



City of Sebastopol
CITY COUNCIL SPECIAL
MEETING
APPROVED MINUTES

Mayor
Guy Wilson
City Council
Michael Kyes, Vice Mayor
Kathleen Shaffer
Sarah Glade Gurney
Patrick Slayter

APPROVE MINUTES OF THE November 17, 2011 SPECIAL CITY COUNCIL MEETING

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

City Manager
Jack Griffin
City Attorney
Larry McLaughlin
City Clerk
Mary Gourley

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

CALL TO ORDER: Mayor Wilson called the meeting to order at 7:02 pm

ROLL CALL

Present: Councilmembers Gurney, Shaffer, Slayter, Vice Mayor Kyes and Mayor Wilson
Absent: None
Staff: City Manager Griffin, City Clerk Gourley, City Attorney McLaughlin, Engineering Director Kelly, and Police Chief Weaver

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

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.

Colleen Ferland commented as follows:

- Urged a safe and successful Occupy everywhere
- Discussed her talk with Tom Hartman on KSRO radio
- Urged KSRO to be in touch with the Mayor to discuss positive aspects of the movement
- Urged a Town Hall Meeting on Occupy and urged the Council to get involved with Occupy Sebastopol
- Stated there is no positive mention in the media of this civil and well organized event
- Urged the Council to pass a resolution to work collectively

1. Occupy Sebastopol Permit Status Update (City Manager)

City Manager Griffin presented the staff report and provided an update to the City Council on the Occupy Sebastopol permit status.



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Councilmember Gurney commented as follows:

- Thanked the yoga group for canceling their class so the Council could meet in the Youth Annex tonight
- Stated this application was submitted at the last Council meeting and questioned if the application was reviewed at that meeting

City Manager Griffin stated the application was not reviewed for approval. He stated however, that during the break the two attorneys discussed the issue of no signature at which time the attorney for Occupy Sebastopol stated he would not sign the application due to insurance and financial liability requests.

Councilmember Gurney stated the Mayor, City Manager and City Attorney knew that this was an issue when the permit was submitted and questioned why this was not raised during this public meeting so that it could be discussed.

Mayor Wilson stated he was not aware of the issue at that meeting.

City Attorney McLaughlin stated he asked Mr. Bush if the lack of signature was an oversight or intentional and Mr. Bush stated it was his intent not to sign the application. He stated that Mr. Bush informed him that Occupy Sebastopol would be forming a non profit and that was the extent of the conversation. He stated that staff did not confer as to review of the document and that it would not have been appropriate to have reviewed the application during the Council meeting.

Councilmember Gurney stated she would have liked to have known at that time that the signature was missing so that the Council could work in good faith with the applicant.

Councilmember Shaffer questioned if Occupy Sebastopol has been in touch with the City of Sebastopol and discussed that she is aware of various meetings being held.

City Manager Griffin stated no one has approached the City regarding this permit application but stated he did have independent meetings today with members of Occupy Sebastopol.

Vice Mayor Kyes stated he did attend the General Assembly today and stated this permit application was discussed at that meeting.

Councilmember Shaffer questioned if fees have been waived for previous special event permits.

City Manager Griffin stated not that he is aware of.

Councilmember Gurney questioned if any request for waivers in the past have been applied for.

City Manager Griffin stated not that he is aware of.

Councilmember Gurney requested the Police Chief provide an update if there were any public health or safety issues in the plaza.

Police Chief Weaver discussed two incidents in the plaza (public urination and an individual with open container), but stated he is not sure if they are directly related to Occupy Sebastopol.

Mayor Wilson opened for public comment.

Aerial read a proposed work in progress compromise that she stated is being reviewed by the General Assembly.

