

**CITY COUNCIL MEETING MINUTES**

**MINUTES FOR Meeting of April 20, 2021**

As Approved by the City Council at their regular meeting of May 4, 2021.

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.

Please note that minutes are not verbatim minutes and are meant to be the City's record of a summary of actions that took place at the meeting. City Council video recording are kept for a period of one year from date of meeting.

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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 Sebastopol City Council welcomes you to its meetings that are generally scheduled for the 1st and 3rd Tuesday of every month. Your interest and participation are encouraged and appreciated.

SIMULTANEOUS MEETING COMPENSATION DISCLOSURE (Government Code § 54952.3): Members of the City Council receive no additional compensation as a result of convening a joint meeting of the City Council and Successor Agency to the Former Community Development Agency.

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.

\*\*\*\*[GOVERNOR'S EXECUTIVE ORDER N-29-20](#)\*\*\*\*

\*\*RE CORONAVIRUS COVID-19\*\*

CITY COUNCL MEETINGS WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT.

*This meeting complies with the Sonoma County Health Officer's COVID-19 Order to Shelter in Place issued on March 17, 2020, and pursuant to California Governor Newsom's Executive Order N-29-20 issued on March 17, 2020.*

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.

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(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.

CORONAVIRUS DISEASE (COVID-19) ADVISORY

To protect our constituents, City officials and City staff, the City requests all members of the public to follow the California Department of Health Services' guidance and the County of Sonoma's Public Health Officer Order for the Control of COVID-19 restricting group events and gatherings and maintaining social distancing.

Consistent with Executive Order N-29-20, in-person participation by the public will not be permitted and no physical location from which the public may observe the meeting will be available. Remote public participation information is available on the City website.

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 Sebastopol City Council welcomes you 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.

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City Council Regular Meetings are available in real time and archived on Livestream. Important Notice The City of Sebastopol shows both live broadcasts and Video Archive of City Council Meetings over the Internet. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice.

Here is the link: <http://bit.ly/sebcctv>

*There are times that the 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.*

*Anyone using abusive, vulgar, offensive, threatening, or harassing language, personal attacks of any kind or offensive terms that target specific individuals or groups will be muted and removed from the meeting.*

**6:00 pm                      Convene Regular City Council Meeting (ZOOM VIRTUAL FORMAT)**

**CALL TO ORDER:** Mayor Glass called the regular meeting to order at 6:04 p.m.

**ROLL CALL:**

Present: Mayor Una Glass – By video teleconference  
Vice Mayor Sarah Glade Gurney – By video teleconference  
Councilmember Diana Rich – By video teleconference  
Councilmember Patrick Slayter – By video teleconference

Absent: Councilmember Neysa Hinton – By video teleconference

Staff: City Manager/City Attorney Larry McLaughlin  
Assistant City Manager/City Clerk Mary Gourley

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Administrative Services Director Ana Kwong  
City Engineer Joe Gaffney  
Fire Chief Bill Braga  
Planning Director Kari Svanstrom  
Police Chief Kevin Kilgore  
Public Works Superintendent Dante Del Prete

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

Mayor Glass read protocols for the meeting.

**PROCLAMATIONS/PRESENTATIONS: NONE**

**PUBLIC COMMENT (for items not on the agenda).**

The following emails were received and distributed to the City Council and appropriate City staff:

- Michael Carnacchi
- Marghe Mills-Thysen

Jacque Lefler commented as follows:

- I think I see some of the faces at 7720 Bodega Avenue, and a few of the surrounding properties around the Woodmark project.
- You are seeing us often these days.
- I sent an email today that explains it more clearly.
- I have been living here for 30 years.
- We have one full building and a quarter of another one, and their backyards are on the property line between the Woodmark property and us.
- We have several concerns.
- The main one is that we share the property line.
- We know we're not on bedrock.
- We're on packed sand.
- Concerned with the possibility of disturbing the foundations of these houses as well.
- In addition, we're concerned about the easement for the Woodmark project, that is how we get in and out.
- Right now, that's five people here, and there were two people next door, and that will increase to 185.
- We do have a lot of concerns, we will keep track of it closely and ask you lots of questions as we go along.
- You will see us often.
- I will leave you to read all the details as we go into detail in the email.

Peter Trombetta commented as follows:

- I am an attorney and a leader of Community Alliance for Responsible Education – also known as CARE.
- CARE is filing against the West Union High School District and the board of trustees to set aside the decision to consolidate the high schools on the Analy campus.
- It's filed because of the district's failure to follow the environmental quality act under the board of trustees and approval of a notice of exemption to conduct an impact report.

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- The board of trustees failed to show a review to reveal traffic congestion, safety, and the local commute trips as a result of the consolidation.
- The Analy high school campus is in the jurisdiction of the City Council and the City Council should join in the litigation.
- I will be happy to provide in the city, the petition for a mandate after it has been filed, which we expect to be filed this week.

Charles Lavine commented as follows:

- Thank you for allowing me to speak.
- I would like to get into the weeds about some of the impact of this project on the city.
- Namely, what's going to happen with Bodega Avenue.
- The project has a considerable offload of soil. Something like 11,000 cubic yards are going to be removed.
- They are basically leveling the site that is now a hillside.
- Some of the soil I didn't mention is going to be rearranged, but 11,000 cubic yards of soil will be hauled off site.
- We don't know which way they are going, it's like 1,000 dump trucks driving on Bodega Avenue.
- Bodega Avenue is already in sad shape.
- I don't know how this is going to impact it and I don't know who's going to repair it if there's a problem.
- That part of Bodega Avenue belongs to the city, and I'm sure the city's taxpayers will ultimately pay for it.
- We are going to be paying for this in many ways.
- We're paying through our Federal taxes because the contractor gets a contract that way.
- We're paying state taxes.
- We may also be paying through our city taxes.
- When and if the repair of Bodega Avenue is necessary, who's going to do it?
- Has it been looked at?
- Is that part of the plan?
- We tried to contact the City Engineer to get some sort of estimate about the impact of the trucks.
- There are so many trucks coming in, with all the building materials.
- We have not gotten an answer back yet.
- That is probably something that I would hope the Planning Commission is looking at.

Vicki commented as follows:

- You may know me and Susan from the West County Rapid Response Network for immigrants.
- We have been doing a number of things in the county that is supportive.
- In West County, you may recognize the cards telling people to be careful about I.C.E. and how to deal with people at their door.
- When the Asian violence started to happen, we put out flyers that say we support you.
- We are glad the Asian community is here.
- We went to 27 businesses in Sebastopol, we had wonderful responses.
- Nobody reported any specific direct violence having happened to them.
- One of the nail studio operators here said her sister was dragged in Oakland on the side of a car and targeted.

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Susan McDonough commented as follows:

- We just want to be on record as really appreciating the resolution that City Council put out at the last meeting. We have copies of that and we are letting folks know about it.
- We also wanted to tell you that we are in talks with the Sonoma County Japanese-American Citizens League about joint efforts that we might do to keep the effort going to fight racism. We wanted to suggest that maybe the City Council, or maybe Mayor Glass contact them regarding historical displays about the anti-Asian, and anti-Japanese violence in the '40s.
- The idea of language equity.
- As we go into emergency fire season and other situations, it would be good for the City to distribute information in languages other than in English. Maybe that's already happening?
- Thank you again for the Council's work.

Kyle Falbo commented as follows:

- The third guiding principal in Sebastopol's General Plan is to improve traffic standards for reduced congestion, and expanded area for bicyclists and pedestrians.
- A safety network for pedestrians and bicyclists is more than accommodating information.
- Bicycle and pedestrian networks are fundamental to Sebastopol.
- The word bicycle is mentioned 106 times in the document.
- As I continued to mention, Bodega Avenue is a road that is in critical need of maintenance, repair, and upgrade.
- Referred to 17.110.030 and the schedule of off-street parking space requirements.
- I'm unaware when it was last updated but it does not reflect the focus on nonvehicular housing in the plan.
- Based on the code, it would require approximately 150 parking spaces.
- 150 parking spaces does not suggest pedestrian or bicyclist focused.
- One vehicle a person is a self-fulfilling prophecy.
- It's time to change to a code that reflects our values as a community.
- The municipal code should reflect our priorities.
- Any development on a transit line should have a reduced amount of required parking spaces.
- Please consider modifying code 17.110.030 to reflect this.
- Speaking of bicycle networks, it's my hope that Bodega Avenue will have a lane that is safe.
- There are three slides.
- The first is the current layout of Bodega Avenue.
- The second is a scenario where lanes can be squeezed in the existing roadways, and not as inviting to bicyclists.
- The third scenario promotes the use of bicycles and pedestrians cycling it away from traffic.
- I urge the Council to explore bike lanes when possible, moving forward.

Tiffany Lucas commented as follows:

- Resident here in Sebastopol.
- I'm very concerned about the Woodmark project.
- Not only about the environmental concerns that Charles addressed, and the bicycle and safety concerns that Kyle just addressed, but it's also a big concern with the lack of sidewalks that are surrounding the project.
- There are walking ways for the children to go to and from school that, with the increased traffic is going to be a major safety concern.

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- Another impact that I don't know if the Council is aware of, at the Design Review Board it was addressed dramatically as far as the severe concern with the heritage trees on the neighbor's property, and the retaining wall heights and setbacks that are proposed in the project that will affect all of the neighbors' properties.
- I hope that the Council will consider reviewing the Design Review Board meeting and the concerns addressed with that proposal.

Chuck commented as follows:

- I'm also concerned about the Woodmark project.
- The issues related to traffic on Bodega Avenue, cut across traffic in the community where there are few sidewalks, and so on.
- Issues about evacuations and fires before Bodega gets any more jams is paramount to me.
- I think it's dangerous and it's an imposition from out of state people.
- That is what I want to ask you, somebody on the Design Review Board said it looks like the company is trying to go around the Design Review Board and get a legal right to build it no matter what we say.
- I want to know if it's true.
- Will the Council fight it?
- We live here.
- They're from Idaho.
- We live here and we have major concerns.
- I know the environmental impacts that are necessary have been done.
- We have major concerns and it's putting the community in real danger.
- I would like to know what the Council is going to be doing about it.
- Does anybody here have any power?
- It's our state and we are citizens of the state.
- The proposal is an abomination.

Mayor Glass commented as follows:

- I would like to make a couple comments.
- For the public who have made comments, we can't get into a back and forth.
- It's a violation of meeting protocols and law for us to go back and forth about what the Council is or isn't doing
- I did want to let you know that we do have on the agenda this evening a presentation.
- It's our item six, a presentation from outside counsel with updates regarding housing law.
- Part of why we put it on the agenda is so that the public could understand some of the laws that affect our Council's ability to regulate, and the laws are changing on a very regular basis.
- If you would like to continue watching through the agenda item presentation on updated housing laws, you might find it interesting and illuminating information.
- The Council appreciates the thank yous for the resolution we did that was in support of anti-racism, and I have heard there is now an additional resolution going around that the non-profits are signing on to.
- Hopefully everybody out there in the community knows that all of this work is going on to publicize and get community support, particularly around our local Asian community which is important, but all groups that have been targeted with racist attacks over the past couple years.

**STATEMENTS OF CONFLICTS OF INTEREST BY MAYOR/CITY COUNCILMEMBERS FOR ITEMS ON THE AGENDA:**

Councilmember Slayter commented as follows:

- This is regarding item number 6.
- This is a presentation that is general and anonymous in nature, and the Bodega Avenue project is not the topic, just to be clear?

City Manager/Attorney McLaughlin stated that is correct.

