

CITY OF SEBASTOPOL



SEBASTOPOL
Local Flavor, Global Vision.

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

MINUTES OF THE SEBASTOPOL CITY COUNCIL MEETING OF November 17, 2009

Approved by the City Council at their meeting of December 1, 2009

CITY OF SEBASTOPOL CITY COUNCIL

MINUTES OF MEETING OF November 17, 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 29, 2009.

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

CALL TO ORDER: Mayor Gurney called the meeting to order at 6:04 pm.

ROLL CALL

Present: Councilmembers Robinson, Wilson, Shaffer, Vice Mayor Kelley and Mayor Gurney
Absent: None
Staff: City Manager Griffin, City Clerk Gourley, Engineering Director Kelly, Police Chief Weaver, Fire Chief Zanzi, Superintendent of Public Works Emig, Planning Director Webster and Building Official Schainblatt

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

Mayor Gurney expressed her moment of gratitude for City staff's professionalism, accessibility, patience and endurance in making this a strong and healthy community.

PROCLAMATION(S)/PRESENTATION(S):

Mayor Gurney presented the following:

- Years of Service Award – Randall A. Bratton – Volunteer Firefighter (15 Years)
- Years of Service Award – Zina A. Keeran – Police Dispatcher (20 Years)
- Years of Service Award – Jeffrey D. Weaver – Police Chief – 20 Years
- Years of Service Award – Steve M. Thibodeau – Volunteer Firefighter (25 Years)
- Recognition of Volunteers – Recognition of Volunteers Who Have Served on City Boards/Commissions
 - Linda Galletta
 - Geni Houston
 - Ron Hudelson
 - Marilyn Standley

- Howard Levy (not in attendance)
- Rick Taylor
- Peter Daly (not in attendance)
- Proclamation Declaring November as Pancreatic Cancer Awareness Month. Silvana Brindisi, Volunteer Bay Area Advocate, Pancreatic Cancer Action Network, was in attendance to receive the proclamation.

APPROVAL OF MINUTES OF: November 3, 2009

Vice Mayor Kelley moved and Councilmember Shaffer seconded the motion to approve the minutes of the City Council meeting of November 3, 2009 as amended.

VOTE:

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

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

Councilmember Shaffer commented as follows:

- Discussed the article in the Press Democrat and commented that she makes decisions based upon making the City as healthy and safe as possible.
- Discussed the Every 15 Minutes held at Analy High School and stated it was very moving and encouraged the Police Department to keep up the good work.
- Discussed the upcoming holidays and encouraged people to Buy/Shop and Dine Local.

Mayor Gurney commented as follows:

- Thanked Planning Director Webster for accomplishing installation of the bike mural at the Library
- Discussed the Bike Rack Program
- Discussed the Thanksgiving Dinner to be held at the Community Church from 1:00-5:00 pm
- Discussed the last Sebastopol Walks for 2009 to be held November 28th – Meet at the Plaza at 10:55 am and then take a bus to Forestville and then walk back to Sebastopol
- December 3: 7:30 pm – 9:00 pm – Meeting on the Skatergarten Expansion
- December 5: 9:00 am – 12:00 pm – H1N1 Flu Vaccination to be held at Palm Drive Hospital
- December 7: 7:00 pm – 8:30 pm – Meeting on Village Mobile Home Park/Laguna de Santa Rosa Open Space Design
- November 18th: Last Dine Out for 2009 – 6:00 pm- Starlight

Councilmember Wilson discussed the Grand Opening Celebration of Sequoia Village on Thursday, November 19th at 11:30 am.

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.

Teresa Ramondo, Sebastopol Area Chamber of Commerce, discussed the following:

- Shine Reception, Thursday, November 19th at West America Bank – 5:30 – 7:00 pm
- December 3rd – Tree Lighting Ceremony at the Downtown Plaza and invited the incoming Mayor to light the tree
- December 5th – First City Wide Town Super Saturday
- November 23rd – Downtown Decoration of Store Fronts
- January 28th – Community Awards to be held at the Community Church

Peter Schurch, Sebastopol Creek Stewards, read a prepared statement discussing the following:

- Suggested the City open the 12 foot gate on the northwest side of the pond and let the public have access to the creek
- Discussed issues such as steep banks; geese; idea that creeks are considered filthy and dangerous; and general fear of nature in society
- Requested that the Council agendaize this item for a future meeting; proposed removal of the 12 foot gate from April 16th until November 24th, 2010 as a trial period; proposed the City not raise the dam next summer so the pond will remain natural and shallow and safe; and suggested that the City install a trash can near the gate if needed.

