



City of Sebastopol
CITY COUNCIL MEETING
APPROVED MINUTES

Mayor

Guy Wilson

City Council

Michael Kyes, Vice Mayor

Kathleen Shaffer

Sarah Glade Gurney

Patrick Slayter

City Manager

Jack Griffin

City Attorney

Larry McLaughlin

City Clerk

Mary Gourley

APPROVED MINUTES OF THE November 15, 2011 CITY COUNCIL MEETING

As approved by the City Council at their meeting of December 6, 2011

CONVENE CITY COUNCIL MEETING, Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA

The Notice of the Meeting was posted on the City Hall Bulletin Board by the City Clerk on November 9, 2011.

CALL TO ORDER: Mayor Wilson called the meeting to order at 6:05 pm

ROLL CALL

Present: Councilmembers Gurney, Shaffer, Vice Mayor Kyes and Mayor Wilson

Absent: Councilmember Slayter

Staff: City Manager Griffin, City Clerk Gourley, City Attorney McLaughlin, Engineering Director Kelly, Planning Director Webster and Police Chief Weaver

PRESENTATIONS/PROCLAMATIONS:

Mayor Wilson presented the following:

- Certificate of Appreciation to Cliff Ostrem, Video Recorder for City Council Meetings
- Proclamation to Food for Thought on Dine Out For Life Program
- Proclamation Honoring Dale Dougherty as the White House Champion of Change Recipient
- Proclamation Honoring the Sebastopol Christian Church and the volunteers of that Church for their efforts in Providing Assistance to the Local Homeless Population
- Proclamation Honoring the Community Church and the volunteers of that Church for their efforts in Providing Assistance to the Local Homeless Population
- Proclamation Honoring the Sebastopol United Methodist Church and the volunteers of that Church for their efforts in Providing Assistance to the Local Homeless Population

APPROVAL OF MINUTES OF CITY COUNCIL MEETING(S) OF:

- November 1, 2011 City Council Meeting
- November 3, 2011 Special City Council Meeting

Councilmember Shaffer moved and Mayor Wilson seconded the motion to approve the minutes of the November 1, 2011 and November 3, 2011 City Council Meetings as submitted.

VOTE:

Ayes: Councilmembers Gurney, Shaffer, Vice Mayor Kyes and Mayor Wilson

Noes: None



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Absent: Councilmember Slayter
Abstain: None

PUBLIC COMMENT(S) (This is an opportunity for the public to address the City Council on items that are not listed on the agenda. This time is set aside to receive comments from the public regarding matters of general interest not on the agenda, but related to City Council business. Pursuant to the Brown Act, however, the City Council cannot consider any issues or take action on any requests during this comment period. Speakers are encouraged to limit their comments to 3 minutes maximum so that all speakers have an opportunity to address the City Council. It is the goal of the Council to conclude the public comments portion of the agenda within 30 minutes. The presiding officer, typically the Mayor, reserves the right to reduce the time per speaker or carry over public comments to after all business items are completed.

Thomas Morabito commented as follows:

- Discussed the future of the Fifth District and questioned if any Councilmember would be running for that position and stated it would be a great thing,

Paul Fritz commented as follows:

- Urged the Council to make changes to the Zoning Ordinance
- Stated he is opposed to the CVS/Chase project and that this does not fit downtown and if built would be a large detriment for decades
- Stated the project does not replicate a pedestrian environment and should have been denied by the Council as it does not comply with the General Plan
- Urged changes to the Zoning Code so that this cannot happen again
- Urged prohibition of drive thrus in the downtown
- Questioned if the bank is the first impression that the City wants to make on people coming into town
- Urged the Council to save the town from future development proposals such as CVS and stated we do not want this in our community

Elizabeth commented as follows:

- Urged people to be aware of what they are doing to the environment
- Discussed her travels in California cleaning up the coast and discussing cleaning the parking lots in town to reduce the amount of cigarette butts
- Stated she is talking to businesses and individuals to help keep Sebastopol clean
- Asked the Council what could her next step be

Colleen Fernald commented as follows:

- Displayed her shirt that stated unconstitutional war is not healthy for children and all living things
- Discussed the municipal budget
- Appreciates the public
- Discussed a draft resolution to work with the chaotic occupy movement and end unconstitutional war and stated this starts with one elected body at a time
- Read the prepared resolution

COUNCILMEMBER ANNOUNCEMENTS(s) (This is an opportunity for any Councilmember to make a brief announcement to the community)

Councilmember Gurney announced the following:

- Ignite Sebastopol at Hopmonk, November 16th
- Sebastopol Hardware Fundraiser for Analy High School, November 17th, 6:00 - 7:30 pm
- November 25th, Sebastopol Walks, Bus Ride to Forestville with a walk back to Sebastopol
- Thanksgiving Dinner, November 24th - 1:00 - 5:00 pm- Community Church
- Christmas Dinner, December 25th - 1:00 - 5:00 pm - Community Church
- Free Bus Ride Program on the Sebastopol Shuttle Local 24 on Saturdays from November 19th until Christmas weekend

