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

**TUESDAY, FEBRUARY 10, 2009**

**CALL TO ORDER**

The meeting was called to order by Mayor Leone at 5:32 p.m.

**ROLL CALL**

**PRESENT:** Councilmember Pfeifer, Vice Mayor Weiner, Mayor Leone,  
Councilmember Kelly

**ABSENT:** Councilmember Belser

**ANNOUNCEMENT OF CLOSED SESSION ITEMS**

Mayor Leone announced, by title, that items D1 and D2 would be discussed in Closed Session.

**Public Comment:** There was no public comment on these items.

Council then adjourned to the Conference Room for their Closed Session at 5:53 pm.

**The regular meeting reconvened at 7:12 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  
*Direction given to counsel*
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8  
Property: Sausalito Marine Properties; Foot of Locust Street  
AP#: 064-086-01, 064-034-01, 065-033-02, 065-013-02, 065-031-01, 065-012-01, 064-031-01, 065-011-01  
Negotiating Parties: Zacks Inc. and Standard Trust Deed Service Company  
City Negotiator: City Manager and City Attorney  
Under Negotiation: Price and Terms  
*Direction given to the negotiating team*

1  
2  
3 **Public Comment on Closed Session Items:** There was no public comment.

4  
5 **APPROVAL OF THE AGENDA**

6  
7 Mayor Leone made a clarification regarding item 4B8, noting that it did not include a  
8 subsection 4B8(b) as referenced on the agenda. He also announced that item 6B would  
9 be continued to February 24, 2009.

10  
11 **Mayor Leone moved, seconded by Vice Mayor Weiner, to approve the agenda as**  
12 **amended. The motion was unanimously approved by a voice vote**  
13 **(Councilmember Belser absent).**

14  
15 **SPECIAL PRESENTATIONS**

16  
17 There were no Special Presentations.

18  
19 **COMMUNICATIONS**

20  
21 **David Hoffman**, Director of Planning for the Marin County Bike Coalition noted that he  
22 was present for item 6B, which had been continued. However, Mr. Hoffman still wanted  
23 to convey that he looks forward to working together with the City on this Bridgeway Path  
24 Plan.

25  
26 **ACTION MINUTES OF PREVIOUS MEETINGS**

27  
28 **3A. Approval of minutes from the Regular City Council meeting of January 13,**  
29 **2009**

30  
31 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the**  
32 **minutes from the January 13, 2009 regular City Council meeting as submitted.**  
33 **The motion was unanimously approved by a voice vote (Councilmember Belser**  
34 **absent).**

35  
36 **3B. Approval of minutes from the Adjourned Regular City Council meeting of**  
37 **January 27, 2009**

38  
39 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the**  
40 **minutes from the January 27, 2009 regular City Council meeting as submitted.**  
41 **The motion was unanimously approved by a voice vote (Councilmember Belser**  
42 **absent).**

43  
44 **CONSENT CALENDAR**

45  
46 At the request of Mayor Leone, Public Works Director Jonathon Goldman passed out a  
47 list of bidders as noted in the Staff Report for item 4B5.  
48

1 **Public Comment:** There was no public comment on this item.  
2

3 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve**  
4 **Consent Calendar items 4B1 through 4B8 (indicating for the record that 4B8 did**  
5 **not include a subsection (b) as referenced on the agenda). The motion was**  
6 **unanimously approved by a voice vote (Councilmember Belser absent).**  
7

8 Consent Calendar items approved were as follows:  
9

- 10 1) Approved Community Development Department temporary staffing contract  
11 with Pacific Municipal Consultants
- 12 2) Approved Professional Services Agreement with Moreland Temporary Services  
13 to provide the City of Sausalito with an Interim Finance Director
- 14 3) Accepted the resignation of Rich Fortmann and Dane Faber from the  
15 Sustainability Commission
- 16 4) Received and filed actions taken at the Planning Commission meeting of  
17 January 28, 2009
- 18 5) Adopted Resolution No. 4997 awarding a Purchase Order, in an amount not to  
19 exceed \$27,870, to WR Forde Associates for budgeted minor Public Works  
20 Sewer Repairs
- 21 6) Adopted Resolution No. 4998 approving an Encroachment Agreement for a six  
22 foot retaining wall and an off-set two foot catchment fence at 19 Edwards Ave  
23 to encroach in the public right of way (ADR/EA08-029)
- 24 7) Adopted Resolution No. 4999 approving an Encroachment Agreement to allow  
25 an existing carport at 37-39 Filbert Ave to encroach into the Cazneau Ave  
26 public right-of-way (DR/VA/EA 07-032)
- 27 8) Received and filed minutes taken at the January 15, 2009 Business Advisory  
28 Committee meeting  
29

### 30 **PUBLIC HEARINGS**

31  
32 There were no Public Hearings.  
33

### 34 **BUSINESS ITEMS**

#### 35 36 **6A. Public discussion on the status of the Sausalito Marine property**

37  
38 Mayor Leone advised that over a period of time, Council had received public input on the  
39 Sausalito Marin Property. At the same time, he noted that Council had also continued to  
40 meet in Closed Session to discuss the item. Mayor Leone then laid out the ground rules  
41 for the ensuing public discussion.  
42

43 City Attorney Mary Wagner then presented the staff report, explaining the process that  
44 would be taking place at the Public Auction on February 19.  
45

46 Mayor Leone then opened the meeting up to **Public Comment**.  
47

1 **Ulla Davis** of the Sausalito Marineways Association encouraged the City to purchase  
2 the property and that she would be willing to help support this cause in any way  
3 possible. She noted that their marina is a "way of life" in the City that they love. Ms  
4 Davis added that there would be many benefits to the City if they owned the property.

5  
6 **Sydney Messer** felt the City was using someone else's property to make a fast "buck".

7  
8 **Jacob Chase** indicated that he had been looking into a community garden at this  
9 location. He advised that there are only two community gardens in Marin. Mr. Chase  
10 noted that he would be willing to help establish a garden there.

11  
12 **Clay Presson** noted that he wants to be an active bidder for this property, and that he  
13 was shopping around for the down payment. Mr. Presson noted that he is the owner of  
14 ABC Yachts and wants to manage the marina. Mr. Presson advised that he was willing  
15 to work with the City and present his ideas to the Council.

16  
17 **David Lay** noted that several years back when this property was before the City with  
18 development proposals, he had come up with several ideas on what to do with the  
19 property. Mr. Lay noted that he still has these plans and would like to share them with  
20 the Council.

21  
22 **Jacques Ullman** of the Friends of Dunphy Park noted that the Friends could help the  
23 City coordinate all the groups who are interested in preserving this property. Mr. Ullman  
24 stressed that this is an opportunity that may never happen again.

25  
26 **Lynn Ritter** of Sausalito Marine noted how everyone works together in their little  
27 community. She further noted how they want to make the marina a better place. Ms  
28 Ritter also stressed that this is a very diverse community.

29  
30 **Chuck Donald** supported the comments of Jacques Ullman. He also made note of how  
31 the value of the property is all over the place; noting that the property is worth more with  
32 lots of developments. Mr. Donald suggested that two weeks is too short to put together  
33 a proper proposal. Mr. Donald continued to remind the Council that there was an error  
34 in the Trustee's advertising of the property.

35  
36 **Albert Corners** of Sausalito Marineways stressed that he wants the City to buy the  
37 property so that the residents there will feel like true residents.

38  
39 **Jessica Lord** asked if there had been any contact in order to participate in negotiations  
40 prior to the auction. She stressed she was one hundred percent behind the City in their  
41 efforts to purchase the property. She strongly suggested that the City attempt some  
42 early negotiations.

43  
44 **Rich Arona** agreed that this was a once in a life time opportunity for the City and that  
45 he would be willing to pay some kind of assessment tax in order for the City to obtain the  
46 property.

47  
48 Mayor Leone then explained where the public could find the donation forms.

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**Carolyn Ford** asked if there was any money that was being offered by some of the other agencies who had expressed an interest in this property.

Mayor Leone explained that the City was pursuing all avenues.

**Carol Peltz** read into the record a letter from the Marin Audubon Society.

**Marty Krazny** agreed with many of the comments made earlier. He also felt this was an opportunity that could be appreciated going forward and into future generations.

**Bob Zadeck** advised the Council that there are several tools out there to assist in delaying of the purchase of the property. He noted that he would love to see the City own the property, but advised over overpaying in the heat of the moment.

**Bonnie MacGregor** noted that she has enjoyed hearing everything that had been brought forward tonight.

**Susan Keegin** wanted to say that she is in favor of the purchasing of the property. She highly encouraged the Council to purchase it.

**Alberto Mayer** a new resident of Sausalito noted that he was extremely passionate about the water. He felt that Sausalito Marineways has the opportunity to become another jewel just like Galilee Harbor.

