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SAUSALITO CITY COUNCIL MEETING
TUESDAY, JULY 24, 2007
DRAFT / UNAPPROVED MINUTES

At 5:30 p.m., Mayor Kelly called to order the July 24, 2007 meeting of the City Council of the City of Sausalito in the Council Chambers of the City Hall at 420 Litho Street. He announced that the Council would immediately adjourn to the Conference Room to interview applicants for the Sausalito Waste and Recycling Commission and for the Resident Pedestrian Advocate position on the Bicycle and Pedestrian Task Force. Mayor Kelly announced that following the interviews, the Council would be going into Closed Session to review Closed Session Items 1 through 4. Mayor Kelly called for public comment on the Closed Session agenda, but there was no public comment.

The Council withdrew to the Conference Room for the interviews.

At 7 p.m., Mayor Kelly reconvened the business portion of the meeting in the Council Chambers.

ROLL CALL

PRESENT: Councilmembers Albritton, Leone and Weiner; Vice Mayor Belser;
Mayor Kelly

ABSENT: None

PUBLIC COMMENT ON CLOSED SESSION ITEMS

1. **PUBLIC EMPLOYMENT** pursuant to CGC § 54957
Title: City Manager
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: 18 Pearl Street
Negotiating Parties: Dana and Kent Whitson
City Negotiators: City Attorney
Under Negotiation: Price and Terms
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: Marinship Park and Martin Luther King (MLK) Park
Negotiating Parties: Sausalito Art Festival LLC
City Negotiators: City Manager and City Attorney
Under Negotiation: Price and Terms

1
2 **4. CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6

3 Agency Negotiator: City Manager

4 Employee Organizations: SEIU 1029, Sausalito Firefighters Association IAFF Local
5 1775, and unrepresented Employees (Management and Confidential)

6
7 Mayor Kelly reported that the Council met from 6:00 to 7:00 p.m. in Closed Session and
8 discussed and gave direction on Items 2, 3 and 4 to the City Attorney and negotiators.
9 Regarding Item 1, he announced with great pleasure that the City Council has signed a
10 contract for the position of City Manager with Adam Politzer.

11
12 (There was applause from the audience.)

13
14 Mayor Kelly noted the recruitment process has been a laborious process. They had 40
15 applicants and narrowed that down to eight and then down to three. After extensive
16 interviews, the Council selected Mr. Politzer, who will assume his role as City Manager
17 on September 10, 2007.

18
19 City Attorney Mary Wagner noted that the Council voted in Closed Session on the
20 selection of Mr. Politzer; the vote was 5-0 in favor of his selection.

21
22 Councilmember Leone thanked Chief Paulin for all his hard work as City Manager Pro
23 Tem from late April until Mr. Politzer arrives.

24
25 Mayor Kelly asked for public comment on any Closed Session item, but there was no
26 response.

27
28 **APPROVAL OF AGENDA**

29
30 **Councilmember Albritton moved, seconded by Vice Mayor Belser, that the Council**
31 **approve the agenda as submitted. The motion was approved unanimously without a**
32 **roll call vote.**

33
34 **1. SPECIAL PRESENTATION**

35
36 **A. Announcement of future special event – Bridgeway Music Festival**

37
38 **Report by Special Events Coordinator Jeanne Friedel**

39
40 Ms. Friedel said the City has received an application for this high impact special event,
41 the Bridgeway Music Festival (BMF). Staff was recommending that the Council review
42 the application in a public hearing and take public comment and give staff direction.

43
44 The BMF representative said they are proposing an event that will be a fund raiser for a
45 non-profit. He is owner of the Record Plant, an icon in the recording industry and in

1 Sausalito. The non-profit will teach young people the art of recording. They have asked
2 members of the music community that have recorded at the Plant to perform at the
3 concert. The 35th anniversary of the recording studio is in October, 2007; the studio
4 originally opened with a Halloween party attended by John Lennon, Yoko Ono, and
5 others. Since then they have had a tradition of holding a Halloween party, which is the
6 reasoning for the timing of this Festival.

7
8 **Jackie Thompson** said the Festival will fund a Foundation that will allow young people
9 to continue the Plant's tradition of making music and encouraging talent in the Bay Area
10 and in Sausalito. It will also help recreate what has been going on at the Record Plant and
11 in Sausalito for so long.

12
13 Mayor Kelly asked what the normal procedure for this application would be.

14
15 Scott Paulin, City Manager Pro Tem, said a review team of City staff would review any
16 conditions or restrictions on the approval or denial. Staff wanted Council to be aware of
17 this because it will have a large community impact, and he wanted to give Council and
18 the public an opportunity to ask questions. Staff would start the review on the application
19 the next week.

20
21 Organizers said the Festival is planned from noon to 7 p.m. on two days; the third day's
22 event will be held inside the Plant.

23
24 Councilmember Albritton said traditionally these applications have gone through the
25 Parks and Recreation Commission, which is a good forum for getting public input.

26
27 Mayor Kelly said Council's direction then would be to proceed to review the application
28 with the Parks and Recreation Commission so the applicants can get a decision as soon as
29 possible.

30 31 **2. PUBLIC COMMUNICATIONS**

32
33 **Mark Grace**, resident on Spencer Avenue, stated that on August 14, 2007, he and his
34 neighbors were notified by PG&E by form letter that their power would be out for
35 replacement of a power pole. He came home to find that PG&E had installed a new pole
36 eight feet taller than anything installed before, with a transformer the size of a garbage
37 can on top of it. The installation has destroyed his view, as well as that of their neighbors.
38 He has researched how changes such as this can be made, and he was told by the City
39 Engineer that PG&E has to clear any change such as this with the City. This change
40 would have required a permit for a Sausalito resident. After two meetings with PG&E,
41 they realized they were wasting time working within the bureaucracy. They were told that
42 they would need the approval of neighbors up and down Spencer to fix this problem. He
43 has great concern that PG&E was able to make this drastic change without any approval
44 from the City. He has been told by a real estate broker that the installation of the pole has

1 reduced his property value by \$100,000. He was requesting a formal review of this
2 incident by the City Manager and was asking the Council for help in this matter.

3
4 Councilmember Albritton suggested directing staff to write a letter from the Mayor to the
5 government representative at PG&E asking for an explanation.

6
7 **Yvonne Martinez** introduced herself as a labor representative of SEIU Local 1029. The
8 union represents 54,000 members in Northern California alone. The Sausalito union
9 members had expected to settle their labor contract with the City that day. They had
10 given the City a counter proposal at the last meeting. They were disappointed that the
11 City was not ready to settle. It was apparent that the Council's position on issues was not
12 being represented. The person they met with was not aware of the discussions between
13 the Council and the union at the last meeting. The union contract addresses the problems
14 in the City, and it was discouraging that they have not been able to reach an agreement
15 because of lack of communication.

16
17 **Denis Brown-Bouvier**, Permit Technician, said the SEIU employees of the City of
18 Sausalito acknowledge and applaud the Council for its stated goals to attract, develop and
19 retain talented, energetic and visionary staff, and for its efforts to adequately compensate
20 and reward its management employees. The union asks that the City extend the same
21 consideration to the dedicated and hardworking front-line employees. They look forward
22 to working together, and they are and have been invested in accomplishing the City's
23 goals through the management changes and in the future.

24
25 **John Bush**, acting Foreman of the Public Works Department, stated that he was
26 delivering the message that the members of the bargaining team would like to express to
27 the Council their strong desire to meet a fair and equitable settlement in good faith. They
28 came to the Council that night in hopes that the Council would take the leadership role
29 and acknowledge the hard work and services that the union family members contribute to
30 the community. They ask that the Council meet with them in a fair and equitable
31 agreement.

32
33 **Tony Badger** stated that the park on the Arquez property, now the Lemon property, was
34 removed about two months ago. Trees were removed, and the entire landscaping was
35 removed suddenly. The Lemons didn't get permits to take those trees out and have been
36 ordered to replace those trees. The Lemons are now appealing that order. That appeal will
37 come before the Council in September. That park has been used by Sausalito residents for
38 a very long time, and he would recommend a prescriptive easement to keep that park
39 there forever. He believed that not to do so would be setting a precedent for the kind of
40 things that are going to happen in the Marinship. He urged the Council to pay close
41 attention to this issue.

42
43 City Attorney Mary Wagner said the hearing Mr. Badger referred to will be before the
44 Trees and Views Committee at their September meeting. It can then be appealed to the
45 Planning Commission.

1 **4. CONSENT CALENDAR**

- 2
- 3 1. Approve master lease agreement by and between the City of Sausalito and Dell
4 Computers to provide City computers as recommended by OMIT committee
- 5 2. Approve professional services agreement by and between the City of Sausalito
6 and Folger Graphics for preparation of quarterly community magazine
- 7 3. Approve participation agreement by and between the City of Sausalito and the
8 Amgen Tour of California for the 2008 Stage 1 start: City of Sausalito
- 9 4. Approve the first amendment to the professional/consulting services agreement by
10 and between the City of Sausalito and Labor Management Success, Inc.
- 11 5. Adopt resolution approving first amendment to lease agreement by and between
12 the City of Sausalito and Lorna Newlin (MLK) as recommended by the OMIT
13 committee
- 14 6. Adopt resolution approving first amendment to lease agreement by and between
15 the City of Sausalito and John Scholz (MLK) as recommended by OMIT
16 committee.
- 17 7. Approve a memorandum of understanding between the City of Sausalito and the
18 Sausalito Police Association as authorized by the City Council for labor
19 negotiations
- 20 8. Adopt resolution amending Resolution No. 4905 that established the authorized
21 staffing levels and salary range for all permanent and temporary positions for
22 fiscal year 2007-2008 to include the salary range for the administrative aide 1
23 position in the confidential employee unit and the administrative aide 2 in the
24 SEIU employee group.
- 25 9. Adopt resolution approving an updated master fee schedule for several fee
26 changes in the Parking Division, administrative department, business license fee
27 schedule, police department, community development department and recreation
28 department.
- 29 10. Approve staff comments in response to the Fort Baker Transportation DEIS
30 document
- 31 11. Receive and file final report on the Caledonia Street Fair
- 32 12. Receive the final accounting report on the 2007 Amgen Tour of California
- 33 13. Receive update report on the regional housing needs numbers issued by ABAG
- 34 14. Receive report on the community development department efforts to obtain grant
35 monies for the preparation of the historic design guidelines
- 36 15. Review community development department brochures for permit processes
- 37 16. Item cancelled, item no. not used
- 38 17. Approve payment of overtime invoice from the Southern Marin Fire Protection
39 District for the period April to June 2007
- 40 18. Receive and file minutes of CARB meeting of May 14, 2007
- 41 19. Acknowledge actions taken by Planning Commission at the meeting of July 11,
42 2007
- 43 20. Acknowledge actions taken by Planning Commission at the meeting of July 18,
44 2007

1 21. Approve and authorize City Manager to apply for grant fund from the Sausalito
2 rec-ers and to set procedures on the use of the grant fund

3 22. Receive and file minutes of the Parks and Recreation Commission meeting of
4 June 20, 2007

5
6 Mayor Kelly asked if any member of the public wanted to remove any item from the
7 Consent Calendar, but there was no public response.