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Matthew commented as follows:

- Stated he has read and supports the compromise
- Urged the group to discuss and debate the subject and issues
- Stated this is a clean, safe, dry, free environment
- Stated that people who want to remove the tents do not want to look at the injustice of America
- Stated he is disappointed that the tents are being turned away

Richard Nichols commented as follows:

- Discussed peace marches
- Stated this is taking on the systematic problem not just the system
- Stated the CEOs are getting extraordinary pay
- Stated he is 100% supportive of this movement
- Discussed the civil rights movement
- Stated he is quite moved by this event

Dana commented as follows:

- Stated she supports the peace town compromise and that it is a work in progress
- Stated the camping allows for homeless teenagers to have somewhere to go and people to look up to who are a stable presence
- Stated this is making a difference
- Urged the Council not to abandon the homeless teenagers
- Stated if it was necessary and the group did not receive permission she would risk arrest to be allowed to stay there

Thomas Morabito commented as follows:

- Discussed his personal vision
- Stated he would like to see a trailer on site
- Stated he would like to see an informational booth manned 24/7
- Stated he would like to see all of Sebastopol participate
- Stated Occupy is a dedicated group of individuals who are good people, have good hearts and want to make things happen
- Stated if rejected the Council would be missing a golden opportunity

Jim Corbett commented as follows:

- Stated this is brilliant and needs to happen and the compromise is a good out for the City
- Urged the Council to allow an informational booth
- Stated he supports this compromise as Sebastopol is Peacetown USA
- Stated there is a better way of living in America
- Discussed Solidarity Saturday and stated there is still more work to be done

Colleen Fernald commented as follows:

- Stated she discussed at the General Assembly her meeting with the City Manager regarding permits
- Discussed free speech and stated the businesses support Occupy Sebastopol
- Stated she welcomes the compromise and is pleased with it
- Urged the Council to waive fees
- Discussed use of an art pod and asked the Council to waive fees and insurance and 30 day review
- Stated she loves the idea of a citizens committee and urged the Council to participate in the Occupy movement
- Urged moving forward with solutions

Theresa Ramondo, Sebastopol Area Chamber of Commerce, read a prepared letter to the Council regarding the tree lighting ceremony.

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Ralph Paterno commented as follows:

- Stated the compromise is brilliant
- Stated this is a great model and has potential as leadership possibility for other cities
- Stated he works two days a week at the Occupy at Oscar Grant Plaza and stated this is a big step
- Stated this shows leadership for all citizens

Ben Browner, Occupy Santa Rosa, commented as follows:

- Discussed the raid on the City of Santa Rosa tonight
- Stated this is an easy decision
- Stated the Occupy has created a conversation circle around the community
- Stated people are coming together and talking with each other to find a solution to what the world needs
- Urged the Council to allow the tents to occupy the town square
- Urged the Council to talk about what is needed

Robert Jacob commented as follows:

- Stated he is saddened to see this happen
- Stated the compromise is an easy way out for Sebastopol
- Stated the City is approving ordinances where our citizens can't survive in our society
- Stated Sebastopol is the corner of the West County
- Discussed the injustice in society
- Stated he was concerned that the City would pull the plug on this because of a missing signature
- Stated we are all Sebastopol; change needs to happen; and Sebastopol is the leader of all movements
- Urged the Council to help organize, take the application and make this event happen

Eileen Morabito commented as follows:

- Read the compromise of a work in progress and stated she supports this compromise
- Urged the Council to debate and discuss the substantive issues of the compromise
- Stated she was moved to tears by the draft resolution circulated by Councilmember Gurney
- Urged the Council to approve and pass the resolution and take it seriously
- Stated homelessness is a real issue in this society and we cannot let them down

Sheppard Bliss commented as follows:

- Discussed the National Day of Action
- Discussed the two month anniversary of Occupy Wall Street
- Discussed his emotions of this event
- Stated there is no turning back for the 99% and stated this is a tidal wave and spiritual awakening
- Urged the Council to allow the group to continue their practice, discuss a strategy, urged the group to remain non violent and discussed direct action
- Thanked the Police Chief for bringing brownies to the General Assembly meeting

Terry, Tiger Safety, commented as follows:

- Discussed her safety web site and stated she put a page for Occupy Sebastopol on her web site
- Stated Sebastopol is a hodge podge of people
- Discussed safety and homeless issues in Sebastopol
- Stated this is a great opportunity to come together

Justin Diehl commented as follows:

- Supports the work in progress compromise
- Stated he works and lives in town but has been camping out at the Occupy Sebastopol
- Urged the tents to remain so that the message can be heard on a full time basis
- Urged Sebastopol to lead by example and discussed Peacetown USA
- Stated the plaza is the center of town and is where all the energy is
- Stated Occupy deserves to be heard, stated they believe in peace and stated this resolution is the first step to having the City Council and Occupy work together

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Liza commented as follows:

- Struggled with the issues of Occupy Wall Street
- Stated her heart grows huge when he sees the tents
- Stated the tents are an outward sign that something is not right
- Urged the Council not to take the tents down
- Stated she likes the idea of an informational booth
- Stated she has seen the group sweep, clean, etc and help homeless teenagers
- Stated this is a community symbol

Barbara Briggs Letson commented as follows:

- Was originally upset at Occupy Sebastopol for not signing the application
- Stated it is disrespectful to the taxpayers and the community that is trying to work with the City
- Stated she then read the compromise and supports the compromise
- Urged the Council to work with the group and approve the compromise

Margie commented as follows:

- Discussed the other movements and stated this brings focus to dialogue and discussions that are going on
- Urged people to think of how to bring the issues to the forefront
- Stated this is not a tent or no tent issue
- Urged the people to not let the media control the discussion

Helen Shane commented as follows:

- Proud to live in Sebastopol
- Urged the Council to leave the bubble alone
- Urged the Council to go along with the compromise and resolution

Brenda Nichols commented as follows:

- Stated she attended the plaza meetings and was apprehensive of Occupy
- Stated she had a vision of the homeless taking over the camp and being irresponsible
- Stated this is not the case in Sebastopol
- Credits the Police Department for keeping control of the situation and being vigilant
- Stated she is happy she was proven wrong by Occupy Sebastopol
- Stated she believes in the movement and this is not going away

Mayor Wilson commented as follows:

- Discussed the permit issues and stated there were omissions on the application
- Stated there is a question as to who represents Occupy Sebastopol
- Stated the lawyer, Mr. Bush, came forward at the last meeting and submitted an application to the Council which is the topic of tonight's agenda item
- Stated the Council needs to deal with this ongoing situation as it relates to the local ordinances and other considerations

Mr. Bush, attorney representing Occupy Sebastopol, commented as follows:

- Stated this could have been addressed at the last meeting
- Stated he is doing his best to define Occupy Sebastopol and stated it is in the infancy stages
- Stated the leadership is being flushed out and that goals are being decided upon
- Discussed the peacetown compromise presented tonight but stated the Council cannot accept this as a formal offer but can be discussed
- Stated it has not been approved by the General Assembly
- Stated the mothers of the movement have requested that the tents not be removed as there would be no place for the homeless teenagers to go

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- Stated Occupy is not about the homeless only but how the homeless fits into the movement and stated it is not known what the movement is yet
- Stated it is not defined and that it will be known when it is seen
- Stated he cannot promise removal of all tents
- Thanked the Police Chief and stated the police get the meaning of this movement
- Stated the police are reaching out to the occupiers
- Urged the Council to join and take this to the next level (Board of Supervisors, then State, then Federal)
- Stated the issue is corruption of federal government
- Stated the City accepted the permit knowing it was not signed and stated he would win this issue in court
- Stated it should have been brought up at the meeting
- Stated the application was submitted in good faith and that no one can accept all liability
- Stated this permit application does not fit the event
- Discussed emails between City staff and himself
- Stated he discussed with the City Attorney that Occupy Sebastopol was incorporating and would need some time
- Discussed democracy problems with incorporation
- Stated Sebastopol is the cutting edge of California and that this opportunity needs to be taken advantage of
- Discussed the liability issues and stated he would have the group sign waivers holding the City harmless and would hold them in trust
- Stated there are signs that state "occupy at your own risk" on site
- Stated this camp is sustainable and a model for all
- Discussed issues came from elsewhere such as the bars
- Discussed the incident with the open container bottle and stated he believes it was planted there
- Stated this movement will surpass the tea party
- Stated this group is doing cutting edge stuff

Mayor Wilson stated that the comments stated are confusing as a peacetown compromise work in progress was submitted to the Council tonight for their review and discussion but then Mr. Bush stated it has not been approved by the General Assembly. He also stated that he is not sure that tents fall under the First Amendment.