Mayor Glass commented we have a lot of issues going on that relate to housing, and it is in our interest and the public's interest to understand the parameters we are all working with when it comes to any housing project in our town.

There were no conflicts of interest.

**CONSENT CALENDAR ITEM(S):**

Mayor Glass read the consent calendar.

Mayor Glass questioned if any Councilmember(s) wanted to remove any item(s) from the consent calendar.

Councilmember Hinton asked to have a separate motion for Item Number 1 as she was not in attendance at the last meeting.

Mayor Glass asked for any public comment on the consent calendar items. There were none.

Mayor Glass called for a motion.

**MOTION:**

Vice Mayor Gurney moved and Councilmember Slayter seconded the motion to approve Consent Calendar Item(s) Number(s) 1.

Mayor Glass called for a roll call vote. City staff conducted a roll call vote.

**VOTE:**

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

**CONSENT CALENDAR ITEM(S):**

1. Approval of Minutes of the City Council Meeting of April 6, 2021 (Responsible Department: City Administration)

**City Council Action: Approved Minutes of the City Council Meeting of April 6, 2021**

**Minute Order Number: 2021-072**

**MOTION:**

Vice Mayor Gurney moved and Councilmember Slayter seconded the motion to approve Consent Calendar Item(s) Number(s) 2, 3, 4 and 5.

Mayor Glass called for a roll call vote. City staff conducted a roll call vote.

**VOTE:**

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

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Absent: None  
Abstain: None

2. Approval to Establish new job classification of Senior Maintenance Worker-Sanitary Sewer System Operator and retitle and revise job classification Water Treatment Plant Operator-Maintenance Worker III, Authorize the City Manager to update City job specifications, allocation table, and salary rates and ranges, effective April 20, 2021.  
(Responsible Department: Public Works/Administrative Services)

**City Council Action: Approved Establishment of new job classification of Senior Maintenance Worker-Sanitary Sewer System Operator and retitle and revise job classification Water Treatment Plant Operator-Maintenance Worker III, Authorize the City Manager to update City job specifications, allocation table, and salary rates and ranges, effective April 20, 2021.**

**Minute Order Number: 2021-073**

**Resolution Number: 6339-2021**

3. Adoption of Resolution Approving an SB 1 Proposed project List for 2021-22 (Responsible Department: City Engineer)

**City Council Action: Adopted Resolution Approving an SB 1 Proposed project List for 2021-22**

**Minute Order Number: 2021-074**

**Resolution Number: 6340-2021**

4. Approval of Notice of Completion, Manhole Cover Replacements, project No. 2020-04  
(Responsible Department: City Engineer)

**City Council Action: Approved Notice of Completion, Manhole Cover Replacements, project No. 2020-04**

**Minute Order Number: 2021-075**

5. Approval to Reopen Applications for Climate Action Committee's Vacant Positions and add Alternate Youth Position (Responsible Department: Planning/City Administration)

Open positions are:

- Sebastopol business owner
- Environmental justice/equity background
- Alternate Youth Position (if approved)

**City Council Action: Approved Reopen Applications for Climate Action Committee's Vacant Positions and add Alternate Youth Position (Responsible Department: Planning/City Administration)**

Open positions are:

- Sebastopol business owner
- Environmental justice/equity background
- Alternate Youth Position (if approved)

**Minute Order Number: 2021-076**

**INFORMATIONAL ITEMS/PRESENTATION:** (Please Note: Although informational/presentations items are routinely informational in nature, some informational items may contain request for actions such as support, direction to staff, follow up, or receipt of item based on the presentation/information provided.)

6. Housing Law – Meyers Nave Presentation (Responsible Department: Planning)

Mayor Glass made introductory remarks.

City Manager McLaughlin introduced the City's outside counsel for this item.

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Director Svansson presented the agenda item and introduced Alex Mog, Meyers Nave, who made a presentation to the City Council.

Alex Mog, Meyers Nave, made a presentation to the City Council with the following comments:

- Like you mentioned, the legislature in their wisdom has adopted quite a number of laws in addressing what is perceived as the severe housing crisis around the state.
- They have been doing it very frequently. Every year or two, the laws change.
- Frankly, the only reason more laws were not changed last year is because they sort of lost track of time and ran out of time due to the unique things related to COVID.
- A number of bills are proposed for this year.
- I anticipate there will be more changes in the coming months and years.
- We're going to focus on a couple of the major bills.
- A lot of bills address minor changes and tweaks but we're going to look at a couple major laws.
- Some of the laws are not brand new but they have been significantly altered and strengthened in recent years and the laws in general limit municipal control, the city's ability to limit and restrict projects.
- Some of the laws require projects to have affordable components to provide some level of affordable housing, but not all of the laws, and these laws are really being used more and more by developers.
- When they were first adopted, they were not sure what they did.
- They were confusing but you're seeing more and more now that developers are realizing that this is something they can do to get a project fast tracked.
- The first law we're going to talk about tonight is the housing accountability act.
- This is a law that has been on the books a number of years but was never really invoked.
- In recent years, developers have increasingly been using the law to sue cities or counties that deny housing projects.
- What the law provides is that a jurisdiction, the City, cannot disapprove a housing project or approve it at a lower density if the project complies with all applicable objective standards in place at the time the application is deemed complete.
- If there are any inconsistencies, the City needs to notify the applicant in writing in a short period of time.
- That time depends on exactly how many units are in the project.
- It's important to review what is an objective standard.
- No personal or subjective judgment.
- For example, a height limit. Everyone can go out to a building, measure the building, and come up with the same answer for how tall it is. That is considered an objective standard.
- A subjective standard is a standard that involves personal opinion or is subjective and isn't verifiable. Two people may have two different opinions on something.
- A classic example of subjective standard is that a requirement that the project comply or conform with neighborhood character.
- That can mean different things to different people.
- One person might think it complies with it, and others may not.
- Other types of things such as the use of the term adequate spacing between projects, or walls of adequate height are considered subjective.
- The City cannot deny a project or approve it at a lower density if it meets all the standards.
- There is one exception that is narrow, a City can deny a project or approve it at a lower density if it can demonstrate, based on a preponderance of the evidence in record that demonstrates that

the project would have a specific adverse impact upon the public health or safety, and that is a very difficult standard to meet.

- The City needs to prove this by preponderance of the evidence, if the City is challenged, this is not the type of decision the court will refer to the City Council's judgment on.
- It's a very high bar to meet, and cities that violate the housing accountability act are subject to be fined up to \$10,000 per unit that is denied.
- If a 20-unit project is denied and the City doesn't approve it, it's possible that the City can be subject to a fine of \$200,000, based on a fine of \$10,000 per unit.
- That law has been on the books for some time.
- It's getting used more and more frequently, but in 2019, the housing act, SB 330 modified it in a small but important way.
- It says that jurisdictions cannot disapprove of a housing project or approve it at a lower density if it complies with the objective standards in place when a complete preliminary application is submitted. That is a little different.
- Before the rule was when a complete application was submitted, but now the standard is when a complete preliminary application is submitted.
- Preliminary requires less than a full complete application.
- SB 330 says what a City can require as part of a preliminary application, and it's a lot of things.
- It's a site plan, you need to identify the number of units in the project.
- A lot of things that a City can require but it's not a full complete application.
- What is important is it locks in the process, the standards, earlier in the process.
- A City can't change the standards that apply to the application after the preliminary application has been turned in.
- There is an exception in here for fees.
- If a City has a fee and there's a built-in CPI escalator in the fee, that's fine.
- The City cannot adopt a new fee or a setback requirement.
- It would have to just do what the existing requirements were.
- Importantly, and this is a major change, when someone submits a preliminary application, they are required to complete an application in 180 days and construction must start in 2.5 years but they can make changes.
- They can increase the square footage up to 20% but the project would have to comply.
- It highlights the differences between preliminary application and the complete application.
- There's also a number of other things that SB 330 does.
- It prohibits a city or a county, on a parcel where residential use is allowed, from changing anything about that parcel that would allow fewer units of housing to be built on that parcel.
- For example, changing the density, and reducing the height that is allowed or increasing lot coverage requirement so that fewer units can be built.
- A City can make this type of change, but they need to offset it with a change someplace else to increase the amount of housing that can be built somewhere else so overall, the City's Zoning Ordinance never decreases the housing that can be built.
- There are also limits on moratoriums with housing development.
- Cities are prohibited from subjective design standards that are established after January 2021, and existing standards can be applied as long as they are not subjective design standards.
- Just to take one step back to the housing accountability act, just to emphasize something, that doesn't mean that the City can't condition any project.
- It can be requirements and setbacks but it cannot deny a project outright or apply the units for the density to increase.

- At some point, a condition might be considered an equivalent that might be considered an effective denial but the law itself doesn't prohibit condition.
- SB 330 applies to affected cities or counties in an urbanized area.
- Each city has said that Sebastopol is in an affected city or county.
- One thing that I want to point out, just for the Council's knowledge is that the housing accountability act prohibits certain types of growth control ordinances, but there is an exception.
- There are limits on the number of hearings that can be required now and restrictions on the demolition of units if they are affordable, but this law sunsets in 2025.
- I would say, based on the legislature's current approach to housing legislation, it seems unlikely that the legislature will let this expire and they will be there to make it permanent.
- The next law is SB-35. A law that was enacted two or three years ago.
- You're seeing developers try to take advantage of it now.
- There is starting to be a lot of litigation regarding this law as developers test the boundaries of what is allowed.
- SB-35 allows for a streamlined ministerial approval of multifamily residential projects that satisfy certain requirements.
- Streamlined ministerial approval means that the approval has to happen quickly, and it's ministerial, meaning the City can't exercise discretion in a project.
- The City applies the rules and if the project meets the rules, it's okay.
- The City cannot exercise discretion.
- It applies in cities that have issued fewer building permits than their share of regional housing needs for affordable units by income category.
- There are around 15 or so cities that the law doesn't apply out of the 400 plus cities in the state.
- Projects need to meet requirements to qualify for the streamlined review, and one of the main requirements is that a project larger than ten units has to meet certain affordable housing requirements.
- If it is larger than ten units, 10% of the units must be affordable to households making below 80% of the area median income. 10% must be affordable to low-income.
- There is a special rule for the Bay Area, 20% of the units can be made affordable to moderate income households making below 50% of the area median income.
- The law defines the Bay Area broadly, there are nine counties in the Bay Area, and it includes all of Sonoma county as well.
- In cities that have met the above moderate goal, they have produced enough of the market rate housing, those projects require 50% of a project to be affordable to low-income households. Sebastopol is in the first requirement, the 10% requirement, not the 50%.
- In the future, if the City is able to meet above moderate market rate housing number, it would be able to require 50% units to be affordable.
- The project has to have a General Plan designation or a Zoning designation that allows residential or mixed use.
- A developer can't propose a project on a property that is commercial or solely intended for open space.
- It has to allow residential, and if a mixed-use project is proposed, at least two-thirds of the square footage of the project have to be residential.
- The project needs to comply with all the objective design standards.
- The pitch of the roof being a certain percentage. It could need to comply with height and setback requirements, all of them are objective standards.
- It also needs to comply with a number of other specific requirements that are outlined in the law.