8
9 Councilmember Albritton said he would call for separate motions on Consent Calendar
10 items 10 and 13 and ask for some additional information, but he was not asking to
11 remove them from the Consent Calendar.

12
13 Councilmember Leone asked to remove items 3 and 7 from the Consent Calendar to be
14 heard as part of the Council's regular agenda; secondly, he wanted to pull and continue to
15 the September meeting items 11, 12, and 21, which he felt deserved more public scrutiny
16 than the Consent Calendar would allow. Since they aren't time sensitive, they can be
17 heard at a later date.

18
19 Mayor Kelly noted that Item 3 would become 6-G; Item 7 would become 6-H. He asked
20 if there was any objection to continuing items 11, 12, 21 to the September 4th meeting.
21 There was no Council objection.

22
23 **Councilmember Albritton moved, seconded by Councilmember Belser, that the City**
24 **Council remove Items 3 and 7 from the Consent Calendar to the business portion of**
25 **the agenda and to continue Items 11, 12, and 21 to the September 4, 2007 Council**
26 **meeting. The motion was approved unanimously without a roll call vote.**

27
28 **Councilmember Albritton moved, seconded by Councilmember Leone, to approve**
29 **Item 10, "Approve staff comments in response to the Fort Baker Transportation**
30 **DEIS document", which was due on August 13, 2007, with such changes as are**
31 **approved by the Mayor with comments through the City Attorney regarding those**
32 **changes. The motion was approved unanimously without a roll call vote.**

33
34 **Councilmember Albritton moved, seconded by Councilmember Belser, to approve**
35 **Item 13, "Receive update report on the regional housing needs numbers issued by**
36 **ABAG", with the modification of incorporating a comment from the Council that**
37 **the number is too high and further direct that a letter of protest will be sent. The**
38 **motion was approved unanimously without a roll call vote.**

39
40 **Councilmember Albritton moved, seconded by Councilmember Belser, to approve**
41 **Consent Calendar items 1, 2, 4, 5, 6, 8, 9, 14, 15, 17, 18, 19, 20 and 22. The motion**
42 **was approved unanimously without a roll call vote.**

1
2 **5. PUBLIC HEARINGS - None**

3
4 **6. BUSINESS ITEMS**

5
6 **A. Receive public input on the Draft License Agreement by and between the**
7 **City of Sausalito and the Sausalito Art Festival Foundation**

8
9 Mayor Kelly clarified what was at issue here that evening was a License Agreement for
10 Marinship Park. All the business items are contained in the draft that will be addressed
11 that evening. There are many other issues that are not in the purview of the Council. The
12 Council is asking the public to hold its comments to items in the draft report and items
13 that should be included in the draft report. The Council will not vote on anything that
14 evening, they are simply taking public comment before going back into negotiations with
15 the Art Festival and then they will bring the agreement back to a City Council meeting
16 where a vote will be taken on the agreement.

17
18 Councilmember Albritton asked the City Attorney to explain for the public the three
19 documents that go into this Festival, e.g., the business license, the special events permit
20 and how they relate to this license agreement.

21
22 City Attorney Mary Wagner said there is the license that is for the use of the real estate,
23 the Marinship Park and the tennis courts, which covers multiple years. There are also
24 provisions regarding business licenses, that is, each participating entity, each artist,
25 anyone who sells anything also obtains a City of Sausalito business license, and the Art
26 Festival Foundation itself is also being required to obtain a Sausalito business license
27 yearly. The City's special event permit process is also involved and it is also a yearly
28 license. The Festival submits an application each year that is reviewed on the staff level
29 and by the Parks and Rec Commission.

30
31 **Public Comment**

32
33 **Sonja Hansen**, resident on Spring Street, stated she was not the only person in the room
34 confused by the following, which she will discuss with no intended meaning to their
35 order:

- 36
37 ○ What costs does the City incur in hosting the Sausalito Art Festival (SAF)
38 including but not limited to added costs to the police department and public works
39 department?
40
41 ○ What is the business license fee and how much comes from the SAF and how
42 much comes from the artists participating in the SAF?
43
44 ○ What is the special events fee?
45

- 1 ○ Rotary has the parking concession; the City receives \$1 per car parked; does that
2 go through the SAF or directly from the Rotary to the City?
3
- 4 ○ What is the rental fee for Marinship Park and is that fee over and above any costs
5 incurred by the City?
6
- 7 ○ Will the SAF be required to pay the outstanding sales taxes from 2002 to 2006,
8 approximately \$23,000, before entering into the proposed contract?
9
- 10 ○ What is the difference between the SAF LLC and the SAF Foundation and why is
11 the licensing contract with the SAF Foundation and not the SAF LLC?
12

13 She took offense to the constant reference to the non-profits which gain so much benefit
14 from the SAF, and the inference by extension that they would be harmed if the City
15 demanded higher fees. The City of Sausalito is the largest non-profit involved in these
16 negotiations, and each and every resident is a member of this non-profit. The same cannot
17 be said for any of the other nonprofits.

18
19 **Jane Woodman**, resident Josephine Street, referred to the maintenance agreement for
20 Marinship Park. She didn't see a replacement schedule for fencings, tennis courts, etc.
21 Ever year they get more and more damaged, and they aren't reinstalled the way they were
22 for the citizens of Sausalito. She suggested including not only a maintenance schedule but
23 a replacement schedule including resurfacing of the courts, replacement of the
24 windscreen and the cross bars. She was glad the water fountain is in the new contract; it
25 should have been in the contract all along.
26

27 **Bob Zadek**, resident of the Sausalito Yacht Harbor, stated that for several meetings the
28 agenda has indicated a Closed Session agenda item referring to the real party negotiation
29 with the LLC. What the public was being presented with that evening was a licensing
30 agreement not with the LLC, but with the Foundation. He didn't know the reason for this
31 deception. The Council has not complied with the disclosure requirements. The License
32 Agreement is not a real party transaction. Putting aside the misleading agenda item, the
33 license agreement asks the City to put blind faith for 13 years in an organization the City
34 has no control over. He had no doubt that the present governing body of the Foundation
35 are people of good faith. However, they don't know who will be on the Foundation for
36 the next 13 years. The City is imposing no standards on this Foundation. Six years from
37 now the Foundation could adopt standards that are totally offensive and the City would
38 be powerless to control it. Common sense would dictate the agreement should have
39 extensive performance standards built in. He begged the Council to impose rigid
40 standards on how the Foundation spends and dispenses the money.
41

42 **Sande McGarry**, resident on West Street said that regarding how the Foundation is
43 controlled, the IRS and the Franchise Tax Board dictates how much money the
44 Foundation has to give away every year by mathematical formula. She understood the

1 comment about 13 years being a long time, but the reality was that the fear Mr. Zadek is
2 imagining doesn't exist; the Foundation's finances are regulated.

3
4 **Jennie Price**, resident on Prospect Avenue, read a letter from Kate Flavin, who was
5 unable to be present that evening:
6

7 "I regrettably am unable to attend your session on July 24th so I am using this
8 letter to express my concerns regarding the current negotiations between the
9 City of Sausalito and the Sausalito Art Festival Foundation. We have
10 submitted to you a petition signed by approximately 550 concerned citizens.
11 These residents of Sausalito want transparency with respect to the SAF. They
12 do not mean to disparage the Foundation or its individual board members. But
13 they wonder about the distribution of the large sum of money earned by the
14 SAF. The bare bones financial report isn't sufficient. The Foundation has
15 extended its IRS reporting to August 15, 2007. Should not the Council know
16 why the Foundation could not complete its straightforward tax form in the
17 time allowed? Is there a report in the annual report on its 2006 activities? It
18 may all be perfectly innocent, but the Council should have an understanding
19 of the process." She seconded the comments made previously about the
20 Brown Act. The 13 year term of agreement between the City and the
21 Foundation is too long. Why is the City giving such a long license? She asked
22 the Council to continue any decisions to the September meetings when more
23 of the public can be on hand.
24

25 **Carolyn Ford** spoke on behalf of the 550 residents who signed the petition. The purpose
26 of the petition was to have the SAF open its financial records and adequately compensate
27 the City for the use of its facilities. It is only through the efforts and good will of the
28 citizenry that the SAF resists today. Why is there resistance from the Art Festival? Why
29 won't the SAF provide the financial reports? What is the board afraid of? She knows
30 many of the board members and knows them to be honorable people, but she doesn't
31 understand the secrecy. Why is the Council ignoring the petitioners? The contract signing
32 process can't be rushed. The 550 petitioners are the citizens who elected the Council. To
33 sign a 13-year agreement without it being vetted by the residents is a risk the City should
34 not take. She asked the Council to delay the decision a month, limit the agreement to two
35 years, require the SAF to be transparent in its financial matters. Don't label the
36 petitioners as opponents of the Art Festival; she doesn't oppose the Art Festival, she
37 simply wants what is fair and reasonable for the City as a whole.
38

39 **Sande McGarry** commented to the woman who mentioned the sinister extension of item
40 for filing a Form 990 -- that's standard operating procedure. The reasonable cause is
41 boilerplate language that every extension uses. If the books were open, who of these 550
42 people would actually know what they were being provided with? Who would
43 understand them? The point is it would be very easy for the Festival once the LLC and
44 the Foundation have filed their tax return to put that tax return in the library and allow
45 anyone to look at it, including any CPAs who could explain the numbers to people who
46 have suspicions.

1 **Kayla Kahn** lives on Rodeo. She has been a volunteer at the Art Festival for 47 years.
2 The Festival is wonderful; if there are people that don't like it, don't come. The people in
3 charge are doing a good job. The only thing she wants to see in the new contract is that
4 all the nonprofits are protected. But she doesn't think 13 years is too long.

5
6 **Lloyd Delvecchio**, resident on Olima Street, stated that he is a member of the Star of Sea
7 Catholic Church. The church's food booth at the Festival is the church's largest single
8 fund raiser. As with other nonprofits, everything the church earns is returned to the
9 community. He would be deeply disappointed if the Council were to consider letting third
10 party, outside people run the fair.

