



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

MINUTES OF THE JULY 19, 2011 CITY COUNCIL MEETING

As Approved by the City Council at their Meeting of August 2, 2011

**4:30 pm - CONVENE CITY COUNCIL MEETING, - SPECIAL MEETING
TIME - Sebastopol City Hall, 7120 Bodega Avenue, Sebastopol, CA**

CALL TO ORDER: Mayor Wilson called the meeting to order at 4:35 p.m.

ROLL CALL

Present: Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson
Absent: None
Staff: City Clerk Gourley

1. Business Outreach Committee Applicant Interviews (City Manager)

The City Council conducted the following interviews for vacancies on the Business Outreach Committee:

- 4:30 pm - Ian Kalember
- 4:45 pm - Sue Ungewitter
- 5:00 pm - Bill Takacs
- 5:15 pm - Carl Kerwick
- 5:30 pm - Randy Coffman

City Council Action: None Taken at this time.

Reference Order Number: 2011-111

ADJOURNMENT: Mayor Wilson adjourned the special City Council meeting at 6:00 p.m.

6:00 pm - CONVENE CITY COUNCIL MEETING, Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA

CALL TO ORDER: Mayor Wilson called the meeting to order at 6:17 p.m.

ROLL CALL

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

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

PRESENTATIONS/PROCLAMATIONS: None

APPROVAL OF MINUTES OF: July 5, 2011



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CITY COUNCIL MEETING MINUTES OF JULY 19, 2011

Councilmember Gurney moved and Vice Mayor Kyes seconded the motion to approve the minutes of the July 5, 2011 City Council Meeting as amended:

VOTE:

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

Yvette Williams van Aggelen commented as follows:

- Requested the noticing requirements for public hearings include tenants as well as property owners
- Requested one to two at large members from the community be added to the Planning Commission
- Requested the Planning Commission meetings be recorded for an accurate record

Michelle, Forestville, representing John Jenkel, read a prepared statement on the civil court case of John Jenkel; demanding Congress redirect military spending to domestic priorities; unconstitutional undeclared wars of congressional choice; and killing of civilians in Afghanistan.

Richard Hanna, Forestville, representing John Jenkel, continued reading the prepared statement discussing Public Law 107-243; and discussed the 5th and 14th Amendment.

Christy, representing John Jenkel, continued reading the prepared statement.

Edith Briggs, Wilton Avenue, questioned if her traffic issue was on the agenda tonight.

Mayor Wilson stated it is item number 10.

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

Councilmember Shaffer announced the following:

- Thanked Yvette van Williams for bringing her ideas forward
- August 10th - 6:30 pm - 8:00 pm - Library Forum Room - Neighborhood Representatives Meeting - discussing Community Choice Aggregation
- Sebastopol Entrepreneurs Project has opened their office at 500 North Main Street
- August 21st - Transition Sebastopol - Make Sebastopol Style - Masonic Hall

Councilmember Gurney announced the following

- Sebastopol Walks - Tuesday Night - 7:00 pm from the Plaza - Laguna Preserve Walk - dessert potluck
- July 30th - 10:00 am from the Plaza - Ragle Park Walk
- August 25th - Progressive Dinner Walk in the works and stated they will be raising money for the second edition of the Sebastopol Walks book
- Discussed her article in the Sonoma County Gazette on public speaking

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- September 27th - 8:30 am - 4:30 pm - Understanding Addiction Hosted by the Drug Abuse Alternatives Center
- Councilmember Slayter announced the following
- Discussed the recent Council meetings and thanked the public for their civility and stated it has not gone unnoticed
 - Third weekend in August - Sonoma County Bike Coalition Fair at Santa Rosa City Hall

CONSENT CALENDAR ITEM(s): The following items listed on the Consent Calendar are considered routine and action will be taken by the Community Development Agency/City Council by a single motion. A Director/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 Chair/Mayor

Councilmember Gurney requested Items number 2 and 3 be removed from the consent calendar.

Councilmember Gurney moved and Vice Mayor Kyes seconded the motion to approve consent calendar items 4, 5 and 6.

VOTE:

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

4. Approval of Notice of Completion, Contract No. 2009-04, Street Smart Phase 2 Pedestrian Safety Improvements (Engineering Director)

City Council Action: Approved Notice of Completion, Contract No. 2009-04, Street Smart Phase 2 Pedestrian Safety Improvements

Minute Order Number: 2011-114

5. Approval of Resolution Accepting Public Improvements for 506 South Main LLC Subdivision (Engineering Director)

City Council Action: Approved Resolution Accepting Public Improvements for 506 South Main LLC Subdivision

Resolution Number: 5849

6. Approval of Amendment to Co-operative Funding Agreement with Sonoma County Transportation Authority (Measure M - Local Streets and Roads) (Engineering Director)

City Council Action: Approved Amendment to Co-operative Funding Agreement with Sonoma County Transportation Authority (Measure M - Local Streets and Roads)

Minute Order Number: 2011-115

2. Approval of Meadowlark Field Agreements (Planning Director)

Councilmember Gurney discussed her concerns with Mr. Bannister, Laguna Foundation, regarding Habitat Restoration Work invasive species controls as it relates to the City's no pesticide policy.