- The law identifies a number of outcomes that are not eligible for SB-35 projects.
- The project site can't be located in a high fire risk zone.
- It can't be in an earthquake fault zone as defined in the statute.
- It can't be labeled a historic structure by the city or the state or the national register.
- There are also labor standards required to be paid for most of the projects.
- Some of these standards are enforced by the City and some requirements are enforced by the State.
- That was the ministerial process.
- The City can apply those requirements.
- The streamlined aspect is that the City must act quickly.
- The City has a limited period of time, usually 60 days unless for very large projects, to identify any objective standard that the project doesn't comply with.
- If the City doesn't identify that inconsistency and writing within the required amount of time, the project is deemed compliant.
- For example, if the City had a 20-foot setback requirement and the proposed project had a setback of 15-feet, the City would have to notify the developer in 60 days and if the City failed to do that, the project would be fine.
- The City couldn't later deny the project on the basis of not meeting the setback requirement.
- Other review of the project must occur in 90-days or 180-days for larger projects.
- This means a quick turn around on the projects once a complete application is submitted to the City.
- A major ramification of the bill is that the California Environmental Quality Act (CEQA) only applies to the discretionary actions.
- Because SB-35 provides for a ministerial approval, CEQA is not required.
- There is no requirement for environmental review, nor could the City require environmental review to be completed because that is not a standard in the City's ordinances.
- The last major bill I want to mention is the density bill.
- This is a law that has been on the books for a while.
- In recent years, the legislature has been amending it quite a bit, and developers are using it more and more to maximize what they can get to maximize their profit or a number of units in a project.
- The City has an ordinance that implements the law as well.
- The density bonus law says whether a developer who builds a percentage of affordable units in a project is entitled to a specific density bonus.
- To use an example, if the density that is allowed on a particular site is 20 units per acre, and the developer received a 10% density bonus, that could have 22 units, even though the density limit would otherwise be 20.
- It allows developers to go over the otherwise allowed density limit.
- The greater the percentage of affordable units, the greater the density bonus.
- If the City has a requirement that requires developers of larger projects to provide a certain amount of the project as affordable units, those units count towards meeting the requirements and the density bonus law.
- Discussed provided charts.
- In addition to that density bonus, what the law also says is that projects that qualify for a density bonus are entitled to up to three things known as incentives and the number of incentives grows depending on how affordable the project is.

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- An incentive is a reduction in the standards, or a modification of the zoning code or design requirement such as decreased open space, or if there is a requirement for architectural finishes.
- It might be a waiver or elimination of that requirement, and the developer can request a limited number of these, up to three, potentially, and the City is required by law to grant the incentive unless the City can make a finding that the incentive does not result in identifiable and actual cost reductions for the project.
- The City can require the developer to submit financial information.
- This is a very hard standard to meet.
- A developer is always going to, or almost always going to be able to make their pro forma show that this is really important.
- On top of incentives, they are also required to waive, as an example, if they're allowed 50' but there's a maximum of 10', and it's physically impossible to build that many units on that site, the applicant would be entitled to a waiver of that height limit requirement.
- It is very broad what a developer can do under the density bonus law.
- One thing to point out is that the density bonus law also creates special parking requirements for projects and provides that regardless of what the City's normal parking requires are.
- If the project qualifies for a density bonus, the City can only require a certain amount of parking spaces. For a one-bedroom unit, no more than one space. That's automatic, and a developer who is entitled to an incentive could use one to lower this parking requirement even more.
- This is quite extensive.
- You can certainly see developers and developments taking full advantage of this.
- You also see more developers who don't take advantage of their density, who don't claim a density bonus, and who don't use all of their incentives.
- They may just use one to waive one requirement.
- It could have far-reaching implications.
- The bonus is even greater for projects that contain 100% affordable units.
- A project that contains 100% affordable units is entitled to an 80% density bonus, which is almost double the amount of density that would otherwise be permitted and up to four incentives.
- The Surplus Lands Act requires local agencies, when they're selling or disposing of property, to first offer it to affordable housing, non-profits, and other government agencies before putting it on the market.
- It only comes into play if a City is selling property.
- It creates a process where you have to offer it first and hold negotiations with those qualified entities before moving on to see it on the open market.
- It's designed to give non-profit housing developers, and affordable housing developers the opportunity to get first crack at making an offer before a City or County sells the property on the open market to someone else.

Mayor Glass opened for questions.

Councilmember Slayter commented as follows:

- Discussed slide 16.
- Discussed the ten-unit standard.
- Trying to understand how that applies.
- Is it multifamily developments that are on one parcel, or is it also subdivisions with single family dwellings?
- Is that ten-unit threshold both types?

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Alex Mog commented as follows:

- Stated yes. It is both types.
- The law has some additional restrictions for subdivision projects.
- They have to meet certain other standards.
- They're mostly labor related, they have to pay prevailing wage, and they have to use a trained and certified workforce, but it would apply.
- If someone proposed a project of more than ten-units, they would have to meet this standard as well, creating at least 10% of units as affordable.

Councilmember Slayter commented as follows:

- Discussed the need for prevailing wage
- It's about affordable jobs in a lot of ways.
- The problem with that is, it increases housing costs even more which means that maybe even less projects will get built.

Alex Mog commented as follows:

- Don't know why the legislature chose to do it this way.
- Maybe to limit the scope of how many projects could happen in this way.
- What I've seen is there aren't a lot of projects that come in with 10%, 11%, 12% affordable because it is just not worth it.
- Paying prevailing wage isn't worth, in most cases, the streamlining.
- There are some that are totally for-profit projects.
- You see a lot of these with SB-35 used with a lot of affordable units that may be getting other types of financial assistance that trigger prevailing wage anyway.
- They're already paying prevailing wage.
- Meeting the requirement isn't an extra burden.

Councilmember Slayter commented as follows:

- Curious about the unit count.
- I realize this is a different situation.
- It wouldn't be necessarily part of SB-35, but in the rebuild zones, the opportunity for additional affordable units largely went untapped in that particular situation.
- I think it is a great loss to our region.
- Curious about this ten-units.
- Does an accessory dwelling unit count as a unit?

Mr. Mog commented as follows:

- I don't know off the top of my head.
- An accessory dwelling unit is a dwelling unit, but it's not considered a unit for the purposes of determining density.
- My suspicion is that if a five-unit subdivision came in with five single-family units and five ADUs, that would not qualify as ten units.

Director Svanstrom commented as follows:

- That scale of a project could probably go through SB-35.
- I believe it's eligible if it's two-units or more.
- It's only when you meet this number of units when the affordability requirements kick in.

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Councilmember Slayter commented as follows:

- Discussed page 107 of the PDF.
- Discussed the table on eligibility requirements.
- Item number 11 - Checklist for Sebastopol for SB-35.
- I assume this is something that was completed by staff, the Planning Director, and City Attorney.
- It says, in Contra Costa County, is that a legacy comment?

Mr. Mog commented as follows:

- That is a legacy comment.
- That was just an example, the document is not specific to Sebastopol.
- Some of the affordability got updated to make sure it applied here, so the right percentages were here.
- The same rule would apply, and where it says Contra Costa County it would apply in Sonoma County, because they're both Bay Area counties.
- The law basically differentiates between Bay Area counties and inland, rural counties.

Councilmember Rich commented as follows:

- Discussed the slide with all the percentages on it.
- Slide number 6 on SB-35 and affordability.
- What I really appreciated about the way you dealt with the density bonus law is you took those percentages and made some sense out of them for us.
- I am going to ask you to do the same thing for our purposes on the City Council.
- We talk about AMI and we know that that is a standard that would be specific to Sonoma County.
- Can you walk us through the underlying goals here, it says at least 10% of units must be affordable to households making below 80% of AMI.
- That changes based on the number of people in the household but give us a benchmark.
- A family of four, what would be the number that would be 80%, 120% of AMI?

Mr. Mog commented as follows:

- In Sonoma County for 2020, the median income for a family of four is \$102,700, that's considered the area median income.
- The area median income considers the size of the household.
- For a family of three, it goes down, if you have more people, it goes up.
- 80% of area median income for a family of four would be someplace around \$81,000.
- As background for the Council, 80% and below is generally what the cutoff is to be considered low-income, or lower-income.
- If you get even lower, below 50%, you might be considered very-low income, or if you get below 30%, extremely-low.
- A unit that is required to be affordable for 80% AMI, that means it would be restricted to a household with an income of less than about \$80,000 when they have initial occupancy.
- The rent would also be restricted.
- There are formulas that you use to figure out what the rent would be.
- The rent would, for low-income, would generally be 60% of the area median income divided by 12, that would be your monthly income, and times 0.3, 30% of that so they would be spending no more than 30% of their income on the rent.

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- The rent would also include utilities.
- The total cost to live in these units would be restricted to that amount.
- That could change every year, as the AMI increases.
- It would be restricted in that manner.
- One thing I didn't touch on, but both SB-35 and the density bonus law require in order to get the benefits of those laws, a developer needs to enter into a binding agreement with the City, agreeing to keep these units affordable in the manner required by the law.
- For a rental unit, that means it has to be kept affordable for a period of 55 years.
- If it's a for sale unit, a townhome, a condo, it's only for 45 years.
- Those agreements are binding on the property owner and any future owners as well.

Director Svanstrom commented as follows:

- Our inclusionary ordinance, at whatever percentage is selected for the inclusionary units, are required to be in perpetuity.
- A certain number will be in perpetuity, and the other would be for the years, as Mr. Mog noted.

Councilmember Rich commented as follows:

- As I look at the second category there, in order to get at least 20% of units affordable to households making below 120% of AMI, with an average income for the units at or below 100% of AMI, you're saying from the numbers that you just gave us that in order for that section to apply, the average income for the units must be at or below \$102,000 for a family of four or a unit that would accommodate four people?
- Good luck hitting that in Sebastopol.

Councilmember Slayter commented:

- I'm curious, at what point reference in SB-35 does the City's discretion disappear?

Mr. Mog commented as follows:

- When someone would come to a City and let them know they wanted to apply for an SB-35 project, at that point, the City would have no discretion in how it processed the application.
- It would have to process it in the way required by SB-35.
- Just applying its objective standards and going through that process, the City wouldn't have any authority to use its discretion to deny the project.
- If it was denying the project, it would have to back it up with the basis for that denial in the inconsistency with an objective standard or something like that.
- It's not unusual to see applicants not use SB-35 at first and try to submit the project the normal way.
- If they're not consistent with all of the objective standards, maybe they can't meet the setback requirements, so they want to go through the normal process.
- If for whatever reason, that isn't going to their liking, or the City is using their discretion to deny the project, we've seen where the applicant modifies the project and resubmits it as an SB-35 project, and therefore takes away any of the City's discretion.

Councilmember Slayter commented:

- It becomes the project proponent's choice whether to actually do something that fits what the community desires?

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Mr. Mog commented as follows:

- If they want to go through SB-35, they have to comply with all of the standards that the City has adopted in its code, or other adopted objective standards.
- If there are other policies or desires that aren't objective or aren't adopted formally, yes, they don't have to meet those.
- They don't have to comply with those under SB-35.

Councilmember Slayter commented as follows:

- In Sebastopol, having sat on the Council now for more than ten years, we've seen our fair number of projects proposed, mostly in the commercial realm, but certainly a few in the residential realm that have the potential of increasing traffic counts beyond what our General Plan calls for, requests, or allows, however you want to put that.
- Does SB-35 remove any way of the City being able to reference traffic counts and level of service or those kinds of things regarding traffic?

Mr. Mog commented as follows:

- The answer is largely yes.
- How you would normally address those is through the environmental review process and imposing mitigation measures based on the amount of traffic that will be generated by a project.
- Because it doesn't apply to ministerial actions, the City doesn't have a way to meet or impose rather those kinds of conditions.
- If the City has some of those standards maybe codified as objective standards, but I can't think of a good one off the top of my head.
- Could be a provision that a project have off-street parking.
- Not exactly a traffic condition.
- That could be objective and contained in a code.
- That is something that could be enforced.
- For broader ad hoc conditions that you might normally see through the environmental review process, there's not a mechanism to impose those.