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

Councilmember Shaffer requested item number 2 be removed from the consent calendar.

Staff requested item number 8 be removed from the consent calendar.

Councilmember Wilson moved and Councilmember Shaffer seconded the motion to approve consent calendar items Number 1, 3, 4, 5, 6 and 7.

VOTE:

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

Noes: None

Absent: None

Abstain:None

1. Waiving of Further Reading and Adoption of Ordinance Number 1030, An Ordinance of the City Council of the City of Sebastopol to Amend Sebastopol Municipal Code Chapter 2.08, Council Meeting. Modification includes change to the start time for City Council meetings. (City Manager)

City Council Action: Approved Waiving of Further Reading and Adoption of Ordinance Number 1030, An Ordinance of the City Council of the City of Sebastopol to Amend Sebastopol Municipal Code Chapter 2.08, Council Meeting. Modification includes change to the start time for City Council meetings.

Minute Order Number: 225-09

3. Resolution Accepting Public Improvements for Parcel Map No. 150, Habitat for Humanity, 384 Johnson Street (Engineering Director)

City Council Action: Approved Resolution Accepting Public Improvements for Parcel Map No. 150, Habitat for Humanity, 384 Johnson Street

Resolution Number: 5777

4. Request for Qualifications/Request for Proposals for Engineering Consulting Services (Pre-qualified Consultants List) (Engineering Director)

City Council Action: Approved Request for Qualifications/Request for Proposals for Engineering Consulting Services (Pre-qualified Consultants List)

Minute Order Number: 226-09

5. Approval of Placement of Sculpture Jam Sculptures at Libby Park (Planning Director)

City Council Action: Approved Placement of Sculpture Jam Sculptures at Libby Park

Minute Order Number: 227-09

6. Request for Qualifications/Request for Proposals (Bike Lane Feasibility Study) (Engineering Director)

City Council Action: Approved Request for Qualifications/Request for Proposals (Bike Lane Feasibility Study)

Minute Order Number: 228-09

7. Resolution Supporting Matching Grant Application for Meadowlark Field Restoration Project (Planning Director)

City Council Action: Approved Resolution Request for Qualifications/Request for Proposals (Bike Lane Feasibility Study)

Resolution Number: 5778

2. Resolution Accepting Public Improvements for Lyding Lane Mixed Use Subdivision (7770 Healdsburg Avenue, Steve Sheldon) (Engineering Director)

Councilmember Shaffer stated that several neighbors had expressed concerns with this development and questioned if they are aware of this item and if it meets the satisfaction of everyone.

Engineering Director Kelly stated that the City has responded to all issues and stated this is a routine action at the end of construction so that bonds can be released. She stated she is not aware if the residents are aware of this item.

Councilmember Shaffer moved and Councilmember Wilson seconded the motion to approve Resolution Accepting Public Improvements for Lyding Lane Mixed Use Subdivision (7770 Healdsburg Avenue, Steve Sheldon).

VOTE:

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

Noes: None

Absent: None

Abstain: None

City Council Action: Approved adoption of Resolution Accepting Public Improvements for Lyding Lane Mixed Use Subdivision (7770 Healdsburg Avenue, Steve Sheldon)

Resolution Number: 5776

8. Water Zone Interconnection Project – Approval for a contract amendment with the City’s contractual engineering firm, Green Valley Engineering, to develop plans and specifications for water zone interconnection at Well 6 (Superintendent of Public Works)

City Manager Griffin stated that the Superintendent of Public Works Richard Emig has re-negotiated the contract amendment with Green Valley and the revised amount is for \$38,935.00.

Councilmember Shaffer moved and Vice Mayor Kelley seconded the motion to approve a contract amendment with the City’s contractual engineering firm, Green Valley Engineering, to develop plans and specifications for water zone interconnection at Well 6.

VOTE:

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

Noes: None

Absent: None

Abstain: None

City Council Action: Approved contract amendment with the City’s contractual engineering firm, Green Valley Engineering, to develop plans and specifications for water zone interconnection at Well 6 for the revised amount of \$38,935.00.