Mr. Bush discussed peaceful assembly and petitioning of government for redress of grievances. He stated that tents are protected by the First Amendment but that they do not want to play this out in courts and have submitted a compromise instead. He stated the General Assembly has not fully approved this yet, but that it looks favorable. He suggested the Council sit on the permit application and see what happens in the next 48 hours. He stated if passed, it would make the application for a permit moot.

Councilmember Shaffer questioned how many people are in Occupy Sebastopol.

Mr. Bush stated during the day about 45- 55 people with spectators and visitors who are dropping off food and supplies or just talking. He stated probably about 400-500 people.

Councilmember Shaffer questioned who was involved with the decisions of the compromise. Mr. Bush stated everyone is welcome to vote.

Councilmember Shaffer stated the City is not blind to the homeless issue and that they are doing what they can to help the homeless in the community. She discussed the homeless programs that are on going at the churches and stated it is not being ignored.

Mayor Wilson stated he does not want to get involved in the internal governance of Occupy Sebastopol but would like to get a better sense of what their intentions are; what they represent will happen; and stated there is a vagueness and they are asking the City Council to roll with the situation of something that

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may or may not happen. He questioned if Mr. Bush was the spokesperson and Occupy Sebastopol was his client. He stated there are serious issues to be resolved and stated that all people of Sebastopol need to be taken care of including the elected representatives. He stated he appreciates the phenomenon of this event and that it is a new thing. He stated the the City has to deal with and resolve issues with State and local law and also give direction to staff. He questioned if the City wants to enforce the laws or hold them in abeyance for a certain period of time. He stated the City needs more specificity from the applicant such as: duration of the event; who is the applicant and who will be responsible; stated the application is conceptually filled out and that Mr. Bush is asking the City to fill in the blanks.

Councilmember Shaffer stated she has been waiting to hear from the group and that the group has to help the Council also. She concurs with a protest, but does not concur with the terms. She stated she hoped to have this issue resolved with the submittal of an application to have concrete items, but that has not happened.

Mr. Bush stated that this is like having a two month old baby in a crib and we have no idea what it is going to be.

Mayor Wilson stated in that situation the City would be like the parent giving direction.

Mr Bush discussed that this is not a black and white proposal; it has not been approved by the General Assembly; it has a rules of consent government and that the process cannot be rushed. He stated the Federal government supersedes all laws and that it would need 48 hours to get this compromise passed by the General Assembly.

Mayor Wilson questioned if Occupy Sebastopol should be treated differently than any other entity. He stated that applicants can apply for a permit to use the downtown square and questioned if the rules should apply to them, but not to Occupy Sebastopol.

Mr. Bush discussed the First Amendment.

Councilmember Gurney stated the perception is that the applicant applied for a special events permit application in an organized attempt, but that the application was incomplete so staff did not thoroughly review the application to see if there are other issues. She stated this was problematic. She stated now the Council has a compromise proposal pending and she would like to negotiate together to discuss details and conditions of the compromise. She discussed a similar issue with Smart Meters and stated a letter was sent to the CPUC that had been edited by the community and used by other cities and governments. She stated she is proposing the resolution be added to the agenda for December 6th showing a message of encouragement.

Councilmember Shaffer stated she hopes the applicant appreciates that the Council has to make decisions and stated jousting and negativity is not helpful and that we should all work together and practice that tonight.

Mr. Bush stated that the City is arguing over a signature and that we all agree that this permit is not the proper document for this event. He stated that he wanted to avoid trouble and believes that Chief Weaver does not want to evict these people.

Councilmember Slayter stated that everyone has to work with what we have and that the City cannot be creating special forms for one instance and if the Council chose to do that, it would not happen over night.

Councilmember Gurney stated staff could have helped the process by proactively reviewing the application and creating recommended conditions.

