

CITY COUNCIL CITY COUNCIL  
MEETING MINUTES FOR

Meeting of April 16, 2019

As Approved by the City Council at their regular meeting of \_\_\_\_\_, 2019.

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.

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.

A notice of the meeting was posted by the City Clerk on April 11, 2019.

**5:00 pm**            **CONVENE CITY COUNCIL SPECIAL MEETING (CLOSED SESSION)**, Sebastopol Public Works Department, Public Works Conference Room, 714 Johnson Street, Sebastopol, CA

**CALL TO ORDER:** Vice Mayor Slayter called the meeting to order at 5:00 pm.

**ROLL CALL**

**Present:**            Mayor Hinton (arrived at 5:05 pm)  
                         Vice Mayor Slayter  
                         Councilmember Carnacchi  
                         Councilmember Glass  
                         Councilmember Gurney

**Absent:**             None

**Staff:**              City Manager/City Attorney Larry McLaughlin  
                         Assistant City Manager/City Clerk Mary Gourley  
                         Kari Svanstrom, Planning Director

City Manager McLaughlin commented as follows:

- City has received several items of correspondence representing various points of views
- Discussed pending litigation in the Courts

- Opinion of the City Attorney and outside counsel that there is potential for litigation in this matter and that this is a proper session for a closed session with regards to exposure to or potential threat of litigation

Vice Mayor Slayter moved and Councilmember Glass seconded the motion approving findings made by staff to conduct this closed session as there is potential for litigation in this matter and that this is a proper session for a closed session with regards to exposure to or potential threat of litigation.

**VOTE:**

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

Noes: None

Absent: None

Abstain: None

**City Council Action:** Approved findings made by staff to conduct this closed session as there is potential for litigation in this matter and that this is a proper session for a closed session with regards to exposure to or potential threat of litigation.

**Minute Order Number:** 2019-078

**PUBLIC COMMENT:**

(Prior to adjournment into Closed Session, the public may speak up to 3 minutes on items to be addressed in Closed Session).

There was none.

**Adjourn into Closed Session:** Mayor Hinton adjourned the open session to the closed session.

**CLOSED SESSION AGENDA ITEM:**

1. Conference with Legal Counsel  
Significant exposure to litigation pursuant to § 54956.9(b): (One Case)

**City Council Action:** No Report Out.

**Minute Order Number:** 2019-079

**Adjournment of Closed Session:** Mayor Hinton adjourned the closed session at 6:15 pm.

**6:00 pm** CONVENE CITY COUNCIL MEETING, Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA

**CALL TO ORDER:** Mayor Hinton called the meeting to order at 6:25 pm p.m.

**ROLL CALL:**

**Present:** Mayor Hinton  
Vice Mayor Slayter  
Councilmember Carnacchi  
Councilmember Glass  
Councilmember Gurney

**Absent:** None

**Staff:** City Manager/City Attorney Larry McLaughlin  
Assistant City Manager/City Clerk Mary Gourley  
Building Official Glenn Schainblatt  
Engineering Manager Henry Mikus  
Finance Director Ana Kwong

Fire Chief Bill Braga  
Planning Director Kari Svanstrom  
Police Chief James Conner/Lieutenant Greg DeVore  
Public Works Superintendent Dante Del Prete

**SALUTE TO THE FLAG:** The Cub Scouts led the salute to the flag.

**PROCLAMATIONS/PRESENTATIONS:**

**The following were presented:**

- Douglas Buonaccorsi –Years of Service Award (30 Years) – Fire Department
- National Public Safety Telecommunicators Week (Dispatchers) is April 14-20, 2019

**Reference Order Number:** 2019-080

**Mayor Report out of Closed Session:** There was no report.

Addition of Urgency Item:

Mayor Hinton announced City staff has requested the addition to the agenda of an urgency item.

City Manager/Attorney Mclaughlin commented as follows:

- Discussed need for the addition of an urgency item
- Issue came to the attention of staff after the posting of the agenda
- Make finding for need to take immediate action
- Need to take action before next meeting
- Engineering Manager Mikus presented information on the item
- Discussed need for amended resolution
- Discussed procedural problem
- Needs to have language referencing local body reviewing bike ped plan
- Discussed dates for submission of grant
- Urgency Resolution for Consideration of Approval of TDA 3 2019 Grant and Amended Resolution

Councilmember Glass moved and Councilmember Gurney seconded the motion to add the urgency item to the consent calendar as agenda item number 9 making the findings that this meets the criteria for addition of an urgency item.

**VOTE:**

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

Noes: None

Absent: None

Abstain:None

**City Council Action:** Approved the addition urgency item to the consent calendar as agenda item number 9 making the findings that this meets the criteria for addition of an urgency item - Urgency Resolution for Consideration of Approval of TDA 3 2019 Grant and Amended Resolution.

**Minute Order Number:** 2019-081

**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.)

Peter Mancus commented as follows:

- Discussed his opinion of this Council
- Discussed pledge of allegiance to the flag
- How long will this republic stand
- Discussed Vice Mayor Slayter's comments about the US Constitution
- Discussed Councilmember Gurney oath to support the Constitution
- Discussed Councilmembers advocating burning all amendments
- Discussed dishonor of oath
- Challenged this for over a year
- Never withdrawn or apologized
- Reduced thoughts in writing – provided a copy to the City Council
- Saw hypocrisy in action
- Discussed officers and firefighters in attendance
- Cannot support constitution when advocate burning all the rights
- Not our way of life

Linda Berg commented as follows:

- Discussed smart meters
- Discussed EMF
- Discussed mesh material
- Discussed meter used to detect EMF
- Discussed catalogs on the back table
- Discussed shielding and clothing
- Need to wise up and get Wi Fi out of the classroom
- Address Petaluma Avenue Homes
- Cancer cluster and death of residents
- Discussed Ripon School prevailing in their action