11
12 **Denise Otterson** is the author of 10 Favorite Things about Sausalito, one of which was
13 the Art Festival. She has lived in Sausalito for 18 years and ran a gallery in town for six
14 years. She's heard a lot of gossip over the years about the Art Festival. The community
15 has very fine artists and very good people. The emphasis of the Festival should not
16 necessarily be on the party and the music, they should be proud of the artists that are
17 there. She hasn't been really proud of the artists represented there. She wants to be proud
18 of it.

19
20 **Susan Lemaro**, resident on Cazneau Avenue, stated that she works in the food booth run
21 by Christ Church at the Festival. The monies raised are all recycled into the community.
22 The Open Door Ministry depends on the Art Festival for funding. She volunteered every
23 year for the Garbage Committee. She has known the Festival is not a non-profit, but she
24 has been happy to contribute to it.

25
26 **Pat Zuch** said she takes exception to the notion that there are proponents or opponents of
27 the Art Festival; 99.9 percent of those involved wish to see the Art Festival go forward
28 and be successful. The nonprofits should be protected and other safeguards should be
29 written into the contract. It is the 13-year lease that is creating the dissension. Put
30 maintenance and replacement considerations in the contract. Put the guarantees in writing
31 in the contract. It is upsetting that the discussion comes down to repetition of rumor and
32 gossip; this is a business issue.

33
34 **Sally Calef** is president of the Chamber of Commerce. The reason for the 13 year
35 agreement is because the Chamber has a tentative agreement with the Art Festival
36 Foundation where they will be paying the Chamber over 13 years. This is about the future
37 of the Chamber of Commerce, as well as the future of all these non profits. The Chamber
38 is at a critical point in its financial security. The Chamber won't get its payment until the
39 agreement is signed. It is imperative for the City to make a decision that supports its
40 Chamber of Commerce. The Chamber is funded by its memberships and by the revenues
41 from the Art Festival. The City and Chamber had an agreement in place that lasted 10
42 years in the form of a lease for this property. Please listen to the business community and
43 vote in favor of this lease, without which the local Chamber of Commerce would not
44 survive.

45

1 **Neil Whitelaw** has been the executive director of South San Francisco Chamber of
2 Commerce. All Chambers he knows of support themselves from the membership, he
3 doesn't know why this Chamber is so dependent on a revenue source outside of the
4 business community.

5
6 **Carol Ann Wentworth** introduced herself as the Executive Director of the Chamber of
7 Commerce. Most Chambers are supported by their City's Transient Occupancy Tax
8 (TOT) tax. The Novato Chamber alone gets \$100,000 a year from TOT. Sausalito's
9 Chamber gets zero.

10
11 **Mike Stone** stated he was President of the Foundation and the largest sponsor of the
12 Sausalito Art Festival. He's been actively involved in the Art Festival for the past 20
13 years and is proud of its achievement. He is most proud of the contribution the Festival
14 makes to the community. Between the Chamber, the Rotary, the City, the Woman's Club,
15 the Bay Model, grants and scholarships, it has produced approximately \$475,000 a year.
16 In the last 10 years of the contract, that's about \$4.7 million that's been brought back into
17 the community by the Art Festival. And that number doesn't include any public relations
18 or restaurant revenue, etc. Any City would love to have the Sausalito Art Festival. He
19 thanked the Chamber and Rotary Club for building the park in 1988 to make the Festival
20 possible, and specifically the Bay Model for its partnership in allowing the Festival to be
21 held on their property at no cost. He thanked the three boards that oversee the Festival,
22 the volunteers and the people who make the Festival possible year after year. These
23 volunteers are givers, not takers; they build up, not tear down. They are the silent
24 majority, not the vocal minority. They are true volunteers who work out of love for the
25 community. The City owes these volunteers thanks. The sad thing with the present
26 controversy is that people's integrity has been questioned and their characters
27 assassinated.

28
29 **Carolyn Ford** said if Mr. Stone can have six minutes, surely she could have a couple
30 more minutes on behalf of 550 people. No one has smeared anyone's reputation in terms
31 of the petition. They simply want the Festival to open its books. The financial reports
32 they are asking for are standard financial reports provided by every corporation. She did
33 not think that the City should be taking the risk of a 13-year contract because the
34 Chamber and the Festival cannot agree on a shorter term contract.

35
36 **John Farrell**, resident on Johnson Street, stated he has tried to step back and ask what is
37 reasonable to ask of the Art Festival, given that it is the most important community event
38 in the City. As such, it is not unreasonable to expect the Festival to open its books; not
39 only must it be operated according to the law, it must be perceived to operate according
40 to the law. It would be reasonable to put people on the board, either elected by citizens or
41 appointed by the counsel, from the community. With regard to the nonprofits dependent
42 on the Festival, is it reasonable that the licensing agreement should include some
43 protections so these nonprofits continue to be allowed to operate? Yes. Is it reasonable to
44 expect the Council to take the time to make sure all the details are addressed? It is not

1 only reasonable, but also incumbent that the Council take the steps to assure its operation
2 and integrity.

3
4 Mayor Kelly said it was his understanding that the Sausalito Art Foundation is the
5 contracting party. It was his understanding that currently the LLC is a two member LLC,
6 one member is the Chamber of Commerce, and the other is the Sausalito Art Festival
7 Foundation. At the time of the transaction, the intent is that the LLC becomes a sole
8 member LLC.

9
10 Mayor Kelly said he was just trying to get the facts laid out. The City Attorney has
11 reviewed the draft of the document between the Chamber of Commerce and the Festival
12 Foundation.

13
14 **Leonard Kaprielian** said he was asked in 1991 to work on this Art Festival and he
15 considered it an honor. The Festival is not run by a robot; it's run by citizens who really
16 care and give back. Have the citizens not run this Festival with A-plus caliber? The City
17 should be so proud of what the citizenry has accomplished. The City is the site of the
18 number one Art Festival in the country. Let's get on with it.

19
20 **Vicki Nichols**, resident on Caledonia Street, had some questions on the contract. Ms.
21 Calef's comments helped her understand what was motivating the 13-year contract. She
22 understood that in the previous contract there were some monies to be exchanged
23 between the LLC and the Chamber. Her understanding was that some of this money has
24 not been paid. Her aim was to start with a clean slate, and the Council shouldn't sign the
25 contract unless the payments are made.

26
27 Mayor Kelly said there's a default provision in the agreement.

28
29 Ms. Nichols asked if the 13-year period is for the License Agreement, or is it buying out
30 the rights of the use of the name? If that's the case, she asked whether the Chamber
31 would no longer be involved at the end of 13 years. And would the name belong to the
32 entity?

33
34 City Attorney Wagner said there's an agreement between the Chamber of Commerce and
35 the Sausalito Art Foundation which involves non-tangible, intellectual property, if you
36 will -- copyright, trademark, those sorts of things -- as well as control of the LLC. That's
37 the 13-year payment obligation that the Chamber officials were referring to. The City
38 isn't receiving that payment from the Foundation; it goes directly to the Chamber and it's
39 a subject of negotiation between the Chamber and the Foundation, but it ties into the term
40 of the City's license agreement for the use of the property. If there is a breach of the
41 Chamber agreement, it is a default also of the license agreement.

42
43 Ms. Nichols asked if the enforcement then is up to the Chamber to go after the ir money if
44 there is a default. Ms. Wagner said that was correct.

1 Mayor Kelly said relative to the amounts owed, they've looked over about five years
2 worth of monies that were carried along; some were sales tax receipts that the City
3 couldn't collect because they didn't have enough data to collect them. The agreement
4 being considered is not with the Art Foundation; it is with the Chamber of Commerce.
5 The Chamber of Commerce owed the City this money from revenues from the Festival,
6 but when they tried to trace back the source of these amounts, they simply didn't have the
7 records. There were also obligations on the part of the City to perform certain things and
8 use the money given to the City for specific purposes, and the best records available show
9 that the City did not honor that obligation. So when they looked at the amounts, which
10 added up to \$25,000 or \$30,000 over a five year period, the City could not find a good
11 and adequate trail for that money and for the uses of the funds that the City had had. It's
12 been the City's best judgment that they have to let that go.

13
14 Councilmember Leone said he was not sure if that was an accurate characterization.
15 There are two issues: one is a statute of limitation clause on the collection of sales taxes.

16
17 Mayor Kelly said those sales tax obligations are obligations of the individual artists.

18
19 Councilmember Leone said it's a make-good component in the existing contract between
20 the Chamber and the City of Sausalito.

21 22 **Further public comment**

23
24 **Bill Patterson** said upon moving to the City more than 30 years ago, he was warned to be
25 aware of "against-itis" rampant in the City. Periodic epidemics of against-itis have
26 cost the City uncounted hours and dollars. He read a humorous commentary on that
27 phenomenon.

28
29 **Linda Pfeifer**, resident on South Street, said that speaking for herself, she was not
30 "against" the Art Festival. She is for transparency, she is for protecting the interests of
31 the nonprofits, she is for making sure that a Festival that has been built on the backs of
32 volunteers and many others, has some form of representation for a Festival that is billed
33 and positioned as a nonprofit event. She is for having another opportunity for the public
34 to view the contract that was just released last week. This is vacation time and people
35 need to look at this. She is for a City Council-appointed commission to help review the
36 grant process. She is for limiting the contract to three years on a pilot basis. And she is
37 for ensuring and protecting the interests of the nonprofit, and the inclusion of standards
38 such as allowing only nonprofits from Sausalito to sell food. In 1991 a booth fee was
39 \$200, this year, it's \$1,000. She'd like to see standards in the contract to protect local
40 nonprofits.