Minute Order Number: 229-09

PRESENTATION(S):

9. Presentation on Gray Water (Building Official)

Building Official Schainblatt provided a presentation on Gray Water.

Councilmember Robinson praised Building Official Schainblatt and stated that this will go a long ways toward the City meeting the water conversation goals.

Councilmember Wilson praised Building Official Schainblatt’s efforts and asked for examples on what would be permitted and legal for a graywater usage in a household. Building Official Schainblatt stated that a household could irrigate landscape (not root stocks), lawns and trees.

Councilmember Wilson questioned what in the household is not appropriate for graywater. Building Official Schainblatt stated that kitchen sinks or toilets would not be allowed for graywater. He stated bathroom sinks, showers, bathtubs and clothes washers would be fine.

Councilmember Shaffer questioned runoff onto other properties. Building Official Schainblatt stated that the design would take thought and the regulations provide details on how to design a system.

Councilmember Shaffer questioned if fruit trees could be irrigated with graywater. Building Official Schainblatt stated yes.

Vice Mayor Kelley questioned if dual plumbing is required for future construction. Building Official Schainblatt stated that this is not yet required, but some projects have already installed it for future use.

Vice Mayor Kelley questioned if dual plumbing is required for exterior. Building Official Schainblatt stated one project has installed dual plumbing for exterior use.

Vice Mayor Kelley questioned if there was any reason not to require this dual plumbing for new construction. Building Official Schainblatt stated he would be hesitant to make this mandatory, but reminded the Council that dual plumbing can earn points under the City's mandatory Green Building program.

Vice Mayor Kelley clarified that installation would count towards green building requirements. Building Official Schainblatt stated yes.

Vice Mayor Kelley questioned if there will now be no permits required for single fixtures. Building Official Schainblatt stated that is correct and that it is not required for single pipe.

Vice Mayor Kelley questioned if a person could have both a single pipe and washing machine pipe to discharge graywater, or does it have to be one or the other. Building Official Schainblatt stated that it does not say, but that there has to be room for the system.

Vice Mayor Kelley discussed the City's method for calculation of sewer bills and questioned how the City will deal with this issue if a person installs a graywater system. City Manager Griffin stated that it would be logical to credit a person for installation as it is an energy conservation; however, he is not sure how it could be calculated.

Mayor Gurney opened for public comment.

A member of the audience questioned if this information was available on line. Building Official Schainblatt stated he will put this on the City web site.

A member of the audience questioned if there were creek setbacks and how a graywater system would affect the protection of creeks.

Engineering Director Kelly stated there are creek setback requirements and there is also a State law that prohibits run off (except rain water) into the creek.

City Council Action: None Required. Informational only.

Reference Order Number: 230-09

PUBLIC HEARING(S): None

INFORMATIONAL REPORTS (No Action Required by the City Council):

10. City Water Well History and Water Supply Policy Report (Superintendent of Public Works/City Manager)

City Manager Griffin and Superintendent of Public Works Emig provided a brief history of the water wells for the City of Sebastopol.

Councilmember Robinson questioned if the information for Well 5 correctly infers that the samples are showing that the contaminants are diminishing. Superintendent Emig stated that is correct.

Councilmember Wilson questioned the last sentence in the report regarding Well 6 "City is discussing with State Department of Public Health the possibility of blending Well 06 water with Zone 1 water to remediate the arsenic issue" and questioned if this means that it is the idea to dilute the amount of arsenic by spreading it into a larger layer of water. Superintendent Emig stated that is correct and that is the acceptable method by EPA and DPH.

Councilmember Wilson questioned if there is a theoretical risk of introducing more arsenic into Zone 1. Superintendent Emig stated no, there is no way for the water to go backwards.

Mayor Gurney questioned if the City would conduct tests once the water is blended. Superintendent Emig stated yes and that it is State regulated.

Councilmember Shaffer questioned if the wells are tested monthly. Superintendent Emig stated Well 4 is tested monthly.

Councilmember Shaffer questioned how often are the other wells tested. Superintendent of Emig stated that raw water is tested for monthly and that other tests vary depending on frequency requirements.

Councilmember Shaffer questioned the location of Well 2 and asked the reason for renumbering of wells. Superintendent Emig stated this well has been abandoned and is now the location for Well 8. He stated for record-keeping, once wells are abandoned and then re-started, a new number is given.

