Questions & Answers for November 17 Council Meeting

Public Comments on November 17, 2026 City Council Agenda Items 4, 5, 13, 15, 18, 19 and 20

The City received written public comments on Agenda Item 4 (Hazard Mitigation Plan), Agenda Item 5 (special event fee waivers), Agenda Item 13 (Just Cause Eviction ordinance), Agenda Item 15 (planning services contract), Agenda Item 18 (water and wastewater cost allocation), Agenda Item 19 (AB 1033 opt-in) and Agenda Item 20 (requests for proposals for recurring contracts) for the November 17, 2026 City Council meeting. This FAQ answers the questions those comments raise so that all Councilmembers and residents have the same information before the meeting.

Item 4 – 2026 Sonoma County Multi-Jurisdictional Hazard Mitigation Plan

Question: Who leads hazard mitigation for the City? How were the points of contact submitted, and who determined what was included?

Response: Under the Sebastopol Municipal Code, the Police Chief serves as Director of Emergency Services and the City Manager serves as Assistant Director. The annex lists the Police Department as the City's contact. Most of the plan's actions are carried out by Public Works, Building and Planning, under the City Manager. Police Chief Sean McDonagh represented the City on the County's Planning Partnership and Hazard Mitigation Working Group, with input from the Building Department and Public Works. The County Department of Emergency Management led the update with its consultant, Tetra Tech, and the City's annex was developed through that process. The annex lists the staff names and contact information that were current when the plan was prepared, and some are now out of date. The County treats contact updates as administrative: they do not affect FEMA or OES approval and are handled during routine plan maintenance. If any points of contact are changed, staff will send those changes to the County after the plan is adopted. Fire services are now provided by Gold Ridge Fire Protection District, which participates in the County plan as its own partner.

Question: Why were many of the 2022 actions not completed?

Response: The staff report states that little mitigation work was completed over the last five years because of the City's budget limits, staffing shortages and turnover. Table 9-25 of the annex reports the status of the 30 actions in the 2022 plan: 7 complete, 4 in progress or ongoing, and 19 not complete. Since the annex was submitted, the City has made the following progress: the City adopted its Emergency Operations Plan in 2026, and the plan's risk assessment will inform its next review. No further actions have been taken

Question: Table 9-25 marks 24 of the 2022 actions "Include," but the new plan has only 8 actions. What happened to the others?

Response: The eight actions were drawn from the annex's risk and vulnerability assessment and from the 2022 actions that are still relevant. Those earlier actions were carried forward or combined into the new ones, so one new action may cover several 2022 actions. Earlier actions that are not listed are not abandoned: the City can still pursue them through the budget, the Capital Improvement Program and the General Plan, and the plan can be updated during its annual review.

Question: The comment points out inconsistencies in the annex. Will they be corrected?

Response: Yes. Staff will send corrections to the County after adoption. Out-of-date contacts and similar administrative corrections do not affect FEMA or OES approval and are handled during routine plan maintenance. One known change: the annex lists the City's fire department as lead for Action 08 (Community Wildfire Protection Plan). Because Gold Ridge Fire Protection District now provides fire services, the Police Department will coordinate with Gold Ridge on the lead role.

Question: Is the City's flood risk understated?

The comment notes flooding near the Barlow and downtown in most wet years, the 2019 flood at Park Village, and that Elderberry Commons may also be in a flood-prone area.

Response: Hazard rankings in the annex follow the County plan's method, which weighs how often a hazard occurs and how severe the damage could be. The annex ranks flood as Low overall, but it identifies 184 buildings in the 1% annual chance (100-year) floodplain, including the Community Center, and 15 repetitive-loss properties under the National Flood Insurance Program. The Police Station, which houses the Emergency Operations Center, is in the 0.2% annual chance (500-year) floodplain. Because the Community Center is in the floodplain, Action 04 calls for finding alternate warming center locations outside it. Action 06 calls for a hydrology study and design for Calder Creek through Ives Park.

Question: Does Action 06 commit the City to daylighting Calder Creek through Ives Park?

Response: No. Action 06 is a hydrology study and design. It does not approve a project. Cleaning of the Calder Creek storm drain is included in this Fiscal Year FY 26 27 CIP.

Question: How does the plan relate to the draft Tree Protection Ordinance revisions?

Response: The plan's only High-priority action (Action 03) calls for a tree ordinance that requires property owners to maintain trees, including defensible space. The draft Tree Protection Ordinance revisions were approved by the Design Review/Tree Board at its October 27, 2026 meeting. The draft ordinance is now under review by staff for consistency with the City's General Plan, state and federal laws, and any other applicable policies or regulations, prior to scheduling a hearing before the City Council to consider the ordinance.

Question: Will the plan show cost and timing for each action, and will the Council get progress reports?

Response: The annex gives each action an estimated cost range (Low, Medium or High) and a priority, and the actions cover the five-year life of the plan. It does not set dollar budgets or dates. Adopting the plan does not commit City funds. Each project would need its own funding, and FEMA mitigation grants usually require a local match, often 25 percent. Any grant application, match or project budget would come back to the Council for approval. The plan includes annual monitoring and progress reporting.

Item 5 – Special Event Permit Fee Waiver Policy

Question: Are waived fees real costs to the City, or only lost permit revenue?

Response: Waived fees are actual costs to the City. Some waived amounts are administrative permit fees, which are based on the City's estimated costs to issue and administer the permit (and does not generate net revenue for the City). Others cover services such as police staffing and overtime and public works staff, which are actual City expenses. The Council can direct that the policy treat these two kinds of costs differently.

Question: Would staff be able to approve large waivers without Council review?

Response: Yes, the City Council may set a dollar threshold to determine when Council approval is required and when approval may be provided by staff. A dollar limit for staff approval will be reviewed when the policy returns for full Council review.

Question: How would the City decide which events qualify?

Response: The policy will review criteria such as public benefit, financial need, and disclosure of event revenue, sponsorships and admission fees. The policy may also identify specific pre-approved event, for well established annual recurring events.

Question: Will the public be able to see what is waived each year?

Response: The policy can require an annual public report listing each event, the amount waived, actual City service costs, and the cumulative total for recurring events. It can also set an annual budget for event support.

Question: Will the Council include these elements in its direction to staff?

A public comment asked the Council to include these elements in its direction to staff:

- Separate administrative permit fees from direct service costs such as police overtime and public works staffing.
- Expect full recovery of event-specific costs, with exceptions approved by the Council and a funding source named.
- Set dollar thresholds for staff approval, keeping Council review of larger waivers.
- Require financial disclosure and a public-benefit justification for large or recurring requests.
- Set an annual budget for event support.
- Report waivers publicly each year.
- Treat recurring events as recurring financial commitments.
- Consider a separate community sponsorship or grant program for major events.

Response: The Council and staff have received the public comment and will take those comments into consideration when drafting the policy.

Item 13 – Just Cause Eviction and Tenant Relocation (SMC Chapter 9.36)

Question: Why does the staff report's restated recommendation refer to adding Chapter 9.36 and adopting an urgency ordinance?

Response: That was an error. The restated recommendation was carried over from the January 2026 staff report that first adopted Chapter 9.36, and it was not updated for this item. The staff report subject and recommendation identify the correct information. The posted agenda have been correct to reflect the accurate title and recommendation for this item. The City thanks the community member who pointed it out.

Question: Are the options and attachments in the report correct?

Response: Yes, the options and attachments in the report are correct.

Question: Does the error change what the Council is being asked to decide?

Response: No. The subject line, background and proposed ordinance describe removing the sunset clause. Only the restated recommendation text was wrong.

Question: What is the City doing to prevent errors like this?

Response: Agendas and staff reports are reviewed weekly by all departments. All agenda reports go through departmental review for sign-offs, as well as City Attorney review and City Manager review, before they are published. Because of the email/server situation last week, it appears that the correct final version was not posted.

Item 15 – Professional Planning Services Contract

Question: Is the City replacing a Planning Director with a consultant?

Response: No. The City is still working to hire a permanent Planning Director. The contract keeps planning services running while that position is vacant. It also provides mentoring and day-to-day supervision for newer planning staff, so permanent staff are better prepared over time.

Question: Why hasn't the City hired a Planning Director?

Response: The City has recruited twice without a hire. The first recruitment closed in October 2025 with 10 applicants. The position was reopened in January 2026 on an open-until-filled basis and drew 23 applicants. Neither recruitment produced a successful candidate. Outside panels of planning directors and assistant city managers took part in the interviews. The City is currently in interviews with additional applicants.

Question: Isn't a half-time consultant at $250,000 more expensive than a full-time Planning Director at $140,000–$170,000?

Response: No. The two figures measure different things. Compared on the same basis, the expected consultant cost for FY 2026-27 is about the same as the budgeted cost of the Planning Director position.

- The $140,000–$170,000 range is salary only. The fully budgeted cost of the Planning Director position for FY 2026-27, including salary and benefits, is about $240,615.
- The $250,000 is a not-to-exceed limit, not the amount expected to be spent this fiscal year. The staff report budgets $141,000 for January–June 2027. Any spending after June 30, 2027 requires future budget approval by the Council.
- Applicant deposit accounts reimburse the City for eligible development review work, which lowers the City's net cost further.

Question: Why not raise the Planning Director salary instead?

Response: Salary ranges are set by the City Council with input from Human Resources on ranges of salaries from other cities, range of duties, etc. If there is consensus, the Council can direct City staff to review the salary schedule and return with recommendations. This, however, will take time, and a contract for planning director consultant services will still be required because the current contract ends December 30, 2026. Additionally, the salary for a position is not the only factor that makes a position attractive or unattractive to potential applicants.

Question: The comment raises concerns about past projects, code interpretations and the Ives Park plans. How is the City addressing those?

Response: The City takes concerns about how codes and approved plans are applied seriously. Questions about a specific project can be directed to the Planning Department. A permanent, fully staffed Planning Department remains the City's goal. The City's permanently staffed Associate Planner and Planning Technician are on-site daily.

Question: Can the Council shorten the contract term instead of rejecting the contract?

Response: Yes. The Council can approve the contract with a shorter term or a lower not-to-exceed amount. As noted above, any spending after June 30, 2027 already requires future budget approval by the Council. However, changing the term or amount would require staff to postpone this item so it can review a revised not-to-exceed amount, identify which work may not be completed, and negotiate with the proposed consultant. Additionally, the proposed contract gives the City the existing authority to terminate the contract at any time, with or without cause, with ten (10) days notices.

Question: Would the City widen the Planning Director search to include less experienced candidates?

Response: It is not recommended. Many applicants so far have not met the minimum qualifications, and the City will keep those requirements in place. The Planning Director is a senior leadership role that needs proven experience managing a planning department, interpreting complex land use regulations, and advising the City Council and Planning Commission. Lowering the standards for a position at this level would not serve the City or the community well. The City already has lower-level staff employed who will need leadership and mentorship to grow in their positions.

Question: Who will lead the Design Review Board work plan and new objective design standards while the Director position is vacant?

A comment noted that the review of 8100 Valentine showed a need for broader objective design standards, and that the Council asked for a Design Review Board work plan.

Response: A work plan was submitted and approved, with a review of an additional monthly meeting to be discussed early next year. The Associate Planner, with oversight by the Planning Consultant, would take the lead on the objective design standards and work plan.

Item 18 – Water and Wastewater Cost Allocation

Question: How were the City Council, City Manager and City Clerk percentages developed?

The commenter reported their own analysis of Council, EFOC and Budget Committee recordings, which estimated that 3.5% to 11.9% of time was spent on water and sewer, and suggested no more than 12% for the City Council (6% Water and 6% Wastewater).

Response: Staff reviewed approximately two years of Council meeting recordings, recording the time spent on water and wastewater items, and considered additional enterprise-related work outside Council meetings, including Budget Committee and Enterprise Fund Oversight Committee (EFOC) activities. Recorded meeting time provides one measurable data point but does not capture enterprise-related work performed outside public meetings. The proposed percentages are interim for FY 2026-27 and will be independently evaluated through the new CAP.

Staff's recommendation for the City Council and City Manager is 17% Water and 13% Wastewater, and for the City Clerk 12% Water and 8% Wastewater. These are higher than meeting time alone because meetings capture only part of the work. What Councilmembers spend time on outside of Council meetings is not directly proportional to the time spent on particular topics in meetings. Reviewing staff reports, research. meeting with staff and regional meetings, and corresponding with constituents about water and sewer issues take up a disproportionate amount of time for Councilmembers outside of meetings compared to other agenda items. The Council may adopt different percentages.

Question: Does the cost pool still include costs unrelated to water and sewer service?

The comment says the new method is simpler but still uses the existing cost pools, and lists examples it believes are not related to utility service:

- City Clerk: the pool is based on FY 2024-25 payroll that included the combined Assistant City Manager/City Clerk position, which is frozen in the FY 2026-27 budget.
- City Council: stipends and benefits, ABAG and Sister Cities dues, conference expenses, and legal notices unrelated to water and sewer.
- City Manager: a one-time separation payment and leave cash-out, Regional Climate Protection Authority dues, the R3 solid waste consulting contract, communications and special project contracts, Baker Tilly forecasting, and the City Manager evaluation facilitator.
- Administrative Services: the business license system, Measure U polling, property tax administration, sales tax and utility users tax audits, and the GFOA award fee.

Response: The proposed action changes the allocation percentages but does not recalculate the underlying cost pools. The new CAP consultant will independently review the cost pools and determine whether costs should be treated as indirect, directly charged, or excluded.

The consultant's review will include the items the comment lists, for the new plan that takes effect July 1, 2027.

Question: Will the second round of overhead in the ClearSource model remain?

Response: Yes, for FY 2026-27. Apart from the four pools in this item, all other FY 2026-27 allocations stay as they are, including ClearSource's two-step method, in which costs are first spread to all departments and the remaining indirect costs are then allocated only to departments that provide direct services. The proposed interim action does not establish a permanent methodology for the second allocation step. The new CAP consultant will independently review the overall allocation methodology and recommend whether the existing approach should be retained or modified.

Question: How are Engineering costs allocated, and will the City bill the enterprises directly for Engineering work?

The comment questions the capital-asset allocation basis used for Engineering and whether enterprise-specific Engineering work should instead be directly charged.

Response: Engineering is not one of the allocations proposed for adjustment under the interim methodology. The new CAP consultant will evaluate the appropriate allocation basis and whether certain enterprise-specific services should be directly charged rather than allocated as overhead.

Whether City buildings should count toward the City's share will also be part of the consultant's review. The City already bills City Attorney work for the enterprises directly instead of allocating it.

Question: Why would ratepayers be responsible for the Syserco loan?

The comment questions whether the water meter purchase was competitively bid, whether the promised energy and billing savings were realized, and whether the meters were identified as a need in any infrastructure study.

Response: These concerns relate primarily to the original procurement and policy decision. For purposes of the current recommendation, the financing funded Water Enterprise assets, and staff is recommending that the Water Enterprise Fund remain responsible for its assigned share of the financing.

On December 21, 2021, the Council approved about $4.9 million in financing from Syserco Energy Solutions. About $2.2 million of that replaced the City's water meters with smart meters. The annual loan payment is $374,650, and the Water Enterprise's share is $288,480.

Question: Does the "no prior-year refund or repayment" recommendation apply only to this year, or is it a final decision on the Grand Jury findings?

The commenter interprets that language as potentially closing the door on prior-year refunds and questions whether it represents a broader decision regarding the Grand Jury findings.

Response: The recommendation means that the proposed FY 2026-27 interim percentages would not be applied retroactively to recalculate prior fiscal years. The recommendation is specific to implementation of the proposed FY 2026-27 interim methodology.

The City is handling its review in a systematic manner, and looking at specific elements of the cost allocation plan and related charges individually. The specific elements it is reviewing are informed by the recommendations of the City's Enterprise Funds Oversight Committee. The actions the City has already taken are summarized below.

Actions taken to date

- Loan forgiveness. On July 21, 2026, the City Council forgave a $1,100,000 loan from the General Fund to the Wastewater Enterprise Fund. This removed a repayment obligation and gave the Wastewater Enterprise Fund a direct financial benefit.
- City Attorney costs repaid and now billed directly. On August 4, 2026, the City Council unanimously approved reallocating back to the enterprise fund $350,354 in City Attorney costs that had been allocated to the Enterprise Funds for FY 24/25 and 25/26 to the Enterprise Funds. As part of this action, the City Council did not charge the Enterprise Funds for any legal costs incurred between

March 1 and June 30, 2026. Since March 2026, the City Attorney costs are now billed directly to the Water and Sewer funds instead of being allocated as indirect costs.

- Council and Central Administration Cost Allocation Revisions. At the direction of the City Council, Staff is proposing lowering the allocation percentages for the City Council, City Manager, City Clerk, and Administrative Services Cost Allocation Plan cost pools for FY 2026-27. The new cost pool allocations, and a discussion of how staff determined the appropriate percentages, are detailed in a staff report to the City Council for the October 20, 2026 City Council meeting. If adopted, the proposed changes will result in a net reduction in charges to the Enterprise Funds of $467,779. The City Council had scheduled discussion of this item at the October 20, 2026 meeting, but due to the length of the meeting, the item was continued to the November 17, 2026 meeting because the November 3, 2026 Council meeting was canceled.

On June 29, 2026, the City Council directed staff to create and issue RFPs for a new Cost Allocation Plan and Rate Study for the Sewer and Water Enterprise Funds. The consultant will:

- Review the FY 2025-26 Cost Allocation Plan, the Grand Jury's May 2026 report, and the work of the Enterprise Fund Oversight Committee.
- Build a new cost allocation model from the FY 2026-27 budget without assuming that prior allocation percentages are still valid. This includes reviewing allocations to avoid duplication between the Water and Wastewater funds and other functions.
- Evaluate charging enterprise-related work directly to the Water and Wastewater funds, based on documented labor hours or other measures, and recommend improvements to staff time tracking.
- Present findings at two or more meetings of the Enterprise Fund Oversight Committee and/or Budget Committee, and at two or more City Council meetings.
- Provide a memo on whether the enterprise fund methods comply with Propositions 218 and 26.

Once the new plan is complete, the City will carefully review it and determine what additional action is required.

As this item was continued from a previous Council meeting; the Cost allocation plan contract was not yet scheduled for award. That is also on this agenda tonight. Council also has the option to do nothing tonight and revisit the cost allocations after the cost allocation plan comes back to Council.

<u>The anticipated timeline for the project is set forth below:</u>

- Consultant contract awarded by City Council: November 17, 2026
- Project kickoff: December 1, 2026
- Draft report and model to City staff: January 19, 2027
- Final Cost Allocation Plan presented to City Council: February 16, 2027
- Enterprise Fund Oversight Committee review of any remaining overallocation: [March–April 2027]
- City Council to determine any final dollar value and schedule for potential additional repayment to Enterprise Funds.

Question: Is the new method permanent?

Response: No. The proposed percentages are interim for FY 2026-27. The new CAP consultant will independently review the City's cost pools, allocation methodology, and appropriate allocation bases and develop recommendations for future years. Item 17 on the same agenda would award that contract. The proposed schedule is a December 1 kickoff, a draft report on January 19, 2027, a final report on February 16, 2027, and the new plan in place by July 1, 2027.

Item 19 – AB 1033 Opt-In (Separate Sale of ADUs)

Question: Why is the Council considering rescinding the opt-in?

Response: Vice Mayor Maurer and Mayor McLewis requested the item. Sebastopol opted in through Ordinance No. 1162, and it was the first and only jurisdiction in Sonoma County to do so. Repeal would return the City to the state default, under which an ADU may not be sold separately from the main home, except through the qualified nonprofit provision in Government Code Section 66341.

Question: If the opt-in is repealed, can homeowners still build ADUs?

Response: Yes. Repeal would affect only the option to sell an ADU separately as a condominium. Property owners could still build ADUs and junior ADUs under state law and the City's code.

Question: What is the Council deciding at this meeting?

Response: The Council is not repealing anything at this meeting. It is deciding whether to direct staff to proceed and to adopt a Resolution of Intention that starts a Zoning Code amendment. The current section stays in effect unless and until a repeal ordinance is adopted. If the Council proceeds, the Planning Commission would hold a hearing no earlier than December 22, 2026, the Council would hold a public hearing and first reading in January 2027, and second reading would follow at the next regular meeting. The ordinance would take effect 30 days after adoption. The Council could instead take no action, or direct staff to return with options to amend the section rather than repeal it.

Question: Would a repeal affect the 8100 Valentine Avenue project? Can the City rescind going forward only?

Response: The current rules stay in effect until a repeal ordinance takes effect. Before the ordinance returns, staff will identify any ADU condominium or parcel map applications filed under the AB 1033 provisions and, with the City Attorney, recommend how they should be handled. The 8100 Valentine Avenue project received approval of a Vesting Tentative Map, which establishes a vested right to proceed with the development in substantial compliance with the City's ordinances in effect at the time the application is deemed complete, including the City's AB 1033 ordinance. Rescinding the opt-in ordinance would prohibit the future separate sale of ADUs, except under the existing qualified nonprofit provision included in Government Code Section 66341.

Question: Does the City's Housing Element rely on ADUs?

The comment states that Sebastopol must plan for 213 homes by 2031 and that the Housing Element counts on 60 ADUs and junior ADUs.

Response: The opt-in was adopted to carry out Housing Element programs, and the staff report cites Policy A-3, Policy D-5 (homeownership pathways for lower-income households) and Program A-3.6 (encourage ADU development). Repeal would not stop anyone from building ADUs; it would only end the option to sell them separately. Before the ordinance returns, staff will confirm whether the AB 1033 provisions are tied to any Housing Element program or commitment and whether the City needs to coordinate with the State Department of Housing and Community Development (HCD).

Question: How many applications have been filed under the AB 1033 provisions?

Response: Staff will identify any applications filed under these provisions before the repeal ordinance returns to the Council. As of today, the City has fielded several inquiries regarding the AB 1033 Ordinance, but the City has received no applications utilizing the provisions of the City's AB 1033 Ordinance (the developer of the 8100 Valentine Avenue project has indicated their intent to apply for such approvals in the future once their project is constructed).

Question: Can the City place limitations on the use of AB 1033, rather than completely repeal the City's ordinance?

Response: Yes. Rather than repealing the existing ordinance completely, the Council can direct staff to also evaluate and propose amendments that would limit where and how AB 1033 can be used as part of tonight's agenda item. Staff can then prepare options for the Planning Commission and Council to consider as part of the consideration of the proposed ordinance, and Council can provide direction on regulations to consider. Any proposed regulations/conditions on the use of AB 1033 would be reviewed for consistency with applicable state law.

Question: Can the City place a moratorium?

Response: Yes. A moratorium is not on the agenda tonight, but the Council can provide direction during Item 19 for staff to return with a proposed moratorium. The proposed moratorium would not be considered by the Planning Commission and would go straight to the City Council.

Item 20 – Requests for Proposals for Recurring Contracts

Question: Why are a PIO position and a permitting technology project included in an item about recurring contracts? Is the City creating a new PIO position?

Response: The part-time PIO option was brought forward at Mayor McLewis' request as an alternative to contracted Community Outreach services. No position is being established or funded through this item. Council is being asked whether staff should further develop the option, including duties, hours, compensation, benefits, and costs, so it can be meaningfully compared with the Community Outreach RFP. Staff is not recommending one model over another at this time.

Question: How many hours would the PIO work, would the position have benefits or be in a bargaining unit, and what would it cost?

The comment cited a Petaluma part-time communications position (up to 20 hours per week at $35 to $42.55 per hour with no benefits, or about $44,250 per year) and asked whether the City's current communications contractor could handle cross-departmental coordination instead.

Response: Those details have not been developed. If the Council directs staff to further develop the option, the duties, hours, compensation, benefits and costs would be defined so the option can be compared with the Community Outreach RFP. The points raised in the comment can be part of that comparison.

Question: Is the City buying a new building permit system?

Response: Staff has not made a decision to purchase or replace the permitting system. The intent is first to determine whether the City's existing technology can meet Building and Planning permitting needs. If it cannot, staff may need to evaluate other solutions, but any proposed new system, including its cost and funding implications, would return to Council before procurement or implementation.

In both cases, the purpose is to evaluate options, not approve a new position or technology system. Any future recommendation would return to Council with the appropriate analysis and fiscal information.