Mr. Bannister stated this was part of the grant when it was applied for two years ago and that work is now completed. He stated the work will be done in accordance with City policy with no further use of pesticides.

Councilmember Gurney commended the Laguna Foundation for the restorative work.

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Vice Mayor Kyes requested the design of the restorative planting plan as mentioned in exhibit A of the agreement be returned to the Council for review once it has been developed.

Planning Director Webster stated that should not be an issue.

Vice Mayor Kyes discussed page number 8, section 5.4.6. (d) "...provided that no more than 5% coverage of the property is used for such purposes..." and requested that this be changed to at least 15% to allow for the possibility of solar on this site.

Staff stated that would need to be a matter for discussion to determine if this would compromise the property but suggested adding language of up to 15% of the property. He stated the proposal could not compromise the conservation values.

Vice Mayor Kyes requested changing Savannah to Woodland.

Mayor Wilson questioned the timing aspects of the matching grant and stated he would not want to jeopardize this opportunity.

Vice Mayor Kyes discussed possible participation in a Community Choice Aggregation and stated there are few locations in town to accomplish this.

Councilmember Shaffer stated she is concerned this may harm the conservation goals.

Mayor Wilson discussed the controversy of using open space for mitigation banks and stated he is reluctant to add this to the agreement at questioned doing it at this time.

Vice Mayor Kyes stated he would like to see more flexibility.

Director Webster stated he would discuss the possibility of adding language of up to 15% in the agreement with the Open Space, but questioned Council if staff could proceed if the County was not in agreement.

City Manager Griffin suggested the Council approve the agreement and direct staff to have the conversation with the Open Space and if they are in agreement to return with an amended agreement for approval by the Council.

Councilmember Gurney stated she supports taking action tonight and does not see this property as being compatible with solar development and stated there are other potential solar locations in the City. She suggested approving the agreement but allowing the opportunity to negotiate for up to 15% language.

Director Webster gave an update on the Highway 12 bridge and stated the PGE poles will need to be relocated to the north side and stated the utility section will need to be amended at that time.

Councilmember Gurney moved and Vice Mayor Kyes seconded the motion to approve the Meadowlark Field Agreements with the following conditions:

- Changing Savannah to Woodland
- Recommending up to 15% of property language be discussed with Open Space
- Review of the restorative planting plan

VOTE:

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

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Abstain: None

City Council Action: Approved Meadowlark Field Agreements with changes.
Minute Order Number: 2011-112

3. Approval of Letter Pertaining to Possible Redistricting of California Districts (City Manager)

Councilmember Gurney requested the letter include reasoning for the City's position such as the importance of economics, travel and flow of traffic; medical services; water; sewer; schools; city activities, etc. She stated it should be stated that the City is one entity and wants to remain one entity and suggested allow the Mayor to draft the letter with appropriate language.

Councilmember Shaffer stated it should be addressed that the City does not want to be divided.

Mayor Wilson stated this is a new form of gerrymandering and indicated his concerns if Sebastopol is divided.

Councilmember Slayter stated he concurs with including reasoning in the letter and stated the wording of the letter could not be strong enough.

Councilmember Gurney moved and Mayor Wilson seconded the motion to approve the Mayor to sign an amended letter for more specific wording as discussed previously and send out immediately.

VOTE:

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

City Council Action: Approved Letter Pertaining to Possible Redistricting of California Districts
Minute Order Number: 2011-113

PRESENTATION(S):

7. Presentation from SWAG Research Committee on Future Waste Diversion Efforts (City Manager)

City Manager Griffin presented the staff report recommending the City Council receive the presentation, provide feedback and comments to the SWAG representative(s) and provide direction to the Council's SWAG representative (Mayor Wilson) on voting to proceed with a consultant study of the recommendations.

Susan Klassen, Sonoma County Waste Management Agency, presented a powerpoint presentation.

Vice Mayor Kyes questioned if thermal conversion is a name for incinerator generation.

Ms. Klassen stated there are many names but that this is not an incineration plant.

Councilmember Shaffer questioned how the liner issue problem will be addressed.

Ms. Klassen stated a new line will be installed that addresses all issues and will be a part of the permit.

Councilmember Shaffer questioned if the new compost facility will be larger than the current facility.

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Ms. Klassen stated there are 3 sites being considered but could not provide further information at this time.

Councilmember Slayter questioned if waste diversion forms for permitting, such as the fill in the blanks for rate diversion, could be coordinated with the Sonoma County Building Officials.

Ms. Klassen stated the recommendation is to establish a model ordinance with reasonable goals for diversion rates.

Mayor Wilson opened for public comment.

Doug Emery questioned where the plastics are going regarding diversion.

