



City of Sebastopol CITY COUNCIL SPECIAL MEETING AGENDA



SEBASTOPOL
Local Flavor. Global Vision.

Mayor

Guy Wilson

City Council

Michael Kyes, Vice Mayor

Kathleen Shaffer

Sarah Glade Gurney

Patrick Slayter

AGENDA

SPECIAL MEETING

OF

November 3, 2011

City Manager

Jack Griffin

City Attorney

Larry McLaughlin

City Clerk

Mary Gourley

As a courtesy, please refrain from using cell phones during the meetings and please turn off all audible pagers and rings.

3:00 pm - 5:00 pm - CONVENE SPECIAL CITY COUNCIL MEETING

Meeting Location: Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA

CALL TO ORDER

ROLL CALL

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.

1. Council Discussion regarding potential impacts on the public's health, welfare and safety pertaining to potential "Occupy Sebastopol" event apparently planned to be held on Saturday, November 5, 2011 in the Downtown Plaza as well as the potential direct impacts such an event could have on the already permitted Farmer's Market on Sunday, November 6, 2011.

ADJOURNMENT

ADJOURNMENT: The meeting will be adjourned to the Regular Community Development Agency Meeting (if any) and Regular City Council meeting to be held on November 15, 2011 at 6:00 p.m., Sebastopol Youth Annex, 425 Morris Street, Sebastopol, CA.

Disabled accommodations: If you have a disability which requires an interpreter or other person to assist you while attending this meeting, please contact the City Clerk 24 hours before the meeting at (707) 823-1153 or email at sebchall@sonic.net.

City Council Public Comments

Members of the public have the right to speak on any item on the City Council Agenda. If you wish to speak about a matter not on the published agenda, please make your comments during the portion of the meeting designated for **Public Comments**. This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. Please note that, with some exceptions, the City Council is not permitted to engage in discussion or take action on non-agendized matters. However, the Council may respond briefly to public comments, refer matters to staff, ask questions for clarification, or schedule matters for future agendas. Public is advised to limit discussion to one presentation per individual. Please keep your comments to 3 minutes; step to the podium and state your name and address for the record. 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.

CONSENT ITEMS:

The City Council Agenda may include items on a consent calendar. Consent calendar items are routine matters or matters which have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council or public requests that the item be taken off the consent calendar. Items removed from the consent calendar will be taken up upon completion of action on the remainder of the items on the consent calendar.

For copies or to review all written documents relating to items listed on the agenda, please visit the City Clerk's office during regular business hours. The City Clerk's Office is located in the lobby of City Hall, 7120 Bodega Avenue, Sebastopol, Ca 95472 or call 707-823-1153.

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

City Council Agenda, Minutes and staff reports without attachments can be viewed at the City's website: www.ci.sebastopol.ca.us. Click on the City Council tab.

Any writings or documents provided to a majority of the City Council after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection at the City Manager's Office, City Clerk Counter at the Sebastopol City Hall located at 7120 Bodega Avenue during normal business hours.

To receive the City Council Agenda by e-mail, provide your e-mail address to the City Clerk's office, or e-mail your request to mgourley@sonic.net

#1



City of Sebastopol Council Agenda Report

Mayor
Guy Wilson
City Council
Michael Kyes, Vice Mayor
Kathleen Shaffer
Sarah Glade Gurney
Patrick Slayter

City Manager
Jack Griffin
City Attorney
Larry McLaughlin
City Clerk
Mary Gourley

Meeting Date: November 3, 2011
To: Mayor and Councilmembers
From: Jack Griffin, City Manager *JG*

Agenda Report Reviewed by:
City Manager *JG*
City Attorney *JM*

Subject: Council Discussion regarding potential impacts on the public's health, welfare and safety pertaining to potential "Occupy Sebastopol" event apparently planned to be held on Saturday, November 5, 2011 in the Downtown Plaza as well as the potential direct impacts such an event could have on the already permitted Farmer's Market on Sunday, November 6, 2011.

Recommendation: That the Council discuss the matter and provide direction to staff as it deems appropriate.

Funding: Currently Budgeted: ___ Yes No ___ N/A

Net General Fund Cost: Unknown, however, cities that have had "Occupy" events have experienced significant costs in terms of staff overtime, additional maintenance and repair and loss of revenues in terms of reduced business activity near the events.