Councilmember Shaffer questioned when the City will be putting the static level of wells onto the water bills. Engineering Director Kelly stated the City is looking to provide this information in a different venue and that hopefully it will be disseminated in January.

Mayor Gurney opened for public comment.

Jane Nielsen, representative of SWIG, stated she could not find the attachment to the report in the packet and requested a copy and stated it is not silly to test for radioactivity as there are wells in the Laguna de Santa Rosa that contain this.

Peter Schurch, Leland Street, questioned what is the average gallon per day and if the usage has gone up or down and questioned what the contaminant is for Well 5. Engineering Director Kelly stated the gallons per day has done down in the last couple years and the numbers will be presented in the Annual Level of Service Report. She stated the PCE from the old dry cleaner site is the main contaminant for Well 5.

Mayor Gurney clarified that the Council also received the attachment to the report tonight.

City Council Action: None Required. Informational only.

Reference Order Number: 231-09

Mayor Gurney called for a break at 7:40 pm and reconvened the meeting at 7:50 pm.

DISCUSSION AND/OR ACTION ITEM(S):

11. Traffic, Bicycle and Pedestrian Calming Safety Issues (Police Chief)

Police Chief Weaver presented the staff report recommending the City Council approve staff recommendations for individual requests and authorize the Department of Public Works and Engineering to implement traffic and pedestrian safety measure where recommended.

Request #1: Address the issue of individuals skateboarding in the traffic lanes on First Street.

Recommendation: None. Existing law makes the behavior in question illegal.

Mayor Gurney opened for public comments:

Robert Porter, First Street, stated he was the person in the accident and stated that the kid was not accountable and felt that the only penalty he should suffer was a bruise. He stated that skateboarders who skate should be required to go to traffic school and that their skateboard should be confiscated until traffic school is completed.

Chief Weaver responded that the Sonoma County Bicycle Coalition conducts a bicycle safety course that the juvenile system can require cited individuals to attend; he stated that skateboards are not confiscated at this point and sees it as an unnecessary punitive action as the Police Department does not need it to prove the case.

Councilmember Shaffer questioned the amount of time after the fact that the individual could be cited and has this individual been cited. Chief Weaver stated he did not know if this individual was cited and that the police department generally do not issue citations in these situations and stated there are other processes for deterrents.

The Council was in consensus to accept staff recommendation.

Request #2: Install Stop Signs on Calder Avenue at High Street

Recommendation: Based upon the relatively light traffic flow, the comparably low speeds, and the odd intersection configuration, Staff recommends Stop Signs not be installed.

Councilmember Shaffer stated she received a letter from a parent regarding the perception of parents that this is a problem and questioned if a stop sign would be a bad idea. Chief Weaver stated it would be a bad idea as this is an elongated intersection that would have 2 stop signs less than 100 feet apart.

Councilmember Shaffer stated that she received a letter from Jeffrey Skinner and asked the Police Chief to respond.

Mayor Gurney discussed the photos shown and stated it is not a "T" intersection.

Councilmember Wilson stated there is significant grade there also.

Mayor Gurney opened for public comment.

A member of the audience questioned the incident on First Street and stated the skateboarder was not cited and asked why a stop sign could not be installed. He asked if the driver ran over the skateboarder would this be considered a serious enough situation and what action would be taken then. Chief Weaver stated the skateboarder was at fault, does not know if the skateboarder was cited, and that this item is a different location, not First Street.

Robert Porter, First Street, requested that pedestrian crossing lines be installed.

Chief Weaver stated that could be reviewed for the next traffic calming report.

The Council was in consensus to accept the recommendation with the following:

**Requested staff consider additional review of the crosswalk for a future report.*

Request #3: Install a Stop Sign for traffic on Murphy Avenue at Valentine Avenue.

Recommendation: Authorize the Department of Public Works to install Stop Signs on Murphy Avenue at its intersection with Valentine Avenue.

Councilmember Wilson questioned if thought was given to removing parking on the street. He stated that when cars are parked on the street on both sides, it is impossible for cars to safely pass. He also questioned the safety of the bicyclists. Chief Weaver stated that was reviewed, but there are many streets similar to this situation where cars cannot pass if there are cars parked on both sides of the street.

