so we can better measure what's going on and be more effective about what we fund between the various funding streams.
- That's my report out on the continuum of care down to the silos. That's what we're working on. Thank you for giving me the opportunity to speak.

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

Mayor Hinton opened for public comment.

Arthur commented as follows:

- West County homeless advocates.
- I just want to thank the committee on the unhoused Vice Mayor Rich. former Mayor Glass, all the people who contributed to this 25 page, well-written, understandable and for all its 25 pages, relatively concise report on all the things that are being done by this city and its component parts.
- Five years ago or so, there was not much being done and we did not even understand basic terms like safe parking, tiny homes, the need for portable toilets and things like that. And now we do. We're conversant with all that, and it's important to keep these efforts going.
- Responding to some of the written comments that were submitted here, there was a question from Kate Haug as to why the council is continuing to put time and energy into supporting homelessness rather than supporting the business community.
- I would submit that addressing homelessness directly supports and improves the business community. So all these efforts are very important.
- Questions have been asked here as to what happens when ultimately Horizon shine will have to close and that's an excellent question. We need to look at that. That is something that is going to happen at some point down the road. Saint Vincent's is taking that property back, whether it's six months, a year, two years. These people either will be rehabilitated or return to the street.
- You have to know that they started from the street in the first place. They were not created by SAVS. They were not created by the city. The city has been trained to help.
- I would support the fee waiver request if that is coming on or has not yet. I think that's money well spent that will go directly to homeless assistance.

Linda commented as follows:

- There's a little bit more that I would like to add.
- I also want to mention amongst the many, many wonderful unsung heroes here are our cops. Our cops are crucial.
- The humanity with which they treat the unhoused is well known enough to draw a lot of out of town people out of state because there's such a big contrast between how they've been treated by the Sonoma County Sheriff's Department or other law enforcement entities
- They almost tear up when they talk about our cops. They have very close and good relationship with our under, underappreciated cops.
- I'm wondering, whatever happened to the lawsuit that the 25 year old woman that was featured in the press Democrat picture of her name was something like Eliza, and she had the Wolf dog.
- The question is what happened to that lawsuit where there were about five entities suing Sebastopol? How was that resolved?

Oliver commented as follows:

- So I asked earlier about the \$308,000 for the lease financing agreement on the mobile home park. Is that Park Village or what is that? Do we know? That's my first point.
- Second point is, as everybody can hear, the money is pouring into what some people call the homeless industrial complex. I think really things like discussing, waiving fees for things and so on for the city, it should be the other way around. With all the money coming in, more money should be coming to the city.
- So I'm very interested in that mobile home park \$308,000 and whether that is actually Park Village, which is going to be paid off in 2026
- My more general point about financing homeless and unhoused, whatever you want to call it in the city of Sebastopol is I do follow the continuum of care very closely.
- The county continuum of care, well over 100 million a year is being spent on that. As Una says, it's very, very siloed. There's incredible overlaps of people all on salaries in the county.
- I just feel this is a big financial issue right now.
- Finally my point is the gateway to Sebastopol is actually Park Village on the left and then the Barlow on the right.
- It'd be really nice to actually have Park Village beautify that area as people come in because we're losing sales tax dollars on people who are just driving through because they don't like the look of the place.
- So these bigger picture items, given the huge amounts of money involved with the county grants and so on, I think really need looking at it.

Mayor Hinton asked City staff to respond to the question of funding for Park Village.

City staff stated that funding is for the payments for purchase of Park Village.

Planning Director Svanstrom commented as follows:

- I know Saint Vincent de Paul and when they would be taking over.
- I did not mention that in the other report, but I have been in conversations with Jack Tibbetts for from Saint Vincent de Paul, the property owner, and they are looking to apply for Project Homekey funding to build the basic design that was approved several years ago but never built.
- It was mixed use at that time and they would be modifying it to be residential.
- That will be coming to council in May. I'm not sure which meeting, but it will be coming to May to the Council. So you'll have a chance to just if anyone out there is also interested in that project, look for that.
- More information is coming on that.

City Manager/Attorney McLaughlin commented as follows regarding public comment on the City lawsuit and stated this is a closed session matter.

City Council Discussion and/or Deliberations:

There was no further discussion. Mayor Hinton thanked the presenters for the report.

City Council Action: None required. Informational only.

Minute Order Number: 2023-112

PUBLIC HEARING(s):

NONE

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

11. Discussion and Consideration of Request for Waiver of Fees for Use Permit Application – SAVS – Amount of Request: \$5765.00 (Responsible Department: Planning)

Planning Director Svanstrom presented the agenda item recommending the City Council consider the Request for Waiver of Fees for Use Permit Application – SAVS.

Mayor Hinton opened for questions from Council.

Councilmember McLewis commented how often have we waived for other non-profits in this amount and is this a common practice with other cities to waive the fees for nonprofits.

City staff commented I know that other cities do support fee waivers, requests for different things. I just can't I don't know that answer offhand that specifically.

Councilmember McLewis commented how often do we do or have we done that?

City staff commented the City has done fee waiver requests in the past as well as we do city sponsorship program that we have going as well where we've reduced fee waivers. We have also waived fees for planning applications in the past as well.

Mayor Hinton opened for public comment. Request for Waiver of Fees for SAVS Use Permit

Una commented as follows:

- I would like to speak in support of this fee waiver.
- As a historical fact, actually the city and my 8 or 9 years on the council, we did fairly regularly approve fee waivers for particularly for things that we felt could benefit the city as a whole.
- So why incur an additional expense for a nonprofit or something that we felt was serving the greater good of the city?
- I would say that this would be serving the greater good of the city.
- I would advocate for support of this fee waiver.

City Council Discussion and/or Deliberations

Councilmember McLewis commented as follows:

- I completely understand that this has been done in the past.
- I've been with non-profits here as well.
- I appreciate what former Councilmembers said.
- One thing that I just want to comment on is in watching and I encourage everyone to watch the budget meetings.
- We're in a horrible state with our budget and I understand that this is done in the past, but now we're in a horrible state and with our budget.
- I understand the need for this. But at the same time, I also understand that we have some really tough decisions coming up and also that small amounts equal a lot over years.
- I just think that this is something that we should reevaluate as we start looking at our budgets and start talking about different things and really tough decisions we're going to have to make.
- I encourage the public to watch the budget meetings because you'll be surprised. B
- I just wanted to say that and I really think that going forward, we're going to have to evaluate a lot of these policies about where we're waiving fees when we as a city cannot even afford to fix our roads or many, many things, infrastructures that we have many problems with right now.
- I'm not an alarmist at all. I've just been attending these meetings for seven, eight years and I've watched it and I've spoken about it and said, I'm concerned and it was often poo pooped. Now here I sit on council and now I sit here and look at the budget and just think, Holy cow.

Councilmember Zollman commented as follows:

- I do encourage everyone to dial in to the budget hearings.
- They're ongoing, they're properly noticed, and they also have lots of attachments.
- I definitely share your concern of overall how these small amounts do add up.
- At this particular time, though, I am in favor and will move to approve the amount of \$5,765 by minute order just in the fact that we are in the situation that we're in now and we have a provider who we've now gotten extensive information about tonight.
- There's not been any allegations of misuse of funding or anything else. They seem to be making a positive impact.
- As we've heard tonight, positive impact for them makes a positive impact for all of us to include business owners.
- So I'm moving to have the grant waiver or the fee waiver granted.

MOTION:

Councilmember Zollman moved and Councilmember Maurer seconded the motion to approve the Request for Waiver of Fees for Use Permit Application – SAVS – Amount of Refund Requested \$5765.00.

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 Request for Waiver of Fees for Use Permit Application – SAVS – Amount of Refund Requested \$5765.00.

Minute Order Number: 2023-108

12. Discussion of Pavement Management Program Priority List (Responsible Department: City Engineer)

Toni Bertolero, GHD, presented the agenda item recommending the City Council consider the Pavement Management Program Priority List.

Mayor Hinton opened for questions from Council.

