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****DRAFT****
MINUTES OF THE
SAUSALITO CITY COUNCIL
REGULAR MEETING

TUESDAY, JANUARY 29, 2008

CALL TO ORDER

The meeting was called to order at 5:40 p.m.

ROLL CALL

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

ABSENT: none

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Belser announced the items that would be discussed in Closed Session.

Public Comment: There was no public comment on Closed Session items.

Council adjourned to the Conference Room for their Closed Session at 5:42 p.m.

The regular meeting reconvened at 7:04 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
Sausalito v. Alta Mira Treatment Program
Instructions were given to the City Attorney
2. **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
Instructions were given to the City Attorney
3. **CONFERENCE WITH LEGAL COUNSEL** – Anticipated litigation pursuant to subdivision (b) of CGC § 54956.9 (one potential case)
Instructions were given to the City Attorney
4. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: MLK, 610 Coloma
Negotiating Parties: *Gem Designs*

1 City Negotiator: City Manager and City Attorney
2 Under Negotiation: Price and Terms
3 ***Direction was given to the negotiating team***

- 4
5 **5. CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6
6 Agency Negotiator: City Manager
7 Employee Organization: SEIU 1021
8 ***Direction was given***
9

10 **APPROVAL OF AGENDA**

11
12 **Vice Mayor Albritton moved, seconded by Councilmember Weiner, to approve the agenda as**
13 **submitted. The motion was unanimously approved by a voice vote.**
14

15 **SPECIAL PRESENTATIONS**

16
17 **A. Introduction of new Associate Planner Brent Schroeder**

18
19 Interim Community Development Director Diane Henderson introduced Brent Schroeder and gave a brief
20 description of his professional background. Mr. Schroeder was also welcomed by those present.
21

22 **B. Presentation by Supervisor Charles McGlashan on the State of the County**

23
24 Supervisor Charles McGlashan gave a brief overview of the State of the County. Some of the highlights
25 he noted were:

- 26
 - Countywide Plan adopted on November 6, 2007
 - Working hard to build a stronger partnership with BCDC
 - Marin County Transit is looking into integrating with the Ft. Baker shuttle service
 - Climate change strategies
 - And finally, he spoke on the 2008 County ballot issues

31
32 **COMMUNICATIONS**

33
34 **Dana Herrick** spoke about the trees in Gabrielson Park. She expressed concern about the trees being
35 removed and suggested that the City simply trim the trees before total removing them. City Attorney Mary
36 Wagner noted that the Parks and Recreation Director was scheduled to meet with a biologist and would
37 be advising of the outcome of that meeting.
38

39 **The Willow Creek Academy** brought attention to their fundraiser on February 9 at the IDESST Hall. A
40 group of students described what would be happening at the function.

41
42 **Michael Rex** requested that the City Council agendaize, in the near future, time to discuss bringing back
43 trolley cars to the area.
44

45 **Larry Bedard** spoke on health care in Marin. He noted that there would be a ballot measure in 2009 for
46 a parcel tax to help fund seismic upgrades and make state-of-the-art additions to the hospital.
47

48 **MINUTES OF THE PREVIOUS MEETING**

49
50 **Vice Mayor Albritton moved, seconded by Councilmember Kelly, to approve the minutes of the**
51 **January 29, 2008 Regular City Council Meeting as corrected. The motion was unanimously**
52 **approved by a voice vote.**

1
2 **CONSENT CALENDAR**
3

4 **Public Comment:** Barry Peterson expressed concern about item #6 regarding the agreement with the
5 Lions Club. He noted that there were errors and that clarification was needed in a specific area of the
6 agreement. Mr. Peterson took a moment to meet with City Engineer Todd Teachout and realized that the
7 version before the City Council was not the same as the one he had. He then advised that there would
8 be no reason to further discuss this item.
9

10 Councilmember Leone asked that item #4, the agreement with the City of Inglewood, be removed from
11 the Consent Calendar for further discussion.
12

13 **Vice Mayor Albritton moved, seconded by Councilmember Weiner, to remove Item #4 from the**
14 **Consent Calendar and make it Item #6B under Business. The motion was unanimously approved**
15 **by a voice vote.**
16

17 **Mayor Belser moved, seconded by Vice Mayor Albritton, to approve Consent Calendar Items #1-3**
18 **and #5-8. The motion was unanimously approved by a voice vote.**
19