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Mayor Wilson stated the process is for staff to provide the form; the applicant fills out the form and provides the required information, fee and insurance which protects the government, citizens, treasury and local economy in case of incidents that may happen during the event and stated this is why the form is important along with the required information and fees and insurance. He stated it allows the City to identify who they are engaged with and who is taking responsibility. He stated the application does not have anyone who the City can look to for responsibility or liability.

Mr. Bush stated this is corporate America and there is a fallacy of law.

Mayor Wilson discussed similarities and stated the City is the municipal corporation and the citizens are its shareholders. He stated the City pays dividends to the shareholders by providing amenities with taxes paid. He stated the rules require the City speaks to the civic assets and discussed First Amendment and stated there is fair and equal opportunities for all to be there. He stated Occupy Sebastopol has been afforded the town plaza.

Mr. Bush commented that normal activity has not been disrupted in the plaza and that the tents are a First Amendment issue and do not need permits. He stated that two days is a minimum amount of time to allow the General Assembly to vote on the compromise.

Councilmember Gurney stated she appreciates this compromise, it is workable and she is comfortable waiting the 48 hours. She discussed a celebration of that event could be the removal of tents but adding an overnight component that does not involve camping, such as a candle light vigil on the sidewalk.

Vice Mayor Kyes questioned if the parking lot is part of the park.

City Manager Griffin stated the parking area is part of the park and extends to the sidewalk.

City Attorney McLaughlin stated in his review the parking lot would fall under the park portion of the plaza.

Councilmember Gurney stated she likes the idea of the citizens working group but stated calling it an advisory committee is problematic. She stated she would like to see a liaison from the Council on the committee.

Mayor Wilson re-opened the public comment period.

Mary commented as follows:

- Discussed free speech and stated camping is not free speech
- Questioned why the applicant did not sign the application
- Stated we do need changes but not a self appointed government
- Stated the compromise is vague, the applicant is a verbal bully and these are just delay tactics
- Questioned why the City would copy this model and support when the Occupy won't comply with the City
- Questioned why we should trust them to honor the tree lighting ceremony
- Stated it is a clever tactic to blame City Manager Griffin who is not to blame
- Stated she appreciates the fact that Councilmember Shaffer reiterated the fact that Sebastopol does help the homeless
- Stated there is a thinly veiled threat from the applicant
- Urged the Council not to bow to the demands and not waive the fee or insurance

Tim Ryan commented as follows:

- Stated it is likely the General Assembly will act favorably on this compromise
- Stated it was passed by this evening's General Assembly and will be acted upon tomorrow by the morning General Assembly

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- Stated this is a presentation of good faith and is a work in progress
- Stated it is a real compromise offer

Robin commented as follows:

- Stated she is an activist and this is about all fronts and urged the movement to fight on
- Stated we are already occupying Sebastopol
- Urged the movement to make people aware of dialogue
- Stated we are all 99%
- Stated we live in a great town and a great community
- Stated businesses are not hurting but are actually doing better

Mr. Beene commented as follows:

- Supports the movement
- Stated it is proven that Sebastopol is a unique City
- Urged the Council to bend over backwards so that Sebastopol can be in the forefront
- Does not want to see Sebastopol left behind
- Urged the Council to look kindly on what the movement is doing

Mayor Wilson called for a break at 8:50 pm and reconvened the meeting at 9:14 pm.

Mayor Wilson provided the following comments:

- City Council is not regulating or inhibiting or stopping the message of the movement
- Stated he wants to make the distinction between the message and the method
- Stated the method is the physical occupy
- Stated this raises baseline issues and the City has to protect its local laws and State laws
- Stated this raises public administration challenges of public liability
- Stated there is the risk to the wealth of the town and local economy
- Questioned if someone has the exclusive right to the plaza
- Questioned if this prohibits opposing views from using the plaza
- Stated the Council is not heedless of this phenomenon
- Stated he regrets the contentious tone but the issues need to be defined and need to speak to the local laws
- Stated the method of the message is knowingly doing something that is not permitted
- Stated the goal is to resolve an ongoing situation and for the Council to indicate to City staff Council's response and direction
- Stated the Council is not in disagreement with the political message, but of the health, safety and welfare of the community and the potential for harm
- Stated he understands this is technical and arbitrary, but the application has to be reviewed for these realities

Vice Mayor Kyes questioned if the park was open from 6:00 am until 10:00 pm and that any one can gather in the park for any reason outside those hours and the City's insurance would cover people being in the park.