Ernie Carpenter, No Name Garbage Group, commented as follows:

- Stated the County cannot succeed without the support of the cities and it is crucial the cities are informed of the process
- Stated the County is ready to bring out their programs
- Encouraged the City to support these programs
- Stated the City has great representation on SWAG
- Urged the Council to support the recommendations proposed

Councilmember Shaffer moved and Councilmember Gurney seconded the motion to authorize the SWAG Representative (Mayor Wilson) to vote affirmatively on the issue of proceeding with a consultant study of the recommendations.

VOTE:

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

City Council Action: Received the presentation, provide feedback and comments to the SWAG representative(s) and provide direction to the Council's SWAG representative (Mayor Wilson) on voting to proceed with a consultant study of the recommendations.

Minute Order Number: 2011- 116

8. Sonoma County Waste Management Agency Overview (Henry Mikus) and Discussion of Single Use Bag Regulations Presented by Sonoma County Waste Management Agency (Patrick Carter) (City Manager)

City Manager Griffin presented the staff report recommending the City Council receive the presentations on an overview of the activities of the Sonoma County Waste Management Agency and a review of options for the regulation of single use carry out bags and provide direction to staff of future action.

Henry Mikus provided a powerpoint presentation on the Agency Overview.

Mayor Wilson questioned the use of inserting the guide into 500,000 plus phone books.

Mr. Mikus stated the Agency believes this is still a good way to reach people.

Mayor Wilson discussed the Joint Powers Authority (JPA) and questioned if all nine cities would need to agree.

Mr. Mikus stated yes.

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Councilmember Shaffer discussed the Sonoma Compost restaurant composting program and questioned if this is being done in the region.

Mr. Mikus stated Sonoma Compost has a pilot program of approximately 20 restaurants which generates about 9 ton a week and the program has been very successful.

Councilmember Shaffer questioned how this could be done in Sebastopol.

Mr. Mikus stated it would be done with the City's hauler.

City Manager Griffin stated the City did outreach a year and a half ago on a pilot program but there was a concern at that point in time of how much material the compact facility could take.

Mr. Mikus stated the Agency is taking steps to change the permit to allow for more capacity. Mr. Carter stated the permit would allow for up to 50 tons per day.

Patrick Carter provided a powerpoint presentation on single bag use.

Councilmember Shaffer questioned how many cities have received the presentation and how was their response. Mr. Mikus stated 3 had received the presentation and that the response was mixed.

Councilmember Gurney questioned the time frame for a County wide ordinance and stated the community of Sebastopol is in support.

Mr. Carter stated an EIR would need to be completed but stated possibly one year.

Councilmember Gurney stated she attended the forum held in February and discussed Green City's Master Environmental Assessment.

Mr. Carter stated the Agency was a funder of that study.

Mayor Wilson questioned if the common theme in the EIR is increased use of paper bags.

Mr. Carter stated some cities add fees for paper bags but encourage re-usable bags.

Mayor Wilson questioned if the ordinance could be adopted in any jurisdiction. Mr. Carter stated yes.

The Council and Agency discussed current court rulings regarding single use bags.

Councilmember Shaffer questioned if specialty bags are included.

Mr. Carter stated it would be up to the Board to determine the scope.

Mayor Wilson questioned which City did not support the ban. Mr. Carter stated Rohnert Park.

City Manager Griffin stated it is self apparent that this should be County-wide as the Agency as the funding source dedicated for this purpose.

Mayor Wilson opened for public comment.

Edith Briggs, Wilton Avenue, urged education in schools and educate from the ground up,

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Dennis Rosatti, singleuse.org, stated there are viable options and opportunities and that this should be a County-wide model that is the same for all cities. He also urged a ban on styrofoam take out containers.

The Council was in support of a County-wide ordinance.

City Council Action: Received the presentations on an overview of the activities of the Sonoma County Waste Management Agency and a review of options for the regulation of single use carry out bags.
Minute Order Number: 2011-117

Mayor Wilson called for a break at 8:35 pm and reconvened the meeting at 8:45 pm.

PUBLIC HEARING(s): NONE
INFORMATIONAL REPORTS (*No Action Required by the City Council*): NONE
DISCUSSION AND/OR ACTION ITEM(s)

9. Discussion of Appointments to Business Outreach Committee (5 positions) (City Manager)

City Manager Griffin presented the staff report recommending the City Council select members for the vacancies on the Business Outreach Committee.

The Council discussed procures for appointing the applicants and concurred with each Councilmember provided their top five applicants.

Councilmember Shaffer:

William Takacs
Randy Coffman
Carl Kerwick
Sue Ungewitter
Ian Kalember

Councilmember Shaffer stated that Mr. Lok is on the Sonoma County Tourism Board but has stated that he would be available to help the Business Outreach Committee if he was not chosen.

Vice Mayor Kyes:

Kirk Lok
William Takacs
Randy Coffman
Carl Kerwick
Ian Kalember

Vie Mayor Kyes stated Mr. Lok would bring a dimension to the Business Outreach Committee with his business experience and stated that he is also the highest taxpayer to the City.

Mayor Wilson stated he would support all five applicants interviewed tonight.