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- Save Our Library has been very successful but stated the Sebastopol Library may be closed for a few months for retrofit and upgrades and stated they are looking for space to move their services for that period
- Urged the donation of food, clothes, time etc to our local organizations

Councilmember Shaffer announced the following:

- November 17th - Presentation on the possible partnership between Palm Drive Hospital from Marin General Hospital - 6:00 pm - Community church
- Stated she will be coordinating the Sebastopol Sunrise Rotary holiday giving program for homeless kids and stated she is working with the schools and other organizations and urged people to contact her if they know of a homeless child in need of holiday gifts
- Sebastopol Entrepreneurs Program Class, November 17th, 6:30 pm - 8:00 pm - on Marketing and the class will be held at the SEP offices, 500 North Main Street
- December 13th - 2:00 - 5:00 pm- Christmas Dinner at the Senior Center

Mayor Wilson announced the following:

- he will be at the residence of the Consultant General of Japan honoring the Emperor's birthday on December 1st
- Sebastopol Tree Lighting Ceremony, December 1st, Downtown Plaza

CONSENT CALENDAR ITEM(s): The following items listed on the Consent Calendar are considered routine and action will be taken by the City Council by a single motion. A Councilmember, staff or the public may request that an item be removed from the Consent Calendar and action taken separately. In the event an item is removed, it shall be considered as the first scheduled item in the agenda. Members from the public wishing to speak on a Consent Agenda item should notify the Mayor

Vice Mayor Kyes requested Item Number(s) 1 be removed from the consent calendar.

Councilmember Gurney requested Item Number(s) 2 be removed from the consent calendar.

1. Second Reading and Adoption of Ordinance to consider amendments to the Smoking Ordinance (clarification of definition for medical marijuana) (City Attorney)

City Attorney McLaughlin presented the staff report recommending the City Council approve the Waiving of the Second Reading of the Ordinance and Approve adoption of the ordinance amending the Smoking Ordinance (clarification of definition for medical marijuana).

Vice Mayor Kyes commented as follows:

- Stated he is uncomfortable with how the ordinance has been revised
- Stated the original intent was to allow medical cannabis to be smoked in multi family units
- Stated this amendment would allow medical cannabis to be smoked in parks or other government facilities that are prohibited in the smoking ordinance
- Stated he understands State Law that medical cannabis cannot be smoked within 1000 feet of a school and stated this would cover most of the parks except the Laguna Preserve
- Would like to see the ordinance come back with revisions and be fixed correctly and also to modify the park ordinance

Councilmember Shaffer commented as follows:

- stated she was stunned to see the language did not reflect the intentions of the Council when it was originally adopted
- Stated she has heard from the American Lung Association who had concerns where medical cannabis would be allowed to be smoked
- Stated she wants the ordinance to be clear that medical cannabis can be smoked in multi family units but no where else

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- Questioned if the way this ordinance is written, will it reflect the City's intent of what the Council wanted

City Attorney McLaughlin stated the existing park ordinance states that no smoking of any kind is allowed in the parks and this would prohibit medical cannabis also. He also stated this amendment pertains only to the smoking ordinance for multi family units to exempt medical cannabis. He stated that it is true that people may be confused as to which ordinance applies or how to interpret the law or ordinance; however, the present amendment before the Council tonight pertains only to the smoking ordinance.

Councilmember Shaffer questioned if it was staff's understanding that the intent of the City Council at the time of the original adoption was to exempt medical cannabis.

City Attorney McLaughlin stated that he read the minutes from that meeting, as well as newspaper articles, which clearly stated the Council's intention to exempt medical cannabis. He stated he suggested to amend the parks ordinance to make this more clear and that it was an administrative oversight not to include medical cannabis in the original ordinance as that was the Council's intent. He stated the intent was not carried out at that time. He stated this amendment does not affect the smoking ordinance that went into effect this month.

Mayor Wilson stated he is satisfied this amendment is consistent with the discussion at the last meeting.

Councilmember Gurney stated she appreciated the clarification and would support moving forward with this amendment.

Mayor Wilson opened for public comment.

Tony Bryan stated there are other alternatives to smoking medical cannabis.

Andrew DeRoos commented the parks ordinance addresses no smoking in the parks and stated no additional amendment is needed.

Justin commented that the general consensus is that people can put whatever they want into their own body as long as it is not hurting anyone else. He stated there is already a law on the books and stated people can be referred to that ordinance.

Robert Jacob stated Sebastopol has stood up for patient access and patient rights and thanked the Council and staff for their time on this issue.

Councilmember Shaffer moved and Councilmember Gurney seconded the motion to approve the Waiving of the Second Reading of the Ordinance and Approve adoption of the ordinance amending the Smoking Ordinance (clarification of definition for medical marijuana).

Discussion:

Vice Mayor Kyes stated he would be voting in opposition to this amendment. He stated he concurs that medical cannabis should be exempt from multi family unit's; however, the Council is passing an ordinance that is in conflict with another ordinance and that a future ordinance will need to be passed to clarify this ordinance. He suggested the Council get it right the first time.

