

CITY OF SEBASTOPOL



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SEBASTOPOL
Local Flavor. Global Vision.

MAYOR
Sarah Glade Gurney

CITY COUNCIL
Linda Kelley, Vice Mayor
Larry Robinson
Kathleen Shaffer
Guy Wilson

MINUTES OF THE SEBASTOPOL CITY COUNCIL MEETING OF October 20, 2009

As Approved by the City Council at their regular meeting of November 3, 2009

CITY OF SEBASTOPOL CITY COUNCIL

MINUTES OF MEETING OF **October 20, 2009**

SEBASTOPOL YOUTH ANNEX, 425 Morris Street, Sebastopol, CA 95472

The Notice of the Meeting was posted on the City Hall Bulletin Board by the City Clerk on October 15, 2009.

6:00 pm Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA 95472

CALL TO ORDER: Mayor Gurney called the meeting to order at 6:02 pm.

ROLL CALL

Present: Councilmembers Wilson, Shaffer, Vice Mayor Kelley and Mayor Gurney
Absent: Councilmember Robinson
Staff: City Manager Griffin, City Clerk Gourley, City Attorney McLaughlin, Engineering Director Kelley, Police Chief Weaver and Planning Director Webster

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

Mayor Gurney expressed her moment of gratitude for the people behind the scenes who make things happen.

PROCLAMATION(S)/PRESENTATION(S):

Mayor Gurney presented the following:

- ❖ Proclamation Honoring Senator Pat Wiggins
- ❖ Years of Service Award – Senior Maintenance Worker Nathan W. Sutton (10 Years)
- ❖ Years of Service Award – Reserve Officer John G. Lites (20 years)
- ❖ Proclamation Recognizing October 18-24, 2009, as Friends of Libraries week in Sebastopol, California
- ❖ Proclamation Recognizing October 24, 2009 as United Nations Day
- ❖ Proclamation Recognizing October 24, 2009 as 350 Day, An International Day of Climate Action
- ❖ Presentation/Certificate of Appreciation to Roger Klein Upon His Retirement from the Ives Pool Board and City of Sebastopol

APPROVAL OF MINUTES OF: October 6, 2009

Councilmember Wilson moved and Councilmember Shaffer seconded the motion to approve the minutes of the City Council meeting of October 6, 2009 as submitted.

VOTE:

Ayes: Councilmembers Wilson, Shaffer, Vice Mayor Kelley and Mayor Gurney
Noes: None
Absent: Councilmember Robinson
Abstain:None

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

Mayor Gurney announced the following:

- Town Hall Meeting to be conducted on Thursday, October 22, 2009 from 3:00 pm – 5:00 pm at Sebastopol City Hall to discuss City owned real estate.
- Analy ROP Project which will videotape and record citizens answering a question – “what do you like most about Sebastopol?”
- Upcoming Sebastopol Walks
- Discussed the Fundraiser Breakfast to be conducted by Daily Acts on November 5th
- Discussed Dine Out on October 28th and stated there will be a surprise at the event involving desserts.

Councilmember Shaffer announced the following:

- Acknowledged City staff for their responses to the pedestrian safety issues raised from members of the public.
- Breast Cancer Awareness Month Fundraiser to be held at GTOs on October 29th.
- Dine Out Sebastopol – October 21st at East/West Café – Supervisor Carrillo will be in attendance.
- Elder Protection Seminar to be held at the Senior Center on Saturday, October 24th, from 10:00 am – 12:00 pm.
- Halloween Walks, October 31st, at 9:00 starting at the plaza and walking to the Cemetery and Councilmember Shaffer will be leading the walk.

PUBLIC COMMENT(S) (This is an opportunity for the public to address the 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 Council business. Pursuant to the Brown Act, however, the 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.