City Manager Griffin stated the City's insurance would cover the facility at all times that the park is open to the public. He stated it would be a question whether the City's insurance company would recognize the obligation of the City to allow for certain activities contrary to local laws or if an event requires insurance.

Vice Mayor Kyes suggested a compromise with a shelter to cover handouts and tables and questioned if this would fall under a special events permit. He stated that people are allowed to protest during the day and stated if the camping is eliminated, would they still be allowed in the park after park hours.

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City Manager Griffin discussed prohibition of camping and read from the ordinance definitions of certain items. He stated that in the past the City has taken a hands off approach to tables and chairs when it was a single, political event, but stated there is a different issue of a permanent use here.

City Attorney McLaughlin discussed the town plaza as a public forum for political expression and that the City has great tolerance for all forms of political expression. He stated that in the past the City has taken a hands off approach to a few tables and chairs used for political expression events during the hours when the park is open as long as it did not interfere with activity in the plaza. He stated that is protected by the First Amendment.

Councilmember Shaffer questioned if tents with pulled up sides would be permissible.

City Attorney McLaughlin stated that he would look at that as a political expression and not a strict definition of camping. He stated that an item that is used for political expression is protected under the First Amendment. He stated the rights are not far reaching and cannot impinge on the use of the plaza.

Councilmember Gurney questioned if a tent can be used during the day or is it only considered camping if it is used overnight.

City Attorney McLaughlin stated it would be determined by the primary use of the tent. He stated if slogans or political expressions were used in or on the tent and that it did not impinge on other rights, it would be protected by the First Amendment.

Vice Mayor Kyes questioned if the tent can be exhibited for political expression 24 hours a day.

City Attorney McLaughlin stated City laws restrict camping in City parks and stated he believes this would be upheld against a challenge.

Councilmember Shaffer stated she is comfortable with the peace town compromise. She suggested a table, flyers, no camping, and that people are not to be in the park after the park is closed. She stated she concurred with a candlelight vigil on the sidewalk.

Mayor Wilson discussed the First Amendment rights versus the method of getting the message out. He stated the peace town compromise does not seem to have any conflict with City ordinances, but that it is difficult to discuss as it has not been approved by the General Assembly. He stated it is not up to the City Council to tell Occupy Sebastopol their decision until Occupy Sebastopol votes on this compromise. He stated he is grateful for the resolution and it allows the Council not to be in an awkward position of allowing a public space to be used for one political point of view and it finesses a lot of the issues.

Mayor Wilson reopened the public comment period.

Jim Wheaton commented as follows:

- Stated the Council has used its leeway and prerogative to take no action, that this is clearly illegal and that the Council should keep the sentiment going in that direction
- Stated the Council is using their best judgment and does not see the need to push the issue
- Urged the Council to wait a few more days and keep bending the rules

Andrew DeRoos commented as follows:

- Stated the movement is dedicated to getting this issue resolved
- Stated they will be a constant presence in town
- Stated the definition of camping is a separate issue
- Stated the group is getting the message out 24/7
- Stated they would like to see a more solid, actual structure
- Stated they want to be as organized as possible

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- Stated it would not be fair not to be allowed to have a tent with sides for protection from the weather
- Urged the Council to respect all aspects of free speech
- Stated he would like to see a permanent structure built in the plaza
- Requested the Council clarify what percentage of the structure can have walls

Mayor Wilson described the pop up tent as noted in the peace town compromise that is to be used to protect the political literature from the elements and is not to accommodate people for sleeping in over night. He stated assuming the General Assembly ratifies the peace town compromise, and the encampment is still there, he questioned what is the Council to do then.