VOTE:

Ayes:	Councilmembers Gurney, Shaffer, and Mayor Wilson
Noes:	Vice Mayor Kyes
Absent:	Councilmember Slayter

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Abstain: None

City Council Action: Approved the Waiving of the Second Reading of the Ordinance and Approved adoption of the ordinance amending the Smoking Ordinance (clarification of definition for medical marijuana.

Minute Order Number: 2011-169

2. Approval of Letter to the Editor, Sonoma West Time and News - Think Sebastopol First for Shopping Needs this Holiday Season (Councilmembers Gurney and Shaffer)

Councilmember Gurney stated she supports the notion of sending this letter to the newspaper but stated this letter has been modified from wording that was in the Sonoma County Gazette and a similar letter has been sent to the newspaper already by the Chamber. She suggested allowing the Mayor to re-write the letter.

Mayor Wilson stated he would like the letter signed by the entire Council as it is more persuasive.

Councilmember Shaffer stated the timing of the original letter did not work out and the Chamber submitted a letter to the newspaper already but she suggested the Council send a second letter to the paper to have citizens think Sebastopol first when shopping which will help the City with their sales tax issues.

Vice Mayor Kyes stated he supports sending a letter.

Councilmember Gurney suggested that the letter contain the message of how to connect the dots such as buying gasoline in town helps revenues. She suggested making it obvious to gain support from the community members and suggested the Mayor move forward and prepare the letter and send to the paper.

Mayor Wilson suggested Councilmember Shaffer help prepare the draft. Councilmember Shaffer concurred.

The Council was in consensus to prepare a revised letter to be sent to the newspaper.

City Council Action: Approved the Mayor to send a revised letter to the newspaper.

Minute Order Number: 2011-170

DISCUSSION AND/OR ACTION ITEM(s):

3. Occupy Sebastopol (City Manager)

City Manager Griffin provided an update to Occupy Sebastopol and stated an application for a permit had not been submitted to the City and the Police Department continues to operate under the previous direction of the City Council.

Mayor Wilson asked for an update from the City Attorney in regards to the New York case ruling today in relation to Occupy Wall Street.

City Attorney McLaughlin stated he reviewed the order of the trial court decision which reiterated the comments he provided to the Council at the last meeting. He stated there is no First Amendment violation of rights to remain in the plaza in violation of a City ordinance.

Mayor Wilson opened for public comments.

David Bush, Attorney representing Occupy Sebastopol stated he was speaking on behalf of the encampment. He did not have enough time to review the New York decision, but stated that California is not bound by New York courts and stated he did not think this would stand up in a California court and that it would have a different result. He provided the application for the permit, plus three copies, to the Council and provided the following comments:

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- Stated he is a Sebastopol resident
- Stated the permit does not speak to what is happening
- Stated the tents are a First Amendment right of free speech, peaceful assembly, petitioning government to change and addressing corruption. He stated he is the point person, requested a fee waiver, requested a waiver from the insurance requirement and stated it is unreasonable to put a time limit on the permit.

Chris commented as follows:

- Stated he is participating in Occupy Sebastopol
- Discussed the general assemblies
- Stated the group has been working and cooperating with the Council and Police Department
- Stated the group has a good relationship with the Police Department
- Stated the group is sharing the space with the Farmers Market and have been cleaning and sweeping the plaza
- Stated the camp can break down and move and occupy other places in the City
- Invited the Council to come to the general assemblies
- Stated the group will comply with the December 1st tree lighting ceremony and questioned if the offer was still open to relocate to the Police Department lawn
- Suggested other proactive ways to occupy such as vacant spaces, Ragle park, etc.

Thomas Morabito commented as follows:

- Stated the process is frustrating and there is no free exchange of ideas and no conversation
- Discussed the Council goals and priorities of conducting town hall meetings
- Urged the Council to be patient with Occupy Sebastopol
- Stated people want to work together
- Stated this could set the tone for the whole country
- Suggested an informational booth that could be manned 24/7

Linus Lancaster commented as follows:

- Stated the pride of the residents are reflected at the general assembly meetings
- Stated he would like to see the Sebastopol movement a model for the country
- Stated the Healdsburg Area Teachers Association has endorsed Occupy Sebastopol
- Read a prepared statement addressing budgets, relocation of jobs, electoral process, etc.
- Stated the group has a commitment to non-violence
- Thanked the Council and Police Department for their patience and understanding
- Asked the Council to join and support Occupy Sebastopol

Jim Stoops commented as follows:

- Stated true patriots are the occupiers of moral high ground in the country
- Stated peace, social and economic justice are being discussed
- Discussed moral integrity
- Discussed the violent justice system
- Stated vagabonds and bums are not part of the movement
- Stated the people in the movement are not criminals but that the banks and boards of the banks are criminals
- Stated the media is behind that power system and is embarrassed of the media's portrayal
- Questioned the amount it costs to clean up these areas and discussed the media's portrayal of this
- Stated the people in blue do not care about probable cause or due process and stated they can be violent beyond what is expected of public servants

Elizabeth commented as follows:

