City of Sebastopol

Agenda Item Number: #

Meeting Date: May 20, 2014
To: City Councilmembers
From: Mayor Robert Jacob
Subject: Resolution in Opposition of Fracking in the State of California

Recommendation

That the City Council approve the Proposed Resolution

Funding:

Currently Budgeted: ___ Yes ___ No ___ N/A

Net General Fund Cost:

If Cost to Other Fund(s),

Fund:

Introduction: This item is to request the City Council approve the Proposed Resolution Opposing hydraulic fracking in the State of California.

Background:
Fracking, or hydraulic fracturing, is the process of extracting natural gas from shale rock layers deep within the earth. Induced hydraulic fracturing or hydrofracturing, commonly known as fracking, is a technique in which typically water is mixed with sand and chemicals, and the mixture is injected at rich fluids such as gas, petroleum, uranium-bearing solution and brine water may migrate to the well.

Hydraulic pressure is removed from the well, then small grains of sand and aluminum oxide hold these fractures open once the rock achieves equilibrium. The technique is very common in wells for shale gas, tight gas, tight oil, and coal seam gas and hard rock wells.

Nearly all natural gas extraction today involves fracking. Proponents of this technique point to the economic benefits from the vast amounts of formerly inaccessible fuels the process can extract, which has been instrumental in increasing energy independence in the United States. Opponents point to environmental risks, including contamination of ground water, depletion of fresh water, contamination of the air, noise pollution, the migration of gases and hydraulic fracturing chemicals to the surface, surface contamination from spills and flow-back, and potential increases in earthquake activity.

Discussion: There are substantially varying positions regarding the safety of fracking and staff found it difficult to find impartial studies. The Environmental Protection Agency (EPA) is currently preparing an extensive study on fracking at the request of Congress, but it is not yet complete and staff does not have the expertise to provide an adequate analysis and/or recommendation on this topic.

Recommendation: Staff recommends the City Council approve and adopt the attached resolution opposing hydraulic fracking in the State of California.
RESOLUTION NO. ______

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
OPPOSING HYDRAULIC FRACTURING (FRACKING)
IN THE STATE OF CALIFORNIA

WHEREAS, hydraulic fracturing, also known as “fracking”, is a gas and oil resource extraction technology that drills wells vertically and horizontally deep under the earth’s surface, through water tables, requires vast quantities of water, and uses numerous toxic chemicals injected under high pressure to crack shale and dense rock formations, producing toxic waste water, and therefore poses great potential threat to the public, the environment, the State’s water supply and our coastal waters; and

WHEREAS, hydraulic fracturing is not regulated in California and the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) has insufficient records of the locations or numbers of wells where hydraulic fracturing is being used to extract oil and gas in the state, and does not maintain records of the types and amounts of chemicals used, the amount of water used or the disposition of the wastewater generated by this process; and

WHEREAS, the oil and gas industry is granted exceptions to compliance with federal legislation designed to protect the public and the environment, including the Safe Drinking Water Act of 1974 and the Clean Water Act of 1972 (amended 1977 and 1987); and

WHEREAS, Senate Bill 4 permits continuing unregulated fracking activity until at least July 1, 2015, when the State is scheduled to complete an environmental review of fracking in the State of California, and

WHEREAS, wastewater from hydraulic fracturing may be laced with hundreds of toxic chemicals, heavy metals and naturally occurring radioactive materials, as documented by the Environmental Protection Agency (EPA) and due to the volume and toxicity of “fracking” wastewater, treating such complex waste is difficult, making safe disposal a significant challenge and posing threats to the environment and public health and safety; and

WHEREAS, current disposal methods in the State of California are inadequate, and allow the possibility that “fracking” wastewater will affect watersheds, reaching rivers, streams, wetlands, bay and coastal waters, as well as agricultural and drinking water supplies; and

WHEREAS, the vast quantities of water required for the hydraulic fracturing process reduce the availability of water for agricultural uses, in a state which relies heavily on agriculture for its economic strength and which suffers from the effects of periodic droughts; and

WHEREAS, the “fracking” process releases such hazardous air pollutants as methanol, formaldehyde, and carbon disulfide, in addition to the release of volatile organic compounds including benzene, toluene and nitrogen oxides. The projected 15 billion barrels of oil from the Monterey Shale are estimated to release 6.45 billion metric tons of carbon dioxide, 15 times the total greenhouse gas emitted from all sources in California in 2010; and WHEREAS, emissions generated by drilling and “fracking” for shale
oil and gas, and producing, refining and burning shale oil and gas, result in significant and uncontrolled emission of methane, a far more lethal greenhouse gas than carbon dioxide; and

WHEREAS, unregulated “fracking” in California will likely undermine the State’s efforts to reduce greenhouse gas emissions to 1990 levels by 2020, per AB32, the California Global Warming Solutions Act of 2006, and the extraction of oil and gas, as well as coal, is antithetical to the necessary transition to 100% renewable energy sources needed to aggressively address greenhouse gas emissions and climate change; and

WHEREAS, the City of Sebastopol City Council supports possible reductions in the reliance on fossil fuels, and has taken significant steps to address climate change, as evidenced by setting goals to reduce greenhouse gas emissions; and

WHEREAS, protecting the health and safety of the environment and the public is of paramount concern and discouraging reliance on fossil fuels is congruent with the City of Sebastopol’s goal of reducing greenhouse gas emissions to address climate change.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sebastopol opposes hydraulic fracturing in the State of California.