Ed Grutzmacher, Meyers Nave, commented as follows:

- Really quick on that one, one of the objective standards you can apply is traffic impact fees that you would use to build new traffic facilities to handle the traffic.
- Another thing to keep in mind with these projects is that they have to be compliant with the existing Zoning Ordinance and General Plan so the jurisdiction will know if the density of development is allowed on this property.
- We need to plan our transportation facilities accordingly, and our fees accordingly.
- On paper, at least, it should work out.

Vice Mayor Gurney commented as follows:

- I appreciate all the questions.
- Wondering if there is some trend in the litigation that would indicate a developer's fatal flaw in this process.
- Is there a known fatal flaw?

Mr. Mog commented as follows:

- Stated there is not.

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- That has come up enough that you go, oh, okay, there's where they're vulnerable.
- So far, there haven't been that many.
- The law is four years old, and for the first one or two years, not many developers were taking advantage of it for lack of a better phrase.
- There have been some cases, but not a lot of litigation.
- I would say that, from the cases I've seen, that the developer usually has been winning if a project is denied.
- What the courts have said is that the legislature's intent is clear, that they want to streamline the process.
- It doesn't mean that a City can't win in litigation, but there's no trend where a fatal flaw has been identified.

Mayor Glass commented as follows:

- I just want to clarify what Councilmember Slayter asked about.
- It is the developer's decision whether to submit under SB-35.
- It is not a decision of the City whether to allow SB-35 or not.
- They just have to assert when they are applying under this law.
- They have to assert that they're complying with all objective standards.

Mr. Mog commented as follows:

- They have to assert that they're applying under the law.
- Then the City has to then tell them once they've submitted their application, within a certain amount of time whether they comply with all of the standards.

Mayor Glass commented as follows:

- There's a number of things and varying standards that have disappeared under this, because of the density bonus law, et cetera.
- For example, if we had laws regarding trees and the trees precluded this particular development from being done, does our local tree ordinance go away?
- Do those kinds of things go away under SB-35?
- How does that work?

Mr. Mog commented as follows:

- They don't go away under SB-35.
- A tree ordinance that prohibited cutting down certain types of trees, that's an objective standard because the types of trees are identified and there are clear rules.
- Whether the project would be able to get a concession allowing them to do that through the density bonus law, that's a possibility.
- I don't know.
- That issue probably needs to be analyzed separately.
- That's not usually the type of concession that is requested.
- It could be possible that that's what is requested.
- That would not necessarily be because of SB-35.
- It would be because of the density bonus law.
- The end results may not be different but that particular type of concession, I would have to look into that a little bit more to see if that's something the City would be required to grant.

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Mayor Glass commented as follows:

- If a development is being submitted in a standard way, then there is a review, and the developer pays for that review, right?
- Then there are a bunch of findings, then our Planning Department will say this is an environmental impact?
- Then we say in order to mitigate that environmental impact, you have to do "X," "Y," "Z," under SB-35, if a City chooses to spend money on evaluating something that would normally be an impact, and then says this is an impact, then does the City still have the right to say, this is an impact that is subjective information, that this does not comply with our rules?
- Can a City pursue finding information on its own nickel, and therefore we've identified something outside of the process?

Mr. Mog commented as follows:

- In general, the answer to that would be no.
- Under SB-35, an applicant's project needs to be reviewed ministerially.
- Just applying the City's objective standards, and there may be some objective standards that you might not know if they're complied with or not until, and unless you have more information about an impact.
- An objective standard is something that you would be able to measure based solely on the project application.

Councilmember Rich commented as follows:

- We talk about objective standards, and I'm hearing that those standards, one of the impacts of these various laws, and I understand it from a policy perspective, the City can't change those rules.
- You can't change the rules on the developer.
- We also understand that the way that a City develops their rules is on the assumption that there will be certain steps that are taken.
- What happens if, for instance, you have a development that is subject to all these rules, and the City has decided that a certain number of parking places will be required.
- Based on that, the City did not consider the fact that the other option of maybe requiring on-street parking.
- Now these rules, and therefore that objective standard wasn't put in place.
- Now, the parking piece has been changed through these rules.
- I think what I'm hearing is too bad, City.
- You can't now impose, even though it's an objective standard, on-street parking on this particular site, just as one example.
- Is that what you're saying?

Mr. Mog commented as follows:

- Once a project comes in, you cannot change the objective requirements.
- You would prospectively change the objective or rules.
- A lot of cities are going through the process of trying to take what was discretionary and make it into an objective standard.
- Even then, there are these laws that give qualifying projects opportunities to get around some of those standards, even if they are imposed and even if they are objective.

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Mayor Glass opened for public comment.

Kyle Falbo commented as follows:

- I really appreciate the presentation and expect that many in the public have been made aware of the changes with SB-35.
- However, it would be my hope that the City already be in the know on these subtleties.
- How their hands are tied in other municipal codes.
- Public comment critical of this has been clear.
- I've called this out as far back as November of last year.
- Items relevant to the negative impacts of the proposed project.
- Additionally, it's worth noting that the current language is limited.
- The proposed developer even made reference to the lack of teeth by interpreting the recommendations as merely suggestions that had no requirements they must accommodate.
- The Design Review Board has no actual oversight.
- This burden of paying attention to the development, its actual compliance, and the General Plan falls on the City Council.
- It would be my hope that our elected officials would be able to act swiftly with the General Plan or Municipal Code.
- The issue here is not density.
- Our city has failed to develop low-income, high-density housing.
- Pushing hard instead for the development of ADUs, which is not clear to me would meaningfully satisfy what Sebastopol needs.
- The issues that have been raised regarding the Woodmark development as well as issues related to environmental impacts, such as the proposed elimination of heritage trees, ground water, and the resulting increase in over 600 metric tons of carbon dioxide each year.
- I'm happy to tell you what the fatal flaw is.
- If a City is proactive, and hears and recognizes the community's voice, and makes changes in advance to both its General Plan and Municipal Code prior to any developer applying for SB-35, that's the fatal flaw.
- I hope the City Council can be more proactive in this regard.

Jacque Lefler commented as follows:

- Believe me, we have been looking for the weak links as well.
- We could investigate whether the house on their property, which they have had for, I think it was 100 years, if that house is historic.
- We could find out when the property owner died if that was within the last ten years.
- I know it was, probably at least eight years ago. I'm not sure about the rest.
- Maybe the historical society would know, or the Press Democrat obituaries.
- There was also something about there being any similar project, a low-income project within a certain number of feet of this project.
- I wonder if Burbank Heights qualifies because they are certainly right there.
- Those are the three that I have wondered about.
- In terms of the impact on deterioration of the street, you are going to need at least a four-way stop with the amount of cars that will be coming out of that project.
- They will try to park at Bears Meadow as well.
- We're going to have to investigate that one.

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- We have asked that the survey company establish the south property boundary, the actual monument is not there.
- We really don't quite know where our property ends and that one begins.
- I don't know if that's part of the DRB, or if that's part of the developer.
- Somebody has to establish that so we know whether they're going to take out some of our new landscaping and things like that.
- That's probably a question for Director Svanstrom.
- I know you're working on it.
- We certainly have been looking for little weak spots.
- I don't know the answers to any of those.
- I don't know if we're going to need some legal counsel ourselves.
- Those buildings on the street will be three stories high and they'll be above a retaining wall and above the sidewalks, they're going to be the equivalent of four stories, how does that figure?

Chuck commented as follows:

- I've been concerned about the traffic on Bodega Avenue.
- It's no place to put a few more lanes there.
- The fellow who presented was telling us about limiting the number of parking places.
- It's not going to be 100 cars, it will be closer to 200 by my estimation.
- They're all going to be parking on the streets.
- If you can imagine, people parking on the streets in that community, and on Bodega Avenue, it's going to be a mess.

### Council considerations:

Mayor Glass commented as follows:

- I just want to advise the rest of the Council that the Council cannot address or respond to any specific questions by the public regarding this specific development because this is a meeting, this is an informational presentation by our outside counsel.
- We cannot turn this into a discussion specifically answering questions from the public about a specific project because that would be outside the scope of what is legal for us to do right now.
- This presentation was about providing us with basic information about housing laws.
- How they have changed in the past few years, so everybody in the public as well as the Council can be up to date on what those laws are currently looking like.

Vice Mayor Gurney commented as follows:

- They they've all heard the suggestion by Kyle that we be proactive.
- I'm wondering now that our staff has experience in our historical development, we're gaining experience in this SB-35 situation.
- What would the work ahead look like?
- How would it be designed if we were to be proactive in the way suggested?
- Who would take responsibility, what would be our process?
- I'm trying to imagine that workload.

Director Svanstrom commented as follows:

- I actually did apply for a grant, for SB-2 funding.

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- One of the things we applied to do with the funds is the objective design guidelines, based on to the process of taking subjective standards and seeing if we can make them objective.
- It would not apply to existing projects, like Woodmark, which was submitted in 2019 for their preliminary review.
- Yes, we certainly do look forward to making sure that the intent of our design standards can come forward to the subjective standards that the new legislation requires.
- We have a subcommittee already put together for that.
- There's been a lot of delays getting the contract done with SB-2, and what I've talked with the City Manager about is doing an interim set of objective design standard, until we can get a full consultant on board to go back and refine those.
- I've been in contact with those community members, looking to find a date for our first meeting this spring. They include members of the Design Review Board, Planning Commission, and City Council are on that committee as well.
- Former Associate Planner, Alan Montes was doing some work at our existing standards prior to his departure. I have a consultant working on that now, to get some interim work done at least before massaging them into a final form.

Councilmember Rich commented as follows:

- If SB-35 is so advantageous to a developer, why don't all developers, if they have a development that is at least ten-units, why don't they all just immediately go into an SB-35 mode?
- That suggests that maybe there's some downside or burden associated with going the SB-35 route.
- If you have a developer pursuing an SB-35 route, what leverage does the City have, if any?

Mr. Mog commented as follows:

- There are some downsides from a financial perspective.
- Having to pay prevailing wage can be a major downside from a developer's point of view.
- For certain developers who are active in certain areas, SB-35, is an aggressive move to make.
- If you have multiple projects in a community, in an area, you may not want to for lack of a better phrase, burn those bridges.
- Those are some downsides.
- Also, as a practical matter, a lot of times larger projects, not always, but in some cases, they don't comply with the objective standards.
- Maybe they need a small General Plan amendment, or a small zoning change, or something like that.
- If they don't comply with all of the standards, SB-35 is not available to them.
- Unfortunately, the City doesn't have much leverage.
- Its leverage is in changing its zoning standards.
- Under the housing accountability act it can't change those in a way, at least in the city as a whole, that limits the number of housing units.
- You couldn't say, all multifamily housing is prohibited unless you have to come ask for a zoning change, that would not be allowed.
- The City does not have much leverage.

Director Svanstrom commented as follows:

- If a community is meeting their housing targets already, then they're not subject to that.
- As Mr. Mog noted, pretty much every city in the state is subject to SB-35.

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- We are making good progress.
- It is quite possible that by the time they next evaluate this, which I believe will be in 2023, when this housing cycle ends, they look at it, I believe halfway through your cycle.
- They looked at it a couple of years ago and made that assessment.
- If we are meeting those targets, starting in 2023, we would not be subject to SB-35.
- We're not meeting the targets on the above moderate, the market rate, and the very-low income right now.
- Those are the two that depending on what happens in the next few years, if we can meet those targets, that would be an alternative.

