

CITY COUNCIL MEETING MINUTES

MINUTES FOR Meeting of April 7, 2020

As Approved by the City Council at their regular meeting of April 21, 2020.

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.

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 COUNCIL 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.*

**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 follows this agenda.

**For Items Not on the Agenda:** Please submit your comments via email for this meeting to [mgourley@cityofsebastopol.org](mailto:mgourley@cityofsebastopol.org) so that the comments may be submitted to the Mayor for reading into the record. Comments should be received by 5:00 pm of Council Meeting Date. All comments should be a maximum of 350 words, which corresponds to approximately 3 minutes of speaking time.

**For Items Listed on the Agenda:** Members of the public may provide public comment for specific agenda items by sending comments to the City by email at [mgourley@cityofsebastopol.org](mailto:mgourley@cityofsebastopol.org). **Such email comments must identify the Agenda Item Number in the subject line of the email.** Comments should be received by 5:00 pm of Council Meeting Date. All comments should be a maximum of 350 words, which corresponds to approximately 3 minutes of speaking time.

Pursuant to Executive Order N-29-20 Issued by Governor Gavin Newsom on March 17, 2020 and, to the extent applicable, Government Code Section 54953(b), the March 24, 2020 City Council Meeting may include teleconference participation by the City Council Members and City staff. Consistent with Executive Order N-29-20, teleconference locations utilized by City Council Members shall not be accessible to the public and are not subject to special posting requirements.

- No physical location of the meeting will be open to the public; meeting will only be held by teleconference
- Consistent with Executive Orders No.-25-20 and No. N-29-20 from the Executive Department of the State of California and the Sonoma County Health Official's March 17, 2020 Shelter in Place Order, the City Council will not be physically open to the public and City Councilmembers will be teleconferencing into the meeting via Zoom Teleconference and/or Video Communications.

Please visit the City of Sebastopol website at [www.CityOfSebastopol.org](http://www.CityOfSebastopol.org) for the most up-to-date local information on the coronavirus crisis. There are two pages dedicated entirely to the crisis (type "coronavirus" or "shelter in place" in the search bar) where you will find specific resources and answers to many questions that you may have.

The City of Sebastopol is also on Facebook, Twitter, and NextDoor.

**The City of Sebastopol thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.**

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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.*

*A copy of this agenda was noticed under the current Governor's Directive and posted to the city web site on April 2, 2020.*

**6:00 pm            CONVENE CITY COUNCIL REGULAR MEETING by Teleconference Only Per Shelter in Place Directive**

**CALL TO ORDER:** Mayor Slayter called the regular meeting to order at 6:03 p.m.

**ROLL CALL:**

**Present:** Mayor Slayter – By video teleconference  
Vice Mayor Glass – By video teleconference  
Councilmember Carnacchi – By video teleconference  
Councilmember Gurney - By video teleconference  
Councilmember Hinton -By video teleconference

**Absent:** None

**Staff:** City Manager/City Attorney Larry McLaughlin  
Assistant City Manager/City Clerk Mary Gourley  
Administrative Services Director Ana Kwong

Mayor Slayter read a prepared statement regarding the process of the city council meeting. Members of the public wishing to speak to the Council on any item listed on the agenda, may do so during the discussion of each item. Each Public Comment is normally restricted to three (3) minutes in length. Due to the Shelter in Place Order, we are also allowing Public Comment to include those attending via Zoom. If you are joining us from Zoom, please "raise your hand" on the application, or on your phone by dialing \*9 during the public comment periods. You will then be unmuted for your public comment. 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. Also, if you emailed your public comment prior to the meeting, these comments will be summarized for comments into the record, but full email(s) will be archived as part of the record. Please don't abuse this new way to provide public comment.

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

**PROCLAMATIONS/PRESENTATIONS:** THIS ITEM HAS BEEN POSTPONED TO A FUTURE CITY COUNCIL

## MEETING

**PUBLIC COMMENT** (At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, unless otherwise permitted under the Ralph M. Brown Act, the merits of the matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration.)

Suzanne Lande, resident of Sebastopol, commented as follows:

- I really appreciate our City Council and all Support Staff. Especially in the midst of Coronavirus and Shelter in Place, your collective, hard work and advocacy for the people of Sebastopol really shines through.
- My request: As a community, please fill us in on any progress with Safe Parking in the Sebastopol area.
- Also, any progress with shelter, temporary or long term, for homeless in this area?
- I realize some projects may need to be on hold for now, but it would be so good to know if anything is in the planning stages.