- Discussed the camping space and structures
- Stated this is not setting a nice tone for the City
- Stated the tents do not look pretty

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- Suggested one table that can be staffed day and night
- Stated if people want to camp, they should go to an acceptable campground
- Stated she supports the ideas of Occupy Sebastopol and stated this could set the model for the country
- Stated she is compassionate to both sides, but does not want to see the tents

Matthew commented as follows:

- Stated this is a unique opportunity to raise the community voice in this misrepresented economy
- Stated the Plaza is an area that can remind people every day of this misrepresentation and that people can make things happen
- Discussed the comment about the tents that they are not nice looking and stated these tents are representative of a result of the interior of the system and the exterior is a result of what is being done to the citizens

Tim Ryan commented as follows:

- Stated it is not an eyesore and that it has created business
- Stated the owner of the coffee shop comes to the general assembly meetings
- Stated this is not about camping but about ideas, dialogue and finding solutions to problems
- Stated the encampment is integral to the movement
- Stated the group is operating in good faith
- Stated direct democracy is a hard process
- Stated the lawyer only had five days to look at the document and that they are trying to operate in good faith
- Urged the Council to follow the Occupy Sebastopol lead and attend the general assemblies and create an open dialogue
- Reminded the Council about the depth of support Occupy Sebastopol has received
- Thanked the local businesses for their support

Colleen Fernald commented as follows:

- Thanked the City Council and staff
- Stated this is a unique part of a cultural shift in history
- Stated the Council should hold an Occupy Sebastopol town hall meeting
- Discussed her portable puppet show for art and art tent
- Stated this movement shows what we want to build for the future
- Stated the Santa Rosa Occupy is not going well
- Urged the Council for dialogue and suggested a fair and sensible agreement

A member of the audience commented as follows:

- stated he spends the nights at the camp and that he has set up their ham radio operations
- Attends the general assemblies
- Stated he did not plan on getting involved with the movement
- Stated communication and education are important
- Stated Sebastopol is small and unique
- Stated if this occupy had not taken place, he would not have met a lot of these people
- Stated this movement has opened his eyes to people who are less fortunate than he is
- Stated the Police Department has asked questions and been very friendly

Jim Corbett commented as follows:

- Stated he is excited about Occupy Sebastopol and that this is a spiritual awakening
- Stated he is not a big fan about tents on the plaza
- Stated he will be requesting a permit for Solidarity Saturday to be held on the Plaza
- Stated this is the last chance to get it right and that Solidarity Saturdays the next step the movement needs to take to talk about the issues
- He stated the Council has three options: deny their presence; allow the presence; endorse and support this as a community

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- He stated this is a solid movement with positive outcomes
- Stated the actions have been peaceful

Justin commented as follows:

- Stated he is part of the occupy movement
- Stated they are doing what they can about the permit
- Discussed the local movement
- Discussed why they are there and stated they are not properly represented
- Questioned the spirit of the law that requires the permit
- Stated they are trying to comply
- Stated this is a First Amendment political message and a victimless crime

Terri commented as follows:

- Stated she does not know what Occupy Sebastopol is doing but that the town needs to come together
- Stated this is an awesome community that rocks and people should come together to talk
- Discussed education and public safety programs
- Discussed the homeless situation
- Urged the small banks to step up and offer incentives to have people transfer their money from larger banks
- Stated she supports Occupy Sebastopol

Rihanna commented as follows:

- Resident of Sebastopol
- Stated the Occupy Sebastopol movement is representative of the economical and political shifts
- Stated this is a step towards healing and that we are at a cross roads as species
- Urged people to change ways and heal the damage
- Discussed potential water wars and stated the economic status is connected to environmental degradation because it was sold to the highest bidder
- Stated people's needs are not being met

Mary commented as follows:

- Stated she believes in free speech and conduct in a lawful manner
- Stated the Council has suspended the ordinance and has now created a health and safety issue
- Stated the law has been ignored
- Stated people's patience has been stretched
- Read an invitation to other cities inviting them to Occupy
- Questioned if there was a limit to the amount of people who could be in the Plaza
- Asked if campers are going to start camping elsewhere such as vacant houses
- Stated this is setting a precedent and the City cannot afford these liabilities
- Stated this is not healthy for the City budget
- Questioned the intentions of Occupy Sebastopol, what their future actions are and what the Council intends to do

Andrew DeRoos commented as follows:

- Stated this is a pressing issue
- Urged the Council to embrace and create a change that all want to see
- Stated Occupy Sebastopol has occupied the space of the town plaza and stated they would like to have a facility for community meeting space
- Stated they are moving forward and evolving
- Urged the Council to accept the possibility of working with the movement, seeing change and working together

Mayor Wilson called for a break at 7:45 pm and reconvened the meeting at 8:03 pm.

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Mayor Wilson stated the Council cannot resolve the application here on the spot and questioned if staff can review the application in a timely process and when might staff reach a decision.

City Manager Griffin stated he would review the application and have a decision by close of business tomorrow.

Mayor Wilson stated this is the framework for going forward.