Engineering Director Kelly stated that the Request for Proposals for Bike Lane Studies can include Murphy Avenue to look at parking and street configuration.

The Council was in consensus to accept staff's recommendations.

Request #4: Install a crosswalk across Jewell Avenue at its intersection with Leland Street.

Recommendation: Authorize Staff to investigate associated costs for this project for possible inclusion in a future Capital Improvement Program.

Mayor Gurney opened for public comment.

Nancy Hubert stated it would be a waste of money to install a crosswalk with ADA access in an area when you walk further down the road there is no sidewalk.

The Council was in consensus to accept staff's recommendations.

Request #5: Install a Stop Sign for westbound traffic on Valentine Avenue at Springdale Street.
Recommendation: Authorize the Department of Public Works to install a Stop Sign for westbound traffic on Valentine Avenue at its intersection with Springdale Street.

The Council was in consensus to accept staff's recommendations.

Request #6: Install a crosswalk on Laguna Park Way fronting the SkateGarden
Recommendation: Authorize the Department of Public Works to install a crosswalk across Laguna Park Way fronting the SkateGarden.

Councilmember Robinson questioned if a free standing pedestrian sign could be installed in the middle of the road. Chief Weaver stated that they could look into that possibility. Engineering Director Kelly stated that it may become a maintenance issue of replacing the sign.

*The Council was in consensus to accept the recommendation with the following:
Requested staff review the possibility of installing a pedestrian sign in the middle of the roadway.*

Request #7: Install a Stop Sign for westbound traffic on Hayden Avenue at Pine Crest Avenue.
Recommendation: Authorize the Department of Public Works to install a Stop Sign on Hayden Avenue for westbound traffic on Hayden Avenue, at its intersection with Pine Crest Avenue.

The Council was in consensus to accept staff's recommendations.

Request #8: Install an electronic Speed Awareness Sign for eastbound traffic on Bodega Avenue, west
Recommendation: Authorize Staff to obtain quotes, purchase, and install an electronic Speed Awareness Sign on Bodega Avenue for eastbound traffic west of Burbank Heights.

Vice Mayor Kelley questioned if the solar signs are battery charged. Chief Weaver stated yes.

Mayor Gurney opened for public comment.

Dee Dee Goodrich questioned if there will be solar speed sign for Ragle? Chief Weaver stated yes.

John Wood, resident, Burbank Heights, thanked Chief Weaver for his responsiveness. He stated the residents would prefer to have a red light at this crossing; however, since they cannot they are in favor of the speed monitor sign. He requested a sign be installed at Pleasant Hill Avenue stating reduced speed ahead; stated the current sign is invisible by brush; and requested installation of stenciling in the roadway with the 25 MPH. Chief Weaver stated he will work with Public Works on these requests.

Councilmember Shaffer questioned adding a light at the crosswalk onto the sign for greater visibility. Chief Weaver stated there is an overhanging yellow light; a respite island; in road signs; and speed limit enforcement for a senior zone. He stated that in 2008, the police department set a traffic enforcement record in this area.

Mayor Gurney clarified that the solar speed limit sign will be installed on Bodega Avenue, not on Ragle.

*The Council was in consensus to accept the recommendation with the following:
Requested staff review a reduce speed sign ahead; clearing of brush; and stenciling of 25 MPH into roadway

Request #9: Install a crosswalk on Lynch Road at the intersection with Enos Avenue
Recommendation: Leave conditions as they are.

Councilmember Wilson questioned if there is a sidewalk along Lynch. Chief Weaver stated no, there is a wide shoulder and grassy area.

Councilmember Wilson questioned the false sense of assurance and how this could be balanced. Chief Weaver stated he visits the locations, looks at shading, trees, and if the lines are sufficient to be seen and stated in this location it would do more harm than good.

The Council was in consensus to accept staff's recommendations.

Request #10: Create eighteen inches of red curb on either side of the driveway for 7302 to 7308 Bodega Avenue, which serves eight residences.

Recommendation: Authorize the Department of Public Works to create an eighteen-inch red zone on Bodega Avenue, east and west of the driveway to 7302 to 7308 Bodega Avenue.

The Council was in consensus to accept staff's recommendations.

Request #11 Shorten the red zone on the north side of Healdsburg Avenue, east of DuFranc Avenue.