Vice Mayor Rich commented as follows:

- I do have a couple of questions on the graph that you showed
- On that graph, you have four different scenarios. Scenario one is our current situation. Scenario two, I see at the top you indicate \$200,000 a year is the cost. Scenario three there isn't an indication of the annual cost, but I think what I heard from you is that scenario would require \$450,000 a year to maintain our current situation and that scenario four would require \$850,000 a year.
- Am I correct in those numbers.

Engineering commented as follows:

- That is correct to increase the PCI
- Just to reiterate it, but that is on top of the already committed programming for those three projects I previously mentioned.

Vice Mayor rich commented as follows:

- I heard what you said in terms of what you're asking for from the council tonight, but I'm hoping that this isn't a is this a request for approval for this funding scenario
- Do we need are you asking us to decide which funding scenario we would support

Engineering commented as follows:

- No not at all.
- This is not the budget process by any means.
- You are going through that.
- This report basically is a tool that you would be able to use in making your determinations on what type of funding you'd wish to commit.
- The report is what it is. We measured the network. We applied different funding scenarios and it spit out these results. That's all that is.

Vice Mayor Rich commented as follows:

- Does this report include what we were anticipating being brought before the City council a priority list for paving or slurry projects within the city of Sebastopol.
- Does this report include that or will that be in a different report

Engineering commented as follows:

- What this report does, it does include some examples of streets and treatment strategies throughout any one of the five year periods, depending on the budget scenario.
- But those samples aren't set in stone.
- In other words, as you go through the budget year, you have this report to fall back on to identify what types of treatments we need to do, what the funding level for those types of treatments. A
- It would be at that point we would be looking to identify what streets in particular you'd want to address.

Vice Mayor Rich commented as follows:

- As I look at this report, is really focused on page 54, where you I think this is a list of priorities, streets within town prioritized in terms of which would receive slurry coating in advance of others.
- Am I misunderstanding that because that is an important issue for our community.
- People complain about the status of their streets and prioritizing which is going to be dealt with
- I may be misunderstanding what's going on here, but the last time the paving priority list came to the city council there was substantial discussion about which streets would get that slurry coating in advance of others.

Engineering commented as follows:

- As part of our budgeting process, there's actually a discussion item for one of the projects which is called citywide repairs and repaving and there is a budget assigned to that and actually identify streets.
- Those streets were identified based on the old pavement management report. This does not include this updated one.
- When we take the CIP back to discuss with the Budget subcommittee on April 25th, we'll have to compare the streets that were identified in that project with this particular project report.
- This is open for discussion because it's not just following this boilerplate that says based on the numbers, these are the streets or other things that you have to take into consideration, volume and of the traffic and that sort of thing when you start looking at it or you want to balance out where you're doing the street repairs.
- So a lot of that discussion is actually going to happen as part of the CIP budgeting process.

Mayor Hinton commented as follows:

- So is this really just a requirement for MTC that helps us get funding in the future
- Is that what we're doing here
- It's according to their calculations is, is that what's happening
- Is that what we're being presented with tonight

Engineering commented as follows:

- That's essentially it. They're looking for cities to have some sort of a means for being able to determine what their priorities are, what their needs are going to be.
- So rather than some other method, it's trying to use some objective means for being able to measure pavement to be able to and.

Mayor Hinton commented so the discussion tonight what we all would pick I guess you're just including that in the report but we're not committing ourselves per se, is that correct?

Engineering stated that is correct.

Councilmember McLewis commented as follows:

- I just wanted to clarify. So was at the last meeting or the meeting before where we talked about the priority list and that was forthcoming that is not this
- It is going to be coming again in May.
- I've had a few people ask me about where's my street is on the list and I have no idea

Engineering commented as follows:

- I think it's April 25th is our next budget subcommittee on the CIP

- We didn't get a chance to look at all the street projects from the last meeting, but this will definitely be discussed and we now have updated information and so we will go over the streets specifically as part of that discussion.
- Right now as it stands, I think the only direction that staff has is increasing it by five percentage points, which is scenario four. But that's again, that was a goal, but we may want to revisit that as well when we look at the priorities and the price tag for everything.

Mayor Hinton commented that keeps us in compliance with our budget requests, correct

Engineering stated that is correct.

Mayor Hinton opened for public comment. Pavement Management Program Priority List

Linda commented as follows:

- I'm thinking about numbers and numbers.
- I'm listening to these numbers and I'm wondering I'm wondering how much the consultants got paid, but that, that, that, that that that that question kind of pales in compared to the other thing that occurs to me
- Here we have you know of course streets that that need to be maintained and they're going to need to be maintained even more with the increased traffic with the increased building, with the increased housing that that that this this city keeps greenlighting.
- But the thing is if you wanted to switch the cost around a little bit, it occurs to me that the 2.2 million plus that are going to the wireless water meters could probably help the street repair considerably. Plus it is going to be an ongoing throwing, throwing money into a hole in the ground, Uh, because the things don't work. Nobody wants them, and you're just contributing. You're causing more problems with electro pollution, Uh, and they need to be replaced every five years. And they're, they're environmentally terrible.
- You need to slam the brakes on that project. Take that money. The millions and millions of dollars currently already been spent. Get it back, you know, and stop wasting a bunch of more millions of dollars, which is completely foreseeable and put it over toward practical necessities like, uh, road repair.
- When in addition to that money to be saved by instead of instead of spending hundreds of thousands of dollars, uh, for a headhunter to get a new City Manager, just let, uh, Larry, who's done a fantastic job in the past, let him find a new City Manager and an attorney, and we'll save more hundreds of thousands of dollars and get better, better people.

City Council Discussion and/or Deliberations

Councilmember Maurer commented as follows:

- It looks like you spend 3.8 million. 5.3 million or 7.13 million in 5 years.
- You're going to end up with the same amount of very poor roads 29%, 29% and 28%.
- So what are we approving?

Mayor Hinton commented we're accepting the draft report that needs to be submitted to MTC for us to continue to be eligible for funding from the state to help us get pavement projects that we frankly can't afford on our tiny little city budget subsidized.

Councilmember Maurer commented I just want to make sure we're not approving some preventative program over fixing the potholes. Is that what's happening here? Because I don't want to approve that.

Mayor Hinton commented as follows:

- That is not what's happening. So as it was discussed by Toni, it'll be coming back a full CIP which will prioritize the roads and it will come through our budget subcommittee and then the full council will vote on as a budget.
- We'll tackle this big road problem.

Councilmember Maurer commented I'm just looking at the staff report. It says the recommendation is to discuss street maintenance priorities, but we're going to just not do that.

Mayor Hinton commented it's a governmental requirement to get additional matches that we need.

City Manager/Attorney commented in order to adequately discuss this full report, I think you'd actually have to have a study session. So when it comes to the council in this format, as one of many agenda items, about all you can do tonight is to receive it and satisfy MTC, but it will be coming back for subsequent discussions.

MOTION:

Councilmember Zollman moved and Councilmember McLewis seconded the motion to

1. Received the draft Sebastopol Pavement Management Program (PMP) Budget Operations Report (BOR).
2. Direct staff to finalize the BOR and submit the Pavement Management Program certification letter to MTC by April 30.

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

Noes: None

Absent: None

Abstain: None

City Council Action: Received the draft Sebastopol Pavement Management Program (PMP) Budget Operations Report (BOR) and directed staff to finalize the BOR and submit the Pavement Management Program certification letter to MTC by April 30.

Minute Order Number: 2023-109

13. Discussion and Consideration of Recology Sonoma Marin Garbage Franchise Agreement - December 31, 2023 – Expiration. (Responsible Department: Engineering/City Management)

City Manager/Attorney McLaughlin presented the agenda item recommending the City Council consider extension of the Recology Sonoma Marin Garbage Franchise Agreement.

Mayor Hinton opened for questions from Council.

Councilmember Zollman commented as follows:

- So my question is, in the staff report, it says the previous council had indicated an interest to send out RFPs. And so I'm my question is, why didn't that just happen?
- I'll provide my comments about because that didn't happen in a timely fashion how much leverage we've actually lost with trying to get some added benefits through Recology if we end up with Recology.
- What I'm really trying to say is and ask is why didn't the prior request of City council just be abided by and not leave us in the situation that we're in now?

City Manager/Attorney McLaughlin commented as follows:

- This has been on the advanced calendar, I think, for the last several years but the council never did take up the item and give direction in terms of whether they wanted to do an RFP or explore our long term agreement with RECOLOGY.
- I did hear from a Councilmember an interest in exploring an RFP. I don't know that it would be accurate to say that the entire council wanted to explore an RFP process because they never had that discussion.
- I don't think we've lost any leverage because we've had several meetings with Recology, including one fairly recently where it's well known that we have discussed this with them over the years, that we lack some of the amenities that other cities have been receiving. The answer was that that's not the way the franchise agreement was, structured in 2008, but that they would be more than happy to discuss in terms of a long term agreement providing some of those amenities. But they would also want to discuss a revised rate structure.
- I don't think we've lost any leverage because both parties would come to the table motivated to try and enter into a long term agreement, each side knowing what they want in that process and then negotiating it to see if they could arrive at an agreement that meets the desires of the of the franchise holder for a better fee structure and meets the desires of the city for more amenities and better service to the ratepayers out of the actual agreement.

- The one year extension I'm talking about does not carry with it any additional amenities or any changed rate structure. It is simply an extension of our existing agreement with its terms and provisions and that would then be in place while we negotiate with Recology.
- We never did get direction from the previous council to go forth on any negotiations with Recology or to send out an RFP.

Mayor Hinton commented discussed the one year extension and what is that work and what does it cost and what franchise fees do we receive. What is our annual contract worth.

City Manager/Attorney McLaughlin commented as follows:

- We can provide the figures of what we receive in franchise payments from them during the year
- I don't know what it's worth to the franchise holder.

Celia Furber commented as follows:

- I'm the Community Relations & Sustainability Manager with Recology Sonoma Marin. I'm joined here this evening by Fred Stemmler, our General Manager, and Ambrosia Thomson - the Waste Zero Specialist for Sebastopol. Thank you for your consideration of this item tonight.
- Recology is honored to serve a community that shares in our sustainability, as well as diversity, equity, and inclusion values as much as Sebastopol does. In our five and a half years serving this great city, we've helped Sebastopol achieve full compliance with state laws AB341, AB1826, and now SB1383 - by implementing successful compost and recycle programs at businesses, multi-family homes, and community events, as well as educating residents via our newsletters, website, social media, and educational tables at events.
- Ambrosia Thomson has done a wonderful job of integrating into the community, and currently serves on the city's Climate Action Committee and the Chamber of Commerce board of directors. She has worked extensively with the farmers market, schools, and event organizers to implement zero waste programs – and in fact will be boots on the ground at the Apple Blossom Festival weekend after next.
- Ambrosia is just one of our employee owners, and the level of service she provides to Sebastopol is an example of what you can expect from all Recology employees. We are unique amongst our competitors in our sustainability values and employee ownership model, which allows for 98% of our workforce to live and work locally.
- We appreciate this community very much, and hope to continue serving it. With the contract expiration on December 31st, we are here tonight requesting the City to continue partnering with Recology. Again, thank you for your time, and I am happy to answer any questions.

Mayor Hinton commented what is your losses for Sebastopol?

Celia Furber commented we operated at a \$900,000 loss in fiscal year 2022.

- What it is if you're talking about operating at a loss currently for the last five years and we're looking at negotiating a contract into the future, I understand any negotiations will be subject to discussions, but what sort of a profit margin do you tend to look for in other jurisdictions?
- Can you give us a sense of that?
- I think that's an important piece of information for our ratepayers.

Celia Furber commented we would be looking to have a 7% net margin.

Vice Mayor Rich commented right at the moment, which would be \$2.3 million plus the \$900,000 that you're operating at a loss. And then that times 7% would be kind of a general target for an increase.

Celia Furber commented potentially, but there are factors like Larry mentioned, there are certain amenities that the city would like to start receiving, there's things that need to be discussed. So I don't know if I can answer that for certain.

Vice Mayor Rich commented but it sounds like 7% profit is a general target.

Celia Furber commented yes.

Vice Mayor Rich commented if we were going to go into out for an RFP, what are the other haulers that would be your competitors in Sonoma County?

Celia Furber commented I believe there's a representative from a competitor here this evening that would be Sonoma County resource recovery and there is also others operating within Sonoma County at the moment such as Sonoma garbage collectors in the city of Sonoma.

Vice Mayor Rich commented and Sonoma County resource recovery serves Windsor

Celia Furber stated that is correct.

Vice Mayor rich commented and then Sonoma garbage collectors, you mentioned, is that the city of Sonoma?

Celia Furber stated that is correct.

Vice Mayor Reich commented are they serving any other jurisdictions?

Celia Furber commented no, just the city of Sonoma.

Vice Mayor Rich commented so neither of those are serving other jurisdictions. So then which jurisdictions does Recology have now?

Celia Furber commented Recology serves the rest of Sonoma County. So all of the individual cities in the county, besides the city of Sonoma and the town of Windsor, and then we also service the unincorporated Sonoma County areas.

Vice Mayor Rich commented I guess my big question is, and this goes from my recent visits to other counties, how does Sonoma County Recology's policies, how do they compare in terms of outcomes in compliance with SB 1383, compost, recycling, all of those issues? How does RECOLOGY compare in Sonoma County to what's going on in other counties?

Celia Furber commented as follows:

- We've received a lot of praise from Cal Recycle for our efforts in Sonoma County.
- We have a Cal recycle representative who comes and takes a look at the programs we've implemented in each city across the county, as well as the unincorporated areas and they've expressed that they're very impressed with the programs we've implemented.
- A lot of cities across the state are struggling with the recent state law, SB 1383. It's a 185 piece page piece of legislation. It's fairly intensive and we've been able to do a great job of rolling out those programs, tracking them and reporting on them to the state.
- We've achieved great diversion progress in the city of Sebastopol as well.
- We're always measuring our efforts so that we can tell where we're most impactful.
- I can tell you that when we did become the service provider in 2018, the city was at a 40% diversion rate, landfill diversion rate, and we have increased that to 49%. And that number just continues to go up every year thanks to our efforts working with the community.

Mayor Hinton commented as follows:

- Our residents might want more services, but of course people can ask for more services and then actually opening their pocketbook and paying for them is a whole nother story, especially considering what it looks like is the rate increases that we're going to be hitting people with that they probably aren't expecting.
- So what additional things? Because I'm not sure our ratepayers would want additional things at this cost plus 7%.
- Do you buy the all the extras or do you pay less? So what additional things would be something that maybe you would offer us that other cities have that we would say yes or no to and that might impact our rate?

Celia Furber commented as follows:

- Some value adds would be bulky item cleanups. Right now, Sebastopol residents, if they have a couch that they want to get rid of or they need to set out extra material to get rid of it, they have to pay for that bulky item pickup. Other communities across the county, they get to anywhere from 2 to 4 free bulky item pickups per year. That's a huge value add to residents. They really appreciate being able to call at their convenience and schedule those pickups.
- Another value add is kitchen compost kitchen pails delivered to every single household. This is something city of Santa Rosa, decided to do. That really complements state law, SB 1383, which requires residents to compost their food scraps if they're all provided a nice handy kitchen pail at their doorstep, they're able to conveniently use it and be in compliance with that state law.
- There's also zero staff. So right now, Ambrosia is devoted to Sebastopol. She is one person doing an amazing job. There's the ability to increase waste, zero staffing to maybe integrate into the schools a bit more.
- There's actually so curbside battery collection. We're doing this as a-courtesy for the city. This is something that we started doing in other jurisdictions. We're already we're already doing it in the city of Sebastopol, but that's typically a value add curbside battery collection.
- There's also a brand new carts. That's another one. Brand new color, coordinated carts delivered to all the households.

Councilmember Maurer commented is it feasible to have biweekly collection of garbage, specifically all it or could an individual who wanted to have bi service just choose that or not.

Celia Furber commented as follows:

- At this point in time, we don't have that available, but we are happy to discuss as anything's on the table.
- We're happy to discuss that as an option and am aware of a city in the South Bay that actually piloted that so we could look to them for some guidance.

Councilmember Maurer commented are all residents required to have garbage collection or could somebody opt out?

Celia Furber commented SB 1383 requires mandatory solid waste collection service. I believe the SB 1383 franchise amendment that was adopted last year for the city of Sebastopol did require mandatory service for residents.

Councilmember Maurer commented say somebody doesn't create a lot of garbage, could they partner up with one of their neighbors? Could they help them pay their bill rather than having the service for themselves?

Celia Furber commented at this point in time, I don't think that that is in compliance with the contract that we have in place. But again, we can discuss anything as a possibility.

Councilmember McLewis commented as follows:

- In New England you can opt to either take it to the dump or have people pick it up.
- I've lived in many different places in the country, so I just wanted to clarify.
- So just for this purpose of this for the extension, there will be no rate changes.

City Manager/Attorney McLaughlin commented as follows:

- No, no, nothing changes.
- If we extend it for a year, we're not going to see any.
- There's not going to be any changes if we opt for this extension

Celia Furber commented as follows:

- That point does need to be discussed.
- As long as the intention is there to work on an agreement with the rate correction, I believe that's the case, that the one year extension will be status quo.
- Again, we are operating at a loss, but we would need to be working with the city directly to on an agreement so that we can do a rate correction moving forward.

City Manager/Attorney McLaughlin commented as follows:

- My understanding is that the one year extension is on the same schedule.
- But our discussion with Recology was they have to agree to it. So the agreement would be predicated on the city entering into negotiations to attempt to make a new agreement.

Mayor Hinton commented this would be instead of going out for an RFP.

City Manager/Attorney McLaughlin commented that is correct.

Vice Mayor Rich commented I know you have you have contracts in most of the jurisdictions, but how do the rates in Windsor compare to Sebastopol

Celia Furber commented as follows:

- The residential rates are 20% higher than the city of Sebastopol.
- Residential rates and the commercial rates.
- I believe it's 236% higher than the commercial rates in Sebastopol.
- I am happy to follow up with the exact correct figure. But I did look at it this morning and I believe it was to 236%.

Vice Mayor Rich commented as follows:

- They have Sonoma County resource recovery
- Then talking about the future, you're talking about a loss operating at \$900,000 loss over the last five years.
- You're also talking about potential 7% increase in profit margin for RECOLOGY just theoretically.
- That could be a real hard hit for our residents.
- You could say, well, they've gotten a sweet deal for five years, but that's what they've become accustomed to.
- I would hope that if we do move forward with an extension, that there might be some room for having that increase have an impact on our residents in some sort of step, not all at once, but some sort of transitional. Not a big hit immediately the first year but kind of layered in over multiple years.
- Is that something that you think might be considered?

Celia Furber commented as follows:

- Absolutely, yes. That's a very common approach rather than having sticker shock doing it all at once, staggering it over the course of 2 to 3 years.
- We've done that in several jurisdictions in the county, and we find that to be a really positive approach.

Vice Mayor Rich commented 'm just thinking about your quotes on Windsor, which is another garbage hauler. But did you both bid that?

Celia Furber commented we did both bid that in 2017.

Vice Mayor Rich commented that even though you're quoting them as higher, you were even higher than they were because they won the bid or did they win it over something else besides price?

Celia Furber commented in most RFPs there's the score sheet. The price is a factor, but there are other factors that are considered. I was not directly involved in that at the time, so I can't speak to that.

Vice Mayor Rich commented if they're here today, I could ask them the same question. I want to just be on a level playing field. But I'm curious about that. You're quoting another haulers rate in another city that you were a bidder. I was just curious how that went down.

Celia Furber commented we were a bidder six years ago. So it's possible their rate structure has shifted since then. There are other variables at play there.

Councilmember McLewis commented as follows:

- I was just curious because I have experienced a lot of experience negotiating contracts with disposables and reusable recycling type stuff with hospitals.
- All of our typical contracts are five years and that way we were able to adjust with the market and also the customers did not have that massive shock.
- So I'm just curious, I see 15 and 15, Is that common?
- It just seems that's why you're operating at a loss
- I was just curious about the length. It just seems like a super long time

Celia Furber commented as follows:

- There's large capital expenditures where we're spending close to \$400,000 on trucks. Dumpster bins are extremely expensive carts. So with that large of a capital expenditure, we do look for longer terms.
- In this particular contract that we inherited for the city of Sebastopol, there's not a mechanism to get the rates up to market. It's currently just a refuse.
- We base the rate increases annually off of the refuse rate index. So that's what we usually go to council in June of each year for an approval of a very small percentage increase and it never quite got the rates to where they need to be.

Mayor Hinton opened for public comment. Recology Sonoma Marin Garbage Franchise Agreement

Melissa Johnson commented as follows:

- I am from Sonoma County Resource Recovery and we do service the town of Windsor.
- We would encourage the council to put this contract out for an RFP.
- It encourages competition. It allows for price comparison amongst other haulers.
- There are only like she was correct in saying there's only three haulers in Sonoma County that may change with other haulers trying to come in.
- We have a newer fleet of vehicles which in turn produce less emissions.
- Putting it out to bid, you get competitive pricing in order to make an educated decision about a large franchise agreement.
- You kind of need to see what other haulers are going to offer you for pricing.
- We are non-corporate company. We are small. We service Windsor. We offer boutique service. We offer a lot of services to our customers that other haulers do not.
- Change can be scary, but change can also be good.
- As far as our compliance with AB 341, SB 1826 and SB 1383, we are also in compliance with that with our residents and our commercial customers.
- Our last year's diversion rate for the town of Windsor was 53%.
- When we delivered our carts in 2017, we started our contract 45 days before service started.
- So imagine we had to get trucks, carts, containers, bins in 2017 when we delivered our residential carts. Everybody got a kitchen pail at that time.
- We are now doing that again for people that don't have them anymore.
- I encourage you guys to go ahead and put it out for an RFP, get competitive pricing and competitive service levels.

Marty commented as follows:

- I'm a retired sergeant. Instructor and the former executive Director of North Bay Jobs with Justice.
- In 2018, workers employed by the former waste hauler for Sebastopol and many other County jurisdictions
- The group approached Teamsters six, six, five and informed the union about the low wages, inadequate benefits and hazardous working conditions. The Teamsters and these workers initiated an organizing campaign, and Jobs with Justice Built a community support network.
- In May 2017, Ratto workers voting overwhelmingly to affiliate with the Teamsters After Recology purchased Ratto

- In 2018, the union and the company agreed to a Five year contract. As a result, between 2017 and 2023 wages for Recology drivers have roughly doubled. The typical driver now earns more than \$33 an hour plus another \$11 to \$12 an hour and comprehensive family health insurance and retirement benefits.
- Because of their excellent compensation. 85% of Recology workforce live locally in Sonoma or Marin.
- The unionization of Recology workers is the good jobs component of the ongoing five year countywide, good jobs and zero waste campaign. The company and the union have collaborated with the county agency Zero Waste Sonoma to increase the recycling of glass paper, cardboard, plastic construction, waste and food waste across the county.
- Sebastopol Zero Waste Advocates report Recology has been an excellent partner in the zero Waste campaign. Recology's highly trained staff, community outreach and education, involvement in schools and support for nonprofits are an enormous asset.
- I urge the Council to extend the contract and renegotiate a long term contract with Recology
- You get living wage jobs, high quality waste, hauling and recycling service. A robust zero waste partnership.

Jeff Harrison commented as follows:

- I am the general manager of Sonoma County Resource Recovery in the town of Windsor.
- We began that contract back in 2017
- On October 2nd, we just had our five year anniversary last October.
- I am a long term Sonoma County resident. I've been here since 1993 and the 90s.
- I partnered with Waste Management and ran all 12 county's trash services, including yours.
- So I know all the ins and outs and all the ways to get things done
- Our ownership group and I think it's important for you to know we're not just some small garbage company in Windsor. Our ownership group includes Marin Sanitary Service down in the Southern portion and also South San Francisco scavengers.
- Of that group. Our board of directors has two Hall of Fame waste industry individuals, which means that when we have to perform a contract in 45 days instead of six months, which is average, people can make phone calls and things can get done. So the support that we have from those partners is absolutely monumental.
- I think it's important for the city of Sebastopol to know that.
- I can give you kind of a compelling argument to extend this contract with Recology. I can, but it's going to come down to a couple things your service, your pricing, your programs, your safety and, very important, your transparency if you've got all those things that would be a very compelling reason to extend it.
- If you have questions about any of those things, especially with running at a deficit over all these years and not knowing where you're going to land, at the end of the day, it might be very important. It might be a good time for you to put this out, to bid
- I would urge the city of Sebastopol to put this out to RFP.
- In conclusion, I'd just like to say that we are non-union, but we have met every single wage and benefit that the union currently has. Thank you so much for your time.

Sunny commented as follows:

- I'm a Sebastopol resident and high school Teacher.
- I want to thank the council for being so supportive over many years of efforts to reduce waste in greenhouse gas emissions.
- I'm speaking today to urge the Council to renew the city's hauling contract with Recology.
- I want to express what an excellent partner Recology has been in Schools and the Community at large. I've worked with several Sebastopol schools on compost and recycling.
- The Recology Waste Zero Team has been invaluable.
- To these efforts designing sorting systems, leading waste audits, teaching classroom lessons, donating sorting containers, reusable foodware and signage and mentoring student volunteers.
- In the community Recology has been instrumental in reducing waste at events such as the Apple Blossom Festival and Gravenstein Apple Fair Weekly Farmers market.
- Working with the Sebastopol Zero Waste and Climate Action Committees on many citywide waste reduction initiatives.

- Specialist Ambrosia Thompson has been amazing to work with in Sebastopol in working with Sebastopol businesses and designing waste reduction systems, setting up compost collection and training employees, saving businesses money by helping them divert more waste to compost and recycling.
- There are significant benefits to working with the same hauler as most of the other cities in our county are Sebastopol.
- Zero waste advocates collaborate with the entire Recology Waste Zero team on countywide efforts and events in other cities.
- Additionally, having the same sorting guidelines, containers, signage and educational materials as neighboring towns keeps things simple for residents as they travel throughout the county.
- Increasing compost and recycling diversion rates.
- Recology is an employee owned business that pays living wages as a teacher.
- Seeing the declining enrollment in schools, I know the importance of having a local employer that pays wages that allow families to afford to stay in our area.
- I also wanted to invite the Councilmembers and public to the Santa Rosa Junior College Climate Action Night event this Thursday. Four 3630 at the Bertolini Student Center at the SRJC campus.
- 12 Sebastopol students are presenting at the event.

Kyle commented as follows:

- I'm not going to reiterate the letter that I submitted to council, but I just will encourage Council to seek an RFP and in particular, seeking an RFP will grant the city the opportunity to renegotiate their own franchise fees, generating a larger quantity of revenue to the city to reimburse us for the wear and tear on our roads as a result of these vehicles.
- Currently the franchise fees are not adequately reimbursing our city for the wear and tear on our roads.
- We just saw the massive cost that that paving costs our city and our capital improvement budget is the amount that it's going to be needed to repair and restore our roads is massive.
- We're not recognizing the damage that's being done to these roads by these massive vehicles that are contributing to the damage on these roads.
- But in particular, let me just a few other reasons as to why we should be going for an RFP in 2020.
- Former RECOLOGY executive Paul Gasti was charged with bribery and money laundering in a case in which authorities said he funneled \$1 million to former public works director Mohammed Nuru over several years
- Gasti later pleaded guilty on a fraud charge. I'm citing a San Francisco Chronicle article from January 12th, 2023.
- Then in 2021, Recology agreed to reimburse San Franciscans \$4.5 million in overcharges from 2017 to 2021 discovered during the corruption investigation into Nuru in 2022.
- A San Francisco comptroller report revealed the company had pulled in \$23.4 million more in profits over a four year period than its agreement with the city allowed.
- The Chronicle was unable to reach Recology for comment, but perhaps tonight Recology could address these comments.
- As for us locally, I recall in the last couple of years both the implementation of a new truck as well as a reduction in the number of hours of customer service operation being cited as factors the city would remember during renegotiation.
- So hopefully that can be addressed tonight.
- As for the recent rate hikes also that we've experienced since July 2022, both residential and commercial users saw their waste bill rise between 12 and 13%, 12 to 13% in just the last year alone.
- Hopefully that could be addressed tonight.

Michael commented as follows:

- I am the president of the Sebastopol Downtown Association and for approximately at least ten years I have been saying that the garbage cans in the downtown are marked recycle and refuse or landfill
- The Recology truck that comes by is a single container truck. It's a small truck.
- Everything in both of the containers goes to the landfill. So it is fraud upon our community to make you think that when you're putting your recycled can into the recycle bin, that it's actually going to be recycled.
- Well, it's not. So that needs to be addressed. That is a real thing.

- The other issue that we have at the downtown is the street sweepers come through the downtown at 1:00 in the afternoon. The shoppers are out. Big, huge plumes of dust cover everybody. It's terrible.
- I don't really have an issue with Recology. If you're going to go with Recology, you really need to get them to answer to these questions because if we're going to be zero waste, we're certainly in the downtown area for a fact we are committing fraud upon our citizenry by making them feel good, by putting the containers there and then taking those containers and throwing them in the landfill.
- It's just it's absolutely goes counter to everything that Sebastopol is.
- So I think that that is two topics that are absolutely necessary for discussion is one, the timing of street sweepers should not come through during business hours. And two, something has to be done about actually recycling downtown or just put garbage cans out there and let everybody throw everything away.

Sunali commented as follows:

- I've been a resident for a few decades and I'm also a business owner.
- I also have the pleasure of serving on the Climate Action Committee part of the Council's appointment
- I am here because I rally commented our City for putting attention towards zero waste and climate efforts
- Working on this it encompasses so much
- I really appreciate that
- Recology is attentive to diversity, equity and inclusion
- I appreciate they are an employee owned business.
- I appreciate the efforts that they put into recycling and zero waste education and really partner with our community.
- I think that that is substantial value. If we don't value that now, our future ends up paying the price
- It's a matter of economics
- Urge you to put the value that we need into that.
- I appreciate that Recology addressed the questions that the Council brought, whether it be an incremental increase so we're not immediately taxed.
- I like the way they conduct themselves
- I appreciate Ambrosia's work.
- They've dedicated somebody from their enterprise into integrating with the community.
- There are clearly some improvements to be made. But I hope it sounds like they're able to work with us and I hope we continue to foster that relationship for the best of all and for our future.

Una commented as follows:

- I wanted to say a couple of comments about the history of our relationship with Recology.
- First of all, we did way back when at the beginning of this current contract was with then Waste Management ended up buying out Ratto and there were problems there.
- Both of those organizations were paying very low wages and there were a lot of problems with both of those organizations.
- Recology came in and improved our service, improved our compliance with state regulations and federal regulations to do with the environment and also created actual union jobs that are that are paying people a living wage and giving them benefits. Et cetera.
- So our service actually increased many fold. It became so much better in the course of this contract.
- So the reason why the contract is not paying for itself now is that many changes have been made regulatory wise, and there are so many more regulations.
- That's why our vendor is losing money now because there are so many more requirements of what they have to do.
- There have been a very good partner in terms of helping us with compliance. Picking up the trash is not just picking up the trash anymore. They're very sophisticated. They're working on a regional basis. They have a great deal of expertise in this industry
- I would say they have been extremely good partners.

- I just would like to remind everybody that the cheapest isn't always the least expensive. To make a gigantic change right now would probably be very costly in terms of our city operations and infrastructure and could be actually fairly time consuming for the public and for our various city committees.
- I urge you to consider sticking, at least sticking with Recology and keeping this contract going for another year.

Woody commented as follows:

- Member of the Sebastopol community.
- In my career between 1989 and 1995, my entire world was wrapped up integrated solid waste management in the Los Angeles area and helping to get the first one of the first curbside recycling programs underway in a huge metropolitan area in Los Angeles
- I got to tell you, if you would ask me back then where I thought we would be by 2023 I would have thought that we would have had it wired by now.
- We need to get this wired. This is a basic fundamental thing here, how we manage our waste.
- Recology is right now from what I can see in this the gold standard
- Whoever you contract with needs to meet or beat the standards Recology has set
- Recology has really been doing a great. Job engaging. Engaging Youth, doing a lot of really good things.
- Going outside of the standards
- If there's nothing better than Recology out there, the point that Una just made about the cheapest isn't necessarily the best.
- If there's nothing else on the scene that's going to meet or beat Recology standards on climate and zero waste goals, we should stay where we're at.

Linda commented as follows:

- This is all very interesting
- I thank everybody who is chiming in and speaking up and giving a different perspective on this this issue.
- I thought I thought there was required as any contract, over \$30,000 was put up for bid.
- I would appreciate it if the mayor correct me on that.
- I want to let everybody know that they are dealing with a mayor and a Vice Mayor and the previous city council who got conned into to a \$2.2 million contract with shyster co Badger meter for 3000 plastic non-recyclable Chinese made pieces of junk in the form of wireless water meters
- They are going to have to be replaced time and time again. It is just an endless pit.
- That's who you're dealing with.
- Installation of these plastic non-recyclable pieces of junk water meters is ongoing.
- You'd think that one of them on the city council would slam the brakes on this issue.
- I'm interested in that answer about the \$30,000 out for bid and the other \$2.2 million never went out for bid. The wireless water meters. I'd like to know why not.

June commented as follows:

- I was part of the groups back when labor activists and environmental activists came together.
- I think it was really an important accomplishment to bring labor and environment together.
- Often, you know, falsely put at odds, came together to change from when we had Ratto, which was low labor standards, low environmental standards, and Recology became who was providing our services.
- I really think it's been important to see the change we've experienced as far as the focus on the environment, on zero waste, on how our resources are being dealt
- Always ongoing work to be done to improve it. But I think it's important that the people that work the most on this issue that really work on zero waste, that really work on climate in our community, for our community, have said that Recology is a partner that they can cooperate with.
- That's important to engage the youth because really about how we manage this is how our mindset is and how we do our behaviors as much as the hauling of the material.
- I think it's important to have a partner that we can work with on all these different levels.
- I think it's important that Sebastopol continues to value how do we treat labor.
- We do want a company that is not going to be afraid of unionization.

- We want to have our environmental standards upheld and a continuous moving forward in improving our system.
- So those are the values of Sebastopol. So I hope that you'll keep those top of your agenda when you consider this item and think about the folks that you know and trust on zero waste and how they're supporting the efforts that Recology has made.

Mayor Hinton responded to public comment as follows:

RFPs at certain funding level

City Manager/Attorney McLaughlin commented as follows:

- Many construction contracts do require competitive bidding, although there are exceptions to that for smaller level projects.
- This franchise agreement does not require competitive bidding.
- An RFP process is just that. It calls for proposals which go a wide spectrum of elements. Rate or fee would be one element. There are many other elements
- So it's not strictly a competitive bidding situation at all with respect to the franchise agreement.

City Council Discussion and/or Deliberations

Mayor Hinton commented as follows:

- I actually have a question for the other garbage hauler
- I was looking back at the Windsor Agreement, and at that time it said that you didn't you were possibly going to have to haul the recyclable materials for a longer haul to San Jose while you were waiting for permits. Are you hauling?
- This is an old article, but where are you hauling?
- Since you just have the one Windsor where are you taking the garbage

Mr. Harrison commented our material for our residential currently goes to Saint Helena because there's no recycling facility here in Sonoma County. I believe that some of our college's material also goes there and also goes to Ukiah

Mayor Hinton commented so everybody's kind of taking it the same place.

Mr. Harrison commented yes, there's just not a facility that's operating right now in Sonoma County to handle all of this.

Celia Furber commented Recology has a new facility currently down at the moment as it is under construction.

Mayor Hinton commented do you have a completion date on that.

Celia Furber commented October of this year but it could be delayed.

Mayor Hinton commented as follows:

- So in all these different discussions, if we if we were to extend, that doesn't preclude us from going out to RFP later.
- Is that correct
- At the end of that discussion if there is no agreement I just want to understand what this decision means

City Manager/Attorney McLaughlin commented as follows:

- During the extension period, we would be attempting to negotiate a new agreement.
- Negotiation is just that it would be successful or it could potentially be unsuccessful.
- If it was not successful, nothing would stop you from going out for an RFP at that point.

Councilmember Maurer commented as follows:

- We hear from a public commenter that the recycling and the trash when they're picked up in Sebastopol or going into the same truck.
- That's my first question. I'd really like to hear from Recology whether or not that's accurate or not.
- The second question was about a San Francisco Chronicle article where one of your main administrators was in hot water over something.
- Can you verify or let us know the status of that problem

Ambrosia commented as follows:

- What Mr. Carnacchi was referring to is the city of Sebastopol cans that are downtown.
- You have garbage and you have a recycling.
- We do service those cans.
- But the problem is that they're community faced, so there's nobody monitoring these bins.
- We are trying to recycle what's there, but that takes sorting.
- It is not Recology. It's the process.
- We've been working in groups outside. There's the Sierra Working group. There's, there's tons of. Groups that have kind of gotten together to try to remedy that issue.
- So if you have any ideas, I would love to hear them.
- But the but the carts that are in the square, those are definitely being serviced properly.
- So yeah, it's just a, it's a wall that we keep coming up against.
- I might add that in discussions with the public works superintendent
- We have very, very poor public compliance with the recycling, sorting of recycling versus garbage in those downtown cans and no ability to constantly monitor them.

Fred Stemmer commented as follows:

- I'm the general manager.
- With regards to the second question of how does San Francisco's drama lately affect and impact?
- It does not. It's a separate entity. What took place among individuals is not reflective of Recology's practices, a larger corporation.
- These were poor decisions by some individuals, but it has absolutely zero impact.
- Aside from that, Recology has adopted much heavier compliance requirements in order to ensure that mistakes like that don't happen again.

Mayor Hinton commented that I've read the articles again. It's not our entity. You have separate divisions and so you're saying it's a separate like LLC or something.

Mr. Stemmer commented it is a separate subsidiary. I am a general manager of Recology Sonoma Marin. Our service area is in those two counties. San Francisco has three separate general managers that operate there. Paul Giusti. The gentleman that was referenced in the article, that was a government affairs manager that worked under one of the three subsidiaries in San Francisco and he did correctly note the former public works director, Mohammed Nuru. He was arrested by the FBI. He was working with a nonprofit to funnel money. Essentially Recology was donating money to a kid's charity. And that money was then being reallocated out at the direction of that public works director.

Councilmember Zollman commented based upon the input that I've received from people like Marty Bennett, who has spoken tonight, and definitely Sonny Galbreath, along with many others, I definitely am supportive of all of our college's efforts, and so I moved to direct staff to work with Recology on a new extension of the franchise agreement.

Councilmember McLewis commented as follows:

- I just have a few comments.
- I know Ambrosia, and I'm very familiar with Recology, and I think that they've done a fabulous job integrating in the community.
- I understand all of that. As I said, I have a little experience with negotiating fairly large contracts and all of that is important and customer service is important.

- I also, you know, look at the numbers and I and we talk about we want to have a balanced budget and we talk about having success with a contract.
- In my mind, when you're negotiating a contract, the onus is on the folks who are bidding that contract to figure out how to meet the needs of the town, not us figuring out how to fit you into our budget or like or it just seems a little backwards to me in some of these discussions because if you don't put an RFP out and you don't know what things cost, how do you know that you are doing the right thing for the city and understand all the nuances and everything?
- I'm just struggling with the idea because I've put I've had to bid so many times with hospital systems and it the onus was always on me to prove that that they needed to sign with me.
- So this just seems a little backward with some of this stuff.
- I just think when we look at our budget and we're talking about what are we going to do.
- Then I hear that if we enter into negotiations, then we may or may not find out what other people are charging and what they're doing.
- How do we even know fully what other companies are offering if we don't explore that?
- I don't even understand that. It just it just it's beyond me with all that.
- So I just have a lot of questions.

Mayor Hinton commented as follows:

- I want to go ahead and weigh in.
- I am the Councilmember that the member of the public was referring to that said, my memory is long and I remember buying a truck and the cut service hours.
- I felt like we've been really good partners and it's really difficult when we are looking our partners in the face here and there, the president of our Chamber of Commerce, which of course I love community service and they bring a lot to the table.
- But I also was a Councilmember that put an RFP policy into place because we weren't going out on RFPs for everything.
- While I agree that the lowest bidder is not always the best, there should be a scoring system used so that we can negotiate what's best for our citizens because.
- This contract is worth what
- If you add the \$900,000, it's going to be worth \$3.2 million. So that's a lot of money, too.
- Having worked in a business where I had regular customers and my radio business every year, we love them. But we went in and negotiated against our competition to get our contracts.
- We have a great partner. I'm not comfortable just telling them, Oh, you've got it. Then we got to figure it out and then it'll be we have to walk away.
- So I'm not feeling really comfortable about just not putting this out for RFP.
- I think terms of contract, there's a lot of things that we should be looking at

Vice Mayor Rich commented as follows:

- How much would it cost the city to go out for an RFP?
- What is the cost that's involved in that?

Toni Bertolero commented as follows:

- I don't have information on that right now because I haven't looked into it.
- I just know of the timing involved. I was actually in Windsor working for the town of Windsor when that went out to bid and it took a great deal of staff effort.
- They decided to do it in house and it took probably almost, I'd say, one full time staff member for a period of time to get through the process.
- I can look into what something like that could cost.
- If I had to venture a guess, I would throw out a number of \$30,000.

Vice Mayor Rich commented what is our franchise fee at this moment.

City staff commented 10% of their gross revenues.

Vice Mayor Rich commented as follows:

- We're setting rates for our residents and our businesses.
- They're paying Recology, is that correct?

Staff stated that is correct.

Vice Mayor Rich commented as follows:

- I'm on the Budget Committee.
- I'm aware of the financial challenges that we face.
- I look at the disruption that an RFP would cause for our staff.
- I listen to our staff's recommendations.
- I also am fully aware that there are not many competitors in town in Sonoma County.
- I look at all of those and I think about the hassle factor and the burden and what's going on with our staff and the cost of an RFP.
- I consider that in the context of an excellent working relationship.
- We're hearing that from all corners, excellent working relationship with Recology.
- I have to come down on the side of just extending the contract, understanding that that we would not have the opportunity to then have competitive pricing.
- However, on the side of Recology that hasn't been mentioned yet, but I am personally aware of comments from our public works superintendent about the supportive relationship with Recology and the value added that they bring to the city.
- We learned that through the Morris Street situation.
- The fact that their employee owned is very important and let's comment that not continuing with this contract also jeopardizes jobs.
- There are employees within our county that are supported by Recology.
- If we don't continue this contract, we're talking about local jobs, school support.
- I have to say, I've been on Zero Waste Sonoma. I am aware of that board. I'm aware intimately of the relationship between zero Waste Sonoma as our JPA and RECOLOGY and the partnership and the results and outcomes that that brings to all of our jurisdictions and zero waste Sonoma if they were sitting in this room, Sloan, Lindsey, any of them would be saying zero waste. Sonoma does everything that they're supposed to in terms of serving the community.
- The eco station is another example.
- We have an opportunity through the individual that happens to serve our community through Recology to have so much value added.
- This person attends meetings, the eco station that the that the community center is piloting is being facilitated through Recology, through Ambrosia.
- That would not happen without Recology support and Ambrosia's involvement.
- It goes directly to the issue of compliance because this is an eco-station that is going to try to train people to put the darn products in the right bins.
- So that's the educational piece that you see.
- I'm aware of their presence at our high school and at other schools where Recology comes in and tries to train young people.
- The countywide benefits I think are important to note.
- Then customer service. We have customers in this town that are very demanding and we have heard throughout comments we've received emails, we've received compliments everywhere and it has to do with the customer service.
- So what do we save?
- I end up looking at this and I think we go through all of these an RFP and we get we get some bids from two organizations that are offering hauling services and ultimately. I'm thinking we're going to end up with Recology.
- They have agreed to even though they're taking a loss.

- We looked at all the numbers in the report.
- They have agreed not to deal with the sticker shock, which I think is probably going to be about \$10 for a 2695 bin.
- They're willing to do that over multiple years.
- This is an organization that has been demonstrated integrity service and has been reliable for us.
- I'm in support of continuing them.

Councilmember Maurer commented as follows:

- I also wanted to point out something which is we we've received a lot of letters in support of Recology and the people at the Burbank Homes and Gardens really are singing your praises, Ambrosia, and really appreciating your work that you do there and that that means a lot to them.
- I just wanted to point that out.
- We've heard from people from Zero Waste Climate Action in support of Recology is the gold standard.
- Staff is recommending that we direct them to continue to negotiate the contract.
- So I'm going to second the motion that Steven made.

- Councilmember McLewis commented as follows:

I just want to say in talking about this for me, it's not about, oh, I don't like Recology or oh, I don't like this company or that company.

- It's about being competitive.
- It's about having that process there that you obtain objective information.
- As a Councilmember and our job at looking at the finances and everything, at the end of the day, it's important to have that objective information and bid.
- If a company really wants to service, then they figure out how to meet, how to meet whatever it is they know that we have.
- I feel that if we extend and then we go into it with, well we're just going to go with you and we'll figure it out. Well, that's not being competitive. That's not being objective
- We're in the community and Ambrosia knows me, and I just want you to understand that it's just about the process for me and the objectiveness and doing what's right for the city as far as money.
- You never get a good negotiation if you just tell someone, hey, we'll just work it out. I've just never seen that happen. It just hasn't happened.
- So that's where I'm at with that, I just want to make sure that's clear.

Mayor Hinton commented as follows:

- If the vote is that we're moving forward tonight, I want to be really clear that if you guys don't sharpen your pencil, we'll be at an RFP.
- I'm just being really blunt about it.
- If you already have the job, so we all know you and so everybody's writing, they're doing a great job and that's great.
- But it looks like it's going to be a long contract. It's a big amount for our little city, and we haven't seen what the rates are going up to yet.
- I just wanted to make it that it is not personal.
- It's really about it's really about just making sure that we're protecting everyone that lives here that elected us.

Vice Mayor Rich commented as follows:

- I just want to make that point also.
- I'm completely in support, as I said, of extending the contract. But you need to understand that we will be vigilant and those who are voting in support of extending the contract will be keeping an eye on things and will be checking in with Larry, with our administrative team.
- I personally am not going to hesitate in moving forward with an RFP if I'm convinced that that our residents are not getting the deal that they need to get.
- So if you could please negotiate it as aggressively and with as considerate an approach as possible.

- I personally would appreciate that.

Mr. Stemmer commented as follows:

- I very much appreciate the discussion tonight.
- I just want to say we are not anti RFP. If that is the direction where you all want to go.
- We have competed and won every RFP we have bid on here locally.
- This your transparency that was mentioned by Jeff.
- It exists in the ultimate rate proposal that you see while you can choose variables and change them to customize whether you want bulky item added or you want to replace carts.
- It all boils back into the cost of service that the residents and the businesses pay, and that is transparency.
- Whether you go through an RFP or a direct negotiation, you will always be able to take the rates that are in the community and in the adjacent counties and compare them and know that you're getting a fair price.
- So there is there is transparency in both the benefit and direct negotiation is you're not obligating every respondent to put brand new containers, brand new trucks, brand new routing.
- We can build on the infrastructure and the success that we've built over the last five years.
- If that is broken, if it does not work, an RFP is an amazing tool. Throw it all out and start fresh and we will participate if that's your choice.
- I just want to make that we are we are here to support the community and you we are advocating for direct negotiations because it is the competitive advantage for both you, the customers and us.
- We throw out many of those advantages when we start fresh with all new RFP basis.

MOTION:

Councilmember Zollman moved and Councilmember Maurer seconded the motion to direct staff to work with Recology on a new extension of the Franchise Agreement.

Ayes: Councilmembers Maurer, Zollman, Vice Mayor Rich

Noes: Councilmember McLewis and Mayor Hinton

Absent: None

Abstain: None

City Council Action: Directed staff to work with Recology on a new extension of the Franchise Agreement.

Minute Order Number: 2023-110

14. Discussion and Consideration of Amendment to City Council Committee and Liaison Appointments (Responsible Department: City Administration).

City Staff presented the agenda item recommending the City Council consider Amendment to City Council Committee and Liaison Appointments.

Councilmember Zollman added the following updated information:

- We had the good fortune of speaking with Sonny, who has done a really, really wonderful job being our primary, and she definitely said that she has candidates.
- So while in the staff report, it says that I would be happy to jump in as primary, I also don't want to step in front of citizens who have the passion, quite honestly, probably better expertise than me.
- So when I spoke to Mary, she said that I could ask for either the council to say we should go to full selection or to put it over for about a month for Sonny to give me the names and then I could forward them to Mary and then Mary will know what to do with them.

Mayor Hinton opened for questions from Council. There were none.

Mayor Hinton opened for public comment. Amendment to City Council Committee and Liaison Appointments

Kyle commented just very quickly. I would love if there was an opportunity since this is the topic to discuss any current or expected costs to the city as a result of this appointment or appointments like this appointment, if there are any associated costs, it would be great to make those public and perhaps discuss those things as being negotiable as we are in budget negotiations.

Linda commented as follows:

- I find it just so interesting how these kind of things can get agendized when issues like millions of dollar's worth of junk, that has been opposed to wireless water meters very vocally and on all kinds of numbers of levels and it is not brought up for discussion or on the agenda. It's just mind boggling.
- I hope that at the next city council meeting you slam the brakes on this and pause the installation of the wireless water meter boondoggle.
- I would really appreciate it.

City Council Discussion and/or Deliberations

There was no further discussion.

MOTION:

Mayor Hinton moved and Vice Mayor Rich seconded the motion to authorize Councilmember Zollman to work with Sunny Galbraith to provide names for the primary representative for Council review and consideration.

Discussion:

Mayor Hinton commented just to address a member of the public, I do not think there's any cost associated with this action and we're not publicizing it since we're relying on Sunny's recommendations.

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

Noes: None

Absent: None

Abstain: None

City Council Action: Approved Councilmember Zollman to work with Sunny Galbraith to provide names for the primary representative for Council review and consideration.

Minute Order Number: 2023-111

ADDITIONAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA: Three minutes per speaker for up to twenty (20) minutes total for public comments but can be reduced at Mayor's discretion depending upon the number of speakers or Mayor has discretion to allow for additional time beyond the 20 minutes allocated for public comment dependent upon the subject matter or number of speakers.

Kyle commented as follows:

- So I really want to congratulate this council and it becoming much more transparent in its budgeting process.
- The recording of these meetings, has, I think, generated a lot more interest in our budget. And the decorum and the tone of those budget meetings is radically different than it was prior to the recording of these.
- I appreciate that.
- However, there are still a couple hiccups along the way. For some reason, the police budget meeting continues to get canceled and most recently it was canceled with quite short notice.
- In the process of rescheduling that, there was still conflicts in the way that the information about the rescheduling was listed.
- So doing my diligence, I made the telephone call to find out exactly what that was going to be. I found that there was errors in the posting of the rescheduled date and time, and it appeared that it was just like a copy paste type of a situation rather than doing the diligence where the agenda item itself said 130. But the date that was posted on the website continued to say 10 a.m. for that site.
- So I'm just pointing this out to suggest that we are continuing to have issues with the publicly noticing and website management of our meetings and our meeting calendars.
- This is the second time that I've had to address this with the Council.

- It is my hope that when meetings are cancelled, there is clear communication to the public about the canceling of those meetings.
- You guys are spending like tens of thousands of dollars on a social media manager
- Discussed good website management that is not allowing errors like this to persistently happen.

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

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

Sunset Avenue/Taft Street Pedestrian Enhancements Project

Council approved this new CIP project on the April 4th meeting with funding from a \$200,000 grant from District 5 Infrastructure funding. GHD approached the School District and asked if the District would be willing to contribute funding for the construction of the improvements since the total cost is estimated at \$290,000. We are happy to report that Jennie Bruneman with the District confirmed that the District will be contributing \$20,000 towards the project.

Ives Park Pathway Project

Bids were opened today on the pathway replacement project and the lowest apparent bid was \$92,000 from Piazza Construction. Staff will be working with on executing the contract for the work. We estimate that the work should commence in May or early June.

Parklets Interim Guidelines

The guidelines document has been finalized with the changes requested by Council and the guidelines will be posted on the City's website. At this time, staff is reaching out to architects to develop a concept design which will be brought to the Design Review committee before moving forward with a final design.

16. 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).

Mayor Hinton provided a written report as follows from SCTA:

1. Transit fiscal cliff
 - a. Significant regional problem, especially for the large operators.
 - b. Estimated there will be nearly \$3B in operating shortfall across all of the region's operators over the next five years
 - c. Our local service is doing better than many, relatively
 - i. Santa Rosa and Petaluma are at just over 70% recover in ridership and Sonoma County just under 70%
 - ii. SMART is nearly at 80% recovery which is second best in the region
 - d. Not just financial issue – it is a challenge to recruit and retain drivers, train engineers
 - e. **State action is needed for transit to survive and thrive** – critical for people and for our climate goals
 - i. About 1 million trips a day happen on transit across the Bay Area
 - ii. Riders are disproportionately low income and people of color so cuts disproportionately harm the most vulnerable
 - iii. We need more rider to meet our climate goals and that means we need more operating funds
 - iv. **Need new, multi-year transit operating funds to be successful**
 - f. Accountability of operators is part of the equation too. SCTA is leading the three local bus operators in an effort to streamline service, unify fare structures, promote service, and support riders.
2. TIRCP funds – SCTA coordinated a multi-operator grant application for Transit and Intercity Rail Capital Program funds. Senator McGuire sent a letter of support as did other Legislators.

- a. TIRCP money is on the chopping block per the Governor's budget and that would be a problem for our grant.
 - b. Our grant will add 19 all-electric buses, extend SMART north to Healdsburg and Cloverdale, and provide passenger amenities like improved bus stops and a connection across Hwy 101 from SRJC to SMART. Hope to hear results soon but may depend on budget deliberations.
3. SR37 tolling hearing at California Transportation Commission (CTC) in May; public meeting with the CTC on April 24 in Vallejo to discuss.
 - a. Tolling is a critical part of funding the improvements needed in the SR37 corridor.
 - b. Toll financing helps pay for needed near-term improvements, removes the current bottle-neck, enables transit and HOV priority to support our sustainability mandate.
 - c. Toll revenues serve as Local Funding Match for Federal and State Dollars for the near-term project and long-term sea level rise projects along SR 37.
 - d. Tolling supports state sustainability mandates.
 - e. Tolling will occur only after capital improvements are in place, a low-income discount program is operational, and transit is running.
 4. Safety – We've adopted a Vision Zero Action Plan and Local Road Safety Plans and are working on getting implementation funding for projects and policies identified in these plans.
 5. Climate - how will the State utilize the \$3 million in federal formula funding that it will receive from the Climate Pollution Reduction Grant Program. Ideally RCPA would be involved in discussions about how this funding is used to support local climate action planning. States will be required to collaborate with local governments in completing their plans and to identify actions that can be delivered at the local level - which local governments will then be able to apply directly for funds to complete. Perhaps Senator McGuire or others could point us to the right people at EPA to talk to about this.
 6. Budget – curious to hear any news or updates on budget projections and thoughts on how the Legislature will prioritize any necessary cuts or deferments.
17. Council Communications Received (Information/Meetings/Correspondence Received from the General Public to Councilmembers): There were none.
 18. 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

April 18, 2023 Meeting will be adjourned to the Regular City Council Meeting of May 2, 2023 at 6:00 pm (In Person and Remote/Zoom Virtual Meeting Format)

Mayor Hinton adjourned the Regular City Council Meeting at 11:43 p.m. Next Regular Scheduled City Council Meeting of May 2, 2023 In person and zoom virtual meeting format to be held at 6:00 p.m. In person meeting to be held at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, Ca.

Respectfully Submitted,



Mary Gourley
Assistant City Manager and City Clerk