If Cost to Other Fund(s),
Fund:
Amount:

Background: At about 4:30 PM on Tuesday, November 1, 2011, the City was made aware that there was an "Occupy Sebastopol" event being planned for Saturday, November 5, 2011 at the Downtown Plaza. No person or entity has approached the City seeking a special event permit.

Discussion: The City became aware of the potential event when a local business called City Hall and informed us that flyers were being passed out regarding the event. The City was emailed a copy of the flyer which is attached. Subsequent to the City's receipt of the flyer, staff became aware of the event being promoted on assorted internet sites.

The Downtown Plaza is a facility that requires a Special Events Permit whenever any group or entity wishes to have exclusive use of it. Ordinance No. 916, (copy attached) prescribes the process and requirements for obtaining such a permit. The Downtown Plaza is the site of many such events, including the Sebastopol Farmers Market. The Sebastopol Farmers Market has a permit that allows its exclusive use of the parking lot and plaza through 1:30 PM each Sunday afternoon. Vendors start arriving early on Sunday mornings.





City of Sebastopol Council Agenda Report

It is not clear whether the “Occupy Sebastopol” event is intended to be a one day event or whether, like other “Occupy” events, that the participants intend to establish a more long term presence. The flyer which is attached encourages attendees to bring “signs, tents, food”. The presence of the word tents certainly raises the possibility that some participants may attempt to establish a more long term presence in the Downtown Plaza.

The City’s Municipal Code, Section 9.24.180, specifically prohibits camping in any City Park (copy attached).

The Sebastopol Farmers Market has had a permit to operate in the Downtown Plaza on Sunday’s for several years. Many of the vendors at the Farmers Market are local food producers, artisans, service providers, etc. that rely on the Sebastopol Farmers Market as well as other farmers markets for their livelihood. The possibility that there will be an “Occupy Sebastopol” encampment in the Downtown Plaza will directly impact the Farmers Market and likely prevent it from operating under its existing permit. Staff is concerned that, in addition to potential loss of income for these local residents and businesses, the potential for conflict will exist if “Occupy Sebastopol” participants are present when the Farmers Market operator and vendors arrive.

Staff wishes to make a point clear with respect to this possible “Occupy Sebastopol” event and other “Occupy” events, that our Downtown Plaza is not akin to what other cities see in terms of use of city hall landscaped areas. Also, larger cities have seen parks or plazas used for “Occupy” events and they have other similar facilities that the public can continue to use. Sebastopol, being a small city does not have the wherewithal, flexibility or resources to simply move permitted events to alternate locations, particularly a farmers market that has many regulations that it must comply with on the state level in terms of siting and setup.

As of the writing of this report, no person or entity has made contact with the City on behalf of “Occupy Sebastopol” in an attempt to obtain a Special Events Permit.

It is staff’s intent in bringing this item forward to attempt to make sure that the City Council is aware of the potential event, the potential impacts it could have on the City both from a budget and general health, safety and welfare perspective, particularly if it is intended to be a long term event and the potential conflicts that a long term “Occupy” event could have on already permitted events scheduled for the Downtown Plaza. In addition to the Farmers Market, the Downtown Plaza has hosted the annual downtown tree lighting event which typically occurs in early December.



OCCUPY SEBASTOPOL

SEBASTOPOL PLAZA ON MCKINLEY ST.

SATURDAY
NOVEMBER 5th

GENERAL ASSEMBLY **1** pm

DEMONSTRATION **3** pm

BRING SIGNS, TENTS, FOOD

 [facebook/
occupysebastopol](https://www.facebook.com/occupysebastopol)

ORDINANCE NO. 916

AN ORDINANCE OF THE CITY OF SEBASTOPOL
REGARDING SPECIAL EVENTS

The City Council of the City of Sebastopol does ordain as follows:

SECTION 1. This Ordinance is enacted to provide for the administration of special events at the City's Downtown Plaza and Ives Park Stage.

SECTION 2: Special Events Defined.

One-time only or annual special events including, but not limited to, circuses, fairs, carnivals, parades, marathon walks or runs, motion picture or television location filming and such may be permitted by the City at the Downtown Plaza and/or Ives Park Stage subject to these regulations. All provisions of this ordinance are subject to the approval/waiver of the City Manager or his/her designee.

SECTION 3: Permit Required.