Recommendation: Authorize the Department of Public Works to shorten the red zone on the north side of Healdsburg Avenue, east of DuFranc Avenue, so it is 90 feet long.

Councilmember Robinson stated he recollected that this area was lengthened based on residents concerns with emergency vehicles not being able to get through and questioned if the other neighbors are aware of this request. Chief Weaver stated the other residents were not notified.

Councilmember Robinson requested deferring this item and allowing the Police Chief to notify the neighborhood of this request. Chief Weaver stated he will write a letter to the neighbors.

Councilmember Shaffer questioned if these residents had other areas to park. Chief Weaver stated he believes they may have garages; however, they do not have street parking on DuFranc.

The Council was in consensus to defer this item to a future meeting date and allow the Police Chief to notify the residents in this neighborhood of this request.

Request #12: Eliminate parking on one side of Walker Avenue east of Petaluma Avenue.

Recommendation: Leave conditions as they area.

Councilmember Wilson questioned the blue striping. Chief Weaver stated this is for handicap accessibility.

The Council was in consensus to accept staff's recommendations.

Request #13: Reconfigure the parking near Sunset Avenue at Taft Street to address traffic hazards

Recommendation: Authorize the Department of Public Works to post a "No Stopping, No Standing, No Parking" sign on Sunset Avenue, 100 feet east of the western curb line of Taft Street, for westbound traffic.

Authorize creation of a fifty-foot "Passenger Loading Zone", beginning 100 feet east of the western curb line of Taft Street, on the north side of Sunset Avenue. The remaining existing parking would not be changed

Councilmember Wilson moved and Councilmember Robinson seconded the motion to approve staff recommendations for individual requests and authorize the Department of Public Works and Engineering to implement traffic and pedestrian safety measure where recommended with suggested comments:

Councilmember Robinson stated the wording "standing" is ambiguous and asked for clarification. Chief Weaver stated this is for cars not to be waiting/running idle in this area waiting to pick up or drop off.

Councilmember Shaffer stated she uses this street frequently and questioned if the Laguna volleyball/basketball courts have been considered for parking as she stated it has been suggested that they are seldom used. Chief Weaver stated that the Laguna does have an active physical education program and these courts are used.

The Council was in consensus to accept staff's recommendations.

City Council Action: Approved staff recommendations for individual requests and authorize the Department of Public Works and Engineering to implement traffic and pedestrian safety measure where recommended.

Minute Order Number: 232-09

12. Banning of Gasoline Powered Leaf Blowers (City Manager)

City Manager Griffin presented the staff report recommending the City Council provide direction to staff. Councilmember Wilson stated there has been remarkable public response to this issue and stated there are many ways to look at this issue. He stated if a ban or substantial changes go into effect, he would request that it be a while before it takes effect.

Councilmember Robinson questioned if the problem could be defined. He questioned what the problem is and stated that the problem should be defined and then a solution found instead of providing a solution without knowing the problem. He questioned if it was an issue of green house gas, damage or depletion of soil, nuisance, noise, public health issue, etc.

Councilmember Wilson stated all areas are areas of concern, but the chief complaint he has received has been about noise and noise pollution. He stated that people appreciate peace, quiet, relaxation and tranquility. He provided examples of complaints received.

Councilmember Robinson questioned if lawn mowers, hedge trimmers, jack hammers, chain saws, etc have been considered and asked if the Council should look at something more comprehensive.

Councilmember Wilson stated there are other ways to clean leaves and he would like to keep this item focused on gas powered leaf blowers.

Councilmember Robinson questioned if noise is the primary issue, the Council should look at all sources of neighborhood noises rather than one source. He stated his concern is that the underlying problem needs to be addressed.

Mayor Gurney stated she has also received complaints and the chief complaint is noise and disruption of the use and enjoyment of peoples' homes. She stated they are also concerned with what is being blown into their windows such as dust, exhaust fumes, etc.

Councilmember Shaffer stated she has received comments also and that the two issue she has heard is noise and affect on the environment. She stated that she lives in the downtown area and there are all sorts of noises and that she has accepted that fact of living in a downtown area. She stated that she is concerned how this will affect small businesses and their livelihood, especially in this economy.

Mayor Gurney opened for public comment.