Councilmember Slayter commented as follows:

- For those who don't know what that acronym (RHNA) is, it's regional housing needs allocation, is what that stands for.
- Those are housing development target numbers that are regional for the Bay Area.
- Those were recently updated, or is it a draft? The 2023 and future is a draft number so far.
- We just had a presentation on those numbers a month ago
- We kind of know what they're thinking for Sebastopol and in some ways looking at 1,000% increase in other communities, 600%.
- Almost to the point of absurdity, the increase that other local communities, Windsor's number shot way to the moon.
- It feels a little weird to say you're not meeting these standards.
- The legislators in Sacramento are saying, you're not meeting these, so we're going to take it out of your hands.
- That's what SB-35 and other ones are doing.
- The target numbers that we've been given, and by we, I mean largely small cities, are given, are unobtainable.
- It's sort of like we're in a no-win.
- The fact is that we need housing.
- We also need to preserve our community.
- For the state legislators to take so much out of the realm of anything that local communities have any impact on, it's a really difficult position for local electeds to be in.
- I'm not abdicating the responsibility for doing the work.
- As Councilmember Hinton and I have done in the past, once the Woodmark project comes up, we need to recuse ourselves regarding that specific instance.
- I appreciate the way that this item was formatted.
- Thank you to staff, Mayor Glass and Vice Mayor Gurney, and our outside counsel for putting this together in a way that wasn't project specific so Councilmember Hinton and I because this is a big thing that affects all of us in this entire region.
- To have needed to step back because it was about one particular project would have been unfortunate.
- Thank you for including me, and us.

Mayor Glass commented as follows:

- I would like to make a couple of remarks about SB-35, and some of the other legislation.
- What Councilmember Slayter just brought up about the numbers being given to us by ABAG, this overlying, overarching planning agency, and MTC, this regional agency that covers all nine Bay Area counties.

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- For those of us working in small local government, particularly in a semirural at the fringe of the county, these numbers went up 600%.
- Thank goodness that didn't happen to Sebastopol, but they are still up quite a bit.
- One of the things I find really baffling, as you see this centralized decision making happening in Sacramento, they make legislation about carbon, we're all working on our carbon targets.
- We're all working on being more bicycle and transportation friendly.
- They're making legislation about that, but they're not looking at basic principles, the new urbanism concept.
- You put density at the center and the most density needs to be in our really big cities, the really big density needs to be in San Francisco, in Alameda County, and so on.
- Somehow, we're still getting these increased numbers in an area where there is not proper transportation.
- We have a jitney in town but that is not going to get you to your job easily.
- These are the kinds of issues.
- It's like this siloing of goals that are not being looked at in a holistic way, and I think when you're looking at the issues of climate change, carbon traffic, transit, et cetera, we're seeing random laws come up that don't seem to work together very well, in many instances.

**City Council Action:** No action taken. Informational only.

**Reference Order Number:** 2021-077

Mayor Glass called for a break at 8:02 pm and reconvened the meeting.

**PUBLIC HEARING(S):** None

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

7. Discussion and Consideration of Ned Kahn Revised Art Proposal: Item is to receive the presentation and discuss and consider approval by minute order the new concept and site and authorize staff to execute a contract amendment with Ned Kahn to reflect the revised location, concept, and timeline. (As Discussed at the February 2, 2021 City Council Meeting (Responsible Department: Planning))

Director Svanstrom presented the agenda item.

Marghe Mills Thysen commented as follows:

- I wanted to thank the City Council for stepping in and making it possible so that we could actually locate the sculpture in the bridge area.
- When we first started five years ago, that was the ideal place.
- As Director Svanstrom and Mr. Kahn said, we have come around full circle to be able to be there.
- As our chairperson Jen Vertz said, it was worth the five-year wait. She is really very enthusiastic about it.
- I know there is some concern that it's not right up near the highway.
- I think Director Svanstrom pointed out a number of reasons why this is preferable, and I'm sorry Mr. Kahn is not here to speak because he is much more eloquent.
- I hope you have read his statement.
- I think it's very significant that the sculptor is really happy with the spot.
- That is in terms of his perspective for presenting the art work.
- We did talk with him about this, and if we locate it where it's been proposed, and at some point, if there's a reason and strong feeling and agreement, we can move it.

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- We can move it closer.
- There has to be, I believe, 10' from PG&E wires.
- If it was only 10', it certainly would not be so pretty.
- It would not be as beautiful.
- I want you to keep that in mind.
- I really hope and the Public Arts Committee really felt that we should move forward.
- Five years is a good amount of time to ripen.
- Let's plant it, and let's enjoy it, and let's let Mr. Kahn go forward with it.

Mayor Glass opened for questions.

Mayor Glass commented my biggest question is, do we have the flood thing all figured out?

Director Svansson commented as follows:

- The structure itself will be anchored with helical piers that will keep it in the ground and keep it minimal and keep it from floating away.
- Mr. Kahn did note one of the things he can do is remove some of the lower pieces if needed, and that is something that we will look to at with the Building Official.
- Hopefully they can stay.
- Flood water could go through, and Mr. Kahn is able to replace pieces if they do come off.
- Probably one of the biggest hazards is if a branch comes to it and gets caught in it.
- Branches and debris can come off.
- Some are things that can be certainly washed down if needed.
- It is something we need to go through with the City's permitting process.

Councilmember Rich commented as follows:

- It came before us and we loved the sculpture but it didn't feel like the right location as it was not common enough.
- Councilmember Hinton volunteered to facilitate the space at that fabulous location.
- I think that it's wonderful.
- I want to specifically thank Councilmember Hinton for taking the lead on that.
- This is a much better location, it's better for the artist and the community.
- Thank you, Councilmember Hinton, for being our advocate.
- Thank you for being way, way, way more brilliant than Cal Trans.

Vice Mayor Gurney commented as follows:

- Thank you, Mayor, and thank you to the Public Arts Committee, staff, and to Mr. Kahn for this five-year journey.
- I just have to say, Ms. Mills-Thysen, during the last meeting when we looked at other locations, it was difficult to say that we did not like them and wanted to look some more.
- I'm so glad you all did the work to find a real gateway spot. Especially with the room that it has around it.
- Maybe Director Svansson can help me understand, if it's going to attract people to that spot, where are they going to park?
- I think people want to see it and stand under it. That is the purpose of the location, in a park.
- I'm trying to understand where that parking lot is? I'm suspecting that it's private.

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Director Svanstrom commented as follows:

- You can see it's set back, there is a larger tree right here that is adjacent to that.
- There are parking spaces in Tomodachi Park.
- In the summer months, you can go around beneath the bridge if you want to avoid going to the Morris Street crossing.
- I can't tell you there is plenty of parking in the lot
- They do have spaces that are marked for the businesses and they have some open spaces.
- From the other side of things, the trail will connect to the Community Center parking lot area so that is a much larger parking lot and a huge draw for the park and trail.
- In talking with Mr. Kahn, yes, that could really entice people to use it.
- In the summer months, there is the field, and parking there.
- Right now there is no connection to Highway 12.
- Everyone is looking towards doing something like that in the future.
- For now, you can actually go along the field, see it with interest, and then make your way up to the moveable seasonable bridge that is going to come over and pick up and come down .
- Once there's a way to get across the highway, you can get across the sidewalk, but the sidewalk ends abruptly.
- It really is not a good way to connect in the park system.

Vice Mayor Gurney commented as follows:

- We are going to have a new destination on our trail system.
- I think what you're demonstrating for us is that we're going to need to publicize the routes to get there so we don't have parking conflicts or those kinds of problems.
- We might promote this as part of several different walks in the Laguna and raise awareness of the Laguna as well.
- There is a reentry point and it's a way if you want to walk over.
- There are plenty of ways to access it as well.
- We might develop signage with the sculpture on it that is locked to the sculpture at back.
- I think it's a great recreational opportunity to appreciate art on the way.
- I'm very grateful we have all done this work.
- To the Public Arts Committee, and Mr. Kahn, thank you.
- I have made a mental note that any future easements should include art as well.
- In talking to them, they normally allow art up to about 15 feet.
- I think they be okay with this.
- Thanks to Councilmember Hinton.
- It already is a project that is going, and it is appropriate for the space.

Marghe Mills Thysen commented as follows:

- As far as signage goes, I want to comment there was a discussion when we were there with Mr. Kahn about the two signs that are right near the highway.
- I just want to plant a seed, extending the metaphor.
- Mr. Kahn had some ideas about signage. About what that sign could look like.
- To think about that for the future.

Councilmember Rich commented as follows:

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- I had a funding question asked of me.
- I'm going to ask Director Svanstrom to please clarify the source of the funds for these sculptures.
- In the world of limited money that cities have available to meet many, many needs, the natural question comes up about \$45,000 for a sculpture

Director Svanstrom commented as follows:

- The City of Sebastopol has a requirement for public art for commercial projects, not residential projects, commercial or industrial projects, that meets certain thresholds - half a million dollars of construction costs, not including sidewalks, but the building construction itself.
- Developers have two options, they can either do public art on their site. If they do that, that needs to be approved by the Public Art Committee and meet all the qualifications. and the City actually owns the art.
- It needs to be in place, installed, and visible to the public, you can't have it in your office, no one is ever going to see the art.
- You can either provide it on site, as the Hotel Sebastopol project will do. They will be providing a Ned Kahn sculpture on their site that will be visible to the public.
- The Barlow and Exchange Bank, and other projects don't want to go through that can pay the in-lieu fee.
- We then collect that money in a special account restricted just for public art.
- Periodically, we issue a call for art with a budget that is approved by Council and the Public Arts Committee to see what kind of scope we are thinking of and what to propose.
- This Ned Kahn piece being reviewed tonight was the first commission.
- We do have another art piece under way, in fabrication right now, for the wall outside the library as well.
- We also have a place holder with the intent that it will happen in the next year or so, and to construct in the following year or so, it's an ongoing thing.
- The funding, after the committed funds including the library sculpture, I believe the Art fund balance is still around \$50,000 for the next call.
- It's not a tax, and it's not coming out of the General Fund.
- It's a fee they pay when they don't want to provide the art.
- The bottom line, it has to be used for art.

Marghe Mills Thysen commented as follows:

- I would like to add that the Public Arts Committee's current idea is to start with artwork at the four gates to the city.
- Where those will be, we will find out, we will have to find the right sites, but that's the idea.

Mayor Glass opened for public comment. There was no public comment.

### Council considerations:

Mayor Glass commented as follows:

- I really love that idea of art at the four entrances to town—.
- Not only did the funding come out of development fees but the other thing, art is a really good investment in our town.
- We love art.
- Art is wonderful.

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- Art adds so much to our community and who we are, et cetera.
- It's also an attractant.
- It's what makes us welcome to visitors.
- Visitors will come here and want to look at our wonderful art and stop in a restaurant and walk around town and go shopping.
- Art is a really extremely good investment on the town, in addition to its spiritual and beauty.
- It's a great thing that we are doing.

**MOTION:**

Vice Mayor Gurney moved and Councilmember Hinton seconded the motion to approve by minute order the new concept and site and authorize staff to execute a contract amendment with Ned Kahn to reflect the revised location, concept, and timeline

Mayor Glass called for a roll call vote. City staff conducted a roll call vote.

**VOTE:**

Ayes: Councilmembers Hinton, Rich, Slayter, Vice Mayor Gurney and Mayor Glass

Noes: None

Absent: None

Abstain: None

**City Council Action: Approved new concept and site and authorize staff to execute a contract amendment with Ned Kahn to reflect the revised location, concept, and timeline**

**Minute Order Number: 2021-078**

8. Annual Level of Service Report (Planning Department)

Director Svanstrom presented the agenda item.