20 Consent Calendar items approved were as follows:
21

- 22 1) Received and filed notes taken at the OMIT Committee meeting of January 14, 2008
- 23 2) Acknowledged actions taken at the Planning Commission meeting of January 9, 2008
- 24 3) Received and filed notes taken at the CARB meeting of November 12, 2007
- 25 4) *Approve professional services agreement by and between the City of Inglewood and the City of*
26 *Sausalito for automated parking citation services; adopt resolution amending the revised and*
27 *restated Master Fee Schedule to add convenience fee. (reviewed and approved at the OMIT*
28 *Committee meeting of January 14, 2008 – item B3) – removed from Consent to Business Item*
29 *6B*
- 30 5) Adopted Resolution No. 4930 approving the first amendment to the Lease Agreement by and
31 between the City of Sausalito and George Dapsevicius for Suite 220, Building 2 at MLK
- 32 6) Authorized the Mayor to execute a participation agreement with the Sausalito Lions Club
33 regarding construction of the Schoonmaker Bus Shelter
- 34 7) Adopted Resolution No. 4931 approving encroachment agreement to allow the construction of
35 a 300 sq.ft. addition for the single-family residence located at 194 San Carlos Avenue (APS
36 065-092-26), with a portion of the improvements encroaching into the San Carlos Avenue
37 public right-of-way, as recommended for approval by the Planning Commission for Application
38 DR/EA 07-025
- 39 8) Adopted Resolution No. 4932 approving encroachment agreement to allow the reconstruction
40 of parking deck and new stairway for the single-family residence located at 44 Marie Street
41 (APN 064-193-09), with a portion of the improvements encroaching into the Marie Street public
42 right-of-way, as recommended for approval by the Planning Commission for Application No.
43 DR/EA 07-026.
44

45 **CONSENT CALENDAR CONTINUED ITEMS**
46

47 **Public Comment:** There was no public comment on this item
48

49 **Councilmember Kelly moved, seconded by Councilmember Kelly, to approve Consent Calendar**
50 **Continued Item #1. The motion was unanimously approved by a voice vote; Vice Mayor Albritton**
51 **and Councilmember Leone recused themselves from the vote.**
52

53 Consent Calendar Continued item(s) approved were as follows:

- 1
2 1) Adopted Resolution No. 4933 granting the appeal to the City Council and overturning the
3 Planning Commission's action to deny a conditional use permit and tentative map for a
4 condominium conversion for application no. TM/UP/EP 05-033 to convert the existing duplex
5 into two condominium units with surrounding common area, and a conditional use permit and
6 encroachment permit to allow the existing tandem parking configuration on the site which
7 extends into the public right-of-way at 108-110 Edwards Avenue (AP # 065-293-23) (con't from
8 1/8/08)
9

10 **PUBLIC HEARINGS**

11
12 **A. On the appeal filed by Michael Rex, on behalf of Matsuno Patrick of an approval for a Design**
13 **Review Application (DR07-027) submitted by David Kalb on behalf of Pierre and Cecilia**
14 **Vacherand to remodel an existing single-family house located at 75 Cloud View Road (APN**
15 **065-191-25) to add 640 sq.ft of additional floor area to the existing home and relocation and**
16 **minor reduction of existing building coverage and impervious surface**
17

18 Interim Community Development Director Diane Henderson presented the staff report on this project.
19 Following her presentation on what was before Council, Councilmembers requested some minor
20 clarifications.

21
22 The Public Hearing was then opened.
23

24 **Michael Rex**, representing Matsuno Patrick, presented the appellant's side of the project. Mr. Rex
25 stressed how a significant view was being lost by this project. He also noted that even though it is
26 reported that the roofline was being lowered, it was only being lowered in certain areas and not across
27 the entire line. Mr. Rex also addressed how this view loss would cause a significant loss in property
28 value. Mr. Rex further reported that he had prepared a set of plans which would lower the applicant's
29 roofline and reflecting a change to the roof gable pitch in order to preserve a portion of the view; however,
30 this proposal had not been acceptable to the applicants.
31

32 **Craig Miller** the attorney for the appellant spoke on the definition of "primary" view.
33

34 **Pierre Vacherand**, the applicant, was then given the opportunity to present his side of the project. He
35 explained how he and his wife had met with their neighbors over several months, and none of the
36 neighbors had expressed any concern.
37

38 **Cecilia Vacherand** also spoke, reiterating the fact that they had brought neighbors in to see the plans.
39 She also noted that she had met with Ms Patrick and showed her the story pole heights from inside Ms
40 Patrick's home.
41

42 **David Kalb**, the applicant's architect, then presented their side of the project through his drawings, and
43 comparing them to those of Michael Rex. He also presented a slide show that showed how minimal the
44 loss of view would be.
45

46 The public was then given the opportunity to speak.
47

48 **Lucille Arenson** spoke on the appellant's behalf, stressing how important views are.
49

50 **Frances Farley** also spoke on behalf of the appellant, indicating that she did not believe that the view
51 from Ms Patrick's office should be considered a "secondary" view.
52

1 **Larry Bedard** recommended denial of the appeal because the gabled house adds charm to the
2 neighborhood.

