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ACTION MINUTES OF THE
SAUSALITO CITY COUNCIL
REGULAR MEETING

TUESDAY, NOVEMBER 13, 2007

INTERVIEW CANDIDATES FOR BOARDS/COMMISSIONS

At 5:30 pm the Council interviewed Perry Biestman for consideration of appointment to one of the Boards/Commissions.

CALL TO ORDER

The Meeting was called at order at 5:40 pm.

ROLL CALL

PRESENT: Councilmember Weiner, Vice Mayor Belser, Mayor Kelly, Councilmember Leone

ABSENT: Councilmember Albritton

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Kelly announced the items that would be discussed in closed Session.

Public Comment on Closed Session items: Carolyn Ford spoke on item #1, the Art Festival, requesting that Council require full financial disclosure from the Art Festival Foundation. She also reiterated that she was speaking on behalf of the 550 residents who had signed petitions in this regard.

Council adjourned to the Conference Room for their Closed Session at 5:45 pm. Councilmember Albritton joined the Council while they were in Closed Session.

The regular meeting reconvened at 7:10 pm.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: Marinship Park
Negotiating Parties: Sausalito Art Festival Foundation
City Negotiator: City Manager and City Attorney
Under Negotiation: Price and Terms
Approved the license agreement by the following vote: Councilmember Weiner, yes; Vice Mayor Belser, yes; Mayor Kelly, yes. Councilmembers Albritton and Leone abstained.
2. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6
Agency Negotiator: City Manager
Employee Organizations: SEIU 1021 and Sausalito Firefighters Assoc. IAFF Local 1775
Direction was given to the labor negotiators.

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3. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
Sausalito v. Alta Mira Treatment Program
Council received information from the City Attorney
4. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: Sausalito Marine Properties; Foot of Locust Street
Negotiating Parties: Zacks Inc. dba Sausalito Marine
City Negotiator: City Manager and City Attorney
Under Negotiation: Price and Terms
Council would return to Closed Session at the conclusion of the regular meeting to discuss this item.
5. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
Hall v. Sausalito
Council received information from the City Attorney.
6. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
Wright v. Sausalito
Council received information from the City Attorney.
7. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
State Farm Insurance v. Sausalito
Council received information from the City Attorney.
8. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: MLK, 610 Coloma
Negotiating Parties: Rolando B. Rosler and Pamela G. Lewis; Richard Morton
City Negotiator: City Manager and City Attorney
Under Negotiation: Price and Terms
Council approved the two leases for Rosler/Lewis and Morton. Councilmember Weiner recused himself during these discussions.

38
39
40

APPROVAL OF AGENDA

41 City Attorney Mary Wagner requested a Council vote on the addition of an urgency item regarding
42 contract approval for survey work on the Public Safety Building Project. Councilmember Albritton moved,
43 seconded by Vice Mayor Belsler, to add this item to the agenda as Item 6d. The motion was unanimously
44 approved by a voice vote.

45 Mayor Kelly moved, seconded by Councilmember Leone, to continue item 7B1a2, Historic Landmarks
46 Board Appointments, to December 11. The motion was unanimously approved by a voice vote.

47
48 Councilmember Albritton moved, seconded by Councilmember Weiner, to approve the Agenda with the
49 changes noted above. The motion was unanimously approved by a voice vote.
50

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52

SPECIAL PRESENTATION

- 53
54
- A. **Presentation of Proclamation to Captain Bouchard, FF/Engineer Blount, FF Frazier and PM Moran for outstanding service at the Witch Fire**

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1
2 This item was continued to December 11, as all fire personnel were fighting a residential fire in
3 Sausalito at the time.

4
5 **B. Special Presentation by SHIP**
6

7 Lonner Ralston began the presentation. Chris Tellis continued the presentation and also
8 introduced the SHIP Board Members (Lonner Ralston, Marianne Leuschel, Larry Mindel, Simon
9 Snellgrove, Richard Hannum, and himself). He also introduced Project Manager Joe Onorato. Mr.
10 Tellis described the SHIP (Sausalito Harbor Improvement Project) project as a quay in the area of
11 the Sausalito Yacht Club to Spinnaker Point. Others speaking in favor of the project included: Bob
12 Darr, Arie Castano, Clay Prescott, Kevin Murphy, and Mark Flaherty (on behalf of Bill McDevitt).
13 Project Manager Joe Onorato completed the presentation.
14