Timothy commented as follows:

- Part of skate park community
- Park with new youth playground next door – received more foot traffic
- Brings positive attendance to the skate park
- Discussed mixed dynamics of lights
- Thanked the chief and police force for enforcement of ordinances
- Discussed concern of mixed uses
- Advocate for skate park to be skate board only
- Discussed concept for bringing more positive activities to the skate park
- Discussed concept for garden area
- Increased population in the back of the skate park area
- Concerned of gentleman living in front of the skate park in his RV
- Personally, been assaulted
- Individual is suspected of activities
- What to do about this questionable individual

Rochelle Dawson commented as follows:

- Address issue of tower at Petaluma Avenue Homes
- In attendance on behalf of Dennis Colthurst
- Discussed levels of radiation
- Discussed studies completed
- Levels well below level that has been deemed safe for all day exposure
- No violation or public safety concern
- Willing to do more studies or provide more education and information
- Available to support Dennis and the community

**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.

Councilmember Carnacchi requested Consent Calendar Item Numbers 5 and 8 be pulled form consent calendar.

Councilmember Glass stated that Steven Pierce has announced that he will be reapplying for this position.

Councilmember Glass moved and Councilmember Gurney seconded the motion to approve Consent Calendar Item Number (s): 2, 3, 4, 6, 7 and 9.

**VOTE:**

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

Noes: None

Absent: None

Abstain:None

**CONSENT CALENDAR:**

2. Approval of Continuation of Local Emergency Declaration Proclamation (Fire Chief/City Administration)

City Council Action: Approved Continuation of Local Emergency Declaration Proclamation

Minute Order Number: 2019-082

Resolution Number: 6231-2019

3. Approval of Receipt of Notification of Opening for a City of Sebastopol Citizen Liaison to the SCTA/RCPA Climate Action Advisory Committee to Provide Expert Citizen Input on Implementation of the Climate Action Initiatives:

Current Member Steve Pierce – Term Expires: June 30, 2019

City Council Action: Approved Receipt of Notification of Opening for a City of Sebastopol Citizen Liaison to the SCTA/RCPA Climate Action Advisory Committee to Provide Expert Citizen Input on Implementation of the Climate Action Initiatives:

Current Member Steve Pierce – Term Expires: June 30, 2019

Minute Order Number: 2019-083

4. Approval of FY 2019/20 Street Lighting Assessment District- Adopt a resolution of intention to levy and collect the annual assessments for Fiscal Year 2019/20 for the City of Sebastopol Street Lighting Assessment District, preliminarily approving the annual Engineer's Report and setting the date of the Public Hearing in accordance with provisions of the Landscaping and Lighting Act of 1972 (Finance Director)

City Council Action: Approved resolution of intention to levy and collect the annual assessments for Fiscal Year 2019/20 for the City of Sebastopol Street Lighting Assessment District, preliminarily approving the annual Engineer's Report and setting the date of the Public Hearing in accordance with provisions of the Landscaping and Lighting Act of 1972

Minute Order Number: 2019-084

Resolution Number: 6232-2019

- ~~5. Approval of Job Description and Pay Rates and Ranges for Public Works Management Analyst (Public Works Superintendent/Finance Director)~~

6. Approval of Resolution Approving an SB1 Proposed Projects List for FY 19-20 and Submitting the List to the California Transportation Commission (Engineering Manager)

City Council Action: Approved Resolution Approving an SB1 Proposed Projects List for FY 19-20 and Submitting the List to the California Transportation Commission

Minute Order Number: 2019-085

Resolution Number: 6234-2019

7. Approval of Notice of Completion – Bodega/Washington Intersection Pedestrian Improvements – Contract Number 2018-01 (Engineering Manager)

City Council Action: Approved Notice of Completion – Bodega/Washington Intersection Pedestrian Improvements – Contract Number 2018-01

Minute Order Number: 2019-086

- ~~8. Approval of Special Event Permit for IPA 10K Run (Planning Director)~~

\*Addition of Urgency Item (9): Approval of Resolution for Submission to SCTA/RCPA for Transportation Development Act (TDA) Article 3 Funds for Bicycle and Pedestrian Projects for the City of Sebastopol – ADA Curb Ramps along SR 116 (Amended Resolution) (Engineering Manager)

City Council Action: Approved Resolution for Submission to SCTA/RCPA for Transportation Development Act (TDA) Article 3 Funds for Bicycle and Pedestrian Projects for the City of Sebastopol – ADA Curb Ramps along SR 116 (Amended Resolution)

Minute Order Number: 2019-087

Resolution Number: 6235-2019

**INFORMATIONAL ITEMS OR PRESENTATIONS: None**

**PUBLIC HEARING(S):**

9. Public Hearing – Public Hearing to Consider Adoption of Adoption of Telecommunications Urgency Ordinance and Repeal of Moratorium (Planning Director)

Planning Director Kari Svanstrom presented the agenda item recommending the City Council Consider Adoption of Adoption of Telecommunications Urgency Ordinance and Repeal of Moratorium.

Mayor Hinton asked for questions.

Councilmember Gurney commented as follows:

- Discussed the issue of the analysis of the significant gap in coverage
- Independent person rather than determination of political body
- Why would that be

Director Svanstrom commented as follows:

- Discussed exception process
- Is on the applicant to prove that is actually the case
- Staff does not have technical knowledge in-house
- Consultant would review and analyze application

Councilmember Gurney commented as follows:

- Questioned if staff would need this expert help
- Questioned if the Consultant would make recommendation to Council and then Council to determine final decision

Director Svanstrom commented as follows:

- Similar to how staff reviews applications now
- Make recommended findings to the reviewing body
- Review body would review recommendation, can modify as part of their review
- If appealed, would be appealed to the City Council

Councilmember Carnacchi questioned who pays for the independent analysis.