### STATEMENTS OF CONFLICTS OF INTEREST BY MAYOR/CITY COUNCILMEMBERS FOR ITEMS ON THE

**AGENDA** (This is the time for the Mayor or City Councilmembers to indicate any statements of conflicts of interests for any item listed on this agenda) There were none.

### CONSENT CALENDAR:

- The consent agenda consists of items that are routine in nature and do not require additional discussion by the City Council or have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council requests that the item be taken off the consent calendar.
- The Mayor will read the consent calendar items; ask if a Councilmember wishes to remove one or more items from the consent calendar; and then open public comment to the members of the public in attendance. At this time, a member of the public may speak for up to three minutes on the entire consent calendar and request at that time that an agenda item or items be removed for discussion.
- If an item or items are removed from the consent calendar, the item shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tern.
- Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration and shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tern.

Mayor Slayter read the consent calendar.

Mayor Slayter questioned if any Councilmember(s) wanted to remove any item(s) from the consent calendar. There were none.

Mayor Slayter asked for Public Comments: There were no public comments for the consent calendar.

Public Comment(s): None

Vice Mayor Glass moved and Councilmember Gurney seconded the motion to approve Consent Calendar Item(s) Number(s) 1, 2 and 3.

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

VOTE:

Ayes: Councilmember Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter

Noes: None

Absent: None

Abstain: None

1. Approval of Minutes of the City Council Meeting of March 17, 2020 (Responsible Department: City Administration)

**City Council Action: Approved City Council Minutes of the City Council Meeting of March 17, 2020**

**Minute Order Number: 2020-079**

2. Approval of Letter of Support – Sebastopol Community Cultural Center (SCCC) Grant Application to Finley Foundation (Requestor: Councilmember Gurney)

**City Council Action: Approved Letter of Support – Sebastopol Community Cultural Center (SCCC) Grant Application to Finley Foundation**

**Minute Order Number: 2020-080**

3. Approval of Resolution Supporting State of California Penal Code 396 (Price Gouging) (Requestor: Agenda Review Committee)

**City Council Action: Approved Resolution Supporting State of California Penal Code 396 (Price Gouging) (Requestor: Agenda Review**

**Minute Order Number: 2020-081**

**Resolution Number: 6287-2020**

**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, based on the presentation/information provided.) **NONE**

**PUBLIC HEARING(s):**

**NONE**

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

4. Discussion and Information on State of California and County of Sonoma Ordinance - Urgency Ordinance - COVID-19 Eviction Defense Urgency Ordinance (Requestor: City Manager/City Attorney) and Discussion of Support of Letter of Request to Urge Owners of Commercial Property to Provide Relief for Tenants (Requestor: Councilmember Gurney)

City Manager McLaughlin presented the agenda item.

- Staff report goes into a lot of detail on protection provided by the County of Sonoma's ordinance
- Provided information on items that happened within the last two days
- Significant action was taken by the judicial council of the California Court System which will provide protection in all three areas that our council has discussed concerns
- All foreclosures – you cannot file a judicial foreclosure action of any trust or mortgage
- It will not even be filed by the court clerk
- Cannot file an eviction act
- Clerk will not file them for a period of 90 days following the termination of the Governor's order
- No commercial eviction for non-payment of rent – no commercial evictions
- No tenant evictions
- No landlord-tenant cases will be filed for a period of 90 days following the termination of the Governor's order

- Clerk will not file such acts
- Bottom line, as of right now, regardless of the origin of the problem the tenant might be facing, there will be no foreclosures, commercial evictions or tenant evictions
- Governor put out an order which (executive order N3720) which is a moratorium on tenancy evictions in the entire State
- Review the order of the Governor against the order of the County
- Provides residency tenancy protection
- Majority of the city attorney's that reviewed the orders have concluded that both the Governor's order is still applicable along with the County ordinance
- Tenant that would be faced with eviction and can show that they are unable to pay the rent by reason of COVID 19, loss of job, etc. (reasons are stated in the ordinance), would not face eviction
- Believe a tenant would be able to choose the best of the elements of either one of the ordinances (County or State) and apply whichever one the tenant feels gives them the most protection
- Under the Governor's order, the tenant must give the landlord notice – no need to give notice under the County order
- County ordinance also provides that a tenant faced with eviction in violation of the County ordinance can seek damages from a landlord that attempts to do so
- Both ordinances are self-executing
- Tenants have full protection under these ordinances
- Tenant would still owe the full rent – just relieved of the obligation to immediate pay it in the sense that they cannot be evicted from not paying it, but they would still owe the rent
- Agenda item contemplates a letter to property owners or managers asking them to provide commercial tenants with relief given that there are many of them having to close and shutter their businesses and facing severe financial losses – at the same time what they owe on their commercial establishment continues to mount
- Cannot be evicted but monies owed are still there
- Agenda item suggests the council consider a letter which shows support for our local businesses and what they will be facing when they do re-open their doors

Mayor Slayter asked for questions.

