



# City of Sebastopol CITY COUNCIL MEETING APPROVED MINUTES

## Mayor

Guy Wilson

## City Council

Michael Kyes, Vice Mayor

Kathleen Shaffer

Sarah Glade Gurney

Patrick Slayter

## MINUTES OF THE January 3, 2012 CITY COUNCIL MEETING

As approved by the City Council at their meeting of January 17, 2012

*As a courtesy, please turn off all cell phones and pagers during the meeting.*

**3:00 PM:** Convene City Council Meeting (Special Meeting Time) - **Meeting Location:** Sebastopol City Hall Conference Room, 7120 Bodega Avenue, Sebastopol, CA

**6:00 pm:** Convene City Council Meeting - **Meeting Location:** Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA

## City Manager

Jack Griffin

## City Attorney

Larry McLaughlin

## City Clerk

Mary Gourley

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.

**3:00 pm - CONVENE CITY COUNCIL SPECIAL MEETING. Sebastopol City Hall, City Hall Conference Room, 7120 Bodega Avenue, Sebastopol, CA**

**CALL TO ORDER:** Mayor Wilson called the meeting to order at 3:00 p.m.

## **ROLL CALL**

**Present:** Councilmembers Shaffer, Slayter, Gurney, Vice Mayor Kyes and Mayor Wilson

**Absent:** None

**INTERVIEW OF APPLICANTS: The Council conducted the following interviews:**

### **1. Interview of Applicants for Public Arts Committee**

- One member who is an active member of a City of Sebastopol based, art focused, registered non-profit organization, entity or facility
- Two members with experience in the public art field as either an artist, installer or designer
- One member of the general public
- One member of the Design Review Board selected by the City Council

3:00 pm	Marghe Mills-Tysen
3:15 pm	Robert Brent (Interviewee was not in attendance)
3:30 pm	Dorothy Reich
3:45 pm	Annalise Madsen
4:00 pm	Colin Lambert
4:15 pm	David Gordon
4:30 pm	Cie Cary
4:45 pm	Satri Pencak
5:00 pm	Karen Felker
5:15 pm	Warren Arnold



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**CC ACTION:** No Action Taken. Interviewed applicants for Public Arts Committee.

**REFERENCE ORDER #:** 2012-001

**ADJOURNMENT OF CITY COUNCIL MEETING:** Mayor Wilson adjourned the Special City Council Meeting at 5:45 p.m.

**CONVENE CITY COUNCIL MEETING, 425 Morris Street, Sebastopol, CA**

**CALL TO ORDER:** Mayor Wilson called the meeting to order at 6:04 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, Fire Chief Braga and Police Chief Weaver

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

**PROCLAMATIONS:**

The following awards were presented:

- Volunteer Firefighter John D. Holland (10 Years)
- Volunteer Firefighter Gary L. Tennier (10 Years)
- Police Dispatcher Tracy L. Peters (15 years)
- Certificate Appreciation for Outgoing Design Review Board Member Ron Basso
- Certificate of Appreciation for Outgoing Planning Commissioner Matt Stevens

**APPROVAL OF MINUTES OF CITY COUNCIL MEETING(S) OF:**

- [December 20, 2011 City Council Meeting](#)

Councilmember Shaffer moved and Councilmember Gurney seconded the motion to approve the minutes of the December 20, 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.

Colleen Fernald, Sebastopol, commented as follows:

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- Discussed the success of the EMF Safety Network and stated she would like to see more Council support on this issue
- Stated Barry Chertov, WaccoBB Net, was on KSRO promoting the site and stated this is a great tool for communication between the community and the Council
- Stated is pleased to see the crosswalks installed but stated she is concerned with the un-lighted crosswalk between two lighted crosswalks on Healdsburg Avenue (next to D's Diner) and urged this crosswalk to be removed for safety
- Stated she would like to see green concrete used instead of spray paint for the crosswalks
- Questioned why it took years for this to go through and stated it was because of the Federal Government invading sovereign nations and using those funds for that
- Stated the small towns have made sacrifices because of this
- Discussed recalling of Senators and urged the City Attorney to review the National Defense Authorization Act