Councilmember Gurney addressed the public comments as follows:

- Stated formal procedures are challenging and frustrating but have to be followed
- Complimented the speakers
- Stated she is grateful the group has provided an attorney as the contact person
- Thanked the group for submitting the permit application
- Stated she would be in favor of the fee waiver
- Thanked the group for their willingness to break down the camp and move it elsewhere
- Would like the Council to entertain the idea of a town hall meeting
- Stated the issues are not reflected of the City council but of corporate and media
- Stated she wants this activity to be a model
- Stated this community and government have taken a leadership role and are looked up to from other communities
- Discussed a proposed resolution supporting the Occupy Movement
- Stated the group is operating in good faith
- Urged the group to avoid confrontation and stated she has zero tolerance for violence, harm, loss of business, damage to public facilities
- Stated she is proud of how the Police Department has handled things
- Discussed the importance of education and communication
- Stated she likes the idea of a table manned or having the camping go elsewhere
- Urged the Council to consider a resolution supporting the greater movement
- Encouraged the Council to deal with the permit issues and permit with reasonable conditions
- Urged each individual to be responsible for their own actions
- Urged dialogue with the community and personal interaction

Mayor Wilson stated the resolution is not on the published agenda and would require a formal vote. He stated this is a specific action for a specific item and stated it would need to be listed on the published agenda for the Council to take action.

Councilmember Gurney explained her reasonings for asking that this resolution be approved tonight. She stated it is a conversation from the previous meeting where she stated she would like consideration of a resolution and stated it would be a good thing to do and that these issues were raised at the last meeting.

Mayor Wilson explained his position and the importance of public notice. He stated that this agenda did not specifically state the action of voting on a resolution and suggested that this item be agendaized at the next meeting.

Vice Mayor Kyes stated the agenda item is an open ended and that the resolution falls under this title. He stated if it could not be voted on, he would be hard pressed to rationalize discussing other action items and stated it would be legitimate to look at this resolution.

City Attorney McLaughlin discussed the Brown Act and that items need to be adequately and properly agendaized so that the public is alerted to the nature of the item. He stated that this item was a status report to the Council and possible further discussion of issues from last time such as the ordinance and camping. He stated he would not propose acting on this resolution tonight.

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Councilmember Gurney stated she would like the resolution for the entire movement, not just Occupy Sebastopol. She stated that former Councilmember Larry Robinson suggested doing the resolution in support of the entire movement.

Vice Mayor Kyes questioned if this would be agendaized for the next meeting.

Councilmember Gurney stated she would assume that this would receive a 2-2 vote tonight and would prefer to agendaize this for the December 6th meeting and would welcome contributions to the resolution.

Mayor Wilson stated there is no assumption as to the outcome of a vote on this resolution and stated his comments referred to the rule of law and the aspirations of how the law should be conducted faithfully applied and that his comments should not be construed as an advance vote. He stated this can be discussed at the agenda setting committee meeting.

Councilmember Shaffer thanked the applicant for submitting the application and appreciates that for the most part, this has been peaceful. She suggested for the future a symbolic tent with an informational table.

Councilmember Gurney thanked staff for their excellent effort in staying in communication with the Council. She requested an update from the Police Chief as to whether or not there have been any incidents of conflict or if this has been a peaceful event.

Police Chief Weaver stated there have been three arrests for people with warrants that were taken into custody peacefully and that it has been a peaceful event.

Councilmember Gurney questioned if the Police Chief is in communications with other law enforcement agencies and networking to get information.

Police Chief Weaver stated he has not reached out to other agencies and that there is no discussion or strategies being discussed.

Councilmember Gurney questioned if the Police Chief had ideas or suggestions for alternatives other than this permit application. Police Chief Weaver stated no.

Councilmember Gurney stated a citizen has asked her where the City banks.

City Manager Griffin stated the City banks at West America Bank.

Councilmember Shaffer questioned if once City staff reviews the application, will there be a need for another special meeting.

City Manager Griffin stated it would depend on the outcome of the review of the application. He suggested that staff be allowed to review the application as they would with other applications and staff will inform the Council as to their decision.

Councilmember Shaffer questioned if staff had any information on the permit process and outcome for the City of Santa Rosa.

Vice Mayor Kyes stated that this special events permit may not fit this situation and asked the Council to give staff leeway and not limit this to City laws and suggested waiving the fees and suggested the City mirror Santa Rosa's process using similar guidelines.

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Mayor Wilson stated he expects consistency in how staff would review the application and stated it would be problematic when a different process is established for a certain event. He stated he is reluctant to pre-direct staff to treat this application differently. He stated he appreciates the phenomenon and stated three meetings have been held on this item and that there is a lot of feelings out there and that there is a frame work in place. He stated he does not appreciate telling staff how to process the application. He stated staff will review the application and that there could potentially be a special meeting depending on staff's decision.

City Manager Griffin stated he would review the application for the permit on its merits and base the decision on that and the determination would be the basis for whether or not there would be the need for a meeting.

Councilmember Gurney questioned if it is an administrative decision, why would it come back to the Council.

City Manager Griffin stated that the applicant could appeal the decision. He stated the three outcomes would be: approve; approve with conditions; or deny.