**Pat Zuch** noted how she had been reminded of the purchase of the MLK property, and that this could be a very similar situation. Although the City may not have all the information as to the condition of these buildings, she felt that the existing marina and uses in the existing buildings could pay for the maintenance of the property. She urged the Council to further evaluate the property.

**John Urban** expressed concern about developers coming in and using the waterfront for housing. He fully supported the marina, and not the development of the waterfront.

**Bob Zadeck** returned to the podium to advise that if the City decides to buy the property, that decision could be reversed by selling it. However, if the City were to decide to not purchase the property, then that would not be reversible.

Mayor Leone closed the Public Comment period.

Council discussion followed.

Mayor Leone announced that the Council would be participating in a Closed Session again on Friday at 4:00 pm.

Mayor Leone called for a five minute recess while the Council Chambers cleared.

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1 **6B. Award of Professional Services Contract to Alta Planning for preparation of**  
2 **NMTPP Bridgeway Path Plan – Ferry Landing to Gate 6 Road – con't from**  
3 **1/13/09**  
4

5 Mayor Leone announced that this item had been continued to February 24, 2009.

6  
7 (Councilmember Pfeifer left the dais at 8:32 pm and returned at 8:33 pm.)  
8

9 **6C. Sewer Activity Report – 1) Receive and file activity report; and 2) Adopt**  
10 **resolution authorizing Amendment #2 to the Professional Services**  
11 **Agreement with RMC Water and Environment to appropriate additional**  
12 **funding in order to extend the flow monitoring time period**  
13

14 City Engineer Todd Teachout presented the staff report and PowerPoint presentation on  
15 this item, noting that to-date all tasks had been completed on time.

16  
17 Council questions followed on the activity report.

18  
19 **Public Comment:** There was no Public Comment on this item.  
20

21 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt**  
22 **Resolution No. 5000 approving change Order No.1 to First Amendment to**  
23 **Professional Services Agreement with Sausalito-Marin City Sanitary District and**  
24 **City of Sausalito on one hand and RMC Water and Environment on the other for**  
25 **the Flow Monitoring Program and increasing the total authorized amount for flow**  
26 **monitoring to \$147,508.**  
27

28 **The motion was unanimously approved by a roll call vote:**  
29

30 **AYES:** Kelly, Pfeifer, Weiner, Mayor Leone  
31 **NOES:** None  
32 **ABSENT:** Belser  
33

34 **6D. Adopt resolution approving Alten Constructon Change Order #1 for the**  
35 **Sausalito Public Safety Facilities Project**  
36

37 Loren Umbertis, Project Manager for the Public Safety Facilities Project, presented the  
38 staff report on this item.  
39

40 Council questions followed on the change orders.  
41

42 Pursuant to the Mayor's request for a status update, Mr. Umbertis noted that the project  
43 is about 17% complete, with a one month delay due to the removal of the tanks.  
44

45 **Public Comment:**  
46

1 **Chuck Donald** questioned where the power was coming from for the Fire Department  
2 site. He also noted that the power was currently being installed and asked whether that  
3 would be the permanent service to the Fire building.  
4

5 Mr. Umbertis described where the power was coming from and stressed that it would be  
6 placed underground.  
7

8 **Councilmember Kelly moved, seconded by Councilmember Pfeifer, to adopt**  
9 **Resolution No. 5001 approving and authorizing the City Manager to execute**  
10 **Change Order No. 1 to the agreement with Alten Construction Inc. for Sausalito**  
11 **Public Safety Facilities Project New Construction dated the 6<sup>th</sup> day of October,**  
12 **2008.**  
13

14 **The motion was unanimously approved by a roll call vote:**

15  
16 **AYES: Kelly, Pfeifer, Weiner, Mayor Leone**  
17 **NOES: None**  
18 **ABSENT: Belser**  
19

20 **6E. Receive and file status report regarding status of Parking Lot #1 booth**  
21 **replacement project**  
22

23 Public Works Director Jonathon Goldman presented the staff report on this item.  
24

25 Council questions followed and Mayor Leone reminded the staff of the tree replacement  
26 policy which requires that for every one tree removed, two must be planted.  
27

28 **Public Comment:**  
29

30 **Vicki Nichols**, as a member of the Historic Landmarks Board, reminded everyone that  
31 HLB will be required to look at these plans.  
32

33 Mayor Leone also agreed that the signage should be reviewed by HLB..  
34

35 **F. Receive update on energy audit**  
36

37 Public Works Director Jonathon Goldman presented a verbal update on this item. He  
38 noted some of the items on the energy audit which had been addressed, including: City  
39 Hall boiler replacement, light fixture replacement, and solar cells on City Hall. Mr.  
40 Goldman then went on to describe some of the issues that have arisen with the solar  
41 project. He noted that the City may need to consider a purchasing route, instead of the  
42 tax credit route for the solar project.  
43

44 It was the consensus of the group to have these solar discussions come back in May,  
45 via the Sustainability Commission.  
46

47 Mayor Leone suggested, along with the solar discussions, to come back to Council with  
48 other items in the energy audit that would be easy to tackle.