Linda Berg, Sebastopol, commented as follows:

- Stated it is time for local leaders to take a stand
- Stated the corrupt government does not have the best interests of the public and that government is a corrupt corporation
- Read a report on cell phone disease and stated we are all being deceived
- Stated she convinced the management at her apartment complex to post signs asking people to turn their wireless off at night
- Stated she is speaking with doctors who are diagnosing wireless induced illnesses and cell phone disease
- Urged the Council to have a sign that urges to people to turn their cell phones off and not just power off
- Stated the elected leaders need to protect the public health of the people they represent

Norma Sullivan, Petaluma, commented as follows:

- Stated she has been environmentally sick for two years
- Stated she is EMF sensitive
- Stated her life has turned upside down and discussed her physical symptoms
- Stated she has been reduced to turning off power at night because of her sensitivity
- Stated her disorder was initiated by cell phone use
- Stated cell phones are ruining our DNA, children's DNA and ecosystem
- Stated the radiation is devastating
- Stated she cannot find a conventional doctor to help her
- Stated we need to be advocates and get the word out there

Nancy Sares, Santa Rosa, commented as follows:

- Stated she is learning of EMF  
Stated she learned more personally about it when she moved and experienced physical symptoms such as heart palpitations and discussed other physical conditions
- Stated four smart meters have been installed where she lives
- Stated it is important to turn cell phones off during meetings
- Urged the Council to also think of fluorescent lighting

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

Councilmember Shaffer announced the following:

- January 26th - 6:30 pm - 8:00 pm - First SEP class of the year to be held at O'Reilly's and stated the topic will be how to present yourself

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- January 25th - Neighborhood Representatives Meeting, Library Forum Room, and stated this will be open mic night

Councilmember Gurney announced the following:

- Library Advisory Board Meeting, January 4th, at 4:00 pm followed by the Sonoma County Save Our Libraries committee meeting which will be discussing the upcoming closure of the Sebastopol Library during February, March and April 2012
- January 6th, Occupy Movement will March with the Latino immigration activists to the Wells Fargo Bank and will start on Sebastopol Road (old Albertson's lot). Contact: Jesus Guzman, 483-2874
- Occupy Movement Meeting, January 9th, 7:00 pm, United Methodist Church

**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 Share requested Item Number 3 be removed from the consent calendar.

Councilmember Shaffer moved and Councilmember Slayter seconded the motion to approve the consent calendar item(s) number(s): 2, 4 and 5.

**YOTE:**

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

2. Approval of Agreement to Install Electric Vehicle Charging Stations with Coulomb Technologies in the "Laguna Park Way" Parking Lot (City Manager)  
**CC ACTION:** Approved Agreement to Install Electric Vehicle Charging Stations with Coulomb Technologies in the "Laguna Park Way" Parking Lot  
**MINUTE ORDER #:** 2012-002
4. Approval of Purchase Agreement with CERES Community Project for Sale of Property at 7351 Bodega Avenue (City Manager)  
**CC ACTION:** Approved Purchase Agreement with CERES Community Project for Sale of Property at 7351 Bodega Avenue  
**MINUTE ORDER #:** 2012-004
5. Approval of Councilmember Shaffer's Request to be Appointed as the Council Liaison to the Sebastopol Downtown Association (Councilmember Shaffer)  
**CC ACTION:** Approved Councilmember Shaffer's Request to be Appointed as the Council Liaison to the Sebastopol Downtown Association  
**MINUTE ORDER #:** 2012-005
3. Approval of Agreement with American Medical Response (AMR)/Sonoma Life Support (SLS) for Services for Blood Draws (Police Chief)

Police Chief Weaver presented the report and provided background information on the request and discussed the amount of times and possible reasons why this service would be used.

Mayor Wilson questioned the fiscal impact.

