

City of Sebastopol City Council Special Meeting Minutes

Meeting of December 12, 2016

8:00 am - Convene Special City Council Meeting, Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA

The public is advised that pursuant to Government Code Section 54957.5 all writings submitted to the City Council are public records and will be made available for review.

Please note that minutes are not verbatim minutes and are meant to be the City's record of a summary of actions that took place at the meeting.

Notice: All resolutions and ordinances introduced and/or adopted under this agenda are waived of all reading of entire resolution(s) and ordinance(s).

The Sebastopol City Council welcomes you to its meetings that are generally scheduled for the 1st and 3rd Tuesday of every month. Your interest and participation are encouraged and appreciated.

A notice of the meeting was posted by the City Clerk on December 8, 2016 with a Revised Agenda Posted December 10, 2016.

8:00 am **Convene Regular City Council Meeting, Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA**

Call to Order: Mayor Glass called the meeting to order at 8:03 am.

Roll Call

Present: Mayor Glass
Vice Mayor Slayter
Councilmember Carnacchi
Councilmember Gurney
Councilmember Hinton

Absent: None

Staff: City Manager/City Attorney Larry McLaughlin
Assistant City Manager/City Clerk Mary Gourley
Planning Director Kenyon Webster

Public Comment (Prior to adjournment into Closed Session, the public may speak up to 3 minutes on items to be addressed in Closed Session).

Bob Jenkins commented as follows:

- Represents the Sebastopol Hills Alliance for Rural Preservation
- Stated the city arborist describes the KOWS trenching damage at the Pleasant Hill Reservoir as egregious and preventable
- Stated egregious is defined a shocking, appalling, horrendous, and abhorrent
- Stated the neighborhoods surrounding the Pleasant Hill Reservoir and a growing number of county residents agree

- Stated KOWS callously and selfishly ignored the conditions of approval for this project, and ALL of the City's permit requirements to save money and attempt to meet deadlines
- Stated sacrificed 16 immense and majestic trees in the process
- Stated the trenching by KOWS was not an accident it was intentional
- Stated the recent KOWS Steering committee notes make it clear that the radio station has been under tremendous financial and time pressure for this project
- Stated KOWS wanted to speed up construction and save money
- Stated the environment and the city's support and trust became secondary in their rush to get an antenna tower up
- Stated the lawsuit filed by SHARP focuses on the City's non-compliance with the environmental protections embodied in the General Plan, the zoning ordinance, and state law for this project
- Stated many environmental protections were waived or ignored in the CITY'S effort to help KOWS save time and money and KOWS leaders heard that loud and clear
- Stated those decisions have now led to permanent environmental damage and potentially far-reaching harm to the community surrounding the Pleasant Hill Reservoir as trees die
- Stated two major trees need to be removed immediately
- Stated others will decline over time
- Stated only time will tell the full extent of the damage and the full impact on the surrounding area
- Stated given the environmental damage caused by KOWS their destruction of public property plummeting public trust in KOWS you may decide to reevaluate your relationship with KOWS and terminate the land lease and the project approvals
- SHARP would withdraw its lawsuit if the KOWS project and land lease were permanently terminated at the Pleasant Hill Reservoir and appropriate arborist care is taken for the damaged trees, including a tree replacement fund or tree nursery

David Gilman, KOWS, commented as follows:

- Stunned at these comments
- KOWS is not deliberate
- Stated these are startling statements
- Discussed the bigger picture
- Discussed the larger time frame that this has been going on
- Stated KOWS has been working with the City for the past year
- Stated KOWS and the City has consistently be responsive and responsible
- Asked the Council to keep this in mind during deliberations

Laura Goldman, KOWS, commented as follows:

- Mess up
- Fess up
- Make it right
- Move on
- Apologized
- Committed to making things right
- Discussed winning back City trust and confidence
- Discussed remedial actions with contractor
- Read from prepared statement
- Into this entire process of working to bring radio to Sebastopol, working diligently

- Respect for process and work done by the City
- Grateful for work done
- Respect work the Council will do today

Theresa Tuduri, KOWS, commented as follows:

- Assure people that KOWS is committed to the community
- Not presented cell tower
- Always been antenna
- Low wattage
- Basically a night light
- Did everything to work with SHARP and amend original design to make as small an impact as possible
- Weighing what is potentially a great benefit to our community
- Love West County
- Not anti- environmental
- Not one person paid or receiving kick backs
- Community deserves community radio station
- Nothing about West County on KRUSH
- Left that job to be with KOWS
- KOWS is where her heart is
- Be broadcaster and member of community
- Never asked for cell tower
- Want little antenna
- Basically pole in woods with night light on top
- Not be seen
- Not pose something to be danger to community
- Hope neighbors will work and understand it
- KOWS made mistakes
- Willing to work and understand those mistakes
- Work to amend mistakes

A member of the audience commented as follows:

- Not about community radio
- Possibility of KOWS to have better broadcast at other locations
- SHARP presented better locations
- Stated this is about the City's attitude, fiduciary responsibility to the City
- How handle a site that has critical infrastructure on it
- Questioned how much that means to the City
- Accepting another partner that has shown zero respect for that
- Stated this is a big deal and this needs to be paid attention to
- Long lasting relationship with KOWS
- Critical infrastructure
- Big deal to protect
- Recklessness has been shown
- Lack of diligence to their approach
- Lack of responsibility
- Not contractor's fault
- Precedent has been set

- Talk is easy
- Actions show what is there
- Hope that is looked at
- Critical point of what is important

ila Benavidez-Heaster commented as follows:

- Thanked for extra energy putting out on this item today
- Concerned with legal issues
- So many ramifications
- Look at language of simple mistake
- Need to understand what saying
- Not in relationship with what is around them
- Important to understand
- Time for us to begin the healing
- Severe damage done to trees
- Not see what we are really talking about
- Tough one to call
- Have to understand what it means to be in a relationship
- Heal what has been going on
- Been going on too long
- Concerned of this
- Be the healers we need to be now

Hearing no further comments, Mayor Glass closed the public comment period and adjourned the open meeting to closed session at 8:21 am.

Closed Session:

1. Conference with Legal Counsel – Existing Litigation:
Sebastopol Hills Alliance for Rural Preservation v. City of Sebastopol
Government Code Section 54956.9
(City Manager/City Attorney)

Adjournment of Closed Session: Mayor Glass adjourned the closed session special meeting at 10:33 am to the Special City Council Meeting Open Session.

Report Out: Mayor Glass reported out that this item had been continued to the City Council Meeting of December 20, 2016.

Adjournment: Mayor Glass adjourned the Special City Council Meeting at 10:36 am. This meeting will be adjourned to the Regular City Council Meeting to be held on Tuesday, December 20, 2016, at 6:00 pm at the Sebastopol Teen Center, Youth Annex, 425 Morris Street, Sebastopol, Ca.

Respectfully Submitted,

Mary Gourley
Assistant City Manager/City Clerk, MMC