Chuck Sackett, Hurlbut Avenue, thanked the City Council for the public's gratitude. He stated he is a landscape/contractor and that a ban would create a situation where only outlaws would have leaf blowers. He stated there are EPA regulated blowers and equipment, however, they are not marked so it would be hard to enforce. He requested the Council focus on hours of operation rather than a ban. He stated if there was a ban, there would be a extraordinary cost to Sebastopol and requested the Council act modestly.

Michael Jacob, Robinson Road, requested the City set an example. He stated he plays tennis at the Brookhaven Courts and stated Public Works blows the leaves then they are playing and it is loud and disruptive and requested that brooms be used instead. He suggested the City look at other ways to set a good example.

Dee Dee Goodrich, Ragle Road, stated she sees both sides and stated there is a time and place for leaf blowing. She questioned how someone can get leaves off rocks without blowing them, and stated she would hate to see a ban on leaf blowers. She questioned if they were banned, how it would be enforced.

Sheppard Bliss discussed how leaf blowing is similar to second hand smoke in his opinion and stated it is a home invasion. He stated some people have sensitive nervous systems and noise can cause stress and mental health problems. He stated that leaf blowers have distinct sounds and triggers response. He read portions of an article on sound as a public health concern. He stated he is committed to creating a ban on leaf blowers.

Art stated that there are leaf blowers that are electric which have a different sound and no smell which would reduce the noise and air pollution.

Nancy Hubert, Pitt Avenue, read a prepared statement discussing concerns such as noise pollution, air pollution, toxics, leads, animal feces, molds, etc hat are in the dust that is blown into the air; and questioned what is the standard of cleanliness. She stated that chain saws are the only way to cut down a tree, but there are other ways other than leaf blowers to get rid of leaves. She suggested that the leaves be bagged. She discussed decibel levels recommended for sleep criteria.

A member of the audience stated that leaf blowers are not the only issue. He stated the jack hammers also create dust and stated that loud music should also then be banned. He stated he concurs with Councilmember Robinson and that it is not the leaf blowers that is the issue.

Vice Mayor Kelley questioned the policy for leaf blowers on City property and questioned if the leaves are blown back into the lawn or bagged. Superintendent Emig stated that the leaves are blown by his maintenance crew with leaf blowers and he does not believe they are bagged.

Vice Mayor Kelley questioned the hours that leaf blowing is conducted by the City. Superintendent Emig stated it is down in the morning hours, usually after the workers start, which is after 7:00 am and is done within normal working hours.

Vice Mayor Kelley questioned if a ban was approved, how would the City adjust to the new ban and questioned how other Cities are doing this. Superintendent Emig stated that the City could adjust. He stated that some cities still use equipment and the blowing is done on certain hours and days and that the City could look at different types of equipment. City Manager Griffin stated there is a concern with wet leaves on the sidewalk and City liability.

Vice Mayor Kelley questioned if there is a vacuum system. Superintendent Emig stated there is a back-pack type of system. He stated that all equipment would make some level of noise, but that there is also a propane system that has a four stroke engine that may be better than what the City has now.

Vice Mayor Kelley questioned if Public Works have received complaints on leaf blowing. Superintendent Emig stated no.

City Manager Griffin discussed concerns with safety issues, keeping the pathways clear, and stated it would be difficult to do with rakes and brooms. He stated he did not know the level of staffing at other cities or amount of areas, but that the City of Sebastopol would do the best they could but that the level of service will probably drop.

Councilmember Shaffer questioned if 65 decibels are acceptable and if the backpacks are 65 decibels. Superintendent Emig stated that the backpack units are smaller and there are models that are 65 decibels.

Councilmember Shaffer questioned if changing the hours of blowing would impact Public Works. Superintendent Emig stated Public Works could accommodate different hours, but is not sure if this would address the problem.

City Manager Griffin stated that the parks and parking lots are blown in the early morning hours before people start to use the parks and parking lots.

Councilmember Shaffer suggested not beginning before 9:00 am.

Councilmember Wilson questioned when in the history of the City did leaf blowers come into existence as wide spread use. Superintendent Emig stated he has been here 25 years and they were in use when he started at the City.

Councilmember Wilson questioned the level of service and asked if there was a report of slip and fall incidents caused by leaves on the pathway.

City Manager Griffin stated he will review that information and information from other Cities and return to Council.

Councilmember Wilson questioned if there were alternate methods such as rakes, brooms or other additional tools and what the cost would be to the City. City Manager Griffin stated the cost to obtain a quiet blower is about \$1000.00. He stated the issue are electric or battery type blowers as there are no commercial grade types.