15 Councilmember Albritton wanted to make sure that this process continues and noted that these
16 discussions should move along with the "Vision" process.
17

18 Mayor Kelly noted that this project would have a big impact on Sausalito.
19

20 **C. Presentation by AT&T on "Project LightSpeed" Digital Services Enhancement Overview -**
21 **Will Rigney**
22

23 Will Rigney of AT&T presented an overview on their digital services enhancement. Mr. Rigney
24 noted that LightSpeed is ready for introduction into Sausalito.
25

26 Councilmember Leone voiced concerns about the size of the equipment that AT&T uses for their
27 services. He also asked if AT&T would provide these services to any resident in Sausalito who
28 may request it. Mr. Rigney assured the Council that anyone could receive their services; AT&T has
29 a commitment to make it work.
30

31 Councilmember Albritton suggested that AT&T meet with TAC.
32

33 Mr. Rigney concluded his presentation indicating that LightSpeed had been turned on in the
34 unincorporated areas of Mill Valley.
35

36 **COMMUNICATIONS**
37

38 Mary Tamburo spoke to the current situation of the Plant Recording Studios. She requested time on a
39 future City Council agenda in order to address some of the impending issues with the building/business.
40 She noted that there was a lot of history in jeopardy.
41

42 Fritz Warren addressed issues with roadway widths for emergency access. He was concerned that
43 developers are not being required to widen streets when properties are being developed.
44

45 **ACTION MINUTES OF PREVIOUS MEETING**
46

47 Councilmember Weiner moved, seconded by Mayor Kelly, to approve the minutes of the July 24, 2007
48 Regular City Council Meeting as corrected. The motion was unanimously approved by a voice vote; Vice
49 Mayor Belser abstained.
50

51 Vice Mayor Belser moved, seconded by Councilmember Weiner, to approve the Action Minutes of the
52 October 16, 2007 Regular City Council Meeting as corrected. The motion was unanimously approved by
53 a voice vote.
54

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1 It was the consensus of the City Council to move the City Manager Reports forward so that those still
2 present at the City Council meeting could hear an update on the Oil Spill.

3
4 **7A – City Manager Reports**
5

6 City Manager Adam Politzer gave an update on activities that had taken place since the oil spill had taken
7 place.

8
9 Councilmember Leone noted that it had been incredibly frustrating with regard to obtaining pertinent
10 information and then being able to forward it on to residents.

11
12 Councilmember Albritton suggested that the City develop an inventory of waterfront property needing
13 attention and to pass that information on to the private contractor who would be performing the shoreline
14 cleanup.

15
16 **Public Comment:** None

17
18 Mayor Kelly commended City Manager Adam Politzer, Councilmembers Jonathan Leone, Paul Albritton,
19 and Herb Weiner, and Police Chief Scott Paulin for coming together and organizing the activities over the
20 weekend.

21
22 Councilmember Leone also noted that credit needed to go out to Supervisor McGlashan for his
23 assistance.

24
25 **CONSENT CALENDAR**
26

27 **Public Comment:** Jeff Bernstein requested that item #14 be removed from the Consent Calendar
28 for discussion.

29
30 Mayor Kelly noted that item #19 would be removed from the Consent Calendar and become item #6e on
31 the Business Items. City Attorney Mary Wagner also noted that item #8 would be removed from the
32 Consent Calendar and continued to December 11.

33
34 Vice Mayor Belser moved, seconded by Councilmember Weiner, to remove items #8, #14 and #19 from
35 the Consent Calendar. The motion was unanimously approved by a voice vote.

36
37 As Councilmember Weiner needed to recuse himself from voting on items #11 and #12, two motions
38 were moved as follows:

39
40 **Councilmember Leone moved, seconded by Vice Mayor Belser to approve items #1, 2, 3, 4, 5, 6, 7,
41 9, 10, 13, 15, 16, 17, and 18. The motion was unanimously approved by a voice vote.**
42

43 **Vice Mayor Belser moved, seconded by Councilmember Albritton, to approve items #11 and 12.
44 The motion was unanimously approved by a voice vote; Councilmember Weiner abstained.**
45

46 **Consent Calendar actions were approved as follows:**
47

- 48 1) Received and filed minutes of the August 11, 2007 CARB Meeting
- 49 2) Received and filed draft minutes of the October 4, 2007 Sustainability Commission Meeting
- 50 3) Acknowledged actions taken at the October 24 and November 7 meetings of the Planning
51 Commission
- 52 4) Adopted Resolution No. 4919 changing name of Waste and Recycling Commission to
53 Sustainability Commission
- 54 5) Approved Professional Services Agreement with Bertrand Fox & Elliot for special legal services