41
42 **Mary Ann Griller** stated that she is the Chairperson of the Art Festival food booths. She
43 has been working with the Festival for eight years and has brought the food booths up to
44 a quality not matched anywhere else in the U.S. There is no food sold at the Art Festival
45 except by a non-profit group. The beverages are sold by the Art Festival. The only food

1 sold is by a non-profit. The County of Marin uses the Festival as a model for the way
2 food booths should be done. The City should be proud of the reputation it has locally,
3 statewide and nationwide.
4

5 **Bob Zadek** noted the country would not be here without a vocal minority. He was proud
6 to be part of a vocal minority. The Art Festival is a fabulously run enterprise, volunteers
7 and management both do a fabulous job. No one is questioning that. This is not about
8 anybody being under attack. This is about the process. The local nonprofits, including the
9 churches, are dependent on the Festival. All he wants is the City to acknowledge how
10 important it is and have the City put performance standards in the contract as a guarantee
11 over 13 years, that all the food booths go to nonprofits. He's confused about the
12 contradiction of a 13-year license with the provision the Festival must come back each
13 year for a special events permit. What has happened is the Art Festival submitted the
14 license and the City marked it up.
15

16 Mayor Kelly said that was not correct.
17

18 Mr. Zadek said if the license is the work product of the City, it should have a pro-City
19 bias. Instead the license is full of concessions that have already been made.
20

21 **Denise Otterman** said she has worked at the food booths for the Sausalito Presbyterian
22 Church, and the year they went from chips and cheese to hamburgers was a very big deal
23 because they made so much money. She says there has been a history of non-profits not
24 from Sausalito being allowed to work the Festival. She was asking for transparency,
25 transparency, transparency.
26

27 **Mike Stone** said this is the 55th year of the Art Festival, and for 55 years they've worked
28 very hard to keep it a local event. In his lifetime, he doesn't see the Festival having food
29 booths out of the City of Sausalito. They never thought they would do that, they don't
30 want to do that. It's not even an issue. To clarify the LLC, past Chamber presidents were
31 put in charge of putting on the Festival and they said they wanted the money to go into
32 other organizations instead of all going into the Chamber, so they went to an attorney and
33 the determination was that they had to form an LLC. Now, the Foundation is getting
34 called the bad guys, like they wanted it to be that way. So in the agreement between the
35 Chamber and the Foundation is a four-page non-disclosure statement and as being
36 caretakers of the event, the Chamber abided by the agreement, so if people want to think
37 the Chamber held back information, it was because they were under an agreement
38 regarding intellectual property that was the Chamber's lifeblood. As far as transparency
39 of the financial records, in his view, of all the major Art Festivals, they provide more
40 financial records than any other Festival that he's aware of. Maybe they could be doing a
41 better job but he thinks they've gone overboard, they've used graphics in the annual
42 report to try to demonstrate the finances. That's been done for the last five years. They've
43 also had three boards oversee this. It's the job of the board to make sure things are in
44 order. They're going to try to get more information out to the community and make more

1 people feel part of it. Everybody is here because they love the community and some of us
2 agree to disagree.

3
4 Councilmember Leone said given that Mr. Stone has already placed a financial value
5 between the two entities on the Art Festival intellectual property by the nature of the
6 agreement, would there be any harm in publishing the past financial reports for the LLC
7 at this point in time to allay people's fears, whether those fears are justifiable or not?

8
9 Mr. Stone said people feel that information is already available in the financial reports;
10 that's a decision he can't make on the spot. When you have 14 people on a Foundation
11 board and you have six or seven or eight people on the LLC board and you have 15 or 17
12 people on a Chamber board and that rotates, you have all those people that it's their
13 responsibility to do that CL is saying to do, and it's a little bit of a slap in the face to say,
14 hey, you guys didn't do it or you're hiding something or we don't believe you, that's how
15 it's going to be perceived.

16
17 Councilmember Leone said his response to that is he knows a lot of the people involved
18 and he respects the ones he knows, but he sits in a position where he gets questioned
19 every day and he can't take it as a personal offence because it's part of an open public
20 response, and that's the difference. He knows everyone involved has invested an
21 incredible amount of time and they should be proud of what they have accomplished, but
22 at the same time, he's just trying to find a compromise that will lead to healing the
23 community and lead to the event going forward in a very positive fashion.

24
25 **Linda Pfeifer** said that regarding providing reports, reports are meaningless without a
26 remedy. If the community is just getting a report with information then there are no
27 means of rectifying the information; that's why they need a contract that has standards.
28 The current contract does not have standards that have protections, e.g., protecting the
29 requirement for local food booths, etc.

30
31 **John Ferrell** said that the people who have been the core members in promoting the
32 Festival have done a darn good job and are owed a lot of thanks. At the same time the
33 success of the Festival does rely on the thousands of volunteers as well and those
34 volunteers deserve to know what is going on with regard to the finances. And as long as
35 the LLC exists, that is causing the suspicions, and the sooner that is gotten rid of the
36 better. And why should the City and the Chamber be held hostage to the LLC in a 13-
37 year agreement? That's where the transparency is needed.

38
39 **Sharon Fiddler**, resident on Olima Street, stated that when she came to Sausalito, the Art
40 Festival was in the playground and the only attraction was Sally Stanford.

41
42 **John Diamant**, resident on Wray Avenue, guessed these are growing pains. He thanked
43 the Chamber, the Council, and the Foundation for this wonderful thing they do in
44 Sausalito. He was very leery when he hears New York accents, unless that voice has done
45 five or six years in the trenches.

1
2 **Steve Bogel**, retired Fire Chief of the City of Sausalito, said he retired in 1995. The City
3 used to use \$10,000 and \$12,000 a year running the Art Festival. The City was happy
4 when the Chamber took it over, and it's been a great success ever since.

5
6 **Council Discussion**
7

8 Councilmember Albritton said the point of the meeting that evening was to take public
9 comment. The Council will be considering all the public comment in its discussions. He
10 encourages everyone to read the document; many of the comments he heard that evening
11 are addressed in the document. The Council's goal was to keep the Art Festival in
12 Sausalito, to keep it successful, to keep the community happy with it, and to keep the
13 Festival transparent. He had the pleasure of negotiating the first 10-year Festival contract;
14 in that contract the ice breaker was to allocate a certain amount of money starting out at
15 \$30,000 and then increasing to \$40,000, towards the creation of the Sally Shuttle. Then
16 they hit the dot.com bust and 9/11 and they decided the amount of money the City was
17 putting in the program wasn't justified compared to laying off the City's police officers.
18 There is an amount of money that technically is due from the Art Festival, it's about
19 \$20,000 in total due, but at the same time the City didn't keep up its end of the bargain
20 and didn't put the money into Sally Shuttle, in fact the City took the money that it did get
21 and put it into the General Fund and helped pay for some of those police and fire salaries,
22 so there's unclean hands on both sides of that transaction.

23
24 They did try and come up with some ideas to make everybody happy but they are where
25 they are and that particular amount of money is not on the table although there were
26 significant funds that were contributed by the Art Festival and to the General Fund over
27 the last 10 years. Because of the negotiation over the past year there's another project
28 included in this license agreement-- and yes, a license is a real estate document, it's not a
29 lease because a lease is for exclusive premises, and the City's not giving them the
30 Marinship Park for the entire year, it's only for a few days of the year. This is a document
31 that the City hopes is not as tough and difficult as a first proposal could be but they are
32 hoping it's something that agreement can be reached on quickly, that can satisfy the
33 concerns expressed and can also be acceptable to the arts Festival. That's the Council's
34 goal and he hopes the community recognizes the Council is doing the best job it can to
35 represents the interests of its constituents while maintaining this fabulous Festival. He's
36 open to answer any questions about the document.

37
38 If anyone had specific comments, he suggested that they email them to the City Attorney,
39 Mary Wagner. The document does call for the delivery of audited financial documents, it
40 does include an out in the event that there is a problem or defaults; it includes cross
41 default clauses in the event that the Chamber agreement should fall apart. He thanked
42 everyone for their comments, and noted that while there will be more discussion at the
43 next meeting, the Council hopes to wrap up the agreement at the September meeting.
44

1 Councilmember Belser said she appreciated the public comment. The public can rest
2 assured the Council will be paying attention to their comments as they review the
3 contract.

4
5 Councilmember Weiner said he has been president of the Chamber of Commerce, on the
6 Art Festival Foundation board and on the LLC board. He is back to being a volunteer
7 now. Thirty percent of the area used by the Art Festival is Marinship Park, and the rest is
8 owned by the Army Corps of Engineers. He has always done things that he thinks are
9 best for the community, and he will continue to do that. It's time the City paused and
10 started to appreciate its volunteers and this is one time the City should appreciate all its
11 volunteers and all the things they do in this community.

12
13 Councilmember Leone said in emotional and unfortunate situations like this, he likes to
14 rely on two things: facts and openness. A core group of people have worked very hard to
15 turn a small struggling fair into an award winning event. The Festival draws significant
16 attention to the community and provides significant support to the community's
17 nonprofits. The Festival Foundation gave out \$45,000 in grants in addition to the monies
18 raised by the nonprofits at the Festival, based on its 2005 tax returns. According to
19 correspondence from the Festival Foundation and the Chamber, the Festival generates
20 about \$400,000 in proceeds for the nonprofits and the Festival itself. The City generated
21 about \$32,000 over the last five years, each year, through business licenses, sales tax and
22 parking revenues; \$21,000 was paid by the artists, \$3,500 was paid by the Festival and
23 \$7,000 by parking fees.

24
25 Councilmember Albritton noted the Festival also reimburses the City for police services.

26
27 Councilmember Leone said that was correct, although Public Works is not directly
28 reimbursed. The City builds strong community support as volunteers and business owners
29 work alongside one another. However, he takes the petitioners' concerns seriously. There
30 are two sides to this issue. It is a core value issue for this town. You've got on the one
31 hand an organization that does great good things; on the other thing is a concern that the
32 organization is not transparent. It's not about money; it's not about the City trying to
33 gouge the Art Festival for money. And it shouldn't be about money. He doesn't foresee
34 putting this agreement out for bid. The contract needs to be arms length and flexible for
35 both sides. The flexibility is the ability for the City and the Council to essentially press
36 the button and eject the Art Festival. He doesn't see himself doing that and he doesn't
37 think the City should ever get to that situation. His thoughts are that a flexible contract
38 serves everyone best; he has suggested a five-year contract. As far as past monies owed,
39 he's willing to let that go as there were mistakes on both sides. He tries to be upfront with
40 everybody, what he wants is to craft is an agreement they can all live with and be proud
41 of. They have put things in the contract that provide flexibility and safeguards. His
42 concern about 13 years is that there may be a time that they can't foresee now that the
43 City will have an opportunity to do something wonderful with that land, and some of
44 them might even be accomplished by the Art Festival itself. He doesn't believe in this "us
45 and them" concept.

1
2 Mayor Kelly said he has friends on both sides of this issue, and he agrees and disagrees
3 with people on both sides of the issue. The City of Sausalito has an obligation to its
4 citizens to make sure that wise things are done with the public property in its trust; the
5 Council is trying to be fair and think about what's in the best interest of Sausalito in the
6 long term. There is some fine tuning that needs to be done in this agreement; part of the
7 fine tuning is not in the agreement but is to be found in the cooperation of the people
8 involved.

9
10 **a. Reports on business advisory committee recommendations for implementation**
11 **of the business vision process results regarding: maritime support; business mix;**
12 **cultural heritage and telecommunications**

13
14 **Maritime Report by Vicki Nichols**

15
16 Ms. Nichols recapped the copy and text of the report given May 12, which is also on the
17 City's website. The subcommittee identified five major areas to enhance maritime
18 activities. By priority they are:

- 19
20
 - Develop and support an active and vital harbor.
 - 21 • Support of active waterfront for marine workers and artists
 - 22 • Preservation and communication of local maritime heritage
 - 23 • Promotion and enjoyment of waterfront for residents and visitors
 - 24 • Provision of affordable housing for marine workers and artists

25
26 The goals are explained in the report. Some methods for reaching the goals include:

27
28 Generate boat activity by promoting local marine service businesses and other retail
29 businesses such provisioning, moorings; provide water visitor access for expanded use by
30 intra-Bay visitors; enhance fishing and herring businesses of Richardson's Bay; exercise
31 opportunity to continue boat building heritage; establish such use as established in
32 Marinship Specific Plan.