Mayor Wilson questioned if the decision was appealed, would this be on the next City Council agenda.

City Manager Griffin explained the appeals process.

Councilmember Gurney questioned if an appeal is made, could the Council call an expedited meeting.

City Attorney McLaughlin stated if it is an urgent matter, the Mayor can call a special meeting.

Councilmember Gurney stated it would be difficult to do during the holiday period.

Mayor Wilson stated he would like to see clarity and would like to get to the substance sooner rather than later. He stated that these meetings have provided a public forum for a political cause, but that the City needs to deal with the technical issues of City property.

City Manager Griffin stated he will review the application and inform the Council of his decision and also the applicant.

Mayor Wilson questioned if the decision can be posted to the City website. City Manager Griffin stated he does not want deviate from standard practice for routine applications.

City Council Action: None Taken, Received update.

Minute Order Number: 2011-171

Councilmember Shaffer moved and Mayor Wilson seconded the motion to move Item Number 5 as the next item to be discussed on the agenda.

VOTE:

Ayes:	Councilmembers Gurney, Shaffer, Vice Mayor Kyes and Mayor Wilson
Noes:	None
Absent:	Councilmember Slayter
Abstain:	None

5. Discussion and Action of Request from Sebastopol Downtown Association on Proposed Budget (City Manager)

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City Manager Griffin presented the staff report recommending the City Council approve the proposed Sebastopol Downtown Association Budget expenditures.

Ian Kalember, Vice President, Sebastopol Downtown Association, commented as follows:

- Stated the Downtown Association is excited about reforming
- Stated there is a great sense of community and strong leaders involved
- Stated this is a new huge beginning

Vice Mayor Kyes questioned if it was a requirement for the Council to approve the budget.

City Manager Griffin the resolution states the Downtown Association recommends to the City Council the expense of funds as these are public funds and the Council has the authority not to agree with their recommendations.

Mayor Wilson discussed the creation of these funds as an assessment against businesses in the downtown area.

City Manager Griffin stated that businesses within the downtown area assessed an assessment on their business license each year.

Mayor Wilson stated that at some point in the future there may be a better way of handling the funds so that the Council does not have to be the referee.

Councilmember Shaffer stated she is excited that this group came together to reform the Downtown Association and stated that this group how demonstrated their willingness to be organized and work for the downtown and stated they are coming up with great ideas and she would like to see this move ahead.

Mr. Kalember stated this will create something great and that business owners are in the same room and generating new ideas for the downtown.

Councilmember Gurney suggested an accurate accounting of funds and encouraged the association to stay in touch with the Council and provide updates. She discussed relationships and developing rapport with the Chamber also and to encourage the community to come and shop there.

Mr. Kalember suggested a quarterly report to the Council.

Vice Mayor Kyes stated he was uncomfortable with approving a proposed budget with no figures. He stated he has no problem with giving the Association the \$14,000 as it is their money, but stated a budget with no figures is a budget that is not well thought out. He stated the City does not know what can of worms they are opening.

Mayor Wilson stated he does not want the Council to be in the position of micro managing and that he would leave it to staff's discretion. He stated this is a committed group of business entrepreneurs who have a self interest of wanting this to success and believes that this would be spent wisely. He stated he would like to see the structure changed so that the Association would not be subject to the Council. He suggested disbanding the group and creating a private association of raising funds and then the government involvement does not need to be there.

Mayor Wilson opened for public comment.

Randy Coffman stated that exact amount of funds to be spent will depend on the amount of funds the association has. He stated the Association cannot discuss with radio, facebook, etc the amount to be spent until they know they amount they can spend.

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Mary Grul, President, Downtown Association, provided the following amounts for the budget:

\$1650 - advertising

\$2500 - radio

\$1000 insurance

\$700 - office supplies

\$5.50 per web site hit

Councilmember Shaffer moved and Mayor Wilson seconded the motion to approve the proposed Sebastopol Downtown Association Budget expenditures.

VOTE:

Ayes: Councilmembers Gurney, Shaffer, Vice Mayor Kyes and Mayor Wilson

Noes: None

Absent: Councilmember Slayter

Abstain: None

City Council Action: Approved the proposed Sebastopol Downtown Association Budget expenditures.

Minute Order Number: 2011-173

4. Cittaslow Sebastopol Presentation and Discussion and Action of Authorization of Steering Committee and Authorization for Payment of Half of the Annual Fee (Mayor Wilson)

Mayor Wilson presented the report recommending the City Council receive the presentation from Cittaslow and discuss whether to authorize the volunteer interim steering committee move forward as described and approve the funding of \$1050 (one half of the annual dues) for the current Cittaslow International dues and provided background information about the program.

Tasha Beauchamp, Cittaslow Committee, provided a power point presentation detailing Cittaslow.

Councilmember Gurney read a list of sponsors and supporters of the item and also stated the Terry Kelley, Senior Center, and Laurie Gallian, Mayor, City of Sonoma, also support this item. She stated the intent is to bring people forward under one umbrella and that the issues resonates easily for Sebastopol. She thanked the private donor.