Director Svanstrom commented as follows:

- Stated it is part of the application costs
- Discussed the City's deposit accounts

Councilmember Carnacchi commented that Town should be changed to City (error in wording).

Councilmember Glass questioned where has 5G been deployed in the United States.

Director Svanstrom commented as follows:

- Stated she does not know
- Stated someone in the audience may be able to answer that question

Mayor Hinton opened the public hearing.

Sandi Maurer, EMF Safety Network, commented as follows:

- Sacramento has deployed 5G
- Santa Rosa has 4G and ugly towers

- Wondering if the City can legally maintain the ordinance /moratorium on antenna applications based on FCC order which is being challenged in courts
- Appreciate work done and changes made
- Contradicts State and Federal law per the Crown Castle letter though
- Urged the Council to stay with moratorium on antenna applications
- No studies that prove 5G is safe
- Studies are 20 years old
- Discussed new study – radiation linked to cancer
- Vote (if the City can) to maintain the moratorium – work on ordinance
- Ban antenna on street lights
- Prevent PG&E from putting transmitters into the street lights

Paul-Andre Schabracq commented as follows:

- Discussed independent study
- Discussed 9<sup>th</sup> Circuits Court of Appeal
- Sound basis for denial of an application
- If not keeping moratorium – suggest changing the word location preferences to requirements
- Give it real teeth
- Happy to see other writings
- Commented the Community meetings should be held under the auspices of the City
- Provided extensive written comments to the Council

Linda Berg commented as follows:

- Read Verizon's application one year ago
- Urged the City to stay with moratorium
- Errors in body of application from Verizon last year
- Discussed resistance for boycott of Verizon
- Bring it on - stand ground
- Corporations will cave in face of bad publicity
- Discussed PG&E and Smart Meters
- Stated PG&E caved
- Still have old analog meters

Luna commented as follows:

- Discussed not seeing what are the requirements/parameters for significant gap in coverage
- How is that measured

Mr. Yates commented as follows:

- Read a prepared statement
- Discussed sickness
- Government should be free from bias
- Discussed legislation at all levels
- Faced with policy that will affect everyone everywhere
- Discussed 5G
- Discussed CPUC
- Read a quote



- Standards are there to protect people
- No protection from the Federal government
- Have safe, clean, infrastructure – fiber to every home
- 5G safe spot for Sebastopol
- Not be intimidated by FCC
- Protect our beautiful community
- Last line of defence
- Put Sebastopol on the map

Paul Albritton, outside counsel for Verizon Wireless, commented as follows:

- Verizon not in the business of suing Sebastopol
- Think current proposed ordinance is unenforceable under Law
- Moratorium is also unenforceable
- Discussed shot clock, FCC order, and aesthetics
- 60-day period of time for approval
- Encourage to have process where going through zoning code – encroachment permit – rigorous policy that sets forth aesthetic guidelines
- Discussed Palo Alto and San Francisco
- Verizon wants to provide wireless services
- Verizon has no plans for 5G in Sonoma or Marin County in the next few years

Hearing no further comments, Mayor Hinton closed the public hearing.

Mayor Hinton called for a break at 7:31 pm and reconvened the meeting at 7:44 pm.

Mayor Hinton requested staff to address the public comments:

Moratorium:

Ed Grutzmacher, outside counsel, commented as follows:

- Cities cannot impose moratorium
- Shot clock would run
- Order stating this is one of the orders that is being challenged
- Where order stands are unclear at this time – still in courts

Test for significant gap of coverage

Mr. Grutzmacher commented as follows:

- Requires back and forth between FCC and 9<sup>th</sup> circuit as to what rules actually are
- Discussed standards that came out of 9<sup>th</sup> Circuit Case
- Unclear what the standard is going to be
- Order under consideration whether reasonable interpretation
- Use as among the factors to look at as to whether to approve or deny a facility
- Discussed exceptions

Vice Mayor Slayter questioned the potential prohibition of antennas on street lights.

Mr. Gruztmacher commented as follows:

- Discussed requirement of FCC regulations- treat all utilities equally
- Not discriminate against
- Tough time saying going to allow street lights but not allow wireless on street lights

Council Deliberations:

Vice Mayor Slayter commented as follows:

- None of us are engineers or wireless experts
- Depending upon community
- Listen to their concerns
- Pay attention to their concerns
- Elected to represent
- Tried to understand issue
- Difficulty is we receive education and very well considered opinions at a very late date
- Received a significant comment from individual yesterday barely 24 hours ago
- Difficult to do that level of work in compressed level of time
- Dependent upon the voices heard from community, staff, outside legal counsel and dependent upon listening to what the federal regulations are
- Want to understand
- Want to do what is best for the community
- Difficult to understand where industry ends and where government begins – gray zone

Councilmember Glass commented as follows:

- Public has right to expect and demand that a new technology that is being deployed has been tested and vetted so we can be confident not to be harmed
- Agree with some in EMF network, do not agree on all items
- Are problems with some of these technologies
- This is a new technology
- Do not see that it has been adequately tested
- No confidence in testing or regulation done - regulation of these new technologies and science that is testing them is not objective
- Tie between industry and government regulators
- Not trust making this safe
- Cannot make objective decision that this is safe for my community
- Many people in this community feel that this is not safe
- Represent this community
- Better served if interlocking between financial industry and health interests of public were separated
- Counterproductive
- Discussed 200 cities in amicus brief for San Jose case
- Having problem with Federal regulators telling us we have to deploy something in our City
- See that as a problem
- This is a technology that has not been adequately proven to be safe
- How to respond to public's desire to be kept safe
- Disagreement between 9<sup>th</sup> Circuit and Feds and what we are allowed to regulate

- Discussed significant gap
- Discussed wired infrastructure – can have technology without wireless
- Losing from a local perspective the right from local control
- Hearing concerns from public
- Not getting objective information to feel confident
- What is responsible for us to do to protect the safety and give confidence to the public to feel safe and not be a luddite
- What is appropriate action for us to take

Councilmember Gurney commented as follows:

- Support comment of Vice Mayor Slayter and Councilmember Glass
- Recently called a luddite
- Heard more from the public than industry
- Industry stated no intention of deploying 5g here
- If genuine and authentic remarks, then we are not under threat of lawsuit
- Take precautionary step
- Put in place strongest protections we can that are most assertive of our community value
- Appreciate staff's work since last meeting

Mayor Hinton commented as follows:

- Worked in radio for over 20 years
- Dealt with towers and FCC
- Did not get pass when radio station tried to put up a tower
- Feels frustrating that FCC has now passed a different set of rules for the industry than previous broadcasting entities
- Is a Verizon customer
- Do not notice a gap in coverage in Sebastopol
- Generally, agree with Council
- In favor of adopting following advice to protect City and adopt urgency ordinance
- Can change and adopt tighter rules

Councilmember Gurney discussed the topic of joining a lawsuit or questioned if that is that a closed session.

City Manager/Attorney McLaughlin stated that it could be discussed in closed session or could be discussed now.

Vice Mayor Slayter commented as follows:

- Not comfortable with leaving option of keeping moratorium in place
- Too many unknowns
- Advised by outside legal counsel
- Ordinance revised since last meeting two weeks ago
- Way-stop to work of Planning Commission
- Discussed luddite gene – all have a little in us
- Even most hardened tech person wants to be safe
- Can be revisited at any time

- Idea that aesthetics need to be objective- rejects this- not something somebody in a creative field thinks is possible
- What is appropriate in one location is may not be appropriate in another location
- Feel what we have in this ordinance is appropriate and legal
- In favor of going forward with ordinance proposed with one minor edit (and as noted by Councilmember Carnacchi)

Vice Mayor Slayter moved and Councilmember Gurney seconded the motion to adopt the urgency ordinance and repeal the moratorium.

#### Discussion

Councilmember Gurney questioned if something develops and there is new information how would we go about changing this ordinance – stated it is important to say that out loud to the public.

Director Svanstrom commented as follows:

- Moving forward with Planning Commission review
- Can bring urgency ordinance to Council or can incorporate in Planning Commission review, depending on what is changing

Councilmember Glass discussed adding language to increase public notice when / if there is an application.

Vice Mayor Slayter questioned the standard public notice requirements.

Director Svanstrom commented as follows:

- Requires more that State law – City requires a 600-foot radius around the location of the application
- Newspaper notice in Sonoma West Times or Press Democrat
- Post site as well

Vice Mayor Slayter clarified that the 600-foot notice is mailed.

Councilmember Glass commented as follows:

- Suggested notification of a telecommunications application be noticed in the water bills
- Is of interest to the public when deploying new technologies

Director Svanstrom stated that the water bills would not work as ½ the city is billed one month and the second half of the City is billed the second month, so would not work with limited review timelines

It was discussed that City staff should:

- Put an application on this subject on the City Web (responsible department and home page)
- Use of other public media communications
- Make the City assertive in making the public know of these applications
- City staff to go above and beyond in notification

Councilmember Gurney commented as follows:

- Go above and beyond

- Put the Community on alert
- Community not to miss an opportunity to speak on this item

The Council discussed the following:

- Discussed the 200-city amicus brief
- Interested in hearing more on the brief
- Would like more information on that
- Requested that item be returned to the City Council in a closed session for Council review and discussion
- Would like to know more of the litigation
- Would like to review pleadings
- Would like to know City by City who is participating
- Would like to know what the League of CA Cities is doing on this item

Councilmember Gurney discussed the request from the public member for changing preference to requirement.

Mayor Hinton stated this was addressed at the last meeting.

Director Svansson discussed the criteria of the use permit and stated this is addressed in the staff report.

Ed Grutzmacher commented as follows:

- Heightened legal risk of changing the language from preferences to requirement
- Potential conflict with Federal law and regulations

Director Svansson discussed the following:

- 17.130.130, page 29 of red line ordinance, Section A
- Discussed preferences
- Language in review for independent consultant would be responsible for helping the City review

The Council discussed “shall” in this section and “most and least preferred”. The council stated this section is not clear.

Staff clarified how this would work, and stated she will review this with the Planning Commission to be clearer with the intent.

Councilmember Carnacchi commented as follows:

- Does not own a cell phone
- Parked in front of police station
- Had it on speaker phone
- Air bag exploded in his face
- High end automobile
- A lot of unknowns to cell phones
- Discussed Petaluma Ave Homes and Crown Castle antenna
- A lot of people getting sick

- Sebastopol police officer lives there and is concerned
- Can solve the problem by raising the antenna
- Duty to protect the residents
- Amount of unknown of cell phones
- Do not use cell phone in the car

**VOTE:**

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

Noes: None

Absent: None

Abstain:None

City Council Action: Approved motion to adopt the urgency ordinance and repeal the moratorium with minor corrections as noted by the Council.

Minute Order Number: 2019-088

Ordinance Number: 1122

10. Public Hearing – Waiving of Further Reading and Introduction of Telecommunications Ordinance (Planning Director)

Planning Director Kari Svanstrom presented the agenda item recommending the City Council Conduct a Public Hearing and Approve Waiving of Further Reading and Introduction of Telecommunications Ordinance.

Mayor Hinton asked for questions. There were none.