33
34 Housing is the only one of the goals not called out in the MSP, but it's a very big topic
35 that's been talked about in the community for 20 years.

36
37 Other methods discussed included:

38
39 Discussion with other transportation agencies, including: water taxis, most of this work
40 will be done in the buses, boats and piers, groups; accommodate plan to bring visitors
41 into Sausalito; create a maritime business organization (Waterfront Chamber of
42 Commerce); build a critical mass of uses and activities to enhance the vitality of the area
43 which in turn will increase the tax base for Sausalito; continue to support mixed use of
44 marine workers and artists called out and endorsed by the MSP; enforcement of the MSP
45 to provide for the priority of the marine uses within the Marinship District; historical

1 inventory of waterfront; enhance the asset of waterfront for residents and visitors, public
2 pathway is a good idea but should be done in a balance between public access and safety
3 issues; regarding housing, it would be desirable that some housing be considered in the
4 mix of development for marine workers and artists so they can stay in the area which
5 would involve discussions with private property owners; the suggestion is that such
6 housing be managed by a nonprofit to ensure housing is provided without fear of
7 gentrification.

8
9 Councilmember Leone asked what's the easiest thing to do, what's the immediate action
10 item?

11
12 Ms. Nichols said the fishing, the signage for water access maps, the inventory can start. Is
13 there anything the Council wants in particular from that inventory?

14
15 Councilmember Leone said there are suggestions in the Business Advisory Committee
16 (BAC) report that aren't in the maritime committee, including the update of the
17 Marinship Specific Plan.

18
19 Ms. Nichols said they haven't had joint meetings yet. The items Councilmember Leone is
20 referring to are, in her opinion, separate issues, and they can certainly have more
21 meetings. The first step was to allay fears that the process was about just zoning change;
22 she believes that is a very separate issue.

23
24 Councilmember Albritton thanked Ms. Nichols for her summary of months of really
25 fascinating meetings. He was inspired by the ideas coming out of the group.

26
27 Mayor Kelly said the Council will hear all the reports and then take public comment.

28 29 **Business Mix Subcommittee Report by Colleen Palmer**

30
31 **Colleen Palmer** was a co-facilitator for the Business Mix Subcommittee. It was a large
32 group comprised of committed stakeholders in the committee. They arrived at a
33 consensus for five broad goals:

- 34
- 35 • Develop codes for the City that encourage good development practices, enables
36 smart growth, promotes a sustainable urban pattern while protecting landscape
37 that is considered ecologically and culturally valuable, and maintains elements
38 that keep it true to the City's character
 - 39
 - 40 • Create a community focal point downtown that both residents and visitors would
41 use and in which they all feel welcome
 - 42
 - 43 • Develop the Marinship area to create a mixed use neighborhood with a maritime
44 flavor in which residents can afford to live and work
 - 45

- 1 • Beautify and enliven the Caledonia Street neighborhood
- 2
- 3 • Develop a cohesive marketing, branding campaign for Sausalito that will attract
- 4 business development and be utilized in the development of fund raising
- 5 campaigns to create viable venues as the community focal point.
- 6

7 These are broad goals, and they are broad because of what she would characterize as the
8 volatile lack of consensus in the group, on top of many points of agreement that were
9 obscured by the lack of consensus. At the June 9 public meeting, they discussed the
10 strategy of working on the two items that are actually in the way of the goals, and those
11 are one, the chronic financial struggles of the City and two, the lack of consensus. In a
12 sense they have opened up a can of worms and there's a lot more work to be done.
13 They're saying let's keep going by setting up two action committees, an economic
14 committee and a Marinship committee. They are recommending that the Council appoint
15 members to the economic committee with the directive to research, interview and narrow
16 down appropriate consultants who specialize in urban economics and present these
17 candidates to the Council. Regarding the Marinship action committee, they are
18 recommending that members from the business mix group and the maritime groups
19 continue forward together under very close partnership supervision from the Council.

20
21 Their first directive would to be to develop and execute a form to illuminate those areas
22 of existing agreement and to specifically and clearly state those areas that lack consensus.
23 The second directive would be to develop and execute a plan that would allow those
24 places where there is a lack of consensus to be bridged.

25
26 Councilmember Leone asked what's the easiest thing to accomplish out of the
27 recommendations from the committee? The Marinship issue is not an easy resolution.

28
29 Ms. Palmer said if the City doesn't do that, where are they going to go?

30
31 Councilmember Leone asked if she is a business owner or resident.

32
33 Ms. Palmer said she is a resident.

34
35 Councilmember Albritton thanked Ms. Palmer.

36 37 **Cultural Heritage Report**

38
39 No one from the subcommittee was present to give the report, but Councilmember
40 Albritton noted the goal as stated in the report on the City's web site is: Take advantage
41 of, explore and understand, and broadcast the cultural heritage in a way to benefit the
42 City.

1 **Telecommunications Report by David Hodgson**

2
3 Mr. Hodgson noted the staff report lists a number of determinations made by the
4 Telecommunications Subcommittee. The report has been modified to fit the template, and
5 that revised report has a little more information. The staff report refers to the committee
6 as an action group; however, the committee is recommending that the group be
7 designated an official City board or commission. There is also discussion of a WI-FI hot
8 spot at the Ferry Landing, putting an outside antenna in perhaps the kiosk to extend the
9 radius. The Council has the committee's determinations and recommendations in writing
10 and he can answer any questions.

11
12 Councilmember Leone asked what is the easiest to accomplish of the committee's
13 recommendations.

14
15 Mr. Hodgson said to put together a permanent City group to help feed information to the
16 Council, as necessary, along the same line as other boards such as the Waste
17 Management group or the Disaster Preparedness committee.

18
19 Councilmember Leone agreed that's a good thing.

20
21 Councilmember Albritton said the most important goal is the inventory of where there's
22 fiber in town and some of that is already done because of this group's work.

23
24 Mr. Hodgson agreed the inventory is very important. The other important goal is to find
25 out what the business community needs so the board can work on ideas on how to create
26 the needed infrastructure.

27
28 Ms. Palmer said she is concerned that Councilmember Leone is asking what's the
29 "easiest thing."

30
31 Mayor Kelly said he thinks what Councilmember Leone is asking is what's doable, what
32 can be done in the moment to get some impetus going. Taking a baby step or two and
33 getting some successes will build on itself.

34
35 Councilmember Albritton noted there will be follow up that's valuable as well.

36
37 Ms. Palmer said her concern is they'll be looking for something that is easy rather than
38 something that is doable and difficult but that could be a tipping point for the community.
39 She wants to make sure that the Council is not just looking for what's easy but is looking
40 for what's doable even though it might be difficult.

41
42 Councilmember Leone explained the worst thing that can come from this process is
43 nothing. So his point is not to ignore things that are difficult or things that will take a long
44 time to accomplish, or some things are technically impossible at this point, his point is to
45 try and get some things done so that people who have invested a lot of their time and

1 energy and want to see things come out of this process don't lose heart in the whole
2 process.

3
4 **Summary of Subcommittee Reports by Business Advisory Committee member**
5 **Adam Krivatsy**

6
7 Adam Krivatsy said he was very excited about what came out of the process. When the
8 committee reviewed the reports of the subcommittees they realized with excitement what
9 an awakening process this is, not just for business aspects, but for quality of life aspects
10 for the future as well. The action committees were set up by the BAC after the public
11 comment taken at the June 9 meeting. He asked the Council to consider appointing or
12 authorizing the appointment of action committees (with the exception of the action
13 committee that he understands from the report that evening wants to be a board.). The
14 action committees will be:

- 15
- 16 • Transportation committee, which would incorporate the bike and pedestrian group
- 17
- 18 • Waterfront and Marinship Committee, which will also address the waterfront path
- 19 with the Transportation Committee, so there will be some overlap between the
- 20 goals and actins of the two committees.
- 21
- 22 • Telecommunications Committee (possibly a board)
- 23
- 24 • Harbor and Downtown Committee, which will also be addressing Caledonia
- 25 Street as part of Downtown, and visitor and resident aspects of Sausalito.
- 26
- 27 • Historical and Cultural committee, which will coordinate with the various
- 28 historical organizations of Sausalito.
- 29
- 30 • Finance and Economic Committee - assumed by Business Advisory Committee
- 31 (BAC).
- 32

33 The process would involve an authorization from the City Council to the BAC to
34 establish these committees by naming chairmen and vice chairmen for these committee
35 who will then proceed and assemble groups, flesh out recommendations and focus on
36 action oriented items. There is tremendous difference in the committee's findings and
37 recommendations as to what is simple and what is complex. It is easy to say 300 feet of
38 the waterfront needs to be repaved or a stair needs a new railing, but it's much more
39 complex to talk about a system of wireless communication or introducing housing to the
40 Sausalito waterfront where such uses may not be permitted by current zoning. The BAC
41 envisions that some committees will come up with very specific projects, other
42 committees, e.g., Marinship group, will invite staff input and broad dialogue to resolve
43 the various opposing points of views. Such a dialogue, the BAC believes, is very healthy.
44 The BAC suggests it will serve as the Economic Action Committee. The BAC asks the
45 Council to authorize the BAC to act as a steering committee for the other committees and

1 to regular report to the Council on accomplishments and possible need for direction.
2 Possible funding for the groups is recommended at \$1,000 to pay basic supplies, to obtain
3 photographs or maps or a one-time consultant. The use of staff support would be
4 determined by the Council. Staff has been very helpful thus far and the committees hope
5 to continue receiving such support, while they would not want to infringe on the staff's
6 time unnecessarily. The hope of the BAC is that as this process proceeds they will be able
7 to report specific accomplishments; there is already some funding available for non-
8 motorized transportation and that could be turned into projects, some of which would
9 require planning and some of which would require construction. It's a very broad
10 perspective, but exciting to each subcommittee to see ways to improve the community
11 both as to financial, infrastructure and quality of life issues.

12
13 Councilmember Albritton said in trying to think of a way to honor the work that has been
14 done by everyone involved, they discussed the alternatives of formal boards versus
15 volunteer groups; the suggestion was they blend the two types of organizations and that
16 the Council would appoint a chair and co-chair to each of these subcommittees and those
17 chairs would report to the Council and the chairs would be working to empower people to
18 participate. Some of the committees may come back with requests for a formal board.