3
4 **Alex Gurevich** stressed that no view should ever be blocked.

5
6 **Lorna Chris** stated that she felt that property owners are entitled to be able maintain the views they had
7 when they purchased the property.

8
9 **Nancy Drew** noted that she has a view from where she works and couldn't live without it.

10
11 **Mary Crowley** stated that her views were important to her; but the views from where one works is just as
12 important.

13
14 **Frank Doyle** noted that Mr. Kalb had turned to him for suggestions on the best way to proceed with such
15 a project. Mr. Doyle noted that he thought this project was a good project, meeting all of the appropriate
16 requirements.

17
18 **Barry Peterson**, Planning Commissioner, noted that he had visited the project property. He then
19 continued to explain what issues were important to the Planning Commission when they made the
20 decision to approve the project.

21
22 **Connie O'Clausin** stated that she felt that people should be able to make improvements to their homes.
23 She also recommended denial of the appeal.

24
25 Michael Rex was then presented the rebuttal on behalf of the appellant.

26
27 David Kalb presented his rebuttal on behalf of the applicant.

28
29 The Public Hearing was then closed. Council discussions followed. It was the consensus of the Council
30 that the architects, applicants and appellant should try and work together a little more to come up with a
31 resolve that would work for both parties.

32
33 **Vice Mayor Albritton moved, seconded by Councilmember Kelly, to have the project return on the**
34 **Consent Calendar of February 26 which would include a compromise that protects the view and**
35 **yet affects the design as little as possible. The motion was unanimously approved by a voice**
36 **vote.**

37
38 **BUSINESS ITEMS**

39
40 **A. Consider and approve value engineering changes to the Public Safety Buildings**

41
42 John Baker, Project Executive of Swinerton Management and Consulting gave the background on the
43 value engineering meetings that had been held. He noted that all those involved in the meeting had
44 agreed on the changes that represented a savings of \$606,417. Mr. Baker noted that these changes
45 would now need to be incorporated into the project drawings. He advised that the project budget now
46 stands at \$16.5 million.

47
48 **Public Comment:** Vicki Nichols requested clarification on the reduction in costs and whether the new
49 figures were within the budget.

50
51 Council discussion followed. Councilmember Kelly explained to the group that this project does fall within
52 the budgeted amount by including the amount of interest that has been earned on the monies that have
53 been set aside for the project. Council felt that the changes were acceptable.

1
2 Councilmember Leone suggested that the Living Roof item might be best moved to the question mark
3 column.
4

5 **B. Approve professional services agreement by and between the City of Inglewood and the City**
6 **of Sausalito for automated parking citation services; adopt resolution amending the revised**
7 **and restated Master Fee Schedule to add a convenience fee** - *previously removed from Consent*
8 *Calendar Item #4 to Business Item 6B*
9

10 Councilmember Leone expressed concern about this being a three year contract without first having gone
11 to bid. He suggested that the contract be amended to a one year contract, and revisit the contract during
12 the next year.
13

14 Councilmember Kelly suggested that two 1-year options and a 120 day termination clause be added to
15 Councilmember Leone's suggested change.
16

17 **Councilmember Kelly moved, seconded by Councilmember Weiner, to amend the contract under**
18 **Article 7 – Term to reflect a one year contract with two 1-year options and include a 120 day**
19 **termination clause. However, if this amendment was found to be unacceptable by the City of**
20 **Inglewood, then accept Article 7 – Term as written. The motion was unanimously approved by a**
21 **voice vote.**
22

23 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL DISCUSSIONS AND**
24 **COUNCILMEMBER REPORTS**
25

26 **A. City Council appointments to various City Boards and Commissions**
27

28 **1. Appointment of one (1) representative to the Marin/Sonoma Mosquito and Vector Control**
29 **District**
30

31 Mayor Belser nominated Bill Ring to serve as the Council's representative to the Marin/Sonoma Mosquito
32 and Vector Control District. There being no other nominations, Bill Ring was appointed by acclamation.
33

34 **2. Appointment to one (1) Alternate Position on the Board of Library Trustees**
35

36 Mayor Belser nominated Myra Berkowitz to serve as the Board of Library Trustees Alternate position.
37 There being no other nominations, Myra Berkowitz was appointed by acclamation.
38

39 **3. Appointment to one (1) unexpired term on the Sustainability Commission that will run**
40 **through February 2009**
41