Councilmember Gurney stated she would like the Council to be as clear as possible so that there is not a repeat of these special meetings. She stated it is not fair to the community especially with the holidays coming up. She suggested keeping the opportunity available for people to protest in a safe and peaceful manner and take responsibility for their own conduct and care of the public space and to also avoid confrontation. She discussed other cities that have removed tents which have led to violence and injury and the tents have come back the next day with no solution. She expressed a time parameter and stated she would like to see the General Assembly take action on the compromise no later than Sunday at noon. She stated she would like to see clarity for the December 1st tree lighting ceremony and clear the area of the tent. She suggested these ideas as a commitment to compromise tonight.

Councilmember Shaffer stated she would like to see an informational table with chairs with a pop up tent to be used for protection of these materials and lifted up around the edges when not used to protect the literature from rain.

Mayor Wilson reopened the public comment period.

Aerial commented that she would like to see a few tables in the tent to allow for books and food to be placed on the tables.

Tim Ryan also commented that he would like to see more than one table in the tent.

Mayor Wilson commented that as long as the items are used to convey the message, he does not see a problem with a few tables; however he would be concerned as to how many items are in the tent as it could morph into a lodging problem.

Vice Mayor Kyes stated it would be reasonable to have a four sided tent.

Mayor Wilson questioned the type of tent proposed.

Tim Ryan stated it is a pop up tent with sides that can be Velcro when it is raining and the side walls can be tied up.

Mayor Wilson stated as long as it is understood that the tent is to be used for purposes as stated previously to provide literature, material, and handouts that could be harmed from the elements.

Mr. Morabito questioned if a permanent structure on wheels could be considered.

Mayor Wilson stated that would create other issues and suggested the group remain with the pop up tent as stated. He stated this tent allows for the position and message to get out but that there are other view points in the City and he does not want to see Occupy Sebastopol become a franchise in the plaza. He stated City assets are being used to make this happen and everyone else has that same opportunity.

City Manager Griffin stated he would like a clear understanding of what the City Council would like to see in the plaza regarding the Occupy Sebastopol compromise and stated the intent is to allow the General Assembly to act on their compromise and if approved, the tents would be removed within 48 hours and

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that the City would be back to enforcing the no camping ordinance and if additional structures are added, staff will return to the Council.

Councilmember Gurney stated this is building a new relationship of trust and respect. She urged the Occupy Sebastopol to stick with one pop up tent and suggested a range of time to transition out of the plaza.

Councilmember Shaffer suggested one tent and one table.

Aerial commented that they would like a cooler to place food in so that it can be distributed.

Councilmember Gurney suggested Occupy Sebastopol coordinate with the food pantry.

Barry questioned if the tent is to remain over night along with the table and chairs, but that no one would be allowed in the park once the park closed.

Mayor Wilson clarified that during the day there can be spontaneous political expression, but that there would be a limits to that also if it interfered with normal activity and use of the plaza.

Dan Freedman discussed Freedom Square in Cairo and how it overflowed with people.

Colleen Fernald commented that she would like a pop up art pod with signs that indicate free speech on it and questioned if this would be referred to as a tent. She stated she does not want to move her items back and forth and would like the art pod to remain there. She stated she would like a tent that would house these art supplies.

Councilmember Gurney questioned how the Council would interpret the timing of vacation of the tents if the compromise is approved.

Mayor Wilson stated the compromise states that the tents would be removed within 48 hours.

Councilmember Gurney suggested this would be a great follow up to Solidarity Saturday and that if approved the tents can be scaled back beginning Sunday morning and definitely removed by Monday.

Councilmember Shaffer stated this compromise has raised the expectations of what can happen and what is workable and reasonable and allows the group to carry on the mission and go forward.