19
20 Councilmember Albritton gave a recap on the committees:

21
22 The Transportation Committee (with crossover from the Bicycle/Pedestrian and
23 Waterfront Path subcommittees), two chairs and a small budget; the transportation
24 committee could become a future permanent board, but initially the Council would want
25 this group to follow up on some of the goals that were established and maybe come back
26 with a recommendation within three months that there be a permanent board. He would
27 expect the transportation committee to be staffed initially by the City Engineer, but
28 subsequently by the City's transportation manager, who will be hired soon.

29
30 Similarly, the Waterfront and Marinship committee will hopefully be staffed by someone
31 from Community Development and they have would have a small budget. They would
32 have a difficult initial discussion to go through about how to promote those goals that
33 were cited earlier by those two groups.

34
35 Telecommunications, he would expect to have a small budget and be staffed by Rhett.
36 It's possible that could be a formal committee; if that's the case the Council should
37 appoint the two chairs, and let them, with the group, recommend who should be on the
38 board, what the responsibilities would be, how long the terms would be, how often they
39 would meet and that sort of thing. In addition, they could work on the inventory the City
40 needs right away because of PG&E.

41
42 The Harbor and Downtown Committee has very specific goals. They would also take on
43 Caledonia Street. There's the ship group to work with as well as downtown planning, and
44 that would mean ultimately if the City Engineer moved off of Transportation, he could
45 staff this committee, with a small budget.

1
2 The Historic and Cultural Committee will develop a concept of how the history and
3 culture should be focused on, catalogued and promoted; he would suggest the City's
4 librarian serve as the staff member on that committee.

5
6 The BAC will discuss further their potential recommendation to the City to hire an
7 economic consultant.

8
9 Councilmember Albritton suggested hearing from the committees in another two or three
10 months on how they plan to accomplish these objectives.

11 12 **Continued Public Comment**

13
14 **Peter Van Meter** said the plan outlined by Councilmember Albritton and Mr. Krivatsy
15 sounds good. A model for that may be what happened with the public safety building
16 committees. He suggested the chair of the various subcommittees also serve on the
17 steering committee. The committees need to be defined very precisely both with regards
18 to geographical and topical areas of interest so they don't do duplicate work.

19
20 **Tony Badger** asked Council why there is always so much focus on increasing business.
21 Is business always better? Does this benefit citizens or is it detrimental to its citizens?
22 Downtown Bridgeway has been lost to Sausalito citizens inch by inch. The idea of
23 bringing community life back to downtown is an excellent idea.

24
25 **Michael Rex**, local architect, praised the process so far. What they've done so far has
26 been brainstorming; it would be helpful if those ideas were collected and bound to mark a
27 moment in time. He endorses the idea of the action groups wholeheartedly; the next step
28 is to take the brainstorming and roll it into public policy that can be implemented. He's
29 glad to see a relook at the Marinship Specific Plan is one of the considerations. The City
30 needs to find a way to work with the property owners in the Marinship or the City's
31 going to end up with a lot of mini storage. There are answers available and he's confident
32 the action committee can find them.

33
34 On telecommunications, he can see why the City would need a permanent board. If the
35 City wants to bring in high technology businesses, the communications have to be there.

36
37 The initial budget of \$1,000 won't go very far; how about \$5,000. Maybe one of the first
38 things the committee should do is establish a budget; some will need more than others.

39
40 The one thing he really disagrees with is the BAC suggestion on how these groups are
41 formed. There's a concern in the community that the BAC doesn't represent a broad
42 enough segment of the community to have the power to set up all the committees.
43 Furthermore, he thinks if the Council appoints the chair and vice chair the committees
44 will have a lot more credibility. The BAC can recommend back to the Council on
45 membership, but the Council should make the final decisions.

1
2 There needs to be a real time table. Four to six months is probably realistic. Set a due
3 date.

4
5 State a public objective. “Why are we doing this?” What are the objectives for setting up
6 these programs. He would suggest the objective be to turn the selected programs into
7 public policy and to pursue implementation. The community needs to know the Council
8 is serious about this.

9
10 On the idea of low hanging fruit, one that the transportation committee identified right up
11 front is that they should seek to implement short term solutions that can be accomplished
12 now while at the same time planning more complex, long term solutions. So do both at
13 the same time.

14
15 **Tony Badger** said he was on the marine advisory committee. The largest piece of under
16 utilized land in the Marinship is the Lemon property. It probably has the most potential of
17 any piece of land in the Marinship. He would suggest that for this one large piece of land
18 whose future has yet to be determined, that the City put together a specific advisory
19 committee to work with the Lemons to figure out how to develop this piece of land and
20 do something really nice. This is something that could be done right now; it doesn’t cost
21 any money. He thinks a lot of people would be interested in devoting their time and
22 kicking around the possibilities.

23
24 **Roberta Malloy**, resident on Spring Street, asked the Council to consider the ability of a
25 lot of people to know what’s going on and to have a forum to communicate. She asked
26 the Council to consider another “In the Loop” related specifically to these committees;
27 also for other uses, such as a way for nonprofits to notify people of a benefit.

28
29 **Carol Peltz**, resident on Crescenta Lane, said it is very important that this process be as
30 public as possible. She would agree that committee chairs should be appointed by the
31 Council; committee members should be those who volunteer and who want to work.
32 Noticing of meetings is very, very important. The meeting dates should be in the paper,
33 the place should be noted, they should be timed so the most people can attend (after
34 work, etc.) and should be held on a regular schedule. The tone was set with the public
35 meetings at MLK and that’s the tone that should continue. Also using an “In the Loop”
36 system to communicate information about this would be great.

37
38 **Joe Lemon** thanked the Council for sponsoring this process; it’s been an excellent one;
39 he thanked all the people who participated. There’s been a lot of enthusiasm and he
40 doesn’t want to see that die. The challenge is to say what can we do to make things better,
41 not to just keep the status quo. He thanked Mr. Badger for his comment because the
42 Lemons are really desirous to have something in Sausalito that is successful for the whole
43 City; they welcome people’s visions and comments; please come visit and exchange
44 ideas. At the end of the day it is the Councilmembers who will decide what will be best

1 there and he hopes the Council will be thinking about what its vision is and be active in
2 the process.

3 4 **Council Discussion**

5
6 Councilmember Albritton noted that there is a document, the “Imagine Sausalito”
7 document, on the City’s website that includes all the individual committee reports.

8
9 He agreed with increasing the budget for these committees. The City has a budget of
10 \$10,000 to work with. When he read the staff report he was surprised that the report said
11 the chairs would be appointed by the BAC, because he thinks absolutely they should be
12 appointed by the Council, although time constraints would mean that the Council would
13 not be able to individually interview each applicant so another process would have to be
14 determined for recommendations for appointment. The whole intent of this process has
15 been bottoms up and to include the community, and he agrees with Ms. Pelts’ comments
16 in that respect. He asked that the Council endorse the BAC recommendation with the
17 caveat that any chair or vice chair be appointed by the Council and direct the BAC to
18 come back to the Council with the committees and recommendations for chairs and vice
19 chairs, and a timeline for accomplishing some of these goals. But generally, the intention
20 is to empower these communities with the reports that came from the “hubs,” not the lists
21 in the staff report, those lists are not limiting, they are just meant to highlight. There is
22 some cross over, e.g., the waterfront path committee would be made up of members of
23 the transportation committee and the waterfront Marinship committee.

24
25 Councilmember Leone agreed with Councilmember Albritton’s comments about how the
26 committee should be formed, that is that the Council appoint the chair and vice chairs of
27 the committees and the process should be more representative of the public safety
28 buildings process with the Council appointing a steering committee which in turn can
29 solicit membership. Some of the goals mentioned that evening are well outside the
30 authority of the BAC or the subcommittees, including a review of the Marinship Specific
31 Plan. That review is also something the Council took off its list of priorities of things to
32 do during this year’s Council session. That review has to be a totally public process
33 entirely separate from the Business Visioning process.

34
35 Also, regarding the idea of having the BAC examining the City finances and making
36 suggestions on how to improve the City’s finances, that’s the Council’s job. That’s Adam
37 Politzer’s job; that’s Louise Ho’s job.

38
39 Councilmember Albritton said Adam Politzer sits on the BAC.

40
41 Councilmember Leone said maybe Mr. Politzer will replace the assistant to the City
42 Manager as the staff member on the BAC. But the finances of the City are the charge of
43 the Council; the business community is not charged with overseeing the finances of the
44 City. The way this committee was set up in 1992 was to add the economic element to the
45 General Plan and in 1994, Councilmember Belser and other folks set it up as a way to

1 exchange information and ideas and offer recommendations and solutions to business
2 issues to the City Council from time to time. Since that time this entity has taken on a life
3 of its own which is much more powerful than anyone could have envisioned, and that is
4 where this process is disconnected. A waterfront path is incredibly tangential to the
5 business community. It's a good thing for the town, in theory, but it's not a business
6 issue. There's a waterfront path that exists from Second Street all the way to the Arquez
7 property. So to have this become a business issue is a little bit of a tweak; it's great to
8 solicit opinions from the public, but zoning and land use issues do not fall within the
9 purview of this process.

10
11 Councilmember Albritton said the process has gone on a long time and it started with the
12 Council speaking with business leaders in the community in small groups where the
13 Council asked what is needed in this community to enhance business vitality, and one of
14 the things they said was a waterfront path. And one of the things they said was
15 telecommunications infrastructure. These were things the businesses felt would bring
16 tenants for office buildings, visitors, and other things that would enhance the business
17 vitality. The Council then asked the community, what are things the public thought would
18 enhance the quality of life, and residents said, a waterfront path. The same thing. And
19 what the Council looked for were those things where business and residents agreed.

20
21 Councilmember Leone said his point is not that these are not valid issues, in general. But
22 his point is that the process and how these decisions are being made have to be clear and
23 public and not necessarily part of the business process.

24
25 Councilmember Albritton said all this group can do is recommend policy, the policy is
26 made by the Council.

27
28 Mayor Kelly said he can find an economic nexus with all these things.

29
30 Councilmember Leone asked does that mean the BAC should review the zoning
31 ordinance of Sausalito?

32
33 Mayor Kelly said no.

34
35 Councilmember Leone said how then is that different from having the BAC review a
36 Specific Plan of the zoning ordinance.

37
38 Mayor Kelly said there are some things that should be removed but he'd like to leave that
39 up to the chairs of the committees and have them come back and the Council will
40 participate in fine tuning it. Clearly, it is not the Council's intent to set up a Marinship
41 Specific Plan review by this committee.

42
43 Councilmember Leone said that's one of the stated ...
44

1 Mayor Kelly said he understands, but there are a lot of those that are going to go away.
2 The MSP review is a whole different process that's going to be done in a different way
3 when and if it ever gets done. As Councilmember Leone pointed out, it's not on the
4 Council's agenda for this year.

