



CITY OF SEBASTOPOL CITY COUNCIL

AGENDA ITEM REPORT FOR MEETING OF: September 1, 2026 – Revised 08/31/2026 at 10:00am changes in red below.

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To: Honorable City Councilmembers
From: City Attorney Alex Mog
Department: City Administration /Police Department
Subject: Potential Options to Address Community Concerns Regarding Graffiti and Racial Mockery Associated with the Safeway Area

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RECOMMENDATION(s): That the City Council receive a report from the City Attorney regarding options to address community concerns regarding graffiti and racial mockery associated with the Safeway Area and provide direction regarding whether to:

1. Pursue City-sponsored restorative justice process;
2. Prepare draft graffiti abatement ordinance for future consideration;
3. Seek voluntarily cooperation agreement regarding physical improvements and trespass enforcement;
4. Continue coordination with the Council liaison on of neighborhood meeting previously authorized with Safeway, Analy and neighbors; and/or
5. Provide any additional direction the Council deems appropriate

PROCESS OF AGENDA ITEM:

- Presentation by staff
- Council questions and discussion
- Public comment
- Council deliberation and action

EXECUTIVE SUMMARY: On August 4, 2026, the City Council provided direction to the City Attorney to prepare a report on options available to the City of Sebastopol to address reported graffiti and racial harassment/mockery in the vicinity of the Safeway store, including restorative justice/diversion options. This report summarizes the principal options examined, as well as their feasibility: (1) restorative justice/diversion, (2) public nuisance / graffiti abatement authority; (3) mandatory physical improvements, and (4) voluntary cooperation agreements.

BACKGROUND:

Residents have raised concerns during public comment regarding graffiti in the area surrounding the Safeway store and incidents of racial harassment, including reports of monkey noises directed at a child of color. These concerns implicate neighborhood safety, child well-being, and community relations. On August 4, 2026, the City Council provided direction to the City Attorney to prepare a report on legal tools available to the City of Sebastopol to address reported graffiti and racial harassment/mockery in the vicinity of the Safeway store, including restorative justice/diversion options.

In 2022, the City Council unanimously adopted Resolution No. 6403-2022, “Resolution of a Public Statement on Racism and Social Equity.” That resolution declared that “Hate has no place in this community,” reaffirmed the City’s commitment to principles of equality and freedom for all people, and committed the City to using all available tools to eliminate racial and social disparities and to promote equity. The 2022 resolution also expressed solidarity with those hurt by racism, bigotry, prejudice, and hate. A copy of the resolution is attached.

DISCUSSION:

Below is a summary of potential options for addressing the ongoing issues, including some common suggestions that are not feasible.

Restorative Justice/Diversion Programs

Restorative justice and diversion programs are related, but distinct. Restorative justice is designed as an alternative to punitive measures, and instead focuses on community-based measures and dialogue with all involved parties that discuss the incident, the harm caused, and the reasons it occurred. The purpose is to address harm in an inclusive manner that strengthens relationships/community, without punishment through the criminal justice system. Diversion programs are services provided in-lieu of the traditional court system. A restorative justice process can be one type of diversion program, but other common examples include drug treatment and mental health programs.

During the August 4 Council meeting, some Councilmembers expressed interest in a City-sponsored restorative justice process that would be structured so that if individuals who caused the harm successfully participated in the restorative justice process, the Police Department would not refer the matter to the criminal court system. There do not appear to be any similar programs offered by any other city in California (with one exception noted below).

The Sonoma County juvenile justice system, like many other court systems in California, offers a range of diversion programs for juveniles who have committed low-level crimes. In Sonoma County, these programs are primarily offered through the Juvenile Division of the Probation Department and “include restorative justice, family counseling, gang intervention, substance abuse treatment, mental health treatment and gender-responsive groups. Probation provides structure and accountability while offering support and assistance to those entering the juvenile justice system.” The Probation Department evaluates particular cases and can dismiss matters at intake, refer the juvenile to a diversion program, or refer the matter to the District Attorney’s Office for the filing of charges. If the diversion program is not completed successfully, the juvenile’s matter could also proceed through the more traditional juvenile court process. While these types of programs are common in the county court systems, they occur after a law enforcement agency has referred a matter, not before.

There are also a number of cities in California that sponsor restorative justice programs, sometimes in partnership with local school districts. These programs are voluntary and located wholly outside the criminal justice system. The programs can be used to address ongoing concerns and conflicts not directly tied to any one specific incident. Additionally, individuals might be referred to the program for problematic behavior that is not criminal or conduct for which law enforcement determines a criminal referral is not appropriate. If the City Council is interested in sponsoring this type of program, staff can gather more information about specific providers and cost, as well as determine the School District’s interest in collaborating, and return to the Council for further discussion.

As mentioned above, there do not appear to be any cities that offer programs where the police department delays a criminal referral to the court system pending successful completion of a diversion program, such as a restorative justice process. Such a setup puts the police department in a position of determining which situations are appropriate for diversion and whether the diversion process was completed successfully, which is generally not a role they law enforcement handles. Additionally, delayed deferral of a matter to the criminal justice system can potentially raise due process concerns, depending on the time lapsed and other factors.

The City of Los Angeles does offer a number of diversion programs, including restorative justice processes, in lieu of criminal referral through the Los Angeles City Attorney’s Office. However, Los Angeles is rare in that the city attorney is responsible for prosecuting all misdemeanor crimes that occur within the city. Accordingly, the program in Los Angeles is more analogous to common diversion program handled through the probation department or court system.

Graffiti Abatement

Many cities have ordinances that declare graffiti a public nuisance even when it appears on private property visible from public areas. Property owners (or tenants) are required to remove it quickly, and the city can take action if that does not occur (including fines and/or removing the graffiti itself). These ordinances most commonly require removal of graffiti within 72 hours, but there are ordinances that allow shorter or longer periods. Additionally, the ordinances typically authorize the City to recover its costs of enforcement if the graffiti is not timely removed.

Common features across peer and other California cities include:

- Short removal deadlines after notice
- City abatement authority (with owner consent, warrant, or summary process), followed by cost recovery.
- Special faster rules for hate, racist, gang, or “obnoxious” graffiti that insults based on race, ethnicity, religion, etc.

Racial verbal harassment and related graffiti are frequently handled as hate incidents. Responses include:

- Rapid police response and public messaging.
- “Safe Place” programs that involve partnership with local businesses. Participating stores display a visible decal and train staff to help victims of hate crimes or harassment: call police on their behalf, allow the person to remain safely on the premises until officers arrive, and provide a supportive environment.
- Sonoma County already has providers (Restorative Resources, RECOURSE Mediation, etc.) that run conferences, accountability circles, and diversion programs focused on repairing harm.

These approaches recognize the private-property limitation while still enabling the city to protect neighborhood safety, support victims of racial harm, and reduce blight.

Physical Improvements

Some members of the public have requested that the City require Safeway to install fences, cameras, and/or other deterrent features. However, because the property is privately owned, the City generally cannot require these types of improvements to be made outside the permitting process. If the property owner proposed a remodel requiring design review or sought a conditional use permit to conduct a new use, the City might be able to require the request physical improvements in those situations as a condition of approval, depending on the specifics of the permit being sought.

Voluntary Cooperation

The City could also pursue a voluntary cooperation with Safeway. The City is already pursuing stakeholder meetings with store management, and could seek to memorialize commitments with all involved parties through a voluntarily cooperation agreement. For example, although the City cannot require physical improvements, Safeway could agree to install those improvements voluntarily. Additionally, the property owner can execute a trespass arrest authorization, allowing police to enforce trespass laws when the owner isn’t present and the property is not open to the public.

STAFF ANALYSIS:

The City’s most immediately effective levers on private commercial property are voluntary cooperation with the owner. As of the writing of this report, staff have reached out to Safeway management and Analy High School to request a meeting regarding these options; no further response has been received to date. Ordinance amendments (graffiti-specific or strengthened blight provisions) can create clearer notice-and-abatement pathways and cost-recovery mechanisms for future incidents, but they require legislative action, public process,

and careful drafting to satisfy due-process and constitutional constraints.

No legal tool can guarantee the absence of future graffiti or isolated acts of harassment. A coordinated Approach such as neighborhood meeting, owner cooperation agreement, trespass authorization, and consideration of a dedicated graffiti ordinance, offers the best prospect of measurable improvement while respecting the private character of the property.

CITY COUNCIL GOALS/PRIORITIES/ AND OR GENERAL PLAN CONSISTENCY:

This agenda item represents the City Council goals/priorities as follows:

Goal 4: HIGH PERFORMANCE ORGANIZATION

Restore public trust, improve public communications, and strengthen collaborative partnerships with outside agencies and service providers.

PUBLIC COMMENT:

As of the preparation of this staff report, no public comments have been received on this item. Any comments received after distribution of the report will be provided to the City Council as supplemental materials. Public comment will also be accepted during the meeting.

COMMUNITY OUTREACH:

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

FISCAL IMPACT:

This report itself has no direct fiscal impact beyond staff and City Attorney time already authorized (which totaled less than 5 hours). Implementation of a cooperation agreement or trespass authorization is expected to be low-cost. Pursuit of any

RESTATED RECOMMENDATION: That the City Council receive the report from the City Attorney report and provide any further direction regarding the options reviewed above.

CITY COUNCIL OPTIONS: None

ATTACHMENT(S):

Resolution No. 6403-2022

APPROVALS:

Department Head Approval:	Approval Date: 08/27/2026
CEQA Determination (Planning):	Approval Date: 08/27/2026
<u>The City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines</u>	

General Plan Goal (Planning):	Approval Date: 08/27/2026
Administrative Services (Financial)	Approval Date: 08/27/2026
Costs authorized in City Approved Budget: ☐ Yes ☐ No XX N/A	
Account Code (f applicable)	_____

City Attorney Approval:	Approval Date: 08/27/2026
City Manager Approval:	Approval Date: 08/27/2026

RESOLUTION NO. 6403-2022

Resolution of a Public Statement on Racism and Social Equity

Whereas, In light of recent events – including the burning of a Black Lives Matter banner at our Sebastopol branch, the Sonoma County Library at their meeting of February 7, 2022, reiterated its values of condemning these crimes; condemning any attempt to silence or intimidate free expression; not tolerate racist or hateful behavior at any of the Library facilities; and commitment to being an antiracist organization; and

Whereas, the City of Sebastopol stands with the Sonoma County Library and our local Sebastopol Branch and states to those in our community who have been hurt by racism, bigotry, prejudice, misunderstanding and hate: we see you, we hear you, we stand with you, and, as we look outward to help our communities heal, we pledge to continue looking inward, and to face unflinchingly the truths in our own system; and

Whereas, Racism must not just be condemned, but its eradication must be actively pursued. Regardless of race, color, religion, sexual orientation, gender identity, nationality, veteran status, or age, we must all stand with those who suffer oppression and engage against exclusion and inequality. Hate has no place in this community; and

Whereas, to achieve the change we wish to see, we must take accountability for the ways we have hurt our community by maintaining the status quo and we must commit to providing racially equitable service by eliminating practices and procedures that contribute to systemic racism; and

Whereas, City Council reaffirms its commitment to principles of equality and freedom for all people and commits to work to use all available tools to assist in the elimination of racial and social disparities and to promote equity within the City; and

Whereas, the City of Sebastopol commits to working regionally with Sonoma County Library and Sebastopol Library Branch in unity to promote equality through education and events in the City.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 15th day of February 2022, by the following vote:

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

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

APPROVED:



Mayor Patrick Slayter

ATTEST:



Mary Gourley, Assistant City Manager/City Clerk, MMC



Larry McLaughlin, City Attorney

Resolution of a public statement on racism and social equity

WHEREAS, the Sonoma County Library stands with Black Lives Matter and our community in calling for peaceful, yet powerful action to turn the tide of systemic racism and begin the transition to a just and sustainable society; and

WHEREAS, the library states to those in our community who have been hurt by racism, bigotry, prejudice, misunderstanding and hate: we see you, we hear you, we stand with you, and, as we look outward to help our communities heal, we pledge to continue looking inward, and to face unflinchingly the truths in our own system; and

WHEREAS, it is not enough to eschew racism, we must all be anti-racists; and

WHEREAS, to achieve the change we wish to see, we must take accountability for the ways we have hurt our community by maintaining the status quo and we must commit to providing racially equitable service by eliminating practices and procedures that contribute to systemic racism; and

WHEREAS, the Sonoma County Library represents the communities we serve, and we must continue working towards the creation of the equitable and inclusive library we envisioned in our 2017 Statement of Inclusivity, which reads as follows;

Public libraries have long been known as one of the truly democratic institutions. Public libraries champion First Amendment rights and promote free access to information for all. Public libraries offer services and educational resources that promote inclusion and diversity to all in the community. In light of the uncertainty many feel in our current society, we reaffirm: Sonoma County Library values diversity, empowerment, community, unity, kindness, connection, and equity. Sonoma County Library provides service to all races, all genders, all sexual orientations, all religions, all abilities, all ages, all national or ethnic origins, all languages, all citizenship statuses, all economic statuses, all political affiliations, all people. Sonoma County Library is an inclusive community hub where people intersect and thrive.

LIBRARIES ARE FOR EVERYONE

NOW, THEREFORE, BE IT RESOLVED BY THE SONOMA COUNTY LIBRARY COMMISSION:

That the commission hereby expresses its support for the statements and values in this resolution.



Deborah Doyle, Chair

February 7, 2022



Ann Hammond, Director

February 7, 2022