Mayor Glass opened for questions.

Councilmember Rich commented as follows:

- A couple of questions on, I think it's page 14 of the report.
- When you were talking about the RHNA numbers.
- Yes, page 14 of 40.
- First question is, when we look at Elderberry Commons, would those units be considered meeting the very-low numbers category?

Director Svanstrom commented I would anticipate that that would be the case as the project will likely be converted within this reporting period.

Councilmember Rich commented do we meet our goal if we have 120 units' total?

Director Svanstrom commented as follows:

- You have to have in each category, because frankly there are communities in the State who would produce gobs and gobs of market rate housing but they don't want affordable housing.
- The State gives you these targets, and we also want a balance in our community in terms of the different income levels.
- That's the reason they separate those out.

Councilmember Rich commented as follows:

- I just foresee the interesting possibility of us having a shortfall in our above moderate category.
- Then related to that same question, do these numbers in terms of what we've done so far, is this only structures that have completed construction, or are they some that are permanent that are completed?

Director Svanstrom commented as follows:

- We have them and we're allowed to count them and report them based on a building permit issued.
- The Davis Townhomes project was approved in 2019, but they didn't start construction until this year.
- They count for this year.

Councilmember Rich commented in these numbers, what projects are included that are permitted but not yet constructed?

Director Svanstrom commented permitted but not constructed or approved.

Councilmember Rich commented are there any in these numbers that have not yet broken ground?

Director Svanstrom commented as follows:

- Yes.
- We usually call that pipeline projects.
- We do have a number of projects that are currently in the planning realm.
- The Huntley Square project development, and a couple of others.
- I know there's a couple of single-family housing projects in review.
- They aren't quite ready for their building permit to be issued.
- I haven't counted any of those in this report.
- We do track those so we know where they are.
- This is simply, there aren't any that I know of where they are approved but they haven't yet pulled their building permit.
- Hotel Sebastopol, their building permit is issued, but they haven't yet pulled it.
- There might be a couple of ADUs out there, talking with the Building Department, there were a couple of people that extended their permits.
- The time limits last year, I know they had a couple of people looking at doing ADUs but were holding off because of COVID.
- There might be a couple, but no major projects.

Councilmember Rich commented to clarify, as an example, Woodmark is not included in these numbers?

Director Svanstrom commented as follows:

- Correct.
- Only once a building permit is issued is it included here.
- The Sebastopol Inn, even though technically it's approved, because they haven't started the transition to permanent housing yet, once they start that, then they would count towards that.

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Councilmember Hinton commented as follows:

- I'm just wondering about water.
- We used 8% more and if I was reading the report correctly, the rain was down from an average of 35 inches last year to 11.
- Obviously, it's going to be worse this year.
- I mention it because I'm wondering if I should be waiting for the state to come out with rules, or maybe we should be coming out with our own rules about conservation this year in light of the situation.
- We provide our own drinking water here in the city.
- I just read an article related to sewer, we don't want to be trucking water.
- It's just feedback because those numbers are shocking.

City Manager/Attorney McLaughlin commented as follows:

- I was just discussing the possibility of State conservation orders with the Public Works Superintendent earlier this afternoon.
- I've imposed a suspension on the provision of water to new accounts or new requests for out of city water requests.
- That is in anticipation of possible orders.
- We're going to talk about it more in days to come.
- We thought it was serious enough that we should suspend providing that out of city water.
- That was this afternoon.
- There are other policies that the City could consider.
- There's some standards that some other communities have used to address it.
- Outside of blanket covering everyone in the town, we're in a municipal water district, they have the water conservation landscape ordinance, which we also require.
- They also require any pools be covered so you are not evaporating any water off of that.
- I know some towns have done pool moratoriums, and those types of measures in terms of, what is discretionary use of water.
- The car wash that was recently approved will help in terms of water efficient use for washing cars and reducing water on that level as that comes into play.

Mayor Glass commented as follows:

- I just want to double check on how do ADUs fit into these numbers?
- We are allowed to count and everyone in California is allowed to count both accessory dwelling units as well as junior accessory dwelling unit.
- I think we had at least one junior accessory dwelling, so those are included in the numbers.
- They are scattered between the low, moderate, and above moderate numbers.
- As I noted, a standard 840-square-foot ADU will be a brand new construction.
- We're going to put that in the market rate.
- If they're going to rent it, it will be at a higher rental level than that 500 square foot that shares a bathroom with the house.
- That will be very small.
- We do have ADUs in the range of 300 square feet, or they're a conversion of an existing garage, a 250, 300-square-foot range.
- Those are showing up in 2020 in the low, moderate, and above moderate categories.

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- To reiterate, presuming Elderberry moves over to permanent supportive housing in the next year or so, our threshold is 2015 to 2023.
- If we just presume Elderberry is happening, we're going to exceed our requirement for very low.
- Then, all we need is another 20 units in the other two categories, is that right?

Director Svanstrom commented as follows:

- Two years ago, 2019, we had five units - they were all ADUs. Things didn't look great that year.
- Then you have a year where the 18-unit town homes, and because we're a small town, there's even slightly larger can impact the numbers.
- Elderberry Commons would cover the very low category for this cycle.
- Our next cycle, our draft allocation is about 210 units.
- The city of Healdsburg, they have a housing staff person who is just a housing person on their planning department, has been working and talking to Senator McGuire's office, who is on the housing legislative committee at the State level, about legislation that would allow jurisdictions to carry over any excess units from this cycle to the next cycle.
- We want our carryover.
- I can tell you that they probably are not going to go to the last cycle.
- Even if they did this cycle, it will help us, I believe, in the moderate category as well. In the moderate income, we already have one more than we're required to. We could already have one carryover unit in that one.

Vice Mayor Gurney commented as follows:

- I had a question in the traffic section.
- On page 12, there's this comment under recommendations.
- Substantial revenue enhancements for street maintenance and improvements should be explored.
- Because we have so much to maintain and so much to repair, and not to mention complete sidewalks, et cetera.
- I'm just wondering, what would those be?
- What does that mean, to talk about?

Director Svanstrom commented as follows:

- That's a comment from our City Engineer.
- What that could be, it could be additional funding through grants that are identified.
- That's an answer to every shortfall, but you have to be competitive.
- There are towns that have a municipal service tax, which is a big ask of the community depending on economic times.
- As I noted, we are looking at a slight increase in the traffic impact fee that you'll see at the upcoming meeting, and that will help with some of that.
- However, that can only be used to expand capacity, not maintenance. For instance, you can't use that to repave existing streets.
- It's for, as the city grows, there are some additional crosswalks and things like that, that are needed more as the city develops. That's what that type of funding is restricted to.

Vice Mayor Gurney commented as follows:

- Is that Joe Gaffney who would have more information?
- That would be the City Engineer.

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- I might ask him for a little bit more detail offline.
- If there's some creative way, we can get more money without making life here for expensive for our residents, I would love to know about that.
- We just need revenue enhancements for a whole lot of reasons.
- Look at our park situation.
- The report says there, all around, we have a whole lot of projects and no money.

Director Svanstrom commented as follows:

- The park situation has improved somewhat.
- There are grant programs available, and the Measure M parks funding is coming into the city.
- Interestingly enough, we did not see -- it doesn't look like we're going to see a decrease. We were anticipating sales tax to drop and therefore the revenue would drop due to covid.
- The 2019 revenues, the first year of the tax, was actually over what the projected was, just under \$90,000 a year in sales tax. In 2019, we were 10% to 15% over that in terms of what we actually got.
- This year, it looks like it will be pretty much in line with projections.
- I'm holding that as the estimate for next year in terms of the projections as we come out of COVID and recovery.

Mayor Glass opened for public comment.

### Council considerations:

Public Works Superintendent Del Prete commented as follows:

- I would like to comment on the gigantic increase of solar production.
- I know that is of everybody's interest.
- I think everyone will appreciate this comment in that those were replaced under warranty, but we had been trying to keep them up and running while they were breaking down before I was able to get the complete warranty rebuild.
- We had some strings of panels that were almost brand new.
- What the solar industry calls, we strung together a few Frankenstein strings, we took all the great useful panels and We increased production at those sites as well as replacing the entire system.
- We utilized an asset that we already had.
- That has helped production quite a bit.
- I think this new BayRen program that we're implementing will be a huge success, because the numbers speak directly to residential use.
- Very basic terms, that points to residential irrigation.
- I've been working to discuss future programs and how we want to approach this.
- But we're very serious about water conservation as well.
- We're pushing a lot of good information on our website, and we're discussing it actively, almost daily.

Mayor Glass commented as follows:

- What is not good news is the drought.
- Superintendent Del Prete has also brought up leaks from water mains, and the ability to try to monitor and find them as well, because they're happening, or from, you know, if they're happening on the resident's side and they don't know until they get a huge water bill.

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Councilmember Slayter commented as follows:

- On that water use, I'm wondering if the well documented increase in people doing urban farming is responsible for some of that additional use.
- In irrigation, last year, you couldn't buy a pack of seeds to grow string beans.
- I have no way -- there's no way we can track that.
- But I'm wondering if that is where some of that is from.
- If so, I don't want to discourage people growing fresh, healthy food their houses but we don't want people watering their putting Greens.
- Always work to be done, so thanks for the info.
- Especially on solar, that's really outstanding news.

Vice Mayor Gurney commented as follows:

- I was going to announce later on that it's doing a soft launch on May 10th, and a hard launch on May 24th, the bay run program.
- That will start the marketing effort to our residential customers.
- We're working with Judy Morgan at Burbank Heights, and we were thinking the board owning the property does the maintenance work, so we're hoping that we can get their interest in this program and then have a big project that makes significant savings.
- If we can bring their water Bill down, I think the board will like that.
- Then we can reduce water use by a whole lot of residents if it works.

There was no formal motion. Council accepted report.

**City Council Action: No formal vote. Council accepted report.**

**Minute Order Number: 2021-079**

9. Consideration of Statement of Request for Resignation of Mayor Dominic Foppoli (Requestor: Mayor Glass)

Mayor Glass presented the agenda item recommending the Council consider sending a letter to the Town of Windsor requesting the resignation of Mayor Foppoli.

Mayor Glass commented as follows:

- We had a tremendous number of people contact us, and there is a tremendous amount of outcry from the public regarding this matter in Windsor.
- As you all probably know or saw, the eight mayors other than Windsor actually asked that Windsor Mayor Dominic Foppoli step down because of the seriousness of the allegations against him but also that the situation has become so fraught that it's very hard for them to govern.
- It seems all of the mayors were very, very concerned about this.
- We had a lot of emergency meetings as this occurred with all the other mayors.
- Once the Windsor city council requested their mayor step down, this was added to the agenda with the idea that we could send a letter of support to the Windsor City Council.
- If you will look at, if you've seen the letter that is included, the letter is talking about standing with victims.
- It's also not coming to judgment.
- It's not saying that we're a judicial body coming to judgment.
- We're saying we're supporting the idea of this letter is to support the City Council in their urging this change so that they can get on with business.