Councilmember Slayter commented as follows:

- Discussed Sebastopol World Friends motto of World Peace One Friend at a Time
- Stated he has reviewed the minutes of the meetings in which he did not attend
- Stated there is no disagreement with the movement and that we are all asking for the same end and that the Council has no desire to squelch the message but that the message needs to be separate from the method
- Stated it is important to keep these two items separate
- Stated he appreciates all the hard work on both sides
- Stated absent an appropriate application, it is difficult to work through, but stated he is not sure it needs to be worked through now that a compromise has been submitted
- Discussed enforcement of public ordinances
- Stated the agreement makes good sense; satisfies the needs of the ordinances; allows freedom of speech; and allows people peacefully assemble
- Would like to see a time line laid out
- Questioned at what point do City ordinances become enforced

Vice Mayor Kyes commented as follows:

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- stated if they are doing what they are doing within the rules, he is not sure they need a compromise
- Questioned if the parking lot falls within the park area
- Questioned of parking hours have been enforced and if they have not been enforced, can the City make them enforceable

Chief Weaver commented in the police department operational view point, the plaza parking lot does not fall under the park area as defined for enforcement. He stated for the smoking ordinance the parking lot is included under the park ordinance. He stated the parking is open 24 hours a day and there is no penalty for parking there.

City Attorney McLaughlin stated the parking lot does fall under the parks ordinance in his opinion.

Vice Mayor Kyes stated there could be the potential for conflict with other organized events that have pulled a special event permit. He stated if someone is allowed to use the parking area at all hours, then everyone else should be able to use it also. He stated if the park is to be used during the day it would not require a permit.

Mayor Wilson stated he would not want to see the Council get into micromanaging the Police Department or staff.

Councilmember Gurney stated the message is clear; the group has submitted a compromise; Council has discussed time frame for vacation of tents; and stated the only issue to address is that of a Council liaison to the citizen committee.

Barry discussed the First Amendment activity and clarified that only one structure will be allowed and that the group will conform with the park hours. He questioned if the sidewalks could be used after the park closes.

City Manager Griffin clarified that once the compromise agreement has been approved, if approved and if there are no major modifications, the group would have Saturday, Sunday and Monday to vacate the camping tents which would eliminate the camping issue. He stated that the plaza proper would be closed from 10:00 pm until 6:00 am but that the group can hold candlelight vigils on the sidewalks which eliminates any potential conflict with existing City ordinances. He stated the sidewalks are open for a candlelight vigil and is protected under the First Amendment.

Councilmember Slayter questioned if the tent needed to remain up overnight every night.

Mayor Wilson stated it would remain up overnight to be used to protect the literature from the elements and not for camping,

Mr. Freedman asked if the restrooms would be open 24/7.

Councilmember Gurney clarified that staff has stated the restrooms would be open 24/7 until such time they are vandalized or significant issues come from having them open 24/7.

Chief Weaver stated he would like to see the pop up tent go away during the holiday tree lighting ceremony.

Councilmember Gurney suggested removing the tent the day prior and having the tent not return until at least 24-36 hours after the event.

Councilmember Slayter discussed moving the tent every few days to allow the grass to grow. He stated that Sebastopol is a unique City and that Occupy Sebastopol is unique and that it shows a collective

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greatness where two groups have come together in agreements and compromise instead of drawing a line in the sand.

Mayor Wilson stated the Council is in consensus to wait and see what happens and look to the Police Chief to enforce the laws.

City Manager Griffin reiterated the wishes of the Council as follows:

- One pop up tent to remain
- Tables to be located inside the tent for literature and pamphlets
- Tent can remain overnight but with no camping
- Park hours to be in effect
- Occupy Sebastopol can use the sidewalk and parking areas for candlelight vigil
- Tent to be removed prior to tree lighting ceremony and not to be returned under after the ceremonies
- Monday - November 21st - camping is to cease in the plaza
- Restrooms to remain open 24/7 until such time the City deems that they need to be closed such as vandalism

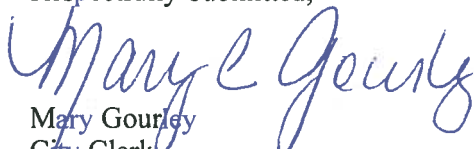
Councilmember Gurney stated she likes the idea of a Council liaison to the citizen committee

The Council was open to this possibility in the future.

ADJOURNMENT

Mayor Wilson adjourned the City Council Meeting at 10:30 pm 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,


Mary Gourley
City Clerk