Mayor Hinton opened the public hearing.

Hearing no comments, Mayor Hinton closed the public hearing.

**Council Deliberations:**

Vice Mayor Slayter moved and Councilmember Gurney seconded the motion to approve waiving of further reading and introduction of ordinance, Telecommunications Ordinance, as written with minor correction of typos as addressed earlier.

**Council Deliberations:**

Councilmember Gurney commented as follows:

- Taking off urgency
- Setting time for adoption
- Urgency ordinance now in affect
- Regular ordinance goes into effect 30 days after second reading

**VOTE:**

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

Noes: None

Absent: None

Abstain:None

City Council Action: Approved waiving of further reading and introduction of ordinance, Telecommunications Ordinance, as written with minor correction of typos as addressed earlier.

Minute Order Number: 2019-089

Ordinance Number: 1123

Items Pulled from Consent Calendar:

5. Approval of Job Description and Pay Rates and Ranges for Public Works Management Analyst (Public Works Superintendent/Finance Director)

Councilmember Carnacchi commented as follows:

- Discussed City audit
- Pointed out that our net cost of service exceeded our tax revenue in 2018 for the first time
- Keep eye on that
- This increase our net cost of service and does not do much for tax revenues
- Money better spent on staff that would increase tax revenues
- Senior Admin Asst/Dept Tech – questioned if that position would go away – Public Works Superintendent Del Prete stated that is correct
- Questioned what step is the Senior Admin Asst/Dept Tech at now – Public Works Superintendent Del Prete stated Step E
- Questioned what step the new position would start at – Public Works Superintendent stated Step D
- Questioned liabilities for pensions

Staff commented as follows:

- Stated the new rate is 4% above the current rate
- Stated the beginning step would be Step D
- Stated the new position has to go higher than the position's current salary
- Discussed liability to City – employee is a PEPR and not Classic
- Percentage is based on the annual basis conducted by CalPERS

Mayor Hinton opened for public comment. There was none.

Vice Mayor Slayter commented as follows:

- Appreciate sharp pencil and eye of Councilmember Carnacchi
- Modest increase in monthly and annual cost to City
- This position is one that this individual has grown into significantly
- Staff does tremendous job well beyond what they are compensated for
- Step is modest
- Acknowledge that it appears that some staff does work that is above their pay grade at times

Mayor Hinton commented as follows:

- Stated this item was brought to her attention
- Stated she asked questions about this item
- Understood this person is working and showing expertise above what she is being paid for
- Fairly compensated

Councilmember Glass moved and Mayor Hinton seconded the motion to approve Job Description and Pay Rates and Ranges for Public Works Management Analyst

**VOTE:**

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

Noes: None

Absent: None

Abstain:None

City Council Action: Approved the Job Description and Pay Rates and Ranges for Public Works Management Analyst

Minute Order Number: 2019-090

Resolution Number: 6233-2019

8. Approval of Special Event Permit for IPA 10K Run (Planning Director)

Councilmember Carnacchi commented as follows:

- Pulled for separate vote
- Constituent participated last year and contacted him
- She described a drunken fest, people puking at Barlow
- Nasty
- Not good image to send
- To promote a drinking/running beer fest – nasty
- Will vote no

Mayor Hinton opened for public comment.

Matt (Applicant) commented as follows:

- In charge of the race
- Person in minority
- Fitness oriented event
- Discussed beer mile
- Stated worst day in the brewery was last Saturday
- Closed down and in control of event

Councilmember Glass questioned if the police have any issues or had any problems with this event.

Chief Conner commented as follows:

- Stated no
- Small amount of additional police presence
- Traffic enforcement control
- Runners crossing the street
- No negative reports

Councilmember Gurney commented as follows:

- Thanked the applicant for his assurances
- Supports the event

Mayor Hinton commented as follows:



- Attended event
- Not see anyone throw up from intoxication
- In support

Vice Mayor Slayter

- Brings people to down
- Trying to boost economy
- Spending money
- Stated this is good for the Barlow and good timing

Councilmember Carnacchi commented as follows:

- Changing his position based on comments heard
- May have rushed to judgement

Vice Mayor Slayter moved and Councilmember Gurney seconded the motion to approve Special Event Permit for IPA 10K Run.

**VOTE:**

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

Noes: None

Absent: None

Abstain:None

City Council Action: Approved Special Event Permit for IPA 10K Run Ayes:

Minute Order Number: 2019-091

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

11. Discussion and Direction from Report out of Pedestrian Safety Survey (Councilmember Gurney/Tasha Beauchamp (Cittaslow)

City Manager McLaughlin presented the agenda item and Councilmember Gurney presented additional comments.

Tasha Beauchamp, Cittaslow, provided a presentation to the City Council.

City Manager McLaughlin commented as follows:

- Helpful to have direction from the council tonight
- Items may need to be budgeted
- Time to get them in the budget
- Like all the ideas
- Will need to come back as agenda item if items are supportive

Councilmember Gurney commented as follows:

- Discussed low hanging fruit
- Can up image with public
- Give credit to staff for doing what they do
- Change the culture
- Tip scale into something more dramatic such as the radar sign
- So many instances where that could be used

- Mostly costly one there other than hiring an officer
- Discussed changing culture
- Slowing people down
- Be more courteous
- Move culture into what the community wants

Mayor Hinton asked for questions.

Councilmember Glass requested the presentation be provided to the City Council.

Vice Mayor Slayter commented as follows:

- Discussed the radar sign
- Questioned if this is a changeable message sign

Police Chief Conner commented as follows:

- Combination sign -radar speed sign and message board sign
- Discuss closing Florence Avenue on Halloween and renting of message board

Mayor Hinton opened for public comment. There were none.