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- 6) Accepted resignations of Arts Commission members
- 7) Waived further reading and adopted Ordinance No. 1188, An Ordinance of the City of Sausalito amending Chapter 11.20 of the Sausalito Municipal Code regarding environmentally acceptable packaging material
- 8) Approve amendment to Fire Services Agreement by and between the City of Sausalito and the Southern Marin Fire Protection District – *continued to December 11, 2007*
- 9) Approved Development Impact Fee Annual Report
- 10) Adopted Resolution No. 4920 approving contract and authorizing City Manager to execute contract amendment with Vali Cooper & Associates for Construction Management Service
- 11) Adopted Resolution No. 4921 approving Lease Agreement by and between the City of Sausalito and Rolando B. Rosler and Pamela G. Lewis for Suite 720, Building 7 – MLK
- 12) Adopted Resolution No 4922 approving Second Amendment by and between the City of Sausalito and Richard Morton
- 13) Adopted Resolution No. 4923 approving an Encroachment Agreement for 137 Lincoln Drive (DR/EA 07-019) to construct a covered carport at the condominium unit located at 137 Lincoln Drive (APN 064-331-23), a detachable portion of which protrudes into the public right-of-way.
- 14) Adopt resolution recommending approving an Encroachment Agreement for 178 Santa Rosa Avenue (DR/EP 00-63) for improvements conducted in the public right-of-way as part of an approved Design Review and Encroachment Permit (Application No. DR/EP 00-63) for the construction of a new single-family home with an attached garage located at 178 Santa Rosa Avenue (APN 065-142-30). – *removed from Consent Calendar and became item 6A2 under Business Items*
- 15) Adopted Resolution No. 4924 approving an Encroachment Agreement for 694 Sausalito Boulevard (DR/EA 07-014) for two off-street parking spaces, stair landing and access stairway, existing stairway entry, and garage awning in the portion of the right-of-way located at 694 Sausalito Boulevard (APN 065-132-35), and as recommended for approval by the Planning Commission for the approved Design Review Permit to construct a new single-family residence.
- 16) Adopted Resolution No. 4925 approving an Encroachment Agreement for 37-39 Filbert (ADR/EA 07-024) for two 28" tall retaining walls, a street tree, and landscaping that encroach into the public right-of-way at 37-39 Filbert (APN 064-212-02), and as recommended for approval by the Community Development Director.
- 17) Approved Recommended Expenditures from the Hospitality Business Development Fund for FY2008
- 18) Adopted Resolution No. 4926 approving the spending plan for the FY 2007-2008 COPS Grant
- 19) Adopt Strategic Plan from November 9, 2007 Special City Council Meeting – *removed from Consent Calendar and became item 6e under Business Items*

PUBLIC HEARINGS

There were no Public Hearings.

BUSINESS ITEMS

A. Discussion of the Pension Obligation Bond to Pay Off CalPERS Side Fund Unfunded Accrued Actuarial Liabilities (UAAL); Authorize the Issuance of One or More Series of Pension Obligations Bonds; Approve the Form Of and Authorize the Execution and Delivery of a Trust Agreement and a Purchase Agreement; Authorize a Validation Action and Other Matters Relating thereto

Finance Director Louise Ho presented the staff report. In addition, a representative of Morgan Stanley was also present to answer questions on the differences between the private placement and POB pool offered through CSCDA.

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1 Mayor Kelly asked the representative if a private placement would give the City better timing
2 controls. She agreed. As an aside, the representative also noted that the current pool still has
3 room for Sausalito to join.
4

5 **Public Comment:** Roland Stocke, a resident of Sausalito, strongly urged the Council not to
6 consider the private placement option
7

8 Councilmember Leone moved, seconded by Councilmember Weiner, to adopt Resolution No. 4927,
9 authorizing the issuance of one or more series of Pension Obligation Bonds, approving the form of
10 and authorizing the execution and delivery of a Trust Agreement and a Purchase Agreement, and
11 authorizing a validation action and other matters relating thereto. The motion was unanimously
12 approved by a voice vote.
13