It is unlawful to conduct any special activities referenced in Section 2 without first obtaining a permit from the City Manager or his/her designee.

SECTION 4: Application for Permit.

- A. Application to conduct any special activity shall be made at least 30 days prior to the date that activity is to commence.
- B. Application deadlines may be waived by the City Manager where good cause is shown and the City has sufficient time to prepare for the proposed activity.
- C. The City Council shall adopt by resolution applicable fees.

SECTION 5: PERMIT APPROVAL/DENIAL

- A. The application shall be approved/denied within ten (10) business days of receipt of a completed application. The permit shall be approved by the City Manager unless he/she determines from consideration of the application or other pertinent information, that the following conditions exist:
 - 1. The activity will substantially disrupt the use of a street at a time when it is usually subject to traffic congestion, or potentially interfere with the operation of

emergency vehicles in the proposed permit area.

2. The proposed activity will substantially interfere with municipal functions, or other previously authorized activities.
 3. The activity creates a substantial risk or injury to persons or property.
 4. The applicant failed to complete the application or the information contained in the application is found to be false in any material detail.
 5. The particular activity would violate federal, state or local law including license/permit requirements.
 6. The particular activity would pose a potential threat to the health, safety and welfare of the City's population.
- B. When the ground(s) for permit denial can be corrected by imposing reasonable permit conditions, the City Manager may approve the permit.

SECTION 6: Permit Conditions.

The City Manager may condition the issuance of an activity permit by imposing reasonable requirements concerning the time, place and manner of activities including but not limited to the following:

- A. Requirements for the presence of Police Department, Fire Department and/or Public Works Department employees when required for the particular activity at the applicant's expense.
- B. Requirements concerning the posting of no parking signs and placement of other traffic control devices at the applicant's expense.
- C. Restrictions on the use of explosions and other noise-creating or hazardous devices.
- D. Restrictions on hours of activity.
- E. Requirements concerning notice to affected adjacent property owners of the activity.

SECTION 7: Fees

- A. A permit application processing fee and Use Fee Schedule shall be established by City

Council Resolution. The application and usefee shall be paid with submittal of the application to the City.

- B. In addition to the Use Fee, an event applicant shall be responsible for reimbursing the City for all City staff and materials costs associated with a permitted event. A deposit against such costs shall be paid in advance, per the provision of the resolution called for in Section 7A.

SECTION 8: Change of Activity Date

Upon 72 hours prior notice by the Permittee in advance of an approved activity, the City Manager is authorized to change the date for which the permit has been issued without requiring a new application or filing fee.

SECTION 9: Insurance

- A. The applicant for a permit must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the activity. Such insurance shall name on the policy or by endorsement as additional insureds the City of Sebastopol, its officers, employees and agents. Insurance coverage must be maintained for the duration of the activity. Coverage shall be provided by a Comprehensive General Liability Insurance Policy in the amount then required by the City's risk management program. The insurance coverage afforded by the policy shall provide at a minimum the equivalent of insurance coverage provided by the Insurance Service Office (ISO) Comprehensive General Liability Insurance coverage.
- B. A copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the City not less than ten (10) business days prior to the activity unless the City Manager for good cause waives the filing deadline.

SECTION 10: Indemnification and Liability

- A. Prior to the issuance of the permit, the permit applicant must sign an agreement to reimburse the City of Sebastopol for any costs incurred to repair or replace City property which is damaged as a result of the activity.
- B. The agreement shall also provide that the permittee shall defend, indemnify, and hold harmless the City, its officers, agents, or employees from all claims and liability of any kind whatsoever resulting from or arising out of the activity or issuance of the permit.

SECTION 11: Duties of Permittee

- A. Each permittee shall comply with all terms and conditions of the permit. Failure to comply with all permit terms and conditions is grounds for permit revocation without prior notice.

by the City Manager.

- B. Each permittee shall clean and restore all City properties utilized during the activity to the same condition as existed prior to the activity.
- C. The person in charge of the activity shall retain a copy of the permit on location.

SECTION 12: Appeals

The permit applicant may appeal a permit denial, permit condition, or permit revocation or refusal to waive a deadline under this Ordinance by filing an appeal within five (5) days of the date of the City Manager's decision with the City Clerk. The appeal shall be heard by the City Council at its next regular meeting.

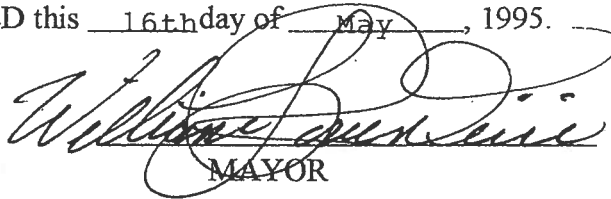
SECTION 13: Penalties

The violation of any provision of this Chapter shall be a misdemeanor. Such violations may also be addressed in a civil action.

SECTION 14: Severability Clause.

If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sebastopol hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

IN COUNCIL DULY PASSED this 16th day of May, 1995.


MAYOR

AYES: 5 Councilmembers Crump, Foley, Levy, Magnie & Mayor Roventini

NOES: 0

ABSENT: 0

ATTEST: 
City Clerk

9.24.080 Rubbish and Litter

No person shall dump, deposit or leave any bottles, broken glass, paper, boxes, cans, rubbish, waste, or garbage, or other trash in any park area. Waste or trash from incidental day use must be deposited into

9.24.090 Sewage or Waste Water

No person shall deposit waste water, sewage, or effluent from sinks, portable toilets, holding tanks or other plumbing fixtures directly upon or into the surface of the ground or water within a park area, except for use of treated wastewater as authorized by the Public Works Department.

9.24.100 Swimming or Bathing

No person shall swim, bathe, wade, change, or alter the water quality of any fountain, pond, river, stream or waterway. No person or persons shall introduce to such waters in a park area substances that alter or change the natural water quality.

9.24.110 Wildlife.

Unauthorized persons shall not feed wildlife, nor shall any person hunt, molest, harm, frighten, kill, trap, poison, chase, tease, shoot or throw rocks or missiles at any fauna in any City park area. However, law enforcement officials or agencies directed by the City may trap, hunt, or kill fauna, when necessary.

9.24.120 Hunting and Dangerous Weapons

No person, except duly qualified and directed law enforcement officials, shall take into any park area any firearm, air gun or gas weapon, sling shot, cross-bow, bow and arrows, or other articles of like character.

9.24.130 Fishing

No person shall take fish within the boundaries of any water area or other such restricted area as may be designated and posted by the City. Fishing in other areas shall be in accordance with the rules and regulations established by the City provided, however, that no person shall utilize a spear or arrow while fishing on park lands. Except as otherwise posted, a valid State of California fishing license shall be required for all persons over the age of 16 years, and all State Fish and Game laws and regulations which are applicable shall apply.

9.24.140 Release of Animals

No person or persons shall release, introduce or abandon any animal of any type to a park area.

9.24.150 Dogs

the receptacles provided on park lands. If receptacles are not available, persons must, upon departing, carry out all residual items, waste, or trash for subsequent disposal in appropriate waste receptacles.

No person shall bring a dog into park areas unless the dog is on a leash and under the immediate control of the person. Such person shall remove and properly dispose of any feces deposited by such dog.

9.24.160 Behavior

No person shall indulge in any riotous, threatening, indecent or abusive behavior, or use profane language while in or on any park area or facility.

9.24.170 Storage of Personal Property in Parks

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in any City park, except as otherwise provided by resolution of the City Council.

9.24.180 Camping.

No person shall camp, set up housekeeping or sleep in any City park overnight and specifically between the hours of 11:00 p.m. and 6:00 a.m. unless a Special Events Permit is specifically approved by the City Manager pursuant to Ordinances 916 and 936. As used in this section:

Camp means to pitch or occupy camp facilities; to use camp paraphernalia. Camp facilities include, but are not limited to, tents, huts, or temporary shelters. Camp paraphernalia includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment.

9.24.190 Fires

No person shall make or kindle a fire for any purpose except in barbeque pits or other places provided for that purpose, in any park.

9.24.200 Trailers

It shall be unlawful for any person to cook in, sleep in or otherwise inhabit any camper, camp trailer, or camp house within or upon a City park overnight and specifically between the hours of 11:00 p.m. and 6:00 a.m., or in parking facilities adjacent thereto.

9.24.210 Indecent Exposure.

No person shall engage in indecent exposure as defined in Section 314 of the California Penal Code while in any Public Park area.