5
6 Mayor Kelly said he's comfortable with setting up the committees, having the BAC
7 recommend appointments for chairs to the Council for the Council's approval or
8 disapproval. He doesn't want the BAC to become the steering committee, he wants the
9 five chairmen to become the steering committee, as in the public facilities buildings
10 process. There are things in the subcommittee reports which will be great to see the
11 groups accomplish; there are things which clearly are not in the groups' purview.

12
13 Councilmember Leone said one of the goals of the project is to create realistic
14 expectations for people. And redoing the zoning ordinance so that it's more
15 economically friendly is a long term goal which will need outside consultants, which the
16 City doesn't have the money to do right now.

17
18 Mayor Kelly said he agrees.

19
20 Councilmember Belser said she moved Councilmember Albritton's recommendation.

21
22 Councilmember Leone clarified his understanding of the recommendation: The formation
23 of the committees and the governing process, as stated by Mayor Kelly.

24
25 Mayor Kelly said right. They have five committees, five chairs—

26
27 Mr. Krivatsy said as a person from one of the trenches he would like to clarify that no
28 one thought they were going to recommend changes to zoning. An implementation tool
29 might be zoning and it is up to the City to decide how they want to implement ideas.

30
31 **Mayor Kelly moved, seconded by Councilmember Belser, that the Council direction**
32 **be as follows: Five committees will be formed (not counting the BAC); the Council**
33 **will appoint chairs and vice chairs for each committee (BAC may recommend**
34 **applicants to the Council); the Council will review the budgets and agendas of each**
35 **committee. The motion was approved unanimously without a roll call vote.**

36 37 **C. Police and Fire Building Update**

38
39 Community Development Department Director Paul Kermoyan reported the Planning
40 Commission approved the project at its July 18, 2007 meeting with conditions, including
41 that the City bring the application back to the Commission at its September 26 meeting.
42 Still unresolved are some landscaping issues, such as planters, benches, water features,
43 public art and other refinements that the Commission wants to see more information on.
44 They also wanted more detail on cornice features; there were concerns about noise with
45 the mechanical rooftop equipment and about removing some rooftop equipment in order

1 to open up views for the neighbor. The commission only wants one flag pole; the project
2 architect will work with the new neighbor to the west on his concerns about views and
3 privacy issues. The City's website has been updated with this report and notice of the
4 next meeting before the Commission in September. The Council's next step is to direct
5 the project architect to begin design development.

6
7 **Mayor Kelly moved, seconded by Councilmember Weiner, to direct the architect to**
8 **go forward with the design development phase. The motion was approved**
9 **unanimously without a roll call vote.**

10
11 **Public Comment**

12
13 **Peter Van Meter** said the bond Oversight Committee is yearning to call a meeting.

14
15 Councilmember Leone said the problem is there is nothing to oversee yet. The Council
16 and staff have been working with the project manager to rectify all accounting to date; no
17 bond monies have been expended out of the bond funds yet; it's all been reinvested and
18 rolled over. There will be a revised budget in light of the changes going on.

19
20 Mayor Kelly asked Dale Vaughn, Administrative Services Manager, to set a meeting date
21 for the Oversight Committee in September with the election of a chair on the agenda.

22
23 Mr. Van Meter said the Committee hasn't received information on what its duties are.

24
25 Mayor Kelly said he and the City Attorney and Councilmember Leone will attend that
26 first meeting to discuss the duties of the Committee.

27
28 Mr. Van Meter added regarding the business visioning process, anyone who attended
29 meetings of the Marinship committee knows that 90 percent of the conversation had to do
30 with land use and zoning. So excluding land use and zoning is going to create a problem.

31
32 **D. Update on Community Development Department Plan Check Services**

33
34 Community Development Director Paul Kermoyan noted that staff monitored its plan
35 check consulting services from 2005 to 2006. Staff observed that the former plan check
36 process could not maintain the desired level of public service for building plan checks,
37 staff found it necessary to hire additional plan check consultants to process building plan
38 check proposals. The City Council authorized the City Manager to enter into contracts
39 with four plan check consultants on September 19, 2006: Coastland Engineering, Bureau
40 Veritas, CSG Consultants and The Phillips Group. The Council directed that staff return
41 with an update and review of their performance. In the review staff found that two
42 consultants really outshine the others; those two are the Phillips Group and CSG. If you
43 asked the planning staff who they would want, they would want one consultant and that
44 would be CSG. CSG outshines them all. They offer expedited plan check services, the
45 City knows what the plan check costs are going in, they are very reliable and dependable.

1 The Phillips Group has made some changes in response to the City's review; staff is not
2 recommending continuing to use Coastland Engineering and Bureau Veritas for plan
3 check, but he wouldn't recommend dissolving the relationship with Coastland or Bureau
4 Veritas as there may be other areas that the City will need their services.

5
6 The building department is currently requesting proposals from CSG and Phillips to staff
7 the Council's desire to implement a one-stop permit process. Once the two proposals are
8 submitted, staff will return to the City Council with a plan to implement the process.

9
10 Councilmember Leone asked if there are any monies left on deposit from any of those
11 firms' accounts.

12
13 Mr. Kermoyan said whatever monies were in those accounts, he believes has now been
14 removed, but he will be working on preparing purchase orders to redeposit money into
15 those accounts to handle any outstanding projects.

16
17 Councilmember Albritton asked if the department has actually tracked and expedited turn
18 around of plan check through this process.

19
20 Councilmember Leone asked how long "expedited" plan checks take.

21
22 Mr. Kermoyan said "expedited" is five working days.

23
24 Councilmember Leone asked if they've hit that target.

25
26 Mr. Kermoyan said yes, CSG has. Bruce Huff had a bad experience with expedited plan
27 check with Bureau Veritas.

28
29 Councilmember Leone asked how long is the normal plan check taking?

30
31 Mr. Kermoyan said CSG and Phillips Group are both around two weeks. Previously it
32 was about four weeks.

33
34 Mayor Kelly asked for public comment, but there was no response.

35
36 **There was a Council consensus to direct Mr. Kermoyan to proceed with his**
37 **recommendations.**

38
39 Councilmember Leone noted that Mr. Kermoyan has been working hard to expedite the
40 process.

41 42 **E. Update on Harrison Park Design**

43
44 City Engineer Todd Teachout said this process started in 2002, and there are a lot of
45 people who have been working on it a long time and are ready to the project going;

1 however, there are some new residents that have had recent input. He would like to meet
2 with the residents during August, but vacation schedules may prohibit those meetings. In
3 any event, staff will compile a written history and schedule a meeting and bring forth a
4 plan as soon as possible. He's hoping to identify what everybody can agree on and what
5 they can't agree on, then go back to Parks and Rec with that plan in September and
6 hopefully bring something to the October Planning Commission meeting.

7
8 Mayor Kelly said they need to set a very tight time schedule and let everybody know this
9 is what has to be done when in order to preserve funding for the park from the state and
10 other sources.

11
12 Mayor Kelly asked for public comment, but there was no response.

13
14 **F. Report on Police Department activities for 2nd quarter 2007**

15
16 Police Chief Scott Paulin reported that:

- 17
18 ○ Traffic collisions have continued to rise slightly during the first half of 2007,
19 resulting in a 17 percent increase over 2006 at the same time (48 in 2006 vs. 56 in
20 2007.) Speed violations have decreased in terms of accident cause; 45 percent of
21 all traffic collisions occurred along the Bridgeway corridor. Noteworthy is that
22 bike accidents have accelerated this year compared to the last two years. They're
23 doing another bike county and public education check point.

24
25 Councilmember Weiner noted the bike count is up in the last six months; you can see the
26 increase, just visually.

27
28 Chief Paulin continued:

- 29
30 ○ DUI arrests have continued to go down as have DUI accidents, so the department
31 feels it is getting better compliance.
32
33 ○ Part One crimes have gone up over last year but compared to the last three years,
34 they aren't significantly up; they have improved solvability with 12 arrests. The
35 new records and management system gives the officers better access to criminal
36 history. They are getting a better accounting of suspicious circumstances and
37 people and that information is being shared throughout the county.
38
39 ○ Part Two offenses have gone down a little bit; there were 383 Part Two Crimes
40 reported in 2006 compared to 344 like crimes in 2007.
41
42 ○ Calls for service have increased; false alarm calls have gone down.
43
44 ○ Changes to the department include restructuring of the detective's role, some of it
45 is due to an MOU change, some was done to bring more cost efficiencies, they've

1 eliminated the detective shift and benefit package, now all officers including
2 detectives will work 12 hour shifts. They've gone to two detectives and assigned
3 them to day shifts. The detectives no longer report to the captain. They're using
4 all 12 officers, three on each shift, with a sergeant on each shift, and two of the
5 officers on the day shift will be assigned as detectives. They are also changing the
6 focus of the detectives to be more proactive and interactive with not only the
7 existing staff and patrol but also to be there for immediate backup, coverage,
8 better reporting and supervision. There is also a change in focus as far as
9 networking within the county, with an emphasis on keeping connected as far as
10 parolees and repeat offenders.

- 11
- 12 ○ On boat use, they've had 11 uses for the second quarter. They had one arrest and
13 tow, they are training an additional officer for use in the program.
- 14
- 15 ○ The department recorded two "take-downs," one on a domestic violence call and
16 the other on a resisting arrest call. They have had no citizen complaints.
- 17

18 In response to a question from Councilmember Weiner, Chief Paulin stated that the bike
19 accidents most recently have been caused by some aggressive bike riding.

20

21 The pedestrian sting that took place last week was very successful. The department
22 received a lot of positive feedback. The department issued about 50-plus tickets in one
23 day.

24

25 **Public Comment**

26

27 **Neal Whitelaw**, a 40-year resident of Sausalito, stated that he's 70 and doesn't have a
28 car. He gets around mostly by walking and he would say he almost gets run down three
29 to five times a week on Bridgeway. He's afraid something very serious is going to
30 happen if the police don't do something about the situation of cars not stopping for
31 pedestrians.

32

33 Chief Paulin said they're going to do another sting day next week; the fines are about
34 \$150, he believes.

35

36 Mr. Whitelaw said a sting is one thing, he's not sure that solves the problem for tourists
37 and visitors who just don't care. He doesn't know what can be done. You can't have a
38 traffic light at every intersection.

39

40 Councilmember Leone said some communities have put in the flashing lights that
41 indicates a pedestrian is waiting to cross.

42

43 Councilmember Weiner said on the other hand, he sees people stop at crosswalks all the
44 time.

45

1 Councilmember Leone asked if there is any trend as to the demographic of who is being
2 ticketed.

3
4 Chief Paulin said he didn't know; he didn't get any complaints from anyone ticketed. He
5 doesn't have that data yet.