Mayor Slayter commented as follows:

- Discussed State Actions
- Moratorium on foreclosures is for all properties

City Manager McLaughlin commented as follows:

- it is possible to do non judicial foreclosures
- Private sale situation – that could be possible a lender would take that kind of action to try to do a private sale of some sort
- Not sure how that would work
- This relates to judicial foreclosures – lender files a lawsuit to foreclosure mortgage on mortgage payer
- Not filed under action taken by judicial council

Mayor Slayer commented as follows:

- What is safeguard for property owners and lenders
- How know who are or who are not suffering any financial problems from COVID 19
- What is the way that is vetted

City Manager McLaughlin commented as follows:

- No relief from underlying debt
- Expires 90 days after expiration of governor order
- Debt would still be owing – whether residential or commercial
- Tenant has burden to provide that their situation is attached to COVID 19
- Has to be nexus to the virus and the circumstances (job loss, need to care for home bound school age child, loss of income, etc.)
- Protections are broad enough that even in the situation where a residential tenant wants to stay home to take care of the child is a sufficient defense for an unlawful detainer action

Councilmember Gurney commented as follows:

- Asked if the City knows information about landlords on Main Street or property managers who support this
- Asked if City staff knew of some existing landlords' responsiveness to what this letter is asking for

City Manager McLaughlin commented that he does not have that information.

Councilmember Gurney commented as follows:

- May have been heard from a business shop owner or community member
- Heard twice now

Councilmember Carnacchi commented as follows:

- Heard that also
- Spoke to Chris Pellascini
- Tenants given opportunity to make payments over time
- Pay normal rent and then partial due for back rent – space out over time
- Tenants not totally happy with that though

Vice Mayor Glass commented as follows:

- Landlords have accommodated them
- Allowed for payment plan
- Are people out there really trying to help downtown merchants

Councilmember Carnacchi commented as follows:

- Discussed businesses such as Silk Moon and Oddfellows
- Property owners have been very helpful
- May forgive some of the rent

Councilmember Hinton commented as follows:

- Suggested the letter include language that the landlord give the tenant longer than 90 days
- Once the economy opens up (summer) all major holidays such as Easter and Mother's where retailers make their money will be gone
- Ask property owners or managers to give six months instead of 90 days
- Discussed net triple or triple net – tenants not using power or water
- Get that waived
- See letter give recommendations and be more in depth

Mayor Slayter commented as follows:

- Draft letter written before the Governor's actions
- Discussed current revisions to the State directive
- Appreciated comments from the Council
- Letter does need to be tuned up

Councilmember Gurney commented as follows:

- Glad to hear from other people that our landlord community commercial property is somewhat sympathetic to their tenants
- Agree with add on to letter
- Lets' go for this – ready to do this

Vice Mayor Glass commented as follows:

- Make sure that we understand there's a distinction between the order that the Governor is saying and what the attorneys are saying which is basically not any enforcement actions – no evictions
- No commercial or residential evictions
- No foreclosures
- Different than asking people to accommodate people's cash flow
- What we are asking for is something that is more collaborative between the property owners
- We are asking to be pro-active and be more positive than just not evicting someone

Mayor Slayter opened for public comment. There were none.

Council Deliberations:

Councilmember Hinton commented as follows:

Would like to see a copy of the letter

Would like to see the letter prior to it being mailed

Councilmember Carnacchi commented the opening sentence should read "City of Sebastopol" not I.

Mayor Slayter commented as follows:

- Agree with revisions
- Letter had four or five different people editing this letter
- The fact that the letter is this good is a testament to our City Staff Mary Gourley and her skill



- Multiple edits/revisions
- Will make revisions and send out to the Council and property owners/managers

Councilmember Gurney moved and Councilmember Hinton seconded the motion to approve letter with recommended revisions.

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

VOTE:

Ayes: Councilmember Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter

Noes: None

Absent: None

Abstain: None

**City Council Action: Approved letter with recommended revisions.**

**Minute Order Number: 2020-082**

#### CITY COUNCIL REPORTS:

##### 5. City Manager-Attorney/City Clerk Reports:

- City Manager provide updates on the following items related to COVID 19:
  - Staffing (Response to Fire Calls/Response to Police Calls and New protocols for response)
  - Teleconferencing/Video Conferencing of Future Council Meetings
  - Budget Sub-Committee and City budget schedule to be revised - Discussed city staff reviewing their budgets for reductions in expenses for this fiscal year as well as next fiscal year; discussed potential of continuing current budget or adopting a bare bones budget – many financial decisions will need to be made
  - Senior City Staff Telecommuting: However, all phone calls and emails are being responded to by City Staff
    - City Admin working on returning some City office staff to limited hours
  - Update on Permitting Procedures/Inspections
- FPPC has extended form 700 Filings
- Discussed potential informational meetings with the City Council on COVID 19 that are not public meetings and would not violate the Brown Act

##### 6. 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 Gurney commented as follows:

- Wondering if anyone has initial projections of revenue for the fourth quarter
- Any ideas where we are
- May be too soon to know that
- Wondering if there is a County wide or regional view of projections for this fiscal year or next
- Is anyone talking about next year – is the loss 10% or 30% or higher
- Have we seen projections on tax revenue as we look into a new year

- Is there regional perception of potential loss

City Manager McLaughlin commented as follows:

- City Manager only zoom call- every morning
- Larger cities working towards retaining a consultant to provide basic information
- Not just for one city – but for a broader view – information will be helpful to the entire county
- Discussed revenues- many unanswered questions
- Discussed Finance Directors meeting to discuss budgets
- Discussed Governor’s directive to defer tax payments – not sure what that means for our City
- Discussed League of CA Cities support to cities to pressure the Governor
- No idea when shelter in place orders lifted
- Other mitigations to be put in place
- Discussed staff looking at their individual budgets; postponing what can be postponed; reducing budget as much as possible

Councilmember Hinton stated she would like to be part of the informational calls to the council.

Councilmember Carnacchi commented as follows:

- Does all 9 city managers sit in on the morning calls – City Manager McLaughlin stated yes
- Questioned if the County sits in on these calls – City Manager McLaughlin stated yes but stated it has been a challenge working with the county – stated the City Manager Group has a meeting once a week with the county administrator and two public health officials
- Discussed the protocols for police and fire in responding to calls – would like to keep that going even after COVID 19 – City Manager McLaughlin stated that would be the correct way to handle those calls

Councilmember Gurney commented as follows:

- Helpful to have a COVID 19 informational meeting with the Council
- Quick briefing
- Mayor meets with the other Mayors – can get information from those calls
- Recognize staff’s time
- Recognized staff and the work that has been done during this emergency
- Thanked the City IT for the technology for the virtual meetings

Vice Mayor Glass commented as follows:

- On phone calls with Mayor and city staff each and every day
- Working 10-12 hours day on top of other duties
- Informational briefing a good idea
- Not want to see this every day
- Would prefer once a week
- Mayor, Vice Mayor and City staff keeping on top of this situation
- Mayor sending out updates daily
- Time consuming to have a daily meeting

Councilmember Hinton commented as follows:

- Suggested teleconference a couple times a week
- Schedule in advance
- Entire council be in on the calls

Mayor Slayter reported as follows:

- Reported on Sonoma Clean Power
- Discussed new headquarters

Councilmember Gurney reported as follows:

- Thanked Council for Mayor to send letter in SCCC grant application
- Main Hall remodel
- On search for interim executive director
- Same mission for SCCC
- Interested in the needs of the community and community outreach

Councilmember Carnacchi reported as follows:

- Discussed regional country trail garbage cans
- Is that correct

City Manager McLaughlin stated this is a County trail, but the City will look into that.

Councilmember Hinton reported as follows:

- Meetings every Friday with the legislative committee
- Regular meeting where all nine cities are invited
- Discussed speakers at the meetings
- Representatives from all cities
- Receiving reports from the Mayors' calls

7. Council Communications Received: None

8. Future City Meeting Dates/Events (Informational Only): (See Agenda and City Web site for Up to Date Meeting Dates/Times)

**ADJOURNMENT OF REGULAR MEETING:**

Meeting will be adjourned to the next Regular City Council Meeting which will be held on Tuesday, April 21, 2020 at 6:00 pm.

Mayor Slayter adjourned the meeting at 7:25 pm.

Respectfully Submitted:

A handwritten signature in blue ink that reads "Mary C. Gourley". The signature is written in a cursive style with a large initial 'M' and 'G'.

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