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Chief Weaver stated he estimated that the services would probably only be used once every 18 months and stated about \$75.00 in cost.

Mayor Wilson opened for public comment. There was none.

Councilmember Gurney moved and Councilmember Slayter seconded the motion to approve the Agreement with American Medical Response (AMR)/Sonoma Life Support (SLS) for Services for Blood Draws.

**VOTE:**

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

**CC ACTION:** Approved Agreement with American Medical Response (AMR)/Sonoma Life Support (SLS) for Services for Blood Draws  
**MINUTE ORDER #:** 2012-003

**DISCUSSION AND/OR ACTION ITEM(s):**

**6. Discussion and Appointment of Members of the Public Arts Committee (City Manager)**

Mayor Wilson questioned if the Council would be making their Design Review Board selection tonight.

City Manager Griffin stated it will be on the Design Review Board's agenda and they will provide their recommendation to the Council who will make the final decision on the DRB appointment.

Mayor Wilson questioned if the categories are advisory only. City Manager Griffin stated yes and read the portion of the ordinance addressing that.

Vice Mayor Kyes questioned that the ordinance states the Council will appoint the Design Review Board committee member and does not state that it would go to the Design Review Board first.

City Manager Griffin stated it is in keeping with past practices that the Board would provide their recommendations to the Council who would then make the final selection and confirm the appointment.

Councilmember Gurney stated she would like to recommend to the Design Review Board that they provide two recommendations. She questioned if it would be possible to include the appointment of an alternate tonight.

City Manager Griffin stated the ordinance has a set number of members on the committee and that an item would need to be on a future agenda.

Vice Mayor Kyes stated there are so many good candidates who applied and that he would like to see the committee number increased to seven and would like to agendaize this for the next meeting.

City Manager Griffin stated that change would require a Zoning Ordinance amendment as the Public Arts Ordinance is part of the Zoning Ordinance. He stated it would need to be reviewed and acted upon by the Planning Commission first and then reviewed and acted on by the Council. He stated this process could take a few months. He stated if the Council was in consensus, the Council could direct staff to review possible amendments to the Public Arts Ordinance to increase the membership.

Councilmember Shaffer stated it is important that the Council appoint the applicants tonight but she concurs that she would like to see an increase in the number of members on the committee and also an alternate. She also concurred that she would like to see the Design Review Board nominate two members for consideration.

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Councilmember Gurney questioned the definition of category C, general public, and questioned what is the boundary for this category.

City Manager Griffin stated the Council has in the past preferred to make appointments with preference giving to local residents first; however, the applicants do not need to live within City limits or within Sebastopol.

Mayor Wilson opened for public comment.

Helen Shane recommended that each Councilmember provide their four recommendations and see which applicant receives the most votes. She stated when the Council appointed members to the Design Review Board, the process eliminated applicants before they had a chance to be considered.

Councilmember Shaffer stated she liked the process last time and that a lot of applicants were nominated.

Councilmember Gurney stated the nomination process and order for Design Review Board applicants did not allow for some deserving applicants to be considered and voted on and excluded those individuals. She stated those results may not have been what the Council wanted.

Councilmember Shaffer stated the vote did reflect the Council's preference.

Vice Mayor Kyes stated that the process last time was not satisfactory and suggested each Councilmember provide their choices and the reason for those choices.

Mayor Wilson stated that each process is unique and different procedures are considered but concurred that each Councilmember provide their comments in support of their recommendations.

Vice Mayor Kyes stated that this was an excellent group of candidates. He stated that the applicants for Category B are world class, but that he would like to add more positions as this would create more public art in town. He stated these are real, successful public artists. However, he stated that he would like to see a certain balance with female gender perspective on the committee. He stated that his selections may be different depending on who the Design Review Board committee member would be and that he did not want to end up with a committee of 5 old guys and stated this may not want to be what the Council wants to accomplish. He stated if the Board nominated a female, it may change who he would consider tonight. However, he recommended the following:

- Colin Lambert - Category B
  - David Gordon - Category B
  - Warren Arnold - Category A
- Category C - undecided

Councilmember Slayter stated he was impressed with this collection of applicants and stated the City is lucky to have had all these applicants apply. He stated he is not sure about the gender issue and stated there needs to be a balance of experience of different mediums and a variety of people with experience. He commented he would recommend the following:

- Colin Lambert
- Warren Arnold

He stated he was impressed with everyone and commented that the honesty of the applicants did not go unnoticed as some applicants stated they did not have any art experience but appreciated art. He stated he was undecided on the remaining two recommendations.