Mayor Wilson thanked the City Manager for his help with the application that helped make Sebastopol a Cittaslow City. He discussed the potential for benefit for the City's economy and a greater recognition and increased tourism.

Vice Mayor Kyes concurred with the potential economic benefits that will result from international advertising. He stated this is done in a robust way for very little money. He suggested the funding for this project be used from the City Council fund.

Mayor Wilson discussed the community fund with a balance of approximately \$14,000. He stated that this fund was created from donations from residents and questioned the status of the fund.

City Manager Griffin presented information on the creation of the fund and where it stands now and stated this will be a budget item that will be returned to the Council.

Mayor Wilson stated the driving spirit of the fund was to support non profits. He stated this is a modest amount and proposed funding this project with that account and questioned if the Council would need to identify the fund source tonight.

City Manager Griffin suggested the Council direct staff to make the expense happen and recommend the fund to be used.

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Mayor Wilson suggested approving the expenditure and stated the community fund would be appropriate for this.

Councilmember Shaffer questioned the amount remaining in the City Council's fund and questioned if that fund was divided 5 ways.

City Manager Griffin stated the Council did approve to split that fund five ways and there is approximately \$3200 remaining. He stated the intent was to allow Councilmembers to bring their items forward when they have an expense to this account.

Councilmember Gurney urged the Council to work in consensus with this fund to optimize the value of the dollars.

Councilmember Shaffer questioned the structure of the committee and stated she is unclear. She questioned if this is similar to Sebastopol World Friends that was a City committee and then evolved to a separate committee with a Council liaison to the committee.

Mayor Wilson discussed that Sebastopol World Friends is a 501 3 (c) with a liaison from the City Council. He discussed the funding for Cittaslow and stated there is a national account targeted for Sebastopol but is not a City account. He stated the City owns the license to the Cittaslow icon and designation. He stated the requirement is remain engaged and that it may end up with a local 501 3 (c).

Alana, Cittaslow, discussed the set up of Cittaslow and funding. She stated there is an international level, a national level, and a local level and that the local level is developed up to the City. She discussed the different levels of Fairfax and Sonoma and stated that each committee or Commission is approved by the City and that the committee or commission provides a yearly report to the Council.

Councilmember Shaffer requested the logo not be required to be on the City letterhead.

Councilmember Gurney stated that issue was deleted at the committee level. She discussed the language and stated this is an exhaustive list that depends on the interaction of various people.

Ms. Beauchamp stated that list mirrors the application that was submitted to make Sebastopol a Cittaslow City and stated it was the criteria used.

Alana stated that the list is comprised of certified criteria that was used to evaluate each City and that there could be areas that the City chooses not to go into. She stated the Cittaslow committee will be reviewing the criteria at their 2012 meeting and may be tweaking the criteria.

Councilmember Shaffer stated that a lot of this is happening already and she is excited to see this.

Councilmember Gurney stated that there is a lot of work that has been done that the committee may not be aware of such as what the Sebastopol Downtown Association is doing and stated this is a great vehicle to get people together.

Mayor Wilson opened for public comments.

Phillip Corbin commented as follows:

- Questioned why the opposition to not using the Cittaslow logo on City letterhead
- Discussed public/private partnerships
- Stated the icon on City letterhead would help to promote the City
- Stated SESAW is very support of Cittaslow

Craig Litwin commented as follows:

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- Stated he has traveled Europe and visited Cittaslow cities
- Stated this is an easy marker for people to choose to visit cities that share the same values as Sebastopol
- Stated it would be great to have this international advertising capability for such a little amount of money
- Urged the Council to move forward and discussed potential economic benefits

Carl Kerwick, Interim Steering Committee, commented as follows:

- Stated this is a value in the General Plan and represents values of this community
- Stated when the General Plan is updated, it should reflect the intentions of where Sebastopol wants to go and that these values should be re-framed in this legal document

Alana commented the logo is not in the committee work plan but is on the list because it was described in the criteria.

Mayor Wilson stated it does not need to be listed on City letterhead.

Vice Mayor Kyes moved and Mayor Wilson seconded the motion to receive the presentation from Cittaslow and authorized the volunteer interim steering committee to move forward as described and approved the funding of \$1050 (one half of the annual dues) for the current Cittaslow International dues.

VOTE:

Ayes:	Councilmembers Gurney, Shaffer, Vice Mayor Kyes and Mayor Wilson
Noes:	None
Absent:	Councilmember Slayter
Abstain:	None

City Council Action: Receive the presentation from Cittaslow and authorized the volunteer interim steering committee to move forward as described and approved the funding of \$1050 (one half of the annual dues) for the current Cittaslow International dues.

Minute Order Number: 2011-172

6. Discussion and Action of concerning the prohibition of drive through windows and drive in restaurants and a recommendation to direct staff to draft modification options for review (Councilmember Shaffer)

Councilmember Shaffer presented the report recommending the City Council discuss the recommendation whether or not to direct staff to draft modification options on drive through windows and drive in restaurants. She discussed the background with the application for Amy’s Kitchen and stated this would have been a business that would have fit well in Sebastopol. She stated she would like to see options available and suggested ideas such as drive thrus in certain zoning districts, special standards or at the City’s discretion. She stated she would like staff to propose options to consider. She stated she brought this item forward as people have expressed these concerns to her and wanted their voices to be heard.