Council Deliberations:

Councilmember Glass commented as follows:

- Discussed the education component
- It Takes Two for Safety Handouts
- A lot of people forget that it takes two for safety
- Talking to kids – talk of this in an assembly in various schools
- Do we have staff or volunteers

Chief Conner commented as follows:

- Discussed traffic officer is no longer a traffic officer
- Discussed grant that paid for extra position to focus on traffic enforcement
- No longer have grant
- Only have staff to dispatch and take calls
- No longer have traffic officer
- Working with current staff to shift the burden of the patrol work to other team members
- Using current opportunities to have discussions in the school
- Limited in resources
- Volunteers are down to a couple of adult volunteers
- No extra people to do that

Tasha Beauchamp discussed street theater actors as volunteers.

Mayor Hinton questioned if the Kitty was out. Chief Conner stated no but that the electrical has been re-wired and is ready to be deployed.

Mayor Hinton commented as follows:

- Favor in getting signs for the Kitty and getting the Kitty out
- Do not favor bumper stickers
- Love the sidewalk stencils
- New radar sign – always slow down when this is seen
- Appreciate work being done
- More carrot versus stick
- Not in favor of stings
- 260 responses in favor but is only three percent of the City

Vice Mayor Slayter commented as follows:

- Gratitude to committee for taking this work on
- Agree with 3 percent comment but realize that is a remarkable response
- Discussed the tip line – look at costs to have a phone line that receives text messages as well
- Discussed Slow Down Kitty – captured community – pride of community – not make sense to have whole litter of kitties
- Have more of community identity
- Slow down/mobile sculptures
- Part of public art component
- Engage public and safety component
- It Takes Two for Safety- not catchy
- Discussed Center for the Arts Expo – Reverberations
- Cheeky Ads that were put around town
- Catchy and on the edge – have a greater impact
- Not pass ordinance but deploy the safety volunteers to handout coupons for people not texting
- Low cost items are where would like to see this begin
- Important to spend money on and seen results on this the messaging of the City
- Need for professional appearance and presentation
- Modern – contemporary - catchy
- Look at cost for designer
- Have budget subcommittee review and have a generic round number
- Not decide tonight

Tasha Beauchamp commented as follows:

- Do low hanging fruit – cost so much
- Designer – cost so much
- Need parameters

Mayor Hinton suggested \$5000 for the budget subcommittee to look at.

Vice Mayor Slayter commented as follows:

- Some sort of acknowledgement
- Not seen budget
- Need picture of the whole budget
- This is important for some level of funding
- Have budget subcommittee and make a proposal

Councilmember Gurney commented as follows:

- Not get much for \$5000
- Put in place holder for \$10000 and place holder for radar sign
- Other is cultural and more volunteer and marketing based
- Sign is visible and can be seen
- \$10000 is not a lot of money to start on this
- Big issue for people on our sidewalks and roadways
- Police would use a lot more
- Good investment for our community
- Recommend higher number
- Return work up to committee
- Helpful to know how much of this would be appropriate work for Holly
- May have a resource on staff
- Can do follow up

Mayor Hinton commented as follows:

- Do not agree with all the highlights
- Like idea of new radar sign
- May come out of a different budget pot

Councilmember Carnacchi commented as follows:

- Hard to spend money now without seeing budget
- Not comfortable throwing anything at it tonight
- Other priorities

Councilmember Gurney commented as follows:

- Not approving this tonight
- Putting a placeholder in the budget

Mayor Hinton commented as follows:

- Discussed submission of Council colleagues
- This was not in there
- Not aware this was one of the additional items

City Manager McLaughlin stated it would be a placeholder in the draft budget.

Vice Mayor Slayter asked if the trailer in the vehicle replacement.

Chief Conner stated it does not show up in the vehicle replacement plan.

City Manager McLaughlin commented that this will be presented to the budget subcommittee.

**City Council Action: None taken. Approved a place holder in the budget for further Council discussion.**

**Minute Order Number: 2019-092**

Mayor Hilton called for a break at 9:42 pm and reconvened the meeting at 9:50 pm.

13. Consideration of Request for Joint City Council and Planning Commission Meeting  
(Councilmember Carnacchi)

Councilmember Carnacchi presented the agenda item.

Mayor Hinton asked for questions.

Councilmember Glass commented as follows:

- As a council we do not speak as a monolithic body
- Is there an issue with that legally
- How is that structured
- Talk of goals and priorities as City
- Say individual goals
- Hard as monolithic body to say what our goals are
- May be education for Planning Commission to hear general goals of Councilmembers in general
- Issues with future agenda items

City Manager McLaughlin commented as follows:

- Have had these meetings before
- Convene both meetings
- Can do a number of ways to set up this type of meeting
- Easy to do under the Brown Act

Director Svanstrom commented as follows:

- Discussed the Planning Commission work plan
- Long term priorities
- Intent to have Council review and approve based on Council priorities
- Prioritize what the Planning Commission will be doing
- Discussed Planning Commission liaison

Councilmember Gurney

- Do they have work program
- Is there a document that is their work program

Director Svanstrom stated that they have a draft work plan and an adopted resolution to submit the workplan for the Council to review and adopt.

Councilmember Gurney discussed needing the Council goals and priorities to be returned to the Council first prior to discussing a joint meeting.

Vice Mayor Slayter commented that the agenda review committee is waiting on the goals subcommittee to meet.

Councilmember Glass stated the budget subcommittee has taken quite a lot of time and can meet within the next two weeks.