Zeno Swijtink, 7403 Palm Avenue, discussed the following:

- 350.org day event at his home on Saturday, October 24th from 4:00pm-6:00 pm.
- Sonoma County landfill issue – requested that the City Council contact the Board of Supervisors and reject this agreement; stated there would be an increased costs to residents; would diminish the green house gas reduction targets; diminish the City Council’s reputation and legacy; stated there are alternates such as JPA and revisiting the zero waste policy
- Invited the City Council to a climate luncheon at the Leadership Institute on Thursday, November 12th from 12:00 – 1:00pm

Ken Wells, Guiding Sustainability, discussed the Sonoma County divesture project and stated the following:

- Requested the City Council to contact the Board of Supervisors and urge them to look at other options
- Stated there is a hidden decision involved whether or not this is approved and that an agreement has to happen regardless of what the Cities do because the existing operations and disposal contracts expire August 2010
- green house gas is not addressed
- No economic savings for recycling and millions of dollars would leave the County
- Disposal rates guaranteed to climb
- This is not an environmental issue and urged the Council to contact the Board of Supervisors to urge them to look at other solutions.

Ann Hancock, Climate Protection Campaign, discussed the divesture issue and stated the following:

- Supervisor Carrillo needs to hear from the City that this is not good for the community

- Suggested putting the contract out for competitive bidding
- Suggested exploring the option of re-opening the landfill with regulatory bodies
- Suggested a Blue Ribbon Committee to look at other options for the landfill and solid waste sector.

David Erickson discussed the following:

Stated options have been identified to allow the landfill closure to be mitigated to be addressed as part of energy sources but can only be done by continued public ownership; the divestiture is a mistake

Mayor Gurney responded to public comments and stated she has received many emails and phone calls on the divestiture issue and would be discussing those at the end of the meeting; stated that as the Project Chair for the Mayors and Councilmembers Association, she is looking to have a study session with the Mayors and Councilmembers as an entire group to discuss this issue.

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

Helen Shane requested clarification on Item #1.

Mayor Gurney pulled Item Number 1 from the consent calendar for discussion.

1. Approval of Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller’s Proposition 1A Receivable from the State; and Directing Certain Other Actions in Connection Therewith. (Administrative Services Director)

Helen Shane, Neva Street, requested clarification on this issue and asked how many other cities were involved.

Administrative Services Director Puccinelli explained that this will allow the Cities to not have to wait for repayment from the State Government in 2-3 years. He stated every City in State is involved and that cities that claimed hardship had to do this first.

Councilmember Shaffer moved and Councilmember Wilson seconded the motion to approved the proposed Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller’s Proposition 1A Receivable from the State; and Directing Certain Other Actions in Connection Therewith

VOTE:

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

Noes: None

Absent: Councilmember Robinson

Abstain:None

Council Action: Approved Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller’s Proposition 1A Receivable from the State; and Directing Certain Other Actions in Connection Therewith

Resolution Number: 5773

PRESENTATION(s):

2. Informational Item - Annual Report on Ives Pool Programs and Activities by West Sonoma County Swimmers (Virginia Porter)

Virginia Porter, Alan Siegle and Ricardo Freitas, Ives Pool, presented the Annual Report with the following highlights:

- 1000 families use the pool
- Swim lessons have been successful and fall sessions have been added

- Worked with the City to install a new chlorination system
- Red Cross Swim Program had 50 kids this year, ages 5-14.
- Purchase of a Defibrillator for the pool.
- Solar project was fully operational this year.
- Website gets approximately 250 hits per week
- Presented reusable water bottles to the City Council and thanked the Council and staff for their continued support.

Council Action: None Required. Received Report. Informational Only.
Reference Order Number: 208-09

PUBLIC HEARING(s):

3. Public Hearing – Waiving of Further Reading and Introduction of Proposed Ordinance Universal Design (Building Official). *This item was rescheduled from the September 15, 2009 City Council Meeting*

Building Official Schainblatt presented the staff report and recommended the City Council approve waiving of further reading and introduction of Proposed Ordinance Universal Design.

Vice Mayor Kelley thanked staff for bringing this forward and questioned if there were other local jurisdictions that have passed a similar ordinance or other counties.

Building Official Schainblatt stated that Rohnert Park is close to passing an ordinance and the City of Dublin has passed an ordinance.

Vice Mayor Kelley discussed issues with unexpected accessibility due to accidents and stated that this allows people to become educated. She stated that visual, hearing and light are also accessibility issues. She stated she appreciates that this is a voluntary system and stated that it is important that staff put the checklist on the website for the public.

Mayor Gurney opened the public hearing. Hearing no comments, Mayor Gurney closed the public hearing.

Mayor Gurney thanked Vice Mayor Kelley and staff for bringing this forward.

Vice Mayor Kelley moved and Councilmember Wilson seconded the motion to approve waiving of further reading and introduction of proposed Ordinance - Universal Design Ordinance.

VOTE:

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

Noes: None

Absent: Councilmember Robinson

Abstain:None

Council Action: Approved Waiving of Further Reading and Introduction of Proposed Ordinance 1028 Universal Design
Minute Order Number: 209-09

4. Public Hearing – To consider updates to the Comprehensive User Fee Schedule which lists certain fees collected by City Departments (Administrative Services Director)

Administrative Services Director Puccinelli presented the staff report recommending the City Council adopt the resolution amending the comprehensive fees schedule for the City of Sebastopol.

Councilmember Shaffer questioned the amount for a sewer camera. Director Puccinelli stated that this fee is per hour.

Councilmember Wilson questioned if it is possible to forecast if the implemented rates would result in a net financial gain or loss. Director Puccinelli stated per Government Code, the City cannot make a profit on these fees.

Mayor Gurney opened the public hearing. Hearing no comments, Mayor Gurney closed the public hearing.

Councilmember Shaffer moved and Councilmember Wilson seconded the motion to adopt the resolution amending the comprehensive fees schedule for the City of Sebastopol.

VOTE:

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

Noes: None

Absent: Councilmember Robinson

Abstain:None

Council Action: Approved Resolution amending the Comprehensive User Fee Schedule which lists certain fees collected by City Departments

Minute Order Number: 5774

5. Public Hearing – Waiving of Further Reading and Introduction of Proposed Ordinance Amendment to Sebastopol Municipal Code Chapter 9 (Conduct in City Parks), Section 9.24.070, Smoking Prohibited. The proposed amendment clarifies that smoking is prohibited in City parks and at the downtown plaza except in areas specifically designated as smoking permitted areas. (City Manager)

City Manager Griffin presented the staff report recommending the City Council approve Waiving of Further Reading and Introduction of Proposed Ordinance Amendment to Sebastopol Municipal Code Chapter 9 (Conduct in City Parks), Section 9.24.070, Smoking Prohibited. The proposed amendment clarifies that smoking is prohibited in City parks and at the downtown plaza except in areas specifically designated as smoking permitted areas.

Councilmember Shaffer, member of the committee, reported on the changes discussed by the committee. She stated she was opposed at first to having smoking in the plaza, but the committee discussed allowing a section of the northeast area of the plaza for smokers. She questioned if the benches would be relocated to the far side of the plaza.

City Manager Griffin stated benches would not be moved to that area and signs would be installed.

Mayor Gurney opened the public hearing.

Helen Shane, Neva Street, requested the entire downtown plaza be no smoking.

Zeno Swijtink, Palm Avenue, questioned how the City will be able to enforce this ordinance and cautioned the Council approving an ordinance that may not be able to be enforced.

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

City Manager Griffin responded that this is a difficult enforcement issue and that it would probably be a complaint driven enforcement system. However, he stated that in these situations, it is typically a self-enforcement by users of the parks.

Councilmember Shaffer stated that the businesses on the Plaza are pleased with this ordinance and will be enforcers also. She stated with this ordinance in effect, it will be easier to ask people not to smoke in City parks.

Mayor Gurney questioned if the smoking area is near the sculptures and if benches would be added. City Manager Griffin stated yes and stated the City is not intending to add benches in this area.

Mayor Gurney questioned why there is an exception for the downtown plaza for a designated area for smokers.

Councilmember Shaffer discussed Councilmember Robinson's concerns for not having a designated smoking area and stated that it may become a nuisance elsewhere if there was not a designated smoking area.

Mayor Gurney stated she was in support of no smoking for the entire plaza.

Councilmember Wilson moved and Mayor Gurney seconded the motion to approve Waiving of Further Reading and Introduction of Proposed Ordinance Amendment to Sebastopol Municipal Code Chapter 9 (Conduct in City

Parks), Section 9.24.070, Smoking Prohibited with the amendment that no smoking is allowed in the downtown plaza.

DISCUSSION:

Councilmember Wilson questioned if the Council changed the ordinance tonight, could it still go forward for adoption. City Attorney McLaughlin stated that it could as long as the language is clear.

Councilmember Wilson stated he is in support of no smoking in the downtown plaza.

City Attorney McLaughlin clarified that the Council could accept the ordinance for introduction tonight as there is language in the ordinance that would address the concerns of smoking in the plaza.

Councilmember Wilson amended his motion and Mayor Gurney seconded the amended motion to approve Waiving of Further Reading and Introduction of Proposed Ordinance Amendment to Sebastopol Municipal Code Chapter 9 (Conduct in City Parks), Section 9.24.070, Smoking Prohibited with the amendment that no smoking is allowed in the downtown plaza and that the City not establish a designated smoking area in the downtown plaza.

VOTE:

- Ayes: Councilmembers Wilson, Shaffer, Vice Mayor Kelley and Mayor Gurney
- Noes: None
- Absent: Councilmember Robinson
- Abstain: None

Council Action: Approved Waiving of Further Reading and Introduction of Proposed Ordinance Amendment to Sebastopol Municipal Code Chapter 9 (Conduct in City Parks), Section 9.24.070, Smoking Prohibited.

Minute Order Number: 210-09

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

DISCUSSION AND/OR ACTION ITEM(s):

6. Report from Medical Cannabis Cultivation Moratorium Committee (City Manager/Planning Director)

City Manager Griffin presented the staff report recommending the City Council accept the interim report.

Councilmember Wilson, member of the committee, discussed the following:

- Encouraged members of the community to become aware of this issue and contact either the committee or Council with issues or concerns;
- Stated this process is to get the community's response and that he wants to know how the community of Sebastopol feels about the possibility of enacting an ordinance
- Stated the committee is in the process of creating a proposed ordinance and that there will be more opportunities for public comment during this process

Councilmember Shaffer questioned if any community in California has put a limit on the facility size or not allowed this to happen.

City Attorney McLaughlin stated he has not researched other jurisdictions, but has recently reviewed two ordinances online; one of which was a prohibition.

Mayor Gurney opened for public comment.

Robert Jacob, Peace In Medicine, stated the following:

- Important to the community to know where this is in the process
- Prohibition does not work with the State law
- Has discouraged the community from expressing their opinion on this issue and is pleased to hear Councilmember Wilson requesting comments and stated he will spread the word
- Stated there is not a whole lot of controversy on this issue
- Believes Sebastopol is supportive of this

Kathy Madgett, High Street, stated the following:

- Concerned with growing medical marijuana in a densely populated neighborhood
- Concerned that cultivation will bring in a criminal element
- Concerned with growing close to a school
- Concerned with the smell
- Questioned the accountability and how the City would ensure that the growers are honestly growing for people with real medical issues and not mis-using the opportunity to make a profit from selling it on the street
- Provided a letter from residents on High Street also express concern.
- Requested that businesses licenses be required for growing for these operations

Patty, resident of High Street, expressed the following:

- Requested background checks on growers
- Has the same concerns as the previous speaker
- Too close to the school; criminal activity and it is not regulated; questioned how a person would know if there are toxins in it; if it is laced with something; and would like this to be in a controlled and safe environment.

Zeno Swijtink, Palm Avenue, discussed the following:

- likes that this support is available to the community
- stated it is ironic to create a business that involves smoking when the City just passed a no smoking ordinance
- questioned if the business could be regulated to use brownies, chocolate, etc.

Helen Shane stated this may be an opportunity for the commercial and non profit cultivators of cannabis and encouraged Peace In Medicine to grow their own cannabis.

Kristine Nelson, 7512 Bellevue Avenue, stated she grows pot and is glad to see this in Sebastopol, but is concerned with a warehouse growing facility which could lead to criminal activity. She stated people benefit from medical marijuana.

Councilmember Shaffer questioned if Peace In Medicine has a problem with shortage of cannabis for the dispensary or ever had to turn people away.

Robert Jacob stated that cannabis can run short in certain months or run out of certain types of cannabis, but they have never had to turn anyone away.

The Council accepted the interim report.

Council Action: Accepted Report from the Medical Cannabis Cultivation Moratorium Committee

Reference Order Number: 211-09

7. Discussion of Designating Planning Commission as Review Body for Parks Projects and Policies (City Manager/Planning Director)

Planning Director Webster presented the staff report recommending that staff be directed to modify the Planning Commission duties to include oversight of Park Policy and review of major park projects.