14 **A2. Adopt resolution recommending approving an Encroachment Agreement for 178 Santa Rosa**
15 **Avenue (DR/EP 00-63) for improvements conducted in the public right-of-way as part of an**
16 **approved Design Review and Encroachment Permit (Application No. DR/EP 00-63) for the**
17 **construction of a new single-family home with an attached garage located at 178 Santa Rosa**
18 **Avenue (APN 065-142-30) (removed from Consent Calendar item #14)**
19

20 Associate Planner Sierra Russell presented a brief history of the project.
21

22 **Public Comment:**
23

24 Jeffrey Bernstein, a neighbor of the project, requested that Council deny the encroachment permit
25 since the project has been in violation of several conditions that had originally been set by the Planning
26 Commission. Additionally, Mr. Bernstein urged Council to adopt an ordinance setting time limitations
27 on construction projects. Mr. Bernstein concluded by requesting Council deny the encroachment
28 permit or red tag the project until they comply with conditions set by the Planning Commission.
29

30 Tom DeMund, also a neighbor, noted that the construction company continues to violate the noise
31 ordinance with regard to construction times. He also urged Council to deny the encroachment permit
32 or red tag the project.
33

34 Roland Stocke simply stated that this was the worst construction project in Sausalito.
35

36 Brad Miller, the assistant project manager agreed that the project had gone on for a long time.
37 However, he anticipated completion of the project within 60-90 days. He admitted that the construction
38 workers had worked off hours to rush completion; however, after receiving complaints about the noise,
39 he had stopped the evening and weekend work. Mr. Miller was not aware that the noise complaints
40 had started up again.
41

42 Councilmember Leone asked why the project had had such delays. Mr. Miller indicated that there had
43 been many reasons, some of which included changes in contractors and financing.
44

45 Discussion continued on why the formal encroachment agreement was just now coming before
46 Council.
47

48 Mayor Kelly suggested continuing the item and have the Building Inspector check into the issues that
49 had been raised.
50

51 Councilmember Leone moved, seconded by Vice Mayor Belser, to continue this item to a date
52 uncertain and direct Community Development to look into the conditions of approval and the
53 encroachment permit, and return to either Planning Commission or City Council for appropriate action.
54 The motion was unanimously approved by a voice vote.

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2 **B. Authorize staff to take plans for Parking Lot #1 booth to the Planning Commission for**
3 **design review**

4
5 City Engineer Todd Teachout presented the staff report. In his presentation, the City Engineer
6 showed the many areas of the parking lot booth that required heavy maintenance or were beyond
7 repair.

8
9 The City Engineer reported that there were to pre-fab companies with designs that would work well
10 as the parking booth. At this time, Council noted an e-mail that had been received from Michael
11 Rex, and that he was suggesting that the City continue to pursue the pre-fab booths instead of a
12 custom made unit.

13
14 **Public Comment:** Alice Merrill asked how the booth had been allowed to get into such a state of
15 disrepair. She was advised that one of the reasons was due to personnel changes in the Parking
16 & Transportation Manager position.

17
18 Councilmember Albritton noted the large discrepancy in costs between the pre-fab and the custom
19 design. He also noted that the project had been presented to the OMIT Committee twice and that
20 they were in agreement with the booth project. He also noted that the design would be a very
21 sensitive issue.

22
23 Mayor Kelly moved, seconded by Vice Mayor Belser to send the Parking Lot Booth design, with
24 restroom, to the Planning Commission for their design review.

25
26 In discussion on the motion, Vice Mayor Belser noted that the placement of the booth is extremely
27 important. Councilmember Albritton also wanted assurance that the graphics, roofing alternatives,
28 location, color and size would be more appropriate than Council had received in their report.
29 Councilmember Leone also noted that staff would need to determine if HLB involvement was
30 required.

31
32 The motion was unanimously approved by a voice vote.

33
34 **C. Oral report from the City Attorney on Alta Mira Fundraising Process**

35 City Attorney Mary Wagner presented an update on a fundraising process in which the City would
36 be pursuing donations. As such, staff is drafting a donor agreement which would insure that the
37 funds that are contributed to the City are used within the discretion of the City Council. Additionally,
38 staff was seeking input from the City Council for alternative uses for funds that are not expended for
39 the specific use that they were donated. Suggested alternative uses could be park improvements,
40 a Library fund, and/or Public Safety Building Fund.

41
42 Councilmember Albritton asked if this would be a generic donation form. The City Attorney noted
43 that it was.