Mayor Wilson provided his recommendations as follows:

- Colin Lambert - Category B
- David Gordon - Category B

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- Warren Arnold - Category A

He stated he was impressed with all applicants and that these recommendations do not reflect negatively on any applicant. He stated he was impressed with Robert Brent who is an outstanding member of the Arts Center but was also impressed with Cie Cary and would recommend her for Category C.

Councilmember Gurney stated that every interview was enjoyable and reiterated that the nominations do not reflect negatively on any applicant and that each applicant did an excellent interview. She recommended the following:

- Robert Brent - Category B - she stated she knows Mr. Brent's experience and that he has good people skills and would be excellent on the committee
- David Gordon - Category B - discussed his achievements but stated there may be conflicts if he would be one of the artists submitting a piece of art to the City for review
- Warren Arnold - Category A - stated this would be a wonderful committee member who has been involved since the beginning

She stated she would recommend Marghe Mills-Thysen for Category C. She stated she was the first applicant interviewed and provided very well grounded, positive and creative thinking. She stated this applicant provided a number of ideas for projects, big and small, and stated she likes that notion as the City does not have a lot of funds but could art up the world.

Councilmember Shaffer provided her recommendations as follows:

- Warren Arnold
- David Gordon
- Colin Lambert
- Cie Cary

She stated that he was impressed with Robert Brent but questioned if this would conflict with his duties at the Art Center. She stated the Art Center may be moving and stated she knows that Mr. Brent is very involved with the Art Center and questioned if this would be too much for both committees.

The Council was in concurrence with the following recommendations.

- Colin Lambert - Category B
- David Gordon - Category B
- Warren Arnold - Category A

The Council then discussed Category C.

Vice Mayor Kyes commented he liked Satri Pencak's responses to the questions of what piece of art in town did the applicant like or not like. He stated she has a masters in art and has a lot of experience in town.

Mayor Wilson stated she is artistic, insightful, but that she does live in Bodega and the Council has stated they would prefer to give local residents preference.

Vice Mayor Kyes questioned what is local and how is this determined.

City Manager Griffin read the except from the ordinance addressing this issue but stated the Council can appoint members where they feel it is appropriate.

Mayor Wilson clarified that by reiterating that the Council prefers local candidates does not reflect negatively on Satri.

Councilmember Shaffer stated that she admires Satri but likes the comment from Cie Cary that she is an artist with a small "a".

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Councilmember Slayter stated she would support Cie Cary and he thought she was down to earth, practical and would provide that to the committee.

The Council provided their recommendation for Category C as follows:

Vice Mayor Kyes	Satri Pencak
Councilmember Shaffer	Cie Cary
Councilmember Slayter	Cie Cary
Councilmember Gurney	Marghe Mills-Thysen
Mayor Wilson	Cie Cary

Mayor Wilson moved and Vice Mayor Kyes seconded the motion to appoint Cie Cary, Category C, Public Arts Committee.

**VOTE:**

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

Councilmember Gurney stated that this vote does not reflect negative against anyone and does not mean that any one of the applicants were undesirable.

Mayor Wilson moved and Vice Mayor Kyes seconded the motion to appoint the following members to the Public Arts Committee:

Category A	Warren Arnold
Category B	Colin Lambert
Category B	David Gordon

**VOTE:**

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

The Council was in consensus that these appointments would be for four year terms.

The Council was in consensus to direct staff to review the Public Arts Ordinance in relation to creating two more positions, with an alternate, onto the committee and directed staff to request that the Design Review Board submit two recommendations from their Board to the committee if possible.

Mayor Wilson stated that may be an opportunity to begin the staggering of term limits.

**CC ACTION:** City Council appointed the following members to the Public Arts Committee:

Appointed the following members to the Public Arts Committee:

Category A	Warren Arnold
Category B	Colin Lambert
Category B	David Gordon
Category C	Cie Cary

All For Four Year Terms (12/31/2015 Term Ending Date)

MINUTE ORDER #: 2012-006

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

7. Update on the CORE Project /Receive the report by the members of the CORE Project (Councilmember Shaffer)

Councilmember Shaffer presented the report recommending the City Council receive the update on the CORE Project. Mr. Lars Lanberg and Ms. Holly Hansen provided a presentation to the Council detailing sponsors, web site hits, and the process for the design and review of designs submitted.

Vice Mayor Kyes and Councilmember Gurney encouraged the press to get the word out on this project and competition.

Mayor Wilson questioned who the jurors would be.

Mr. Lanberg stated they would be:

- Ned Kahn
- Brock Doleman
- Kevin Kellogg
- Lois Fisher
- Kurt Johansen

Mayor Wilson questioned the process of the jurors and questioned if the jurors would confer with each other to reach a result.

Mr. Lanberg explained the different types of processes for voting on competition pieces.

Mayor Wilson questioned if there is any concern with Mr. Kellogg as a juror in light of the CVS project.

Mr. Lanberg stated no and believes that Mr. Kellogg could rise above that.

Mayor Wilson questioned if there is focus on this site and if that would be a conflict for Mr. Kellogg.

Mr. Lanberg stated that these are design ideas, not complete drawings, but stated he did not think there would be any conflict in that situation.

Councilmember Shaffer questioned how local people would be voting on the People's Choice Award.

Mr. Lanberg stated that they will need to find a space for an exhibit to place the submittals and the public will be allowed to come in, look and the pieces and vote.

The Council and representatives discussed possible locations, size required for locations, times and days of event, etc.

Mayor Wilson opened for public comment.

Lynn Deedler questioned how the design was going and how many submittals have been received to date.

Mr. Lanberg stated they have received eight to date but are hoping to get 10 to 20 submittals.

Colleen Fernald questioned if categories included themes for "ecology friendly".

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Mr. Lanberg stated there are green guidelines and that the competition allows room for anything.

The Council thanked the representatives for their presentation.

**CC ACTION: None Taken. Informational Presentation Only.**

**REFERENCE ORDER #: 2012-007**

**PRESENTATION(S): NONE**

**PUBLIC HEARING(S): NONE**

**CITY COUNCIL REPORTS**

8. City Manager Reports:
  - City Manager Griffin discussed the recent court decision eliminating the Community Development Agencies and stated he would be bringing forward resolutions to dissolve the Agency. He discusses the City as the Successor Agency, payment schedule for debt service, and various other issues that will be involved with this process.
  - City Manager Griffin stated staff is working on the second quarter financial report and stated that the property taxes received are where the City had budgeted, however, this is not good news as that was a conservative estimate.
9. City Council Committees: There were none.
10. Council Reports: There were none.
11. Council Correspondence: There was 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 8:30 p.m. to the Closed Session.

**CLOSED SESSION:**

12. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
One Case: City v. No. Bay Construction - Govt. Code Sec. 54956.9 (City Attorney)
13. CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION/Significant exposure to litigation  
Two Cases: Govt. Code Sec. 54956.9 (City Attorney)

Mayor Wilson adjourned the Closed Session at 8:45 p.m. and reconvened the City Council meeting at 8:46 p.m.

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

**ADJOURNMENT:** Mayor Wilson adjourned the City Council Meeting at 8:47 p.m. to the Next City Council Meeting to be held on January 17, 2012, at 6:00 pm at the Sebastopol Youth Annex, 425 Morris Street.

Respectfully Submitted,



Mary Gowley  
City Clerk