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- Right now, they are so dysfunctional, the situation is so fraught, it seems that that is the right thing to do for them to continue on as a city.
- That was the idea behind this letter.
- I also wanted to say the past ever since this first hit the papers, my text messages going off the hook.
- All the mayors going crazy.
- Every elected in the county has been very, very affected by this.
- A huge amount of concern in the public but also in the, amongst the electeds about the seriousness and the extreme disappointment in the behavior that is being alleged.
- I just, to some degree, wanted to apologize in some respects because I did put on, I did put out there that I was happy to say that I had never supported Mayor Foppoli.
- I did not endorse him.
- I shouldn't cast stones.
- I did support somebody else, and we know who that is, I endorsed another person for our council that clearly, we have just gotten the news this past week that I'm very embarrassed that I endorsed that person.
- Let's not throw stones at each other.
- Let's know that we need to encourage all of our colleagues out there in elected universe to ensure that the people's business can continue.
- That the law enforcement and court system is going to continue to deal with if the allegations and with an investigation to deal with the situation.
- Meanwhile, the city of Windsor needs to get on with its business.
- That was the idea behind this letter.
- The agenda setting committee put this on our agenda for consideration by my colleagues.
- I hope you all have looked at the draft letter and I'm ready to hear any questions.

Mayor Glass opened for questions. There were none.

Mayor Glass opened for public comment.

Kyle Falbo commented as follows:

- On April 8th, Brett Wilkinson senior Editor published a statement referencing the allegations and demanding for the immediate resignation for the accused.
- Today, council is seeking to produce an additional statement on the matter.
- My comments related to some legislation by Maxine Waters, comments she made last weekend.
- Unfortunately, the judge in that trial suggested that the statements of the Congresswoman may give Chauvin grounds for appeal that may result in the trial being overturned.
- I find such a claim troubling, with the suggestion of this is alarming.
- I would hate to see any statements be grounds that help the accused in the future.
- I believe the language is fine in this regard, but I thought it was worth mentioning, nonetheless.

### Council Deliberations:

Councilmember Slayter commented as follows:

- Suggested some minor edits
- I'll just go ahead and launch into those.
- The first is request for resignation of town of Windsor mayor.

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- The problem I have with that particular verbiage is that it has a slight sense of assumption that we have power over that decision.
- Clearly, we do not.
- I completely agree with the request.
- The title of it seems a little strong or assumptive.
- This is regarding The resignation of town of Windsor mayor.
- Of course, I have no suggestion of what to change it to.
- I would, just moving through, I would say dear Mayor, Vice Mayor, and town council members.
- Or dear Windsor Mayor, Vice Mayor, et cetera.
- It's a little clearer as to who it's being sent to.
- Moving through, I strongly agree with the statement that you make about how seriously we take this issue.
- It's strong and it needs to be.
- I wholeheartedly endorse that sentence.
- Getting down to the last sentence in the first paragraph, we stand with, and I would say, I would suggest, we stand with Windsor Councilmember Esther and other survivors.
- That's a really important distinction to make.
- Finally, the second sentence in the second paragraph, clearly your city cannot be governed effectively.
- Windsor has the unique distinction of being a town, so I would suggest changing city to town so we're completely accurate.
- That's all my suggestions on the letter.
- I wholeheartedly agree, and I will be in support of this letter being sent.

Councilmember Hinton commented as follows:

- My comment tonight is I did do a post on my social media feeds and understanding that many people aren't on Facebook or social media feeds, I'd like to read that post into the record tonight.
- I'm happy to after I read it send it to our clerk.
- I call on Dominic Foppoli to resign immediately.
- I stand in support of victims of sexual violence, and upon my recent return to the region from out of the country where I had limited access to communications, I was horrified to learn of the accusations against him.
- I stand in support with my fellow elected officials and add my voice to those who call for his immediate resignation.
- I will submit that to the clerk for the record.

Councilmember Rich commented as follows:

- Number one, I appreciate Councilmember Slayter's wordsmithing.
- I appreciate the attention to detail given by that.
- I'm completely in support of the principle and of the letter.
- Especially with the changes that Councilmember Slayter suggested.
- I'm going to follow Councilmember Hinton's lead and read into the record my statement that I posted on Facebook.
- It captures how I feel about this.
- I speak up today as a woman, mother, wife, elected official, and as a human being.
- I condemn the conduct of Dominic Foppoli as reported today.

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- The arrogance and exploitation of power is appalling.
- The wounds left in the wake of his actions will affect his victims throughout their lives.
- His actions harmed them, and harm all of us.
- I understand that allegations aren't proof, but I also know excellent, in-depth journalistic reporting when I see it.
- Read the article if you have doubts.
- In our hearts we must face the reality of the facts being reported.
- Those facts lay out a horrifying history of arrogance, use of force, entitlement, and the taking of sexual "favors" without regard for individual will or interest.
- I applaud the women who had the courage to speak out, and I thank the SF Chronicle for its continuing commitment to the highest standard of journalistic reporting.
- To the people of Windsor, I offer my condolences and support as they move through this tragic time.
- My opinion of Dominic Foppoli, as his actions forced me to relive my own experiences as a young person, hopeful, trusting, innocent, wide-eyed, and unprepared for predatory people in positions of power, I condemn Dominic Foppoli, and all he did and said to destroy the lives of those he victimized.
- No sympathy and no hesitation.
- I am happy to support the letter that has been drafted and discussed tonight.

Vice Mayor Gurney commented as follows:

- I think the letter needs to state that it's on behalf of all five councilmembers.
- Not just the mayor.
- If you can work that phrase in.
- I don't have it up on my screen.
- I think it's important, if this is a unanimous vote, that we say to our fellow colleagues on the town council in Windsor, all of us support you.
- I think that's why the letter was directed to the councilmembers rather than the mayor and the vice mayor and all of the people.
- You may be able to clarify that for us.
- Was it intended to go to the people who were still seated who were demanding the resignation, or was it intended also to go to the mayor himself?
- That's just a point, I want to set that aside and share with everybody that I observed the special meeting of the Windsor town council, it lasted about six hours.
- The refrain that was stated, resign, resign, resign.
- It wasn't just said once.
- People picked that up as a refrain, resign, resign, resign.
- 100%, the message from the public who participated was resign.
- Just as listening to it, I witnessed this tremendous outrage at the mayor.
- Deeply horrifying pain, the deep pain of the survivors of sexual assault, and many people speaking out about their personal experience.
- A much wider group than I had anticipated would speak that bravely in public.
- I saw a city just at a standstill.
- Just at a standstill.
- Wondering how it would go forward and trying to figure that out in the moment of that night.
- There's a lot of anger, fueling a recall effort.

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- That anger came from a refusal in the meeting to resign.
- People said, we're taking you out.
- I mean, they were just fueled by that real violation of their own trust in an elected person.
- Wanting to take that action.
- I'm very grateful that we put this on our agenda, and that we can make a statement from all of us to the town of Windsor, in support of their continuing to function as highly as they can give their situation.
- Because that's what is important to their citizens, I think.
- They need to continue, to keep delivering services, and they need to be able to figure out how they're going to deal with the complications in their situation.
- I appreciate this being agendized and I support it as well.

Mayor Glass commented as follows:

- It says the city of Sebastopol and the Sebastopol city council takes very seriously, blah, blah, blah.
- It's clear that the letter is from the city as an organization and our entire city council.
- And maybe I should put, if this is unanimous, I should put unanimously, the Sebastopol city council unanimously, and then, blah, blah, blah, blah.
- Have every single one of our names and signatures on this letter.
- I was trying to be very cautious with this, not taking an inappropriate stand where we are functioning as a judicial body.
- But saying that specifically we're supporting the work of their city council.
- What we're doing, this letter is addressed to their city council, the entire city council of the town of Windsor.
- We're supporting the resolution that they enacted demanding that resignation.
- We're supporting them as a body and the action they took.
- I believe it needs to be addressed to them as a council and so that would include the mayor, the vice mayor, and the city councilmembers.
- Because we are as a body addressing them as a body.
- I do feel this entire episode has been just actually so incredibly upsetting the past couple of weeks.
- I also do want to let all of you know that I was very impressed by the immediate reaction of all seven other mayors.
- Eight mayors plus me, but the immediate reaction of all after the mayors, including all of the men.
- We have to stand up, we have to say something.
- This can't be glossed over.
- This needs to be addressed very forcefully and very clearly on the behalf of our constituents.
- But I was very glad that all of us could in solidarity sign a letter making it very clear where all of us stood.
- I also am just so appalled by the behavior and having experienced this kind of thing in my, you know, as Councilmember Rich, that those kinds of power things that happen to you, particularly when you're younger, when you're a young woman in a professional situation, and that kind of stuff, been there, done that.
- This has got to stop.
- That is a little bit of silver lining here is the increased awareness.
- Many people in our communities' commitment to saying this has got to stop.

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- For me, it also brought up an incredible, and I think this is going to be an ongoing dialogue between all of us.
- How do you when you feel that you're seeing behavior that is -- that's very problematic.
- But it hints that it might be more problematic, but you don't know, how do you deal with that?
- As a public official, how do you deal when there's accusations made and not enough substantiation?
- I'm thankful for the press and the chronicle taking this up.
- But this has to be an ongoing question for me.
- How do you deal with these kinds of things as you have suspicions or you think someone is problematic.
- It's very hard to determine exactly how you respond when there isn't the data or the proof.
- I find this a very troubling and an issue that is just so central to what it means to be an elected official and a leader, when you see things and you don't see anything that is absolutely a problem, you just have your suspicions, what do you do with it?
- We need to continue having that dialogue and think about how we address these things.
- Anyway, thank you to the chronicle and the free press, and thank you to all of us for supporting this letter.

Councilmember Slayter commented as follows:

- I'm not going to be so bold as to make a motion.
- I'm going to add my gratitude on behalf of the city manager, as the two males I see on my screen right now, my gratitude to my cohorts on the city council, and to our assistant city manager and city clerk, the strength that is required of women is different than it is for men.
- As much as we try to understand, we haven't walked a mile in those shoes.
- My gratitude to the strength that all of you exhibit.
- I'm grateful and honored to work with all of you.

**MOTION:**

Vice Mayor Gurney moved and Councilmember Rich seconded the motion to authorize the Council has a whole to send the letter requesting the resignation of the Town of Windsor Mayor Dominic Foppoli as edited.

Mayor Glass called for a roll call vote. City staff conducted a roll call vote.

**VOTE:**

Ayes: Councilmembers Hinton, Rich, Slayter, Vice Mayor Gurney and Mayor Glass

Noes: None

Absent: None

Abstain: None

**City Council Action: Approved the Council has a whole to send the letter requesting the resignation of the Town of Windsor Mayor Dominic Foppoli as edited.**

**Minute Order Number: 2021-080**

**CITY COUNCIL REPORTS:**

10. City Manager-Attorney/City Clerk Reports:

City Manager/Attorney McLaughlin reported as follows:

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- Just briefly, on the subject of reopening, which I discussed at the last council meeting during reports, the survey has gone out to the public.
- I'll report back to the Council on what we learn from the results of that survey.
- It will help formulate the plan that we intend to bring back to the council for at least a partial reopening in the fairly near future.
- That's my only report.

### 11. 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)

Councilmember Rich reported as follows:

- Shared her screen to show the Laguna
- That is the Laguna right now.
- That's a lot of ludwigia.
- It's covering the Laguna.
- You just need to know, it's really bad out there.
- It's not just covering, it's not just the green stuff.
- It's also this stuff.
- You got multiple years, can you see that Brown picture?
- Multiple years of ludwigia.
- There is very little water.
- There's going to be some nasty mosquito activity.
- It's just one of those things that we all need to be aware of.
- It's really, really awful.
- It was a great trip out there.
- But we have not just the West Nile, but it's likely that sometime in the near future, we'll have those wonderful little mosquitoes carrying Dengue fever and Zika virus.
- It's just floating out there as a nasty thing that is coming up.
- There's really nothing that is being done to reduce the wonderful habitat that the mosquitoes will have out there.
- I saw some great Canadian geese and incredible nests.
- A pelican with a broken wing that I couldn't do anything about.
- But it's really -- it's a problem and I don't have a solution.
- But I want you to be aware of it.
- I'll also share this just for fun.
- This was the senior center fund-raiser.
- And it was the sisters of perpetual indulgence, and that's me with the bunny ears for those of you who are curious.
- That's the fun part of the report.
- I did go to the Q&A which I thought was cool, and I learned a lot of interesting facts about compost.
- By the way, the milk cartons, they can't go into compost.
- And broken glass goes into the trash, not recycling.
- A vibrant discussion.