6
7 Councilmember Albritton said the pedestrian signs were a really good idea.

8
9 Chief Paulin said they need to replace some of those signs.

10
11 Councilmember Albritton asked Chief Paulin to report in his next quarterly report why
12 bike accidents are up and what the City can do about that; he'd also like to hear ideas
13 about how the City can address the pedestrian problems. He'd like to hear what the
14 current thinking is on enhancing the visibility on pedestrians.

15
16 Councilmember Leone suggested contacting some of the bicycle coalitions to dialogue
17 about the bike problems.

18
19 Chief Paulin noted he's communicated with the Marin County Bicycle Coalition and has
20 a good relationship with them.

21
22 Councilmember Albritton suggested sending a letter to the Coalition citing the City's
23 statistics, noting that after the bike path was installed, the accidents went down but now
24 they are spiking up again and ask if the Coalition has any ideas on why that's happening.

25
26 **G. Approve participation agreement by and between the City of Sausalito and the**
27 **Amgen Tour of California for the 2008 stage 1 start: City of Sausalito** *(Formerly*
28 *Item 3 on Consent calendar)*

29
30 Councilmember Leone said he asked this be pulled from the Consent Calendar not
31 because of the typos, which he assumes will be fixed, but because he noted the agreement
32 prevents the City from having other cultural events the same weekend unless Amgen
33 agrees to them. That's an issue that they may want to think about for future years; he'd
34 like to see that restriction discussed and better defined next time.

35
36 Councilmember Leone said they also need to refine the process a little bit next time; they
37 are approving a contract that evening prior to issuing the special event permit. Those two
38 actions need to be aligned better, so that the contract and the permit are approved at the
39 same time, which will also assure that other groups don't complain of being treated
40 differently. The City also needs to examine the budget.

41
42 Mayor Kelly asked is the City supplying more hotel rooms than they did before? And
43 how are they going to do that?

44

1 Chief Paulin said that's probably the most significant change; they are asking for more
2 hotel rooms.

3
4 Mayor Kelly asked is it up to the City to go out and find people who will provide them?

5
6 Chief Paulin said yes, they'll be looking at chain hotels outside of Sausalito, and yes, the
7 funds come out of the City's funds.

8
9 Councilmember Leone said as the City gains more institutional knowledge about how
10 this works, the City can have more of a clearing house approach to it.

11
12 Mayor Kelly said one of the problems is the City gets the organization's request at such
13 short notice.

14
15 City Attorney Mary Wagner said when this contract was first discussed for the first event
16 two years ago, the City staff spent a tremendous amount of time over a short period of
17 time working on the contract. At that time, the city attorneys involved pooled their
18 comments and came up with a contract the cities could all live with. She has reviewed the
19 contract for the last two years against that original contract, so she doesn't want the
20 Council to think that this contract has not been given a significant amount of review. She
21 clarified that the prohibition against other events is against "civic-led, major civic,
22 sporting or cultural events." She advised that whenever something has arisen in a tour
23 city which would require Amgen's approval, it has not to date been problematic. She will
24 speak with Amgen's representatives to get clearer guidelines, particularly with respect to
25 the amount of time stated.

26
27 **Mayor Kelly moved, Councilmember Weiner seconded, to approve participation**
28 **agreement by and between the City of Sausalito and the Amgen Tour of California**
29 **for the 2008 stage 1 start: City of Sausalito. The motion was approved unanimously**
30 **without a roll call vote.**

31
32 **H. Approve a memorandum of understanding between the City of Sausalito and the**
33 **Sausalito Police Association as authorized by the City Council for labor**
34 **negotiations** *(formerly Item 7 on Consent Calendar)*

35
36 Councilmember Leone noted the budget items called out to offset the 5 percent are really
37 mostly one-time expenses, , so they are not structural changes like the overtime change
38 Chief Paulin mentioned earlier. He asked if the City will be faced with having to delay
39 expenditures of these one-time items if they are needed in order to maintain this 5 percent
40 reduction.

41
42 Chief Paulin said there are one-time cost savings in the budget, but there are also some
43 funds that were available and needed to be used that can offset future expenses ; the
44 overtime rate is a permanent reduction. One of the reductions that can be a permanent
45 solution and budget reduction is there is a PEO who is planning to retire in December;

1 he'd like to make that a part time position rather than a full time position, which would
2 give the department another \$30,000 a year in the budget. That hasn't occurred yet, so he
3 hasn't included it as a given in the budget. They are still analyzing whether they will be
4 able to get four part time people. Salary savings over the last two years has been
5 significant due to turnover. That is probably going to continue. In other words, he's not
6 worried about making up that 2 percent, there's going to be a real 2 percent in the overall
7 budget that adds up over the next two years, but Councilmember Leone is right, beyond
8 that one time, one incident, the overtime budget could go up so there aren't any
9 guarantees. But he can guarantee the reduction in the operating budget over the next two
10 years; it will also give them some flexibility. And that 2 percent reduction will be built
11 into the bottom line.

12
13 Councilmember Leone said he understands, but if the things they are giving up are not
14 structural changes, they're going to have to come up with other solutions, as Chief Paulin
15 has described.

16
17 Chief Paulin added that they may be able to adjust the number of vehicles needed as well.

18
19 **Councilmember Leone moved, seconded by Councilmember Weiner, to approve a**
20 **memorandum of understanding between the City of Sausalito and the Sausalito**
21 **Police Association as authorized by the City Council for labor negotiations. The**
22 **motion was approved unanimously without a roll call vote.**

23
24 **7. CITY MANAGER AND COUNCILMEMBER REPORTS**

25
26 **A. City Manager Reports** – Chief Paulin said the Finance Director has asked him to
27 bring the pension obligation bond to the Council for discussion.

28
29 Mayor Kelly suggested continuing that discussion due to the late hour. He suggested
30 putting it on the agenda for September 4, 2007.

31
32 Mayor Kelly asked for public comment, but there was no response.

33
34 **B. Future Agenda Items**

35
36 Councilmember Leone asked to agendize a discussion to clarify the criteria for the
37 downtown versus “not downtown” historic districts and how the existing guidelines are
38 being used by the HLB and the Planning Department, to make sure there's a consistent
39 message.

40
41 Mayor Kelly agreed, but he suggested staff do a little research on the subject before it
42 coming back on the agenda.

1 **Public Comment**

2
3 **Vicki Nichols** said she knows there have been some emails and discussions on this.

4
5 Mayor Kelly noted that he believes the Council will be hearing an appeal of a 3-2
6 Planning Commission decision to tear down Charlie Merrill's house, and he thinks the
7 lack of clarity in the historic guidelines is going to come up, so it would be good to get a
8 report from staff before that happens.

9
10 **C. Mayor's update on City Manager Recruitment Process – None**

11
12 **D. City Council Appointments to Board, Commissions and Committees**

13
14 **Appointment to Library Board alternate position** (no term specified) – Continued to
15 next meeting.

16
17 **Appointments to Sausalito Waste and Recycling Commission** (four expired terms
18 through February 2010; one unexpired term through February 2009

19
20 Mayor Kelly nominated Brett Van Emst, Abe Christensen, Raymond Gergus and Monica
21 Towers.

22
23 Councilmember Albritton moved, seconded by Councilmember Belser, approval by
24 acclamation.

25
26 Mayor Kelly clarified the terms for the appointments are as follows:

27
28 **Brett Van Emst, Raymond Gergus and Monica Towers to full terms; and Abe**
29 **Christensen to the unexpired term that extends through February 2009.**

30
31 Mayor Kelly asked for public comment, but there was no response.

32
33 (Councilmember Belser left the dais and the meeting).

34
35 **E. Mayor's appointments to other working groups**

- 36
37 1. Bicycle and Pedestrian Task force: 1 resident bike advocate, 1 resident
38 pedestrian advocate, 1 member of the business advisory committee, 1 City
39 Council representative, 1 Planning Commission representative –
40 Continued

41
42 **F. Council discussion on scheduling dinners with the Sausalito Marin City**
43 **school district board and the Willow Creek board of directors** – The Council
44 asked the school districts to provide a choice of dates to the Council.

1 **G. Council discussion of procedure by which Council agrees upon and directs**
2 **staff preparation of City Council proclamations and certificates of**
3 **appreciation to community members and organizations – Continued**
4

5 **H. Councilmember Reports**
6

7 Councilmember Albritton noted that Marin County Transit District met in closed session
8 to discuss bus stops and ADA issues. The Transit District has agreed to pay for the bus
9 stops but the cities would be responsible for the improvements on the routes.

10
11 Chief Paulin noted that there's been discussion among the cities that they may not want
12 to accept the District's cookie-cutter bus stops.

13
14 Councilmember Albritton noted Marin Transit is launching its new name Monday.
15 Charles McGlashan wants to meet with Councilmember Albritton and Councilmember
16 Leone before the TAM meeting to talk about how to get the shuttle going.

17
18 Councilmember Leone said he went to the follow up on the GGNRA presentation of the
19 transportation plan at the Bay Model, and the net of it was they chose to ignore
20 Alexander Avenue for any improvements because technically they don't own it. There
21 was no mention of any of the items included in the settlement, no water transportation,
22 for example. The Transportation Plan really has no benefit for Sausalito in it.

23
24 Councilmember Albritton added that one of the requirements in the agreement that was a
25 given was that the GGNRA would extend the queuing lane for turning left onto Bunker
26 Road when coming off of Alexander. Now, they're saying Alexander belongs to the
27 Bridge District, not to them.

28
29 After discussion, Councilmember Albritton suggested the Council needs to address and
30 clarify these transportation issues, traffic issues, bus routes, in a letter.

31
32 Councilmember Leone agreed. He will confer with Councilmember Albritton on the
33 memorandum of understanding related to the settlement agreement and make sure the
34 City's issues are clear in the letter.

35
36 Councilmember Weiner thanked Chief Paulin for working so quickly to get the 22 Bus
37 Stop moved to the Ice House, which is working much better.

38
39 Chief Paulin reported that they have put in automatic flush toilets and automatic locks on
40 the public bathrooms; Councilmember Leone expressed concern about the cleanliness of
41 the public bathrooms; there was a discussion about cleaning services or what the schedule
42 was now for the Public Works department to clean the bathrooms.

43
44 Mayor Kelly suggested review of the public works department duties is something they
45 need to put on the new City Manager's agenda.

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7. ADJOURNMENT

Councilmember Albritton moved, seconded by Councilmember Weiner, to adjourn at 11:56 pm. The motion was approved unanimously without a roll call vote. The next regular City Council meeting will be held September 4, 2007.

Respectfully submitted,
Tricia Cambron/ Minutes Clerk

APPROVED: