

City Council

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



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City of Sebastopol

CITY COUNCIL MEETING AGENDA

Meeting of Tuesday – May 21, 2024

6:00 pm – Meeting Start Time

Meeting to be held in Person and Virtual /Remote Participation

Zoom Link is to be used for providing public comment/Live Stream is utilized for viewing only of meeting

Topic: City Council Meeting - May 21, 2024

Time: May 21, 2024 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88435794881?pwd=ajFPYmt6K1I2OWU4WE5hSVY2MGhaUT09>

Meeting ID: 884 3579 4881

Passcode: 192720

One tap mobile

+16699006833,,88435794881#,,,,*192720# US (San Jose)

+16694449171,,88435794881#,,,,*192720# US

Dial by your location

• +1 669 900 6833 US (San Jose)

• +1 669 444 9171 US

• +1 719 359 4580 US

• +1 253 205 0468 US

Meeting ID: 884 3579 4881

Passcode: 192720

Find your local number: <https://us02web.zoom.us/j/88435794881>

CALL TO ORDER

ROLL CALL

SALUTE TO THE FLAG

PROCLAMATIONS/PRESENTATIONS: NONE

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

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.

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.

1. Approval of City Council Special Meeting – Closed Session Meeting Minutes for Meeting of May 6, 2024 (Responsible Department: City Administration)
2. Approval of City Council Regular Meeting Minutes for Meeting of May 7, 2024 (Responsible Department: City Administration)
3. Adopt Resolution authorizing the transfer of \$1,000,000 to the City of Sebastopol Section 115 Trust Pension Stabilization Trust Account. The Trust Account received an initial deposit of \$1.8 million on January 19, 2024. On March 19, 2024, the Council approved staff’s recommendation to explore shifting the balance of funds in our pension reserve to the trust. City consulted with Baker Tilly, who concurred with this transfer. (Responsible Department: Administrative Services)
4. Resolution approving a budget amendment to the Fiscal Year 2023-24 Capital Improvement Program (CIP) budget for the Youth Annex ADA Upgrades (CIP#0213-20.05) The requested action is to increase the project budget from \$161,000 to \$181,000, an increase of \$20,000. The project is funded with Community Development Block Grant (CDBG) Grant Fund 216 and Building/Infrastructure General Fund Reserve Fund Account 216 (Assigned General Fund). (Responsible Department: Engineering)
5. Approval of the AB 1600 Report for FY 2022-23. AB 1600 (Mitigation Fee Act, 1998), codified as Section 66000 et seq. of the California Government Code, regulates how public agencies collect, maintain, and expend impact fees imposed on developers for the purpose of defraying costs of public facilities. It includes requirements for annual accounting and reporting of the fees. (Responsible Department: Engineering)
6. FY 2024-25 Street Lighting Assessment District – Adoption of resolution of intention to levy and collect the annual assessments for Fiscal Year 2024-25 for the City of Sebastopol Street Lighting Assessment District, preliminarily approving the annual Engineer’s Report and setting the date of the Public Hearing in accordance with provisions of the Landscaping and Lighting Act of 1972 (Responsible Department: Administrative Services)
7. Approval to Direct City Attorney to review Current City Council Policy for Agenda Preparation, Presentation of Proclamations, Reading of Consent Calendar Items, and Turning off of Microphones after the allocated time limit for Public Comment, Return an agenda item to the City Council no later than the June 18, 2024 City Council Meeting with Options, Legal Analysis and Recommendations for Amendments (if any) (Requestor: Agenda Review Committee/Responsible Department: City Attorney)

INFORMATIONAL ITEMS/PRESENTATIONS: *Informational Items or Presentations are items that are informational only and do not require action by the City Council. Presentations shall be scheduled as necessary for the promotion of an event or service or general information items to the Council and should be limited to ten (10) minutes total in length of item (total length includes questions of Council to presenter and public comment).*

NONE

PUBLIC HEARING(s):

8. Public Hearing - Appeal of Tree Board denial for the removal of one Bunya Bunya tree at 6700 Sebastopol Ave; Applicant/Appellant: Barlow. The applicant/appellant requests that this decision be overturned based on the safety concerns surrounding the tree from falling cones and fronds both for pedestrians and future tenants of the building (Responsible Department: Planning)

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

9. Water and Wastewater Rate Increases – Discussion to Address City Council Questions received since April 23, 2024, Discussion of Next Steps to Include Discussion of Options as Proposed in the Agenda item, and Approval of Amendment to Professional Services Agreement with Raftelis for Water Rate Study public education and involvement in an amount not to exceed \$20,000. Topics for Discussion include but not limited to:
 - a) Discuss current rate proposal and concerns from Council and community and continue 218 process.
 - b) Consider suspension of 218 process based on current rate proposal.
 - c) Consider request that alternative rate proposals be presented to the Council, with impacts to the City from each alternative outlined.
 - d) Consider creation of a Council Ad Hoc Committee to support whatever direction is given by Council, including for example to participate in review of the rate structure and to give recommendations to Council and community.
 - e) Depending on outcome of agenda item and direction to staff, determine additional funding needed, request and consider recommendations from staff, and make final decision.
(Requestors: Mayor Rich/Councilmember McLewis; Responsible Department: City Manager)
10. Discussion and Consideration of Recommendations from Staff for Replacement of Ives Pool Heater in an amount not to exceed \$ 85,720. Replacement is needed due to the maintenance history, poor operating condition, and an extended lead-time of approximately 3 to 4 months for a replacement heating unit in the case of an unrepairable failure. (Responsible Department: Public Works)
11. Ballot Measure Initiatives/Sales Tax Measure: Receipt of Information on Potential Sales Tax Ballot Measures/Time Lines for Placement of a Ballot Measure on the November 5, 2024 General Municipal Election /Consideration o Approval of Funding for Education and Outreach Services /Campaign Polling Consultant (Estimate: \$30,000). This item tonight is not to approve placement of the ballot measure onto the November 5th 2024 election, but to determine direction to staff to move or not move forward with obtaining information and conducting outreach on a Potential Sales Tax Measure. (Requestor: Agenda Review Committee/Responsible Department: City Attorney/Outside Legal Counsel)
12. Consideration of Recommended Actions from Library Ad Hoc Committee. The Ad Hoc Committee was formed to explore future possibilities for Sebastopol’s Branch, including but not limited to the issues of increased staffing and adequate facilities. The item tonight is to receive the Report from the Library Ad Hoc Committee and discuss the recommended actions in the report. It is also recommended that the Ad Hoc Committee be dissolved as it was created for this specific purpose. Depending upon the outcome of the recommendations, the Council could consider a new Ad Hoc for specific actions. (Requestor: Vice

Mayor Zollman)

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

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

13. City Manager and/or City Clerk Reports: (This will be either verbal reports at the meeting, or written reports provided at or prior to the meeting)
14. 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 reports at the meeting, or written reports provided at or prior to the meeting)
15. Council Communications Received (Information/Meetings/Correspondence Received from the General Public to Councilmembers)

CLOSED SESSION: NONE

ADJOURNMENT OF CITY COUNCIL MEETING

May 21, 2024 City Council Regular Meeting will be adjourned to the City Council Regular Meeting of Tuesday, June 4, 2024 at 6:00 pm, Sebastopol Youth Annex, 425 Morris Street.

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

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

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

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

Government Code Section 54953.

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

(b)

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

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

There are times that the City Council open meetings may not be live streamed due to technical issues; if that is the case, the meeting will be video-taped and uploaded as soon as possible to the City Web Site. In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

COUNCIL PROTOCOLS FOR MEETING:

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

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

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

(b) As used in this section:

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

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

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

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

How can I provide Public Comment on Zoom?

The Mayor will request public comment during the Public Comment period on the agenda and during each Public Hearing and Regular Calendar Item. Once the Mayor has announced the public comment period, please do one of the following.

USING A COMPUTER OR SMART PHONE:

- *Click on the “Raise Hand” feature in the webinar controls. This will notify City staff that you have raised your hand and you would like to speak.*
- *City staff will unmute your microphone when it is your turn to provide public comment.*
- *A prompt will appear to confirm you would like to be unmuted. Once you accept the prompt, you will have two minutes to provide public comment.*
- *Once your public comment has ended, you will be muted again.*

USING A REGULAR PHONE:

- *Dial *9 (star 9), this will notify City staff that you have “raised your hand” for public comment.*
 - *City staff will unmute your microphone when it is your turn to provide public comment. *6 (star 6) is used to mute/unmute.*
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- *You will hear “you are unmuted” and then you will have two minutes to provide public comment.*
 - *Once your public comment has ended, you will be muted again*