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- And if you were curious about weird garbage, composting, recycling questions, sign on.
- The police, it was great to see our police chief bringing in new employees.
- Very cool.
- If you get a chance next year, go, because those Barbies look really weird in all those trash and show outfits.
- It's a great fund-raiser.
- We've been talking about maybe something like that in Sebastopol.
- The summit with commission working on it is moving toward a great event.
- Over 70 replies were received from the survey we sent out.
- The event is May 12th from 4:00 P.M. to 7:30 P.M.
- Mark your calendars, there will be some outreach soon.
- Our fire department meetings are moving forward.
- I'm going to leave climate action committee and zero waste to Sarah to cover.
- I went to the zero waste Sonoma meeting, and they're great, they're very organized.
- A wonderful, productive group.
- Moving forward with SB-1383.
- I thank City Manager McLaughlin and Assistant City Manager Gourley for substituting in our consultant Ryan to represent the City's interests at those staff meetings.
- I had none of the expertise.
- Vaccine clinics, just as a general public service announcement, my turn is amazingly up to speed.
- All the clinics are being listed, and there's plenty of appointments.
- Grace pavilion, the community center, lots of them.
- You don't even need access codes.

Councilmember Hinton commented as follows:

- I'm just going to say that you all know I missed the council meeting a couple of weeks ago because I was out of the country.
- I did not attend too many meetings.
- But I can say that Mayor Glass and I have spent another 3 1/2 hours, I think, on the budget yesterday.
- And we will be back at it tomorrow.
- That's the big things on my agenda.
- I also do represent mayor and councilmembers on ag and open space, and I attended a meeting on how to continue to improve the program and the scoring projects.
- Those are the two meetings that I have attended since I've been back in town.

Councilmember Slayter commented as follows:

- Sonoma Clean Power.
- It seems like we had a fairly routine meeting, but it lasted quite a while because we had a lot of questions as a board and also public input on biomass.
- There continues to be, if you think there are shades of gray in the world of politicking, you should look at the shades of gray in the world of biomass.
- That is a continuing thing and as leaders in the CCA community, we are going to be using our voice to significantly discourage the use of woody biomass in the production of electricity.
- And encourage other CCAs to do the same thing.
- Yet still be open to other things that actually in the world of biomass that reduce GMGs.

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- There's -- it's a very complex issue.
- There are also a lot of bills working through right now.
- The legislative process is kind of cranking up.
- There's several pages' worth of bills that staff is keeping an eye on.
- We're advocating where necessary, and not advocating where necessary.
- These are things that are going on.
- We approved the budget, so that is good to go.
- The GSA, the plan, the ground water sustainability plan that is due to the state for approval is continuing to work its way through.
- Staff has sort of done it in two month segments.
- They work on a couple of chapters or topics in the GSP.
- And then they bring that to the board so it's digestible in sections.
- The more I get into that appointment, the denser the material becomes.
- It's really quite something to be a part of that organization.
- And, you know, I think the level of service, it was certainly outlined in the staff report that we have one little toe stuck in the Santa Rosa plain, and we draw our water from the Wilson grove formation.
- Due to politics and weird things, we're making policy for people outside of our own residence because of the ground water, the Santa Rosa plain.
- But we don't have anything to say about Wilson grove, because it's low impact.
- It's a really weird thing to be positioned to be in.
- Fire subcommittee, Diana mentioned that.
- We've had a number of meetings and that subcommittee work continues.
- Law enforcement subcommittee, I'll report on that.
- We've met a number of times, that work continues.
- Both of those are, I think, really important pieces of work.
- I know that there will be reports coming very soon to the council.
- On a happy note, world friends continues to monitor the COVID situation, and hopes to travel to Japan, maybe with both a group of students that missed out last year, and maybe with a new group of students in about a year and a half.
- Those things are happening, and I'm hopeful to maybe get to go on one of those trips.
- We'll see what happens on that.

Vice Mayor Gurney commented as follows:

- Because all of my meetings seemed to happen in between the first council meeting and this one.
- Library advisory board met, I'm going to say our library branch is trying to figure out how to reopen.
- Regionally, the same question.
- How are they going to reopen?
- It's complicated.
- You know, since they're dealing with the public and they're dealing with materials, everybody is close to.
- Also, I wanted to thank Councilmember Rich for helping the youth member of the library advisory board receive a grant from rotary to do the electronics work to make sure there is Wi-Fi in the parking lot so people can go there and park and plug in.
- I was really impressed with this young man.

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- He's going to be exciting as he goes on.
- If anyone in our community has ideas that they want to submit for this strategic reimagining of the library, we have to get those to our commissioner very soon.
- And he can take them to the commission.
- Because the report is coming up in their may meeting, I think.
- The ad hoc of the SCTA met, the future of public transit.
- We had a presentation from a group out of MTC who has been working on wayfinding issues for the entire bay area.
- And they learned that Sonoma County was working on coordination and ultimately consolidation of our services.
- They put the ask to this subcommittee.
- Would they be interested in participating in a pilot project?
- We may have the opportunity to be the first of the nine bay area counties that is going to submit our material and get their material to get a unified brand and try out ideas.
- They had some really interesting things that you have to see graphically to understand.
- I can't really describe them.
- Our executive director will be at the meeting next.
- The LANTERN group continues to look for more board members.
- People who are well connected, meaning funders and committed library users, and also people with a future vision for the library, given the issues of the equity issues that are before us now.
- They're continuing to discuss a December walk on the evening of the solstice that will be in conjunction with the people taking a route downtown.
- And working with the SDA to promote the downtown businesses that may be open for an evening out.
- The SCTA and RCPA commended Sam, he's being replaced, I'm thinking that decision of appointments will hold into the next month.
- And the last mile, people can get to the smart train without everybody using a car to do it.
- And have their bike instead.
- The bike that can go on the train.
- We got the final on the election costs for the New measure "M."
- Which I think is called "DD," is that what it is?
- It was \$278,000, that cost is wrapped into refinancing some 2011 bonds, which will save a lot of money.
- We passed a coordinated claim for all the transit groups as required by the state so that can go forward.
- This council needs to work on our appointment to the climate action committee, the regional one.
- As the meeting ended, I commented to the whole board about the city's efforts to support the application for quick strike money.
- And each of us received an email from Tony this afternoon about what MTC is doing.
- They're going to have a meeting very soon.
- And Sebastopol's project didn't make the cut.
- But the notion is that, they've received more money from the feds.
- They'll be asking that it be put into this quick strike program.
- And Sebastopol is next in line.
- There's some hope that by June, we may be a winner and get that money.

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- Let's just keep on it.
- The Gravenstein health action coalition met yesterday.
- And I want to emphasize what an impressive coalition it is.
- We have medical providers, social service people, county people.
- People you know like Tim Miller from West County community services, really pulling their heads together to work on the assessment this council has supported be done.
- And it's a big effort to understand, really from the inside of people what their needs are.
- And then there will be an effort to figure out how to help that, and what action this group can take.
- It's a remarkable demonstration of what I think is the new spirit that may have come out of COVID.
- I'm not sure, but it seems like people are very interested in working together and getting out of silos.
- To figure out how to have a greater impact.
- And have a genuine impact, not a superficial one.
- We met today with city staff, the new ad hoc committee about sponsorships.
- And we're working as charged.
- You will hear back from us when we are ready.
- I think it will be pretty quickly.
- I want to announce, too, that West County community services has a new offering of rental assistance and utility assistance.
- People can call them or go to their Website and find out how to do that.
- It's in English and Spanish, both.
- Also the Laguna foundation in their newsletter featured Sebastopol in two different articles.
- One for the park, which I thought was a beautiful picture.
- Being a location of a vernal pool right there in that grassland.
- Also, the creek restoration on the other side of highway 12 there.
- Entering town, in that beautiful meadow where we're going to put a sculpture.
- It was great, I think, for them to highlight our connection with the Laguna and our connection with that foundation.
- I have a lot of meetings coming up.
- The CBO council, I didn't mention climate action, because I always like it when Diana reports on that.
- That group is working and their divided into subcommittees, they're asking a lot of serious questions, and they're on the job.
- As charged by this council.
- And they're doing the research to solidify their priorities and recommendations and actions they're going to want to take in the future.
- The community center meeting, that is coming up, too.

Mayor Glass reported as follows:

- Most of what I did was already reported on.
- But we did have as Neysa mentioned, we've been at work on the budget.
- I thought you might want to know, just this additional little piece of information.
- Because Tony did report to us today and the thing that I felt most heartened by was to know that she's talking directly to the staff person at MTC.

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- That was critical information.
- And being an advocate for us.
- other thing I went to, which Patrick also went to, the Sebastopol inn meeting with our buddies from the CDC.
- And from DEMA.
- County staff, DEMA staff, et cetera, about how that is all going.
- Which is going along swimmingly.
- Very well.
- And actually one of the things that I, that we have had an email about is that that community are now very interested in what they can do to be proactive and be a part of our community.
- That is so incredibly positive.
- Because there are these people, formerly homeless, who are now living in the former Sebastopol inn, and they want to find out what they can do to help our community.
- That was extremely nice to hear.
- And so there were a number of things there.
- But all in all, that project is going along very well.
- I went to the police swearing-in, and the long session on the law enforcement subcommittee.
- Went to a lot of mayors' meetings in the past week and a half.
- Lots of kind of emergency meetings to do with the crisis at hand.
- Went to the health action meeting that Sarah was at also.
- And I just actually had one question about the library reimagining.
- That is, since we own the building, how does that dovetail with their reimagining?

Vice Mayor Gurney commented as follows:

- It's the name for the strategic plan of the regional library, about the future of the library.
- It's not like it's only about Sebastopol and how is Sebastopol going to use its building.
- It's more like, I'm imagining it's more like, you know, how much do we want to get into tech, how much do we want to get into expanding space to store books, if we're going to be high-tech.
- It's more that level.
- The sequestration subcommittee of climate action is interested in the property at park village.
- Working with that community to, what is the name for that kind of farming, regenerative farming.
- And I suggested today, what about the people living at the former Sebastopol inn?
- How about we get these neighbors together on this public property and do a something.
- And that is the knitting of the community that I think people are really more interested in, and more disposed to do now.

Councilmember Slayter commented as follows:

- If I may make a suggestion on the ending of our meeting.
- I think that it would be appropriate to end our meeting in honor of George Floyd.
- And the changes to the world that that individual has brought.
- Even though it is still a really, really difficult time.

12. Council Communications Received. There were none.
13. Future City Meeting Dates/Events (Informational Only): (See Agenda Below City Web site for Up-to-Date Meeting Dates/Times)

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**CLOSED SESSION:** None

**ADJOURNMENT OF CITY COUNCIL REGULAR MEETING**

Meeting will be adjourned to the City Council Regular Meeting Scheduled for May 4, 2021 at 6:00 pm  
(VIRTUAL ZOOM PLATFORM)

Mayor Glass adjourned the Regular City Council Meeting at 10:35 pm in honor of George Floyd.

Respectfully Submitted:



Mary C. Gourley  
Assistant City Manager/City Clerk, MMC