William Takacs
Randy Coffman
Carl Kerwick
Sue Ungewitter
Ian Kalember

Councilmember Gurney disclosed that she had telephoned Mr. Lok to discuss his availability, but did not receive a response. She stated she would support all five applicants interviewed tonight.

William Takacs

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Randy Coffman
Carl Kerwick
Sue Ungewitter
Ian Kalember

Councilmember Slayter stated he was impressed with all five applicants interviewed tonight, but recommended refining the interview process. He stated that applicants may have dropped out due to the process. He stated he would support all five applicants interviewed tonight.

William Takacs
Randy Coffman
Carl Kerwick
Sue Ungewitter
Ian Kalember

The Council discussed the term lengths of the applicants and were in consensus to appoint the three current members to the two year terms and the two new members to the one year term.

Councilmember Gurney moved and Councilmember Shaffer seconded the motion to approve the following:

- Ian Kalember - One Year Term Appointment to Expire June 30, 2012
- Sue Ungewitter - One Year Term Appointment to Expire June 30, 2012
- Bill Takacs - Two Year Term Appointment to Expire June 30, 2013
- Carl Kerwick - Two Year Term Appointment to Expire June 30, 2013
- Randy Coffman - Two Year Term Appointment to Expire June 30, 2013

VOTE:

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

City Council Action: Appointed to BOC the following individuals for the following terms:

- Ian Kalember - One Year Term Appointment to Expire June 30, 2012
- Sue Ungewitter - One Year Term Appointment to Expire June 30, 2012
- Bill Takacs - Two Year Term Appointment to Expire June 30, 2013
- Carl Kerwick - Two Year Term Appointment to Expire June 30, 2013
- Randy Coffman - Two Year Term Appointment to Expire June 30, 2013

Minute Order Number: 2011-118

10. Pedestrian, Bicycle and Traffic Safety Improvements (Police Chief)

Police Chief Weaver presented the staff report recommending the Council accept the information as provided by staff and approve Staff recommendations for individual requests and authorize the Department of Public works and Engineering to implement traffic and pedestrian safety measures where recommended.

Request #1: **Create Red Zone on the south side of Covert Lane west of Hansen Lane**

Recommendation: Establish a forty foot No Parking Zone on the south side of Covert Lane west of Hansen Lane.

Mayor Wilson questioned the amount of parking that would be left. Police Chief Weaver stated 2/3 of the spaces will be eliminated and there will be plenty of parking remaining.

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Councilmember Slayter questioned if this was similar to a previous red curb application and asked if the customer paid for the painting of the curb.

Chief Weaver stated it is similar but that in the previous instance Public Works determined the cost was minimal and based on that will not be charging in this situation either.

Mayor Wilson opened for public comment.

Edith Briggs, Wilton Avenue, stated she has had many close calls exiting her driveway as people's front and rear ends of their cars protrude into her driveway.

Councilmember Shaffer asked staff if the directional parking signs have been ordered. City Manager Griffin stated yes.

The Council was in consensus to approve Request #1 .

Request #2 Create a Red Zone in front of the mail boxes at 166 Golden Ridge Avenue.
Recommendation: Establish a Red Zone on the west side of Golden Ridge Avenue fronting the mailboxes for 166 Golden Ridge Avenue.

The Council was in consensus to approve Request #2.

Request #3: Establish a short Red Zone on both sides of the driveway at 7303 Wilton Avenue.
Recommendation: Establish a three foot Red Zone on both sides of the driveway at 7303 Wilton Avenue.

*Mayor Wilson recused himself from Request #3.
Councilmember Shaffer recused herself from Request #3.*

The Council was in consensus to approve Request #3 (3-0-2).

City Council Action: Approved Staff Requests.

Request #1: Create Red Zone on the south side of Covert Lane west of Hansen Lane

Recommendation: Establish a forty foot No Parking Zone on the south side of Covert Lane west of Hansen Lane.

Request #2 Create a Red Zone in front of the mail boxes at 166 Golden Ridge Avenue.
Recommendation: Establish a Red Zone on the west side of Golden Ridge Avenue fronting the mailboxes for 166 Golden Ridge Avenue.

Request #3: Establish a short Red Zone on both sides of the driveway at 7303 Wilton Avenue.
Recommendation: Establish a three foot Red Zone on both sides of the driveway at 7303 Wilton Avenue.

Minute Order Number: 2011-119

Vice Mayor Kyes requested Item Number 12 be heard before Item Number 11. Mayor Wilson asked for a show of hands from the audience as to the amount of speakers for Item #11. After a show of hands from the public as to the number of audience members in attendance for Item #11, Vice Mayor Kyes withdrew his motion.

11. Discussion of Proposed Medical Marijuana Dispensary To Be Located at 1225 Gravenstein Highway South in the County of Sonoma, just south of the City Boundary (City Manager)

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City Manager Griffin presented the staff report recommending the City Council discuss the proposed dispensary and determine whether it wishes to convey any positions to the County of Sonoma on the proposed project.

Mayor Wilson questioned if the County would be acting on this in the near future. City Manager Griffin stated yes and that comments are due this week.