Mayor Gurney questioned if the Council would only review projects from the Planning Commission if there is funding involved.

Director Webster stated that the City Council is the final approving authority, but could benefit from the review by the Planning Commission.

Councilmember Wilson discussed the public arts subcommittee and their review of the ordinance and questioned how this policy would develop with the public arts subcommittee and stated he is skeptical that this issue would be resolved by adding another duty to the Planning Commission. He questioned the origin of this request.

Councilmember Shaffer explained the origins and stated Charlie Prowell had some ideas for Ives Park to beautify it and make it more user friendly and there was no process to allow this to happen. She stated she spoke with staff who had concerns about creating a hodge-podge approach and this seemed like the best solution. She stated she had concerns with the arts committee regarding public art and suggested the Planning Commission would be another set of eyes for our public parks.

Mayor Gurney stated that these issues can be addressed when the Council reviews the proposed ordinance changes.

Councilmember Wilson stated he would reserve judgment and would like to see an efficient and coherent approach. He stated that another set of eyes may not enhance the public arts committee, but suggested that the Planning Commission may be involved with the arts committee.

Mayor Gurney stated there are other issues involved such as park purchase, land use, park use and questioned if the Council was in favor of adding these duties to the Planning Commission.

Councilmember Shaffer stated there are upcoming projects such as Village Park and Flynn Street and she would like to see the Planning Commission review with community input.

Mayor Gurney questioned if this Ordinance takes effect, how would this affect the RFP process, selection of consultants, designs, etc.

Director Webster stated that the Council would be the final authority on the concept for the RFP, hiring of the consultant, final design for the park, etc. He stated that the Planning Commission would have an advisory role to the Council.

City Manager Griffin explained the benefit of having the Planning Commission vetting competing interests, hearing public testimony, and providing comments to the Council.

Councilmember Wilson suggested that the Design Review Board can also be brought into the process as appropriate.

Councilmember Shaffer moved and Councilmember Wilson seconded the motion to direct staff to modify the Planning Commission duties to include oversight of Park Policy and review of major park projects.

VOTE:

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

Noes: None

Absent: Councilmember Robinson

Abstain:None

Council Action: Directed staff to modify the Planning Commission duties to include oversight of Park Policy and review of major park projects.

Minute Order Number: 212-09

8. Discussion of Memorandum of Understanding with Redwood Empire Disposal on the Creation of a Multi-jurisdictional Pilot Food Waste Collection Program (City Manager)

City Manager Griffin presented the staff report recommending the City Council approve a Memorandum of Understanding with Redwood Empire Disposal on the Creation of a Multi-Jurisdictional Pilot Food Waste Collection Program.

Pam Davis, Redwood Empire Disposal, provided a brief presentation on the program and stated this is a collaborative effort with Sonoma County Waste Management Agency, Sonoma County Environmental Health, Sonoma Compost and Redwood Empire Disposal.

Alan Siegle, Sonoma Compost, discussed the existing food waste program which has been successful.

Vice Mayor Kelley questioned the charge for collection of food waste and if this would be a different billing.

Ms. Davis discussed the costs associated with this pilot program and stated it would be a new fee.

Vice Mayor Kelley questioned if this may be reduced if there is a lot of interest.

Ms. Davis stated Redwood Empire would be reviewing this program in about six months to see if the prices would change.

Vice Mayor Kelley stated this is a great plan and what will the commercial be allowed to be placed into the containers. Ms. Davis stated they will be allowed to place the same as residents do now, except that no plastic bags are allowed.

Councilmember Wilson questioned combining the animal, dairy, etc with composting and stated that now that this is included, does it change what is done with the yard waste. Ms. Davis stated the volume of yard waste is high and it is absorbed into the system.

Mr. Siegle stated that is accurate, but that in the future, there may be different technology that would need to be used.

Mayor Gurney opened for public comment.

Helen Shane, Neva Street, discussed her yard waste situation and questioned if she was doing it the correct way. Ms. Davis stated yes.

Ann Hancock stated this is awesome and deserves more coverage.

Councilmember Wilson moved and Councilmember Shaffer seconded the motion to approve a Memorandum of Understanding with Redwood Empire Disposal on the Creation of a Multi-Jurisdictional Pilot Food Waste Collection Program.