Vice Mayor Kyes questioned if Amy’s Kitchen application was an administrative or Planning Commission denial.

Planning Director Webster stated it was denied at the administrative level and then appealed to the Planning Commission where the upheld staff’s denial.

Vice Mayor Kyes questioned if this would have required a General Plan amendment.

Staff stated it would have been a Zoning Ordinance amendment.

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Mayor Wilson discussed the background for this prohibition and questioned if it was so that there would not be more fast food drive thrus in town.

Staff stated the reasons for the change was land use concerns, drive thrus emphasized autos, concern with pollution and types of food promoted were some of the concerns.

Councilmember Gurney questioned why the City would want to open this up now.

Councilmember Shaffer stated this business would have been a boon to the Sebastopol economy and stated she would like to have options in place so that the City could have allowed a business like this in town.

Mayor Wilson suggested looking at this issue during goal setting and discuss the over-indulgence of autos in local business.

Councilmember Gurney suggested looking at parking requirements. She stated that when a business with values that resonate with the community wants to come to Sebastopol, the City has a tendency to leap She stated the process back the applicant into an appeal. She stated she reached out to the applicant have a conversation with no response.

Councilmember Shaffer state the applicant did not want to look like they were a corporation that was trying to push someone around.

Mayor Wilson stated he also had a conversation with the project proponents.

Mayor Wilson opened for public comment.

- Randy Coffman commented as follows:
 - Stated the Planning Commission followed the ordinance and had no choice
 - Suggested pre-planning committees as a stepping stone before it reaches the Planning Commission

John Henel commented as follows:

- Stated he supports the request to open up this issue
- Stated the City missed a good opportunity because of the structure and rules in place
- Stated Amy's Kitchen would have been a good fit and the City missed a good chance

Clare Najarian commented as follows:

- Stated the City did not lose a good opportunity
- Stated Amy's Kitchen lost an opportunity to work with the City
- Stated the dialogue broke down and the applicant wanted to be in town, but left because they did not get what they wanted

Robert Jacob commented as follows:

Stated the City did lose an amazing opportunity

Stated he wished there was another option

Stated it is important that the Council let staff and the Planning Commission know what their intention is when they pass an ordinance

Councilmember Shaffer stated she would be willing to discuss this at the goals meeting.

Vice Mayor Kyes discussed the 194 General Plan and stated he would like to limit all kinds of drive thrus.

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Councilmember Gurney stated she would like to look at all the ordinances and modify and update those that need it and do this within the context of the General Plan Amendment. She stated to do it now may be premature.

City Council Action: None Taken.

Minute Order Number: 2011-174

PRESENTATION(S): NONE

PUBLIC HEARING(s):

7. Resolution Amending Bicycle and Pedestrian Master Plan (Engineering Director)

Engineering Director Kelly presented the staff report recommending the City Council conduct the public hearing and approve the resolution amending the Amending Bicycle and Pedestrian Master Plan.

Councilmember Shaffer discussed the lighting at crosswalks and questioned if it would make a difference to have lag time between when someone pushes the button and when they walk. She discussed near misses of people walking in the crosswalks.

Engineering Director Kelly stated she did not know the answer.

Mayor Wilson opened the public hearing.

Hearing no comments, Mayor Wilson closed the public hearing.

Councilmember Gurney moved and Vice Mayor Kyes seconded the motion to approve the resolution amending the Amending Bicycle and Pedestrian Master Plan.

VOTE:

Ayes: Councilmembers Gurney, Shaffer, Vice Mayor Kyes and Mayor Wilson

Noes: None

Absent: Councilmember Slayter

Abstain: None

City Council Action: Approved the resolution amending the Amending Bicycle and Pedestrian Master Plan.

Resolution Number: 5857

INFORMATIONAL REPORTS (No Action Required by the City Council): NONE

CITY COUNCIL REPORTS

8. City Manager Reports: There were none

9. City Council Committees: There were none.

10. Council Reports: Councilmember Gurney reported on the SCTA meeting and stated there is a deadline regarding the PDA and would like to agendaize this for the December 6th meeting and offered her services to staff.

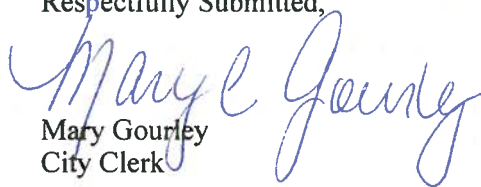
11. Council Correspondence: There was none.

CLOSED SESSION: NONE

ADJOURNMENT

Mayor Wilson adjourned the City Council Meeting at 10:40 p.m. to the Next City Council Meeting to be held on December 6, 2011 at 6:00 pm at the Sebastopol Youth Annex, 425 Morris Street.

Respectfully Submitted,

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

Mary Gourley
City Clerk