Mayor Wilson opened for public comments.

Brian Romanoff stated he supports the organization starting new dispensary.

Doug Emery, Gates Drive, commented as follows:

Discussed issues with DEA, Sonoma County Sheriff, and the District Attorney in the south Sebastopol area on this issue

Urged the Council to vote against this proposal

Stated there will be traffic and pedestrian issues

Discussed the chicken lane traffic going towards Elphick Road

Discussed crime issues, safety and health of the community

Mike Stokes, applicant, Robinson Road, commented as follows:

- Stated the public has been misinformed
- They have not projected everything yet
- Stated it will be a right turn only
- Stated they have worked with the Buddhist temple to shut down during certain school times
- Stated they have taken many steps to alleviate people's fears
- Stated there has not been a whole lot of crime with the current dispensary
- Stated people will leave legally and safely
- Stated they would be happy to work with the City

Jolene Welsh commented as follows:

- Supports preserving and enhancing safe access to medical marijuana
- Discussed the benefits of medical marijuana
- Stated she is concerned with County dispensaries and how they affect the community
- Stated she trust City leaders, but not County
- Stated County dispensaries do not comply with the law
- Stated the community was not contacted on this issue and an outreach should be done

Craig Litwin, former City of Sebastopol Councilmember and Mayor, commented as follows:

- Worked on the City's ordinance with former Councilmember Kelley
- Stated there are ways the industry can move forward for patients and the local government
- Stated he was frightened by this proposal
- Stated Sebastopol is the model ordinance for dispensaries for other cities
- Discussed Sebastopol's Urban Growth Boundary and Sphere of Influence
- Stated he has serious policy concern with the County
- Stated it is not an appropriate use for the building
- Stated this is on the City's border but the City does not have oversight
- Stated if this is approved it should be subject to the City's strict ordinance and requirements
- Stated the traffic impact is underplayed
- Stated further information needs to be provided to see how it affects the existing area
- Discussed smart growth failure and discussed over-concentration and poor plan
- Would like to see this mistake avoided in Sonoma County
- Stated he would not like to see the zoning rules altered and wants to protect the community of Sebastopol

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- Stated letters are due this Friday to the County and suggested the letter be strongly worded

A member of the audience commented as follows:

- Discussed Peace In Medicine who have been doing a good job and has shown best practices
- Stated there is room for more than one dispensary and will provide more access for patients
- Stated the applicant has stated they will do what they need to do to address concerns
- Stated the applicant can adopt Sebastopol's higher standards as the best bench mark
- Stated they can be required to do more than the County requires and set a higher standard

Victoria Stokes, applicant, commented as follows:

- Stated as the applicant she was not aware that this was on tonight's agenda
- Discussed her personal reasons for wanting to open this shop
- Stated it is necessary and worth it
- Stated this will meet the needs of medical marijuana patients who need certain types of resources
- Stated it is not her intention to compete but to provide a different kind of dispensary
- Stated she will work with the city to address concerns of the City and community
- Stated this dispensary will meet needs that are not being met
- Wants to put something together that works

Tasha, Watertrough Road, stated she supports options in the Community and allowing users to go somewhere else. She stated this is utilizing space in Sebastopol and having different locations for dispensaries is good for everyone.

Mike stated he is a legal medical marijuana patient and that this dispensary will meet the needs of certain ailments that is not always available in one location.

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

A member of the audience wished to speak.

Mayor Wilson re-opened the public hearing.

A member of the audience commented as follows:

- questioned what role the City of Sebastopol would have if any if this was approved
- discussed emergency services, police services, etc and questioned what influence would the City have and what the costs would be to the City
- discussed teaching our children to make good decisions and discussed his concerns with this application
- stated there are multiple dispensaries in a small area

Jason, Elphick Road, commented as follows:

- Urged the Council to support this proposal
- Stated the applicant is willing to work with the City
- Stated if any business is willing to work with the City they should be allowed to have the chance to do so
- Stated that patients also like to have options for different services at different locations

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

Mayor Wilson asked for clarification from staff that if this dispensary is approved, the City would have no jurisdiction over it. Staff stated that is correct.

Mayor Wilson questioned the Police Department's involvement if this is approved.

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Chief Weaver stated the Police Department would respond to a crime in progress but would relinquish it back to the Sheriff. He stated the Department would have no direct oversight and no pro-active involvement.

Mayor Wilson questioned if the City would receive any revenues from sales. Staff stated no.

Councilmember Shaffer commented as follows:

- her concern is not with the merits of the applicants but that the County needs to improve their ordinance
- stated there is no set number of dispensaries that are allowed in the County and stated the ordinance is too loose and would like to see more definitive locations and numbers allowed for dispensaries
- stated she is concerned there are too many dispensaries in one area

Mayor Wilson commented as follows:

- Stated his largest concern is the County's handling of medical marijuana and lack of oversight and regulations
- Stated it is the Council's duty to look after the best interest of the City and community
- Stated the location is on the border of the City and the City would realize no benefit by this enterprise but would be burdened by it
- Stated he is not aware of an inability for access of medical marijuana or lack of offerings or resources
- Stated he is mindful of the information received but is concerned
- Questioned a compelling reason why the City should support this application
- Stated it is ironic that it is within the City's Sphere of Influence but the City has no influence over it
- Not comfortable with the lack of the City's ability to control
- Stated he is not denigrating the applicant's good faith or good will

Councilmember Gurney commented as follows:

- Concurs with Councilmember's comments
- Stated the City should concentrate its tole and interface with the County
- Stated the City should address the County on issues that are on the City's borders
- Stated this will be a use and drain of resources
- City should indicate to the County the City's desire to have the County put in place an Ordinance with specifics
- City should indicate to the County that they should address the saturation issues
- Stated the County should step up and step up soon

Councilmember Slayter commented as follows:

- Stated if the property was within the City it would need to address the requirements of the Ordinance
- Stated there are a number of reasons to not support this application
- Stated there are set procedures that other businesses have to abide by
- Discussed saturation; proximity to church and school; adjacent to residential properties; and traffic issues
- Stated it is ironic that this is within the City's sphere of influence and yet the City would not have any influence over it
- Stated there are too many issues to overlook given the nature of the Council to look after things within our own City limits

Vice Mayor Kyes questioned if the application would meet the guidelines of the ordinance now? Staff stated no, that there would be issues with proximity to schools, church, adjacent residential areas, etc. He stated the City's ordinance is quite comprehensive.

Vice Mayor Kyes questioned if this property were annexed, would this use be grandfathered in. Staff stated yes.

Vice Mayor Kyes questioned if the application includes growing.

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Ms. Stokes replied the County does not allow growing. She stated they have tried 37 years to be annexed into the City and have been told it would never happen. She stated she believes in working with the community; stated the concerns addressed are not valid; stated they currently have a high use business; and would like to be able to utilize the property.

Mayor Wilson commented as follows:

- Stated there is a dispensary in Sebastopol that adheres to the City's ordinance
- Stated he does not support this proposal
- Stated he believes the consensus of the City Council is to not support this application
- Questioned who the letter should be addressed to

City Manager Griffin suggested sending the letter to the Sonoma County Board of Supervisors, Sonoma County Planning Commission and Planning Department staff.

Councilmember Shaffer stated she appreciates and admires what the applicant is trying to accomplish but stated she has a problem with the County's ordinance. She requested the County to examine their ordinance to improve it.

Mayor Wilson stated he would like the focus of the letter to be that this use on the City's border is not an appropriate land use.

A member of the audience asked to speak. Mayor Wilson re-opened the public hearing.

Pamela Davis, 5th District Representative to the Sonoma County Planning Commission requested that the Council be as specific as possible when recommending changes to components of the County ordinance. She also stated that there is an ad hoc committee with Supervisors Zane and Brown on this issue.

Mayor Wilson questioned if Ms. Davis was speaking as an individual or member of the Planning Commission. Ms. Davis stated as an individual.

Mayor Wilson discussed if a buffer zone around jurisdictions is being discussed. Ms. Davis stated she could not speak to specifics.

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

Mayor Wilson stated there is nothing in the County ordinance regarding situating dispensaries on City lines. He stated he would like to see the County amend their ordinance for buffer areas.

Councilmember Slayter there are issues such as proximity of surrounding land uses and the County's inability to properly regulate County enterprises and suggested sending two letters: one to address the application and a second letter to discuss ways to address the issues of the County's ordinance.

Ms. Stokes stated the Council has made a blanket decision because they are angry at the County and stated she does feel that she has been heard.

Mayor Wilson stated there is no intent to belittle anyone and that it is not a personal criticism. He stated the Council needs to look at what is best for Sebastopol. He stated the City has no jurisdiction and could not purport to work with the applicant in any legal realm. He stated he would like to see the County amend its ordinance. He stated there should be more regard for the interests of the City. He stated it is an astute business calculation that has the benefit of a ready made market place. He stated the Council has read the material in the application and has listened to the applicant. He stated he does not support the application and would like the City to send a letter to the County to consider establishment of a buffer around the City limits.

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Councilmember Gurney stated she does not understand separating out the two items into two separate letters to the County.

Councilmember Slayter stated both items are related but that the letter to the County to help guide the county in amending their ordinance should take more time. He stated that time is of the essence for this application and that letter should go forward but the second letter should return to the Council.

Vice Mayor Kyes stated the second letter is tied to saturation of medical dispensaries in the County and item number 12 on this agenda.

Mayor Wilson stated one letter should reflect the Council's position on this application and the second letter critiquing the County is not appropriate at this time.

Councilmember Shaffer moved and Councilmember Slayter seconded the motion to send a letter to the County stating the City Council does not support this medical marijuana dispensary proposed to be located on the outskirts of the City of Sebastopol.

Discussion:

Councilmember Gurney stated the letter should also address that the County be encouraged to look at review of their ordinance on this issue.

Councilmember Shaffer amended her motion and Councilmember Slayter seconded the amendment to:

Send one letter to the County stating the City Council does not support this medical marijuana dispensary proposed to be located on the outskirts of the City of Sebastopol and send a second letter to the County requesting that they review their Ordinance on medical marijuana dispensaries.

VOTE:

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

City Council Action: Approved transmittal of one letter to the County stating the City Council does not support this medical marijuana dispensary proposed to be located on the outskirts of the City of Sebastopol and send a second letter to the County requesting that they review their Ordinance on medical marijuana dispensaries.

Minute Order Number: 2011-120

12. Discussion of Amending the Medical Cannabis Dispensary Ordinance (Councilmember Shaffer)

Councilmember Shaffer presented the report recommending the Council direct staff to begin amendments to Chapter 17.140 to limit the City to one (1) permitted medical cannabis dispensary. She stated it was brought to her attention by staff that this will need to be reviewed by the Planning Commission first and then returned to the City Council.

Councilmember Gurney questioned why this was not addressed in the staff report.

City Manager Griffin stated that the ordinance is contained within the Zoning Ordinance which requires that any amendment to the Zoning Ordinance be conducted by the Planning Commission first then the City Council. Staff outlined the process and stated that tonight's action if approved would be to direct staff to begin the process of initializing amendment to the Zoning Ordinance.

Councilmember Gurney questioned if this Planning Commission recommended not to amend the Ordinance would it still be returned to Council for action. Staff stated yes.

Mayor Wilson opened the public hearing.

Matt, Santa Rosa, commented as follows:

- he worked for Peace in Medicine but that only one dispensary in town is like forming a monopoly
- would like to see more access for patients
- stated competition is a good thing
- Discussed cultivation at Peace in Medicine
- discussed potential contamination of crops and affects if only one dispensary was allowed

Tasha commented as follows:

- Discussed rights of patients to choose where they want to go to
- Stated that Peace in medicine is not a good community member

Mr. Downing, operates a Non Profit, commented as follows:

- Discussed dispensary in Napa and why Sebastopol's decision is important
- Stated Napa cannot make a decision on one dispensary
- Discussed his personal reasons for wanting Napa to approve a dispensary
- Stated dispensaries are community based and can support each other
- Stated the City needs to play a responsible planning role
- Discussed dispensary business management and strategy
- Stated he opts for prudence as a guide and responsible planning

Linda Berg commented as follows:

- Discussed Lyme Disease support group
- Stated Peace in Medicine has been a wonderful sponsor of their event
- Stated Peace in Medicine is a model dispensary
- Discussed burdens to the City if another dispensary is approved in town
- Discussed law enforcement issues

Robert Jacob, Peace in Medicine, commented as follows:

- Stated he has not obtained a cultivation license and that Peace In Medicine has purchased all marijuana as provided for in the ordinance
- Discussed patient access and community safety
- Would like the ordinance to take a wait and see approach and that if more dispensaries are needed they can be addressed at that time
- Stated Sonoma County has taken a lack luster approach and stated there is an explosion of dispensaries in the county without permits
- Stated this can become a problem for patients
- Discussed sound public decision, policy and oversight

Doug Emery commented as follows:

- Stated Peace In Medicine started out rough in the neighborhood but they improved themselves and now are a good community member
- Stated they are a great role model
- Stated it is best to be prudent and supports limiting the dispensaries to one

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Craig Litwin, former Councilmember and Mayor, commented as follows:

- Stated he helped to write the ordinance with former Councilmember Kelley
- Stated there is an explosion of dispensaries in west county
- Stated the County needs to slow down and take stock of what they have and look at the negative and positive affects
- Requested re-evaluation of more than one dispensary and to consider a second application for a dispensary when necessary
- Stated there is sufficient access to medial marijuana for patients
- Questioned if more than one dispensary is the right public policy for Sebastopol
- Stated the County should firm up their policy to protect the community
- Urged the Council to consider limiting the permit to one permit for a medical dispensary

Brian Romanoff, former employee of Peace in Medicine, commented as follows:

- Stated it looks like at face value that the City does not want more than one dispensary in town
- Stated Peace in Medicine is a wonderful establishment and makes a lot of money
- Questioned employees of Peace in Medicine being employees of the City
- Discussed building of a monopoly
- Stated more than one dispensary would create less traffic, more options, less air pollution

Councilmember Shaffer stated Peace in Medicine has a second operating permit but due to the economy they have not opened it. She stated that Sebastopol does not need a second dispensary at this time.

Mayor Wilson stated there is no need for a second dispensary and discussed economic impacts; what is best for this community; initializing the first step in the process of amending the ordinance and suggested the Council direct staff to begin that process.

Councilmember Gurney discussed the public process involved in amending the ordinance. She stated she would like to direct the Commission to review the ordinance as to the use of how many dispensaries are needed in Sebastopol.

Mayor Wilson stated the reality is that there is adequate supply of medical cannabis available and limiting Sebastopol to one dispensary does not inhibit patients rights.