Superintendent Emig stated that there could be further training on the use of leaf blowers that may reduce some of the noise and air pollution.

Mayor Gurney stated the City is not the biggest offender in the comments she has received, but suggested that if the City blows the paths, that the leaves are bagged and taken away. She suggested the following options be reviewed by staff and returned to the Council: hours/days for use; noise levels; and potential outright ban.

Councilmember Shaffer stated she would like to see options and present these options to businesses. She also suggested training for City employees and would like to see changes in hours/days of use.

Mayor Gurney questioned if the City would be exempt in the ordinance.

Councilmember Wilson stated he has received complaints about City blowing near Ives Pool and stated the ordinance should also include the City operations and it would not be good to exempt the City. He stated it is a reasonable suggestion to consider different options such as quiet days. He questioned why the City blows the paths in the first place and stated he is not sure the City would have liability if we did not continue blowing the paths and allow the policy of letting the leaves fall and go through the natural process. He stated he believes there are other ways to approach from a legal perspective.

Councilmember Robinson questioned how effective an outright ban would be in a community like Sebastopol. He stated that many people own leaf blowers and enforcing it would be a challenge. He stated it would make more sense to limit the days and hours.

Vice Mayor Kelley stated she believes noise is a big concern and would like to see options, and not an outright ban. She discussed replacement of equipment with lower decibels, using other methods to blow asphalt parking lots; limiting the days/hours; avoidance of early morning activities; and would like to see restrictions in a reasonable ordinance and have this returned to Council.

Councilmember Robinson questioned the reason for blowing the parking lots clear. Superintendent Emig stated a lot of times the leaves build up around the edges and the leaves are blown into the center and the street sweeper picks them up.

Councilmember Shaffer stated the High Street parking lot trees shed a lot of leaves and believes it would be a hazard to seniors.

Vice Mayor Kelley discussed San Diego's ordinance and stated this may not be the best way of dealing with leaves by blowing them into a public right of way unless they are immediately removed. She discussed blockage of storm drains and questioned if this was the best use of the street sweeper.

Councilmember Wilson suggested staff returning with options such as maintaining status quo; comprehensive limitations such as days and hours for residential and business districts; to an outright ban.

Mayor Gurney would like to see a report on City practices, noise, emissions, pollutants, etc; review of the noise ordinance as a possible avenue to make changes; and would also like to see a range of options from the least restrictive to an outright ban and questioned when this could return to Council.

City Manager Griffin stated staff will review the noise issues, sources and return in January with options for the City Council to review.

Vice Mayor Kelley questioned what the rules are for businesses that sell leaf blowers or equipment that have high decibels. City Manager Griffin stated that he is not aware of any regulations; but that the industry goal is 65 decibels and he will review the standards and return with that information when this item is returned to the Council in January.

City Council Action: Provided comments and directed staff to return item to the Council in January 2010.

Minute Order Number: 233-09

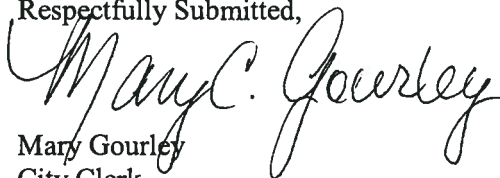
CITY COUNCIL REPORTS

13. City Manager Reports: City Manager Griffin stated the State of California sold their Prop 1A Bonds and will be repaying the property tax that was taken away.
14. City Council Committees: Councilmember Shaffer discussed the possibility of a naming contest of safe routes to stencil into sidewalks.
15. City Council Reports: Councilmember Wilson discussed having an agenda item on the letter sent from the City Manager to CalHFA regarding the Hollyhock loan.
16. City Council Correspondence: Mayor Gurney discussed the Spirit of Sonoma County Award Luncheon on December 4th and stated Rollie Atkinson will be recognized.

CLOSED SESSION: None

ADJOURNMENT: Mayor Gurney adjourned the City Council meeting of November 17, 2009 at 9:50 pm to the next regular City Council meeting to be held December 1, 2009 at 6:00 pm, at the Sebastopol Youth Annex, 425 Morris Street, Sebastopol, Ca.

Respectfully Submitted,



Mary Gourley
City Clerk