44
45 Direction was then given to the City Attorney to draft such a form and to work with the Finance
46 Committee on its completion.

47
48 **D. Approval of contract with PKF Associates for survey work on the Public Safety Buildings,**
49 **not to exceed \$6,000** *(urgency item, added by a 5-0 vote)*

50
51 Deputy Planning Director Kevin Bryant gave this report to the City Council.

52
53 **Public Comment:** None

54
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1 Councilmember Albritton moved, seconded by Vice Mayor Belser to approve the contract with PKF
2 Associates. The motion was unanimously approved by a voice vote.
3

4 **E. Adopt Strategic Plan from November 9, 2007 Special City Council Meeting** *(removed from*
5 *Consent Calendar item #19)*
6

7 City Manager Adam Politzer presented an update from the Strategic Planning session on
8 November 9. The City Manager thanked the City Council and management staff for taking a step
9 back in order to accomplish the Strategic Plan.
10

11 The City Manager noted that Council approval was needed for some of the recommendations that
12 had been made at the Strategic Plan. He then presented the recommendations on proposed staff
13 changes. He noted that costs would be minimal for this fiscal year; a worse case scenario would be
14 approximately \$20,000 to cover all recommended changes.
15

16 **Public Comment:** Vicki Nichols noted that she had sat in on the session until lunchtime and was
17 impressed with the process that she saw.
18

19 Mayor Kelly moved, seconded by Vice Mayor Belser, to adopt the Strategic Plan which would also
20 include the proposed staffing changes. The motion was unanimously approved by a voice vote.
21

22 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL DISCUSSIONS AND**
23 **COUNCILMEMBER REPORTS**
24

25 **A. City Manager Reports**
26

27 **1. City Manager Information for Council**
28

29 The City Manager noted that the Weekly Report would be sent out before the end of the week. He
30 thanked the Council for attending the TOC Press Conference, and for showing full support at the
31 Celebrate Sausalito. The City Manager also noted dates to remember which included December 6
32 for the Willow Creek Academy Joint Dinner and December 12 for the City's Holiday Party. He also
33 reported that Mike Cerre was confirmed as the speaker for the MCCMC Meeting being hosted by
34 Sausalito on November 28.
35

36 The City Manager concluded by noting that a job offer had been made for the Associate Planner
37 position and that the 33 Miller Avenue project was progressing and moving forward properly.
38

39 **Public Comment:** None
40

41 Councilmember Leone requested that staff bring to Council a status of wireless leases and reports
42 for cell site testing. Vicki Nichols added that the ordinance says that all companies must comply;
43 that there is no grandfathering.
44

45 **2. Future Agenda Items**
46

47 Nothing to report
48

49 **B. City Council Appointments and Councilmember Reports**
50

51 **1. City Council Appointments to Boards, Commissions and Committees**
52

53 **a. City Council Appointments to:**

- 54 **1) Two positions on Trees and Views with terms through January, 2010;**

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1
2 Mayor Kelly nominated Perry Biestman and Ronald Reich for appointment to the Trees
3 and Views Committee with terms ending January, 2010
4

5 There being no other nominations, the appointments Perry Biestman and Ronald Reich
6 were approved by acclamation.
7

8 **2) Two positions on the Historic Landmarks Board with terms through July, 2009**
9 *(During Approval of the Agenda, this item was continued to a date uncertain)*
10

11 **2. Councilmember Reports**

12 Councilmember Leone reported that AT&T had just starting to meet with MTA.
13 Vice Mayor Belser reported on the proclamation presented by City Manager Adam Politzer
14 for the Tuskegee Airmen
15 Councilmember Weiner also indicated that he was very moved by special presentations to
16 the Tuskegee Airmen.
17 Councilmember Albritton reported that the Downtown Harbor Committee meeting would be
18 held on Monday and the Waterfront/Marinship Committee meeting would be on Saturday.
19 Mayor Kelly advised Council that there may be a need for a special City Council meeting in
20 December to review the budget and design plans as being presented by Swinerton for
21 the Public Safety Buildings.
22
23

24 **Adjournment**

25
26 The meeting adjourned back into Closed Session at 10:45 pm. The next regularly scheduled City Council
27 meeting is scheduled for December 11, 2007 at 7:00 pm.
28
29

30 Respectfully submitted,

31
32 Debbie Pagliaro
33 Deputy City Clerk
34

35 Approved on:
36
37

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