Councilmember Shaffer moved and Councilmember Gurney seconded the motion to begin the process of amending the zoning ordinance with the purpose of limiting the City to one (1) permitted medical cannabis dispensary.

Discussion:

Councilmember Shaffer stated she does not feel that Sebastopol can support two medical cannabis dispensaries. She stated when this was first drafted it was viable that there was the possibility of more than one; and was not approved for favoritism and stated now the economy does not show that it can support two in the City. She discussed Prop 19, the County's many dispensaries, the editorial from the newspaper that Vice Mayor Kyes supplied and stated that this can always be returned if a need for another dispensary is evidence.

VOTE:

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

City Council Action: Approved the process of amending the zoning ordinance with the purpose of limiting the City to one (1) permitted medical cannabis dispensary.

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Minute Order Number: 2011-121

Councilmember Gurney moved and Mayor Wilson seconded the motion to continue the Council agenda items beyond the 10:30 pm time limitation.

VOTE:

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

13. Discussion of Letter Received from Sebastopol Area Chamber of Commerce on Panhandling and Homeless Issues in the City of Sebastopol (Councilmember Gurney)

Councilmember Gurney presented the report recommending the Council discuss the letter received from the Sebastopol Area Chamber of Commerce regarding panhandling and homeless issues in the City of Sebastopol.

Teresa Ramondo, Chamber of Commerce, stated the Chamber had received complaints regarding this issue and as the representative of the business community, the Chamber is bringing this to the attention the Council. She discussed emails, phone calls and visits from business people in the community regarding inappropriate behavior and stated she has also discussed this issue with the Police Chief.

Police Chief Weaver stated it is not illegal to panhandle and stated the City does not have aggressive panhandlers. He stated the mix of people in the plaza is mixed and discussed the complexities of mental illness, transients from other areas, people who choose to be homeless, etc.

Gale Brownell, Sonoma County Task Force for the Homeless, presented a slide show presentation on this issue.

Councilmember Shaffer questioned who in the City provides services for the homeless.

Ms. Brownell discussed various churches provided different services and West County Community Services provides voice mails, food and case management.

Councilmember Shaffer questioned how successful is the program in getting the homeless to shelters. Ms Brownell discussed the statistics of the program.

Mayor Wilson opened for public comment.

Ian Kalember, business owner, commented as follows:

- Stated the police are concerned with the welfare and well being of the homeless
- Suggested finding an answer to this problem
- Stated this does create a hardship on businesses
- Suggested possibility of businesses hiring these individuals

Linda Berg commented as follows:

- Stated a lot of this relates to mental health
- Discussed the time that could be saved by treating these individuals with medication
- Stated a lot of these individuals are misdiagnosed
- Discussed education

Mitchell Thompson commented as follows:

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- Discussed programs for homeless youth
- Stated there are more homeless youth in the area as it is safer here

Jim Glom commented as follows:

- Stated he has an office on the town square
- Talked to many of these individuals and made friends with them
- Stated they are reasonable
- Has provided lunches periodically to these people
- Stated the success is to become their friend

Gale Brownell commented as follows:

- Stated the concerns raised are valid
- Stated the experiences are real and this affects everyone in the community
- Urged organizations to be contacted to asked to spread the message as to the services available
- Would like to see Sebastopol involve din the Teen Task Force
- Stated low income housing g and permanent supportive housing needs to be provided

Councilmember Shaffer stated that she has seen improvement in the last two weeks and more police presence in the town plaza.

The Council discussed the following:

Having the Police Chief provide a presentation to businesses on education and how to respond to these issues

Contact organizations that provide services to get the word out

Member to join the Teen Task Force for Homeless youth

City Council Action: Suggested the following measures to be taken:

Having the Police Chief provide a presentation to businesses on education and how to respond to these issue

Contact organizations that provide services to get the word out

Member to join the Teen Task Force for Homeless youth

Minute Order Number: 2011-122

CITY COUNCIL REPORTS

14. City Manager Reports: There were none.
15. City Council Committees: There were none.
16. Council Reports: There were none.
17. Council Correspondence: There were none.

PUBLIC COMMENT (*Prior to adjournment into Closed Session, the public may speak up to 3 minutes on items to be addressed in Closed Session*): There was none.

Mayor Wilson adjourned the City Council Meeting at 11:50 p.m. to the Closed Session.

CLOSED SESSION:

18. Conference with Property Negotiator - Jack Griffin - City Manager
City of Sebastopol and CERES Project
Property: 7351 Bodega Avenue, Sebastopol, CA

ADJOURN CLOSED SESSION: Mayor Wilson adjourned the Closed Session at 12:05 am and reconvened the City Council meeting at 12:06 am

REPORT OUT OF CLOSED SESSION: There was no report out from the Closed Session.

ADJOURNMENT

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Mayor Wilson adjourned the City Council Meeting at 12:07 am to the Next City Council Meeting to be held on August 2, 2011 at 6:00 pm at the Sebastopol Youth Annex, 425 Morris Street.

Respectfully Submitted,


Mary Gourley
City Clerk