IN COUNCIL DULY PASSED this 20th day of May, 2014.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

Approved:__________________________
ROBERT JACOB
Mayor, City of Sebastopol

City of Sebastopol City Council:
VOTING AYE:
VOTING NO:
ABSENT:
ABSTAIN:

ATTEST:__________________________
Mary C. Gourley, CMC, City Clerk

APPROVED AS TO FORM:__________________________
Larry McLaughlin, City Attorney
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Councilmember Eder discussed making a decision tonight.

Councilmember Gurney stated if we uphold the appeal we are approving a mediocre house.

Mayor Jacob stated the neighborhood has mediocre houses.

Councilmember Eder discussed move forward rapidly and get the result or delay two weeks and get better result.

Vice Mayor Slayter moved and Mayor Jacob seconded the motion to approve and uphold the appeal by Ed Doughty and David and Julie Stringham.

VOTE:
Ayes: Councilmembers Kyes, Vice Mayor Slayter and Mayor Jacob
Noes: Councilmembers Eder and Gurney
Absent: None
Abstain: None

City Council Action: Approved and upheld the appeal by Ed Doughty and David and Julie Stringham.
Reference Order Number: 2014-081

9. Discussion and Action of Request for Approval of Resolution Opposing Fracking in the State of California (Mayor Jacob)

Mayor Jacob presented the item recommending the City Council approve the Resolution Opposing Fracking in the State of California.

Mayor Jacob opened for public comment.

Magick commented as follows:
- Thanked the Mayor for bringing this forward
- Stated Pittsburg included in their ordinance the rights of nature
- Suggested including that in our General Plan update
- Stated this is an important resolution
- Read a list of cities that passed these measures
- Would like this to be strong enough for the State to create the ban
- Stated fracking has a short life
- Discussed trade secrets and chemicals used
- Stated it is important we add our name
- Stated the oil is toxic and accident after accident of its transportation

Kusima commented as follows:
- Stated it is the first time attending a town meeting
- Stated fracking is destroying her home and family and places where she grew up are totally destroyed
- Stated California feeds a lot of the nation and stated it is great risk if California accepts fracking
- Stated we need to stand up to this massive destruction
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Colleen Fernald commented as follows:
- Stated she accepts right to free speech and being uninterrupted
- Discussed not banning but a moratorium
- Stated it cannot happen in isolation
- Discussed the risks to our water supply and stated it is not worth the risk
- Discussed earthquakes being caused by fracking
- Discussed contamination of groundwater
- Discussed nuclear power plants
- Discussed nuclear weapons
- Urged the Council to sign on and then use power collectively to get other cities to wise up

Deborah Tavares commented as follows:
- Urged approval of the resolution
- Discussed the toxicity levels of pollutants used

Peggy Karp commented as follows:
- Stated she cannot believe Sebastopol would not support a resolution opposing fracking
- Stated the people supporting fracking believe we have to pull every bit of fossil fuel out of the ground or stand to make money
- Stated there is no benefit to fracking
- Stated it causes earthquakes
- Discussed potential for polluting groundwater

Dennis Machado commented as follows:
- Stated the natural gas companies are supporting solar and wind
- Discussed the green washing going on for years
- Stated this is some of the underlining hazards
- Stated they are trying to eliminate competition
- Discussed appropriate use of petroleum
- Stated coal is not as dirty as people think it is
- Stated we have narrowed ourselves down to limited perspectives

Mayor Jacob commented as follows:
- Stated it is amazing to see everyone agree on this
- Thanked Magick for her push on this issue

Councilmember Gurney thanked Magick for this resolution.

Councilmember Gurney moved and Councilmember Kyes seconded the motion to approve the Resolution Opposing Fracking in the State of California with the following addition:
That the City Clerk be directed to forward this Resolution to the State, county and City Elected and the League of California Cities.

VOTE:
Ayes: Councilmembers Eder, Gurney, Kyes, Vice Mayor Slayter and Mayor Jacob
Noes: None
CITY COUNCIL MEETING OF May 20, 2014 - MINUTES

Absent: None
Abstain: None

City Council Action: Approved the Resolution Opposing Fracking in the State of California with the following addition:
That the City Clerk be directed to forward this Resolution to the State, county and City Elected and the League of California Cities.
Resolution Number: 5975

Mayor Jacob called for a break at 9:14 pm and reconvened the meeting at 9:24 pm.

10. Discussion and Action of Proposed Bike and Pedestrian Connectors as Proposed Below (Complete Streets Advisory Committee/Cittaslow Sebastopol) (60 Minutes)
    •Ives Park Connector: Complete Streets is recommending a route be established, eventually with signage, to guide pedestrians and bicyclists from the Petaluma Ave. terminus to Ives Park and back;
    •Pilot Project: Park Once and Walk: Cittaslow Sebastopol is proposing a pilot project is a 60 day trial of three routes, designed to learn more about optimal pathways, signage and promotion of the Park Once and Walk initiative

Planning Director Webster presented the staff report recommending the City Council Discuss and Act Upon the requests.

Councilmember Eder questioned the route recommended for pedestrians.

Mr. Skinner stated they are recommending route A for bike and pedestrians.

Mayor Jacob questioned if Route D was all city owned property.

Mr. Skinner stated no.

Mayor Jacob questioned if Route B could follow the pink route to the crosswalk and cut right rather than do the upper jog.

Mr. Skinner stated it could but is suggesting pedestrians not cross through the parking lot, but on the other hand stated the lot is pretty quiet.

Councilmember Gurney stated a lot of bikes go through the Chamber lot and questioned if they would go to High Street.

Councilmember Kyes stated they would take Route D but we cannot endorse it.

Mayor Jacob questioned if Route D should be on the north side of the lot.

Vice Mayor Slayter stated on the north side of the Tacqueria up the edge of the building is City property.