Mayor Hinton opened for public comment.

ila Benavidez-Heaster commented as follows:

- Like this idea
- Planning Commissioners would like them to have this joint meeting
- Like the structure of the meeting
- Noticing how does the decision dovetail to the needs of the City
- Two independent bodies now
- If come together will have better understandings
- Have better government
- Do not understand if the council makes a decision other than what they made
- Understand how a decision can be made different
- Support the idea

Council Deliberations:

Mayor Hinton commented as follows:

- Need our Council goals and priorities first
- Like report from the Planning Department
- Loved Council holiday party
- Discussed idea of Planning Commission – told clearly the Council viewed the Planning Commission as an independent body and the Council liked it that way
- Now we are talking of combining again
- Confused with the item
- Will this body change their mind or still view them as making their decision separate from us and then it comes to us
- This goes against the message hear loud and clear a year ago

Councilmember Gurney commented as follows:

- Pleased to have meeting
- Need a clear agenda
- Has to have purpose to it
- Not hearing intellectual, academic or professional issues with Commission
- Wondering we would need a facilitator if intent of this meeting was for us to be higher functioning boards with distinct responsibilities
- Need some guided conversation
- What hope to achieve other than feeling better  
Trusts the Planning Commission
- Council available to any Planning Commissioner
- Less comfortable having one Planning Commissioner speak for the whole commission
- Council has electorate to answer to
- Fine tune agenda
- Need goals and objectives
- Worth working up for a later date
- Do not go to their meetings
- Convey trust

Councilmember Glass commented as follows:

- Good idea
- Frame around Council goals and objectives
- Communicating with them of what we are doing and they can see how it dovetails

Vice Mayor Slayter commented as follows:

- No specific topic proposed
- Difficult to schedule meeting with no specific topic
- Trust the Planning Commission
- Operate as independent body
- Decision making is guided by General Plan and Zoning Ordinance
- As body had significant hand in producing
- Wide variety on Planning Commission
- Want body to be independent
- To have meeting discussing goals and priorities which are documented in writing– do not see purpose of it at this point
- Council directs the Planning Commission on work items
- Discussed reacting to applications and work plan
- Know all the Planning Commissioners
- Do not feel disconnect between bodies in any way
- Comfortable not having a meeting and leaving things status quo
- Not know purpose of meeting

The council was in consensus to table this agenda item until such time that the City Council has discussed and approved the City Council goals and priorities. After the goals have been adopted, an agenda item will be returned to the City Council to determine if a future joint meeting on a specific subject would be needed.

**City Council Action:** Tabled this agenda item until such time that the City Council has discussed and approved the City Council goals and priorities. After the goals have been adopted, an agenda item will be returned to the City Council to determine if a future joint meeting on a specific subject would be needed.

**Minute Order Number:** 2019-093

12. Amendment to City Council and City Staff Committee Assignments - Request for Creation of City Council Sub-committee for 100th year anniversary of the 19th amendment (Event to be held August 2020) (Councilmember Carnacchi)

Councilmember Carnacchi presented the agenda item.

Mayor Hinton asked for questions. There were none.

Mayor Hinton opened for public comment. There were none.

Council Deliberations:

Mayor Hinton discussed the committee for the county.

Councilmember Glass commented as follows:

- Discussed being on the subcommittee
- Co-Chair of the outreach committee

- Idea was to get together what the celebration messaging should be from marketing perspective
- Idea is to get every City to participate and to encourage a year-long celebration – not just one event
- Getting everyone to do public outreach
- Have events to have this theme all year long
- Apple blossom or Film Festival or Chamber of Commerce or Rotary or Historical Society to do events
- Not just one thing
- Year long messaging in every sector
- Important celebration
- Council can have a role in this outreach
- Ask Holly on how to involve City in this notion of various aspects of what the City does
- How incorporate into the City web site and City events
- Implement idea of this being a year-long celebration

Councilmember Carnacchi commented as follows:

- Suggest a subcommittee to do the outreach
- Organize on City level
- Subcommittee may have more power
- Consider an entry in the Santa Rosa parade (float)
- Have Sebastopol represented in bigger parade

Mayor Hinton commented as follows:

- Suggested Councilmember Carnacchi be on County committee
- Discussed Sebastopol being in the Rose parade
- Join in with ideas that are already being regurgitated

Councilmember Gurney commented as follows:

- Bandwidth in question
- Not have goals and priorities adopted yet
- Considering budget prior to goals being adopted
- Year-long event is worthy celebration
- Immerse and comes up on daily basis
- Typically provide or funding for these types of events
- County committee even has a slow start
- On email list as well
- Hard to add that meeting
- Would support exploring possibilities
- Reaching out to organizations
- Not sure what other work this subcommittee can do
- City staff and Council cannot put on events ourselves that took the Chamber a year to put on

Councilmember Glass commented as follows:

- Subcommittee is like a phone tree
- Branding materials that everyone can use
- Branch out from there once information is ready to go



- Wait for that material
- Council can be next level of phone tree

Mayor Hinton stated we could start asking people now to incorporate the theme into next year events.

Councilmember Carnacchi commented as follows:

- Brought up idea with Rob Muelrath
- Women to participate
- Woman who have risen and are also conservative in nature
- Breaking down barriers
- Discussed with Supervisor Hopkins
- Discussed having the event at Ragle Park
- Discussed the subcommittee being formed but not being invited
- Planted the seed with Lynda who ran with it
- Been on pending list for two years
- City can be back up plan if County does not get this together
- Work parallel with the County
- Would like to be invited to the subcommittee
- Equality is important

Councilmember Glass will look into an invite.

**City Council Action: None Taken. Encouraged working with the County on this event and continue the item until after the adoption of the goals and priorities.**

**Minute Order Number: 2019-094**

The Council was in consensus to continue the item per the City Council protocols.

14. Consideration of Amendments to City Council Policy Number 5, City Council Policy for Agenda Preparation Agenda Review Committee Standing Committee and Resolution Number 6158, A Resolution of the City of Sebastopol Adopting and Establishing Rules for the Conduct of Its Meetings, Proceedings and City Business (Councilmember Carnacchi)

Councilmember Carnacchi presented the agenda item and commented on potential Brown Act issue.

City Manager McLaughlin commented that the Agenda Review committee discussed the proposed title of the agenda and when to place the item and stated there is no violation of the Brown Act.

The Council deliberated as follows:

- No consensus for one Councilmember only on the Agenda Review Committee
- Stated it is a good system that works well
- Discussed setting of agendas
- Present system workable

Councilmember Carnacchi stated the City Manager indicated that the Agenda Review Committee would go smoother with just one Councilmember. City Manager Attorney stated that was an incorrect statement made by Councilmember Carnacchi.

Mayor Hinton asked for questions.

Mayor Hinton opened for public comment. There was none.

Council Deliberations:

Mayor Hinton commented as follows:

- Thanked Councilmember Carnacchi for the updates
- Thanked staff for the clarifications
- Discussed comments of public outreach – agenda review committee cannot know that answer
- Agendas should be set with another Councilmember
- Discussed the type of agenda items proposed by Councilmember Carnacchi
- Discussed the number of requests submitted by Councilmember Carnacchi - A lot of requests – include even those that get pulled off

Councilmember Glass commented as follows:

- Change report to request – okay with that
- Not in agreement to change structure of subcommittee
- Good to have someone to bounce ideas off of and priorities
- Works well and is helpful
- Okay with schedule is now
- Trust City Clerk who does try to get stuff to us sooner rather than later – stay with Thursday deadline as noted
- Not want to box the City Clerk in with a deadline such as what is being proposed
- Deadline complies with State law
- Discussed public outreach
- Agenda Setting Committee is using to see if items are consistent with Council policies and also looking at Staff resources
- Fine with policy as is and change report to request

Vice Mayor Slayter commented as follows:

- Discussed presupposition of Brown Act violation is incorrect
- Everyone on this council has been highly aware of the Brown Act and gone overboard in compliance
- Report/request is fine to change – good edit
- Shall provide attachments and or exhibits related to the topic of request
- Not need to call this out in the policy

Councilmember Gurney commented as follows:

- Historical information
- Sat on subcommittee for 7 years
- Grateful to have second councilmember there
- Previously the City Manager had the job of running the agenda
- Not reflective of the community
- Discussed work managing work flow
- Looking at priorities of Council goals and objectives and available staff and urgency of issues that may come

- Report to request - okay
- 14 days works okay
- Not see need to make changes for public outreach
- Afforded forward calendars
- Two agendas ahead drafted
- Know if something's coming up or controversial item
- How does committee of two decide how much outreach is needed
- Staff and Council works diligently to get information out
- Get notices out as well
- Changing report to request is okay – but this took a 25-minute conversation to do that

Councilmember Carnacchi commented as follows:

- Discussed public outreach
- Discussed 15-hour minimum wage agenda item that did not have enough outreach
- Absent was any of the businesses that would have been affected by the increase
- That should have been included

**City Council Action: Council was in consensus to change report to request.**

**Minute Order Number: 2019-095**

**Resolution Number: 6236-2019**

#### **CITY COUNCIL REPORTS:**

15. City Manager-Attorney/City Clerk Reports: None
16. 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 Glass reported as follows:

- Sonoma Marin Mosquito Vector Control District
- Study on viability of new assessment
- Prop 218 on the ballot
- Looking at potential assessment to continue to stay in the black as the future goes on
- Continue the services that they do now

Mayor Hinton reported as follows:

- Occupy Bench Ceremony
- Two Budget subcommittee half days
- Attending SCWMA Meeting
- GSA Meeting
- Positive feedback
- Apple blossom
- National Library Week – read to preschoolers

Councilmember Gurney reported as follows;

- Flyer
- Sebastopol Walk

- April 27<sup>th</sup>
- Bus Buddies Program
- Bus had apple blossoms on it to fit in with our theme
- Rode Free bus – discussion moving to all public transit being free fare
- SCTA/RCPA Report – call for projects – transformational projects
  - Suggested to City staff to submit our projects

17. Council Communications Received: None

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

Mayor Hinton adjourned the open session to the closed session at 11:18 pm.

**CALL TO ORDER:** Mayor Hinton called the meeting to order at 11:20 pm

**ROLL CALL**

**Present:** Mayor Hinton  
Vice Mayor Slayter  
Councilmember Carnacchi  
Councilmember Glass  
Councilmember Gurney

**Absent:** None

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

**PUBLIC COMMENT**

(Prior to adjournment into Closed Session, the public may speak up to 3 minutes on items to be addressed in Closed Session).

There was none.

**Adjourn into Closed Session**

**CLOSED SESSION AGENDA ITEM:**

19. Conference with Labor Negotiators (Government Code 54957.6)  
City Designated Representative: City Administration  
Employee Organizations:(SEIU/Public Works/Administrative); Management/Mid Management  
and Sebastopol Police Officers Association (SPOA)

**City Council Action:** No Report Out

**Minute Order Number:** 2019-096

**Adjournment of Closed Session:** Mayor Hinton adjourned the closed session at 11:40 pm.

**RECONVENE OPEN SESSION OF THE CITY COUNCIL MEETING**

**Report out of Closed Session. There was none.**

**ADJOURNMENT OF REGULAR MEETING:**

Mayor Hinton adjourned the Regular City Council Meeting at 11:42 pm to the next City Council Meeting.

*CITY COUNCIL MEETING MINUTES APPROVED*  
*Minutes of April 16, 2019*

The Next Regular City Council Meeting which will be held on Tuesday, May 7, at 6:00 pm. at the Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA.

Respectfully Submitted:

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

DRAFT