VOTE:

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

Noes: None

Absent: Councilmember Robinson

Abstain:None

Council Action: Approved Memorandum of Understanding with Redwood Empire Disposal on the Creation of a Multi-jurisdictional Pilot Food Waste Collection Program

Minute Order Number: 213-09

9. Discussion of Continued Sponsorship for the Sebastopol Walks Program – iWALK Sebastopol (Mayor Gurney)

Mayor Gurney presented the report recommending that the City Council continue to support these programs and become a permanent sponsor of iWALK Sonoma/iWALK Sebastopol.

Councilmember Wilson moved and Mayor Gurney seconded the motion to continue to support these programs and become a permanent sponsor of iWALK Sonoma/iWALK Sebastopol.

VOTE:

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

Noes: None

Absent: Councilmember Robinson

Abstain:None

Council Action: Approved Continued Sponsorship for the Sebastopol Walks Program – iWALK Sebastopol

Minute Order Number: 214-09

10. Energy Usage for Municipal Operations (Engineering Director)

Engineering Director Kelly presented the staff report recommending that the City Council receive the report and provide comments and direction to staff. Direct staff to continue with compilation and reporting on actual energy usage in City operations, in Annual Level of Service Reports to City Council in January of each year.

Mayor Gurney stated that Ives Pool bath house provides a facility to users outside of the City of Sebastopol City limits jurisdiction, similar to the Library.

Councilmember Shaffer questioned if the number 85 active services are meters. Director Kelly stated yes, they are electric and gas.

Councilmember Shaffer questioned if the Village Park has two meters. Director Kelly stated yes.

Councilmember Wilson discussed his concerns that Village Park has not yet been annexed to the City and that it may have skewed the calculations since it is shown as a municipal operation. He also stated that in the future there may be attrition factor for the Park and may have less usage.

Director Kelly state that is correct.

Councilmember Wilson discussed the baseline data and questioned if this was apples to oranges. Director Kelly stated yes.

Councilmember Shaffer questioned if there was a mechanism built into this report for changes, such as growth calculations.

Director Kelly discussed adjustments that have been made over the years since the baseline survey was conducted.

City Manager Griffin also discussed the City's water system and stated since the City is on its own wells, the percentage would be higher than the City's neighbors.

Mayor Gurney opened for public comment.

Dave Erickson, Climate Protection Campaign, discussed the following:

- Stated the baseline and stated that it looked at all sectors of municipal operations
- Adjustments made calendar dates
- Tracks electricity and natural gas and discussed how it was tracked
- Suggested that the City could cut down on water energy use by looking at reducing the end use of water and efficient use of water
- Discussed corporate boundary inventory and stated that the Village Park does not show as a hit as the baseline was adjusted when the City purchased the park.
- Presented CPC's report card to the City

Zeno Swijitink, Palm Avenue, concerned that the City is looking to drill a new and that the City should explore alternatives to reduce the water use in town

Ann Hancock, Climate Protection Campaign, discussed the following:

- Sebastopol is the greenest City
- Set a green house goal but did not achieve it
- CPC would like to help Sebastopol be the leader in achieving this goal
- Encouraged the Council to re-inform staff to let them know that the Council wants to make this happen
- LOS uses per capital and not an absolute
- Discussed AB 32
- Suggested the City review the plan done by Sam Pierce and possibly conduct a study session

Mayor Gurney stated that the City did discuss the possibility of drilling a new well, but that idea has been abandoned. Questioned staff if the City has the plan that was done by Sam Pierce and has this plan been put in action.

Director Kelly stated that Sam Pierce created a work plan, but that it is a proprietary software tool, and was not left with the City. She discussed how the City reconciled the data; visited meter locations for verification; and stated that the information received from PG&E was not always accurate. She stated there is a difference of opinion between the City and CPC on the Village Park usage and stated CPC did not include prior years' PG&E history for Village Park in their report. She stated the data does not have the integrity in terms of absolute and that things change every year. She stated staff will return with an energy consumption report during the Level of Service Report in January and stated the methodology and emissions will vary on who you ask.

Vice Mayor Kelley questioned if there was something the City could do to help with the Ives Pool bath house figures.