42 Mayor Belser nominated Bill Ring to serve on the Sustainability Commission for an unexpired term to run
43 through February 2009. There being no other nominations, Bill Ring was appointed by acclamation.
44

45 Further appointments for the Sustainability Commission will be considered at the City Council meeting of
46 February 12 due to a discrepancy between the agenda and the staff report for the number of vacancies
47 being filled.
48

49 **4. Appointments to as many of the below listed positions on the Arts Commission that the**
50 **Council feels it can appoint at this time:**

- 51 a. Three (3) unexpired terms that will run through January 2009
52 b. Two (2) unexpired terms that will run through January 2010
53 c. Three (3) full terms that will run through January 2011

1
2 Mayor Belser nominated Jeffrey Axelrod, Hines, and Robert Woodrum to fill full terms on the Arts
3 Commission, running through January 2011. Mayor Belser also nominated Nancy Forrest, and Sandra
4 Macleod White to fill unexpired terms on the Arts Commission, running through January 2010. Mayor
5 Belser also nominated Mary Lee Bickford to fill an unexpired term on the Arts Commission and running
6 through January 2009. There being no other nominations, the above listed persons were appointed to
7 the Arts Commission, with their respective terms noted above, by acclamation.
8

9 **B. City Manager Reports**

10
11 **1. City Manager Information for Council**

12
13 City Manager Adam Politzer reported on the Week In Review, the Mayors and Councilmembers
14 Academy, his upcoming League of California Annual City Manager's Conference, the interviews held for
15 the Community Development Director and on several meetings that he had attended.
16

17 **2. Future Agenda Items**

18
19 Councilmember Leone questioned whether an item should be added to a future agenda for discussion of
20 a contingency plan in case of State or County "trickle-down" effects of budgets.
21

22 **C. City Council Reports**

23
24 **1. Council Committee Assignments (con't from 1/8/08)**

25
26 Mayor Belser presented her assignments. The following assignments were accepted:
27

28 ABAG Delegate: Albritton; Arts Commission Liaison: Leone/alt Weiner; Bicycle Pedestrian Advisory
29 Committee: Albritton; Board of Library Trustees Liaison: Belser/alt Kelly; Business Advisory Committee:
30 Albritton; CARB Liaison: Albritton; Community Development Block Grant Advisory Committee: Kelly and
31 Leone; Congestion Management Agency (TAM): Albritton/alt Belser; Disaster Preparedness Committee
32 Liaison: Weiner/alt Leone; Finance Committee: Belser and Kelly; Historic Landmarks Board Liaison:
33 Leone/alt Belser; Hospitality Business Development Plan Advisory Committee: Albritton and Belser;
34 Housing Element Ad Hoc Committee: Albritton and Leone; Joint Powers Authority Oversight Committee:
35 Albritton; League of California Cities Voting Delegate: Belser; Marin County Transit District: Albritton;
36 Marin Telecommunications Agency: Leone/alt Weiner; MCCMC Legislative Committee: Belser; Mosquito
37 Vector Control: Bill Ring; OMIT Committee: Kelly and Leone; Parklands (GGNRA) Transportation Task
38 Force: Leone and Weiner; Parks and Recreation Commission Liaison: Weiner/alt Belser; Police and Fire
39 Buildings Ad Hoc Committee: Kelly and Leone; RBRA: Albritton/alt Belser; SMEMPS: Kelly; School
40 District Liaison: Belser and Weiner; Southern Marin/Sausalito Fire Coordinating Committee: Kelly and
41 Leone; Transportation Authority of Marin: Albritton/alt Belser; Trees and Views Committee Liaison: Belser
42 and Weiner; Underground Committee Liaison: Weiner; Sustainability Committee Liaison: Leone/alt
43 Belser
44

45 **2. Councilmember Reports**

46
47 Vice Mayor Albritton reported on the following meetings he had attended: TAM, Business Advisory,
48 Telecommunications Action Committee, Marin County Transit, and a GGBHTD meeting regarding
49 Alexander Avenue.
50

51 Councilmember Weiner reported that the Park's bids for the Ft. Baker shuttle go out in April.
52

53 Councilmember Leone reported that he had been appointed Vice Chair of the MTA.

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a. Letter of opposition to the Doyle Drive proposal for Marin County
Councilmember Albritton moved, seconded by Mayor Belser, to authorize the Mayor to sign a letter in opposition to the Doyle Drive proposal. The motion was unanimously approved by a voice vote.

Adjournment

The meeting adjourned at 11:15 pm. The next City Council Regular meeting is scheduled for February 12, 2008, with the open session due to commence at 7:00 pm.

Respectfully submitted:

Debbie Pagliaro
Deputy City Clerk

Approved on: