

CITY OF SEBASTOPOL CITY COUNCIL

AGENDA ITEM REPORT FOR MEETING OF: August 4, 2026

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To: Honorable Mayor and City Councilmembers
Requestor: Councilmember Zollman
Responsible Department: Police
Subject: Request for Approval of Hours for City Attorney Research on Legal Options on Response to Community Concerns of Graffiti and Racial Mockery Associated with the Safeway Area

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RECOMMENDATION(s):

This item recommends consideration and approval of the following:

1. Approve scheduling a neighborhood meeting with Safeway management and affected neighbors to address reported concerns related to graffiti and racial harassment in the area surrounding the Safeway store.
2. Direct the City Attorney to research and provide a report on legal options available to the City to address these issues at a privately owned commercial property, including but not limited to nuisance abatement, trespass enforcement, business license conditions, cooperation agreements, or other available tools.
3. Direct staff to research graffiti ordinances in peer jurisdictions (as shown below) and return with options for potential ordinance or enhanced enforcement strategies.
4. Explore restorative justice approaches as a potential tool to address harm caused by the reported racial mockery and graffiti, including facilitated dialogue among affected parties, Safeway management, and the broader community (to the extent perpetrators can be identified).
5. Assign a Council liaison and Chief of Police to coordinate the neighborhood meeting and ongoing follow-up with Safeway management and affected residents.
6. Provide any additional direction as the Council deems appropriate.

PROCESS OF AGENDA ITEM:

- Presentation by Requestor Councilmember Zollman; Additional Input from City Attorney Mog
- Council questions and discussion
- Public Comment
- Deliberation and action

EXECUTIVE SUMMARY:

Residents have raised urgent concerns during public comment regarding graffiti and racial harassment (including monkey noises directed at a child of color) in the vicinity of the Safeway store, which is located on private property. This item seeks Council direction to schedule a neighborhood meeting, authorize City Attorney research into available legal tools, examine peer graffiti ordinances, explore restorative justice options, and assign coordination responsibility. Because the store is on private property, the City's direct enforcement authority is limited; research is needed to identify tools available to the City.

BACKGROUND:

During a recent public comment period, residents raised significant concerns regarding conditions and incidents in the vicinity of the Safeway store located on private property. The following issues were specifically identified:

- Incidents of graffiti in the surrounding area;
- Racial harassment and mockery, including reports of monkey noises directed at a child of color; and
- Negative impacts on neighborhood safety, child well-being, and overall community relations.

Residents emphasized that these issues require urgent attention and collaborative action involving the neighbors of Safeway, store management, and the City.

Because the Safeway store is located on privately owned property, the City's direct regulatory and enforcement authority is more limited than it would be on public property. Accordingly, it is appropriate for the City Attorney to research the full range of tools that may be available to the City, including civil nuisance remedies, trespass and private property enforcement coordination, business licensing conditions, voluntary cooperation agreements, and any other applicable legal mechanisms.

DISCUSSION:

It is recommended that the City Attorney review graffiti ordinances adopted by peer cities in Sonoma County to determine whether local ordinance updates or enhanced enforcement protocols would strengthen the City's ability to respond to graffiti in commercial corridors and adjacent residential areas.

Preliminary research of local Sonoma County city graffiti ordinances reveals the following approaches:

Santa Rosa (Chapter 10-17 – Graffiti Abatement Program):

- Declares graffiti on public or private property a public nuisance.
- Requires property owners (and tenants/occupants) to remove graffiti within 72 hours.
- Restricts display/sale of graffiti implements and possession by minors.
- City removes graffiti on public property; private property owners are responsible for their own property.
- Administrative citations available for non-compliant owners (typically \$100–\$500 range).

Petaluma (Chapter 10.29):

- Prohibits placement of graffiti; violation may be prosecuted as a misdemeanor.
- Property owners must remove graffiti within seven (7) calendar days after notice.
- Restricts possession of graffiti implements by minors and requires logging of bulk aerosol paint sales.
- Authorizes City abatement (with consent or warrant) and cost recovery; includes summary abatement for gang-related graffiti.

City of Sonoma (Chapter 9.70):

- Declares graffiti a public nuisance; prohibits placement and allowing graffiti to remain.
- Provides for abatement under the City's nuisance abatement procedures.

Healdsburg (Chapter 9.40 – Graffiti Abatement):

- Declares graffiti a public nuisance.
- Requires property owners to abate graffiti within five (5) days of notice.
- Restricts possession/sale of graffiti implements; misdemeanor penalties available.

Cotati:

- Declares graffiti a public nuisance subject to summary abatement.
- Provides misdemeanor penalties and enhanced fines for repeat offenders, including minors.

Rohnert Park:

- Addresses graffiti under general nuisance provisions (Municipal Code § 1.24.030).
- Public Works removes graffiti on public property; private property owners are responsible for removal on their property.

In addition, restorative justice approaches may offer a constructive pathway for addressing the interpersonal and community harm arising from the reported racial mockery and graffiti, particularly if individuals involved can be identified and are willing to participate in facilitated dialogue among affected parties, Safeway management, and the broader community.

Local Restorative Justice Resources:

Sonoma County already has established restorative justice capacity that could be engaged if individuals involved

in the reported incidents are identified and parties consent to participate. Primary local providers include:

- (1) Restorative Resources (Santa Rosa), which operates Community Restorative Councils, restorative conferences, and accountability circles under contract with Sonoma County Probation and partners extensively with local schools;
- (2) RECOURSE Mediation (Santa Rosa), which provides victim-offender mediation for less complex cases;
- (3) Petaluma People Services Center Youth Diversion program, which partners with Petaluma Police for first-time/low-level offenders; and
- (4) SOS Community Counseling diversion programs serving Windsor and Healdsburg in partnership with those police departments.

These programs focus on accountability, repairing harm, and community service.

STAFF ANALYSIS:

If approved, the City Attorney will provide additional analysis particularly regarding legal tools available on private commercial property and any recommended ordinance or enforcement options drawn from peer jurisdictions and return recommendations at a later Council meeting.

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.

Goal 2: PUBLIC SAFETY

Strengthen the public's safety and improve the quality of life. Includes supporting first responders, responding to emergencies, protecting people, property, and businesses, and engaging in coordinated public safety and community outreach efforts.

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:

There is no direct fiscal impact associated with directing the City Attorney to conduct legal research or with scheduling a neighborhood meeting. Any future recommendations arising from the City Attorney's report or from the community meeting that involve new programs, ordinance development, or enforcement resources would be brought back to the Council for consideration of associated costs.

RESTATED RECOMMENDATION:

1. Approve scheduling a neighborhood meeting with Safeway management and affected neighbors to address reported concerns related to graffiti and racial harassment in the area surrounding the Safeway store.
2. Direct the City Attorney to research and provide a report on legal options available to the City to address these issues at a privately owned commercial property, including but not limited to nuisance abatement, trespass enforcement, business license conditions, cooperation agreements, or other available tools.

3. Direct staff to research graffiti ordinances in peer jurisdictions and return with options for potential ordinance.
4. Explore restorative justice approaches as a potential tool to address harm caused by the reported racial mockery and graffiti, including facilitated dialogue among affected parties, Safeway management, and the broader community (to the extent perpetrators can be identified).
5. Assign a Council liaison and/or staff member (Chief of Police) to coordinate the neighborhood meeting and ongoing follow-up with Safeway management and affected residents.
6. Provide any additional direction as the Council deems appropriate.

CITY COUNCIL OPTIONS:

1. Deny the recommendation
2. Deny recommendation and provide alternate direction to staff

ATTACHMENT(S):

None

APPROVALS:

Department Head Approval:	Approval Date: 7-29-2026
CEQA Determination (Planning):	Approval Date: NA
<u>The proposed action is not a project under the California Environmental Quality Act (CEQA)</u>	

General Plan Goal (Planning):	Approval Date: 7-29-2026
Administrative Services (Financial)	Approval Date: 7-29-2026
Costs authorized in City Approved Budget: ☐ Yes ☐ No ☐ N/A	
Account Code (f applicable)	_____

City Attorney Approval:	Approval Date: 7-29-2026
City Manager Approval:	Approval Date: 7-29-2026