Director Kelly stated that this figure is a small figure in the overall scheme.

Councilmember Wilson stated that many people outside the City use Ives Pool and stated it is challenging how the metrics work out. He discussed the City's green house gas emissions reduction goal and suggested looking at the total geopolitical area. He questioned how to achieve the ultimate goal.

Dave Erickson stated there are specific policy actions that can be taken. He also stated there is new protocol for local government on setting boundaries for operations.

The Council was in consensus to have staff work with the Climate Protection Campaign as they prepare their annual reports; check with Sam Pierce regarding proprietary issues with the software program; review the State policies for Cities; and return with a report during the Level of Service report in January.

Director Kelly stated she was content with CPC reviewing the State policies as long as CPC continues to work with the City and gives the City an opportunity to review their data prior to publication.

Council Action: The Council received the report; was in consensus to have staff work with the Climate Protection Campaign as they prepare their annual reports; check with Sam Pierce regarding proprietary issues with the software program; review the State policies for Cities; and return with a report during the Level of Service report in January.

Minute Order Number: 215-09

11. Consideration of Request to Join Amicus Brief: Case: *Stop the Casino 101 Coalition, et al. v. Kempthorne, et al.* (9th Circuit Case No. 09-16294) (previously N.D. Cal. Case No. C 08-02846 SI) (Vice Mayor Kelley)

Vice Mayor Kelley presented the information recommending the City Council approve the request to join in the amicus brief opposing the proposed Casino by the Federal Indians of the Graton Rancheria. She discussed the Governor and Senator Feinstein opposing a similar situation for Point Richmond Casino for the same reasons as that it would be an urban casino.

Councilmember Wilson stated that he does not see any staff expense and that it is a worthy legal issue but also a worthy political issue that could gain political strength.

Councilmember Shaffer state that Councilmember Healy was also trying to get a resolution on the ballot and urged the Council to support that if it comes up in the future.

Councilmember Wilson moved and Vice Mayor Kelley seconded the motion to approve the request to join in the amicus brief opposing the proposed Casino by the Federal Indians of the Graton Rancheria.

VOTE:

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

Noes: None

Absent: Councilmember Robinson

Abstain:None

Council Action: Approved Request to Join Amicus Brief: Case: *Stop the Casino 101 Coalition, et al. v. Kempthorne, et al.* (9th Circuit Case No. 09-16294) (previously N.D. Cal. Case No. C 08-02846 SI

Minute Order Number: 216-09

CITY COUNCIL REPORT

- 12. City Manager Reports: City Manager Griffin discussed pension reform and stated he is on a sub-committee to look at the issues surrounding pensions.
- 13. City Council Committees: None
- 14. City Council Reports:

Councilmember Shaffer stated that the League of California Cities has submitted an initiative on the ballot for municipal funding.

Mayor Gurney discussed the SCTA meeting and stated the final EIR on the Comprehensive Transportation Plan was approved, but that it did not meet the goals to address climate change issues.

15. City Council Correspondence:

Mayor Gurney stated she has received the following and if anyone would like information on them, to contact her:

- Emails regarding the Sonoma County landfill divestiture
- ABAG has requested if the City of Sebastopol will have a delegate at the Fall conference
- Russian River Instream Flow and Restoration Public Policy Facilitating Committee Meeting, October 29th
- MOVES Luncheon, October 30th
- US Census Bureau Open House, November 5th

Mayor Gurney adjourned the regular meeting at 9:40pm to the Closed Session.

CLOSED SESSION:

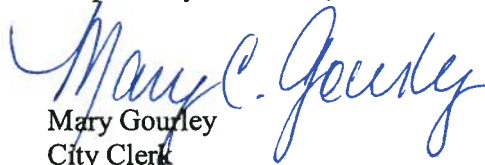
- 16. Conference with Legal Counsel - Threatened Litigation (One Case) – Government Code Section 54956.9

Mayor Gurney adjourned the Closed Session meeting at 10:15 to the regular City Council meeting.

There were no announcements from the closed session.

ADJOURNMENT: Mayor Gurney adjourned the City Council meeting of October 20, 2009 at 10:16 pm to the next regular City Council meeting to be held November 3, 2009 at 6:00 pm, at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, Ca.

Respectfully Submitted,



Mary Gourley
City Clerk