1  
2 **Public Comment:** There was no Public Comment on this item.  
3

4 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**  
5 **DISCUSSIONS AND COUNCILMEMBER REPORTS**  
6

7  
8 **7A. City Manager Reports**

9 **7A1. City Manager Information for Council**

10  
11 City Manager Adam Politzer reported on: Sausalito Marine Properties; reminder of  
12 MCCMC in Sausalito; All Hands Meeting on February 26; mid-year budget moved to  
13 April; need to appoint to the Code Review Committee; Special City Council meeting on  
14 February 13; and fourth Thursday for Sewer Committee meeting.  
15

16 **7A2. Future Agenda Items**

17  
18 Councilmember Pfeifer indicated that she would like to see Golden Gate Transit invited  
19 to a Council meeting to provide an update on the ferry dock project.  
20

21 Mayor Leone indicated that he would like to agendaize a timeframe proposal for the City  
22 Council to review progress reports from the Waterfront and Marinship Steering  
23 Committee. He also noted that the Council will need to reconstitute the Housing  
24 Element Committee.  
25

26 **Public Comment:**

27  
28 **Vicki Nichols** advised that a WAM workshop was being held in March/April to present  
29 an update to the public.  
30

31 **7B. City Council Reports**

32 **7B2. Council Committee Assignments**

33  
34 Mayor Leone advised that he was continuing to phase in the Council Assignments, and  
35 hoped to complete them soon.  
36

37 Mayor Leone then assigned the following:

38  
39 Belser: alternate for Marin County Transit and Transportation Authority of Marin; Trees  
40 and Views liaison, Code Review, alternate to League of California Cities

41 Weiner: Marin County Transit and Transportation Authority of Marin; Trees and Views  
42 alternate liaison

43 Leone: League of California Cities (and removing himself from the Community Block  
44 Grant  
45

46 **7B1. Appoint two members to the Board of Library Trustees with terms to expire**  
47 **July, 2011**  
48



1 Mayor Leone nominated Myra Berkowitz and Alan Levinson for the voting members of  
2 the Board. He also nominated Robert Gieselman for the alternate position.

3  
4 Mayor Leone then called for additional nominations from the dais.

5  
6 Councilmember Pfeifer nominated Elizabeth Terplan for a voting member position.

7  
8 The voting was as follows:

9  
10 Pfeifer: M Berkowitz / E Terplan and R Gieselman as alternate

11 Weiner: M Berkowitz / R Gieselman and A Levinson as alternate

12 Kelly: R Gieselman / M Berkowitz and A Levinson as alternate

13 Leone: M Berkowitz / A Levinson and R Gieselman as alternate

14  
15 **Having received the required three votes, Myra Berkowitz was appointed to the**  
16 **Board of Library Trustees with her term expiring in July, 2011.**

17  
18 A second round of voting continued for the second voting position and the alternate:

19  
20 Pfeifer: E Terplan and R Gieselman as alternate

21 Weiner: R Gieselman and A Levinson as alternate

22 Leone: A Levinson and R. Gieselman as alternate

23 Kelly: R Gieselman and A Levenson as alternate

24  
25 There being no one candidate receiving the required three votes, the appointments to  
26 the Board of Library Trustees was continued to the following meeting.

27  
28 **7B2. Other reports of significance**

29  
30 There were no Other reports of significance

31  
32 **7B3. Council Committee Reports**

33  
34 Mayor Leone reported on: Marin Clean Energy meeting.

35  
36 Vice Mayor Weiner reported on: TAM meeting; meeting on February 18 with the tour  
37 bike companies and the Police Chief.

38  
39 **ADJOURNMENT**

40  
41 There being no further business, at 10:08 pm the City Council adjourned back into their  
42 Closed Session to continue discussions on the Sausalito Marine Properties. The next  
43 regularly scheduled meeting will be held on February 24, 2009, with the open meeting  
44 due to commence at approximately 7:00 pm.

45  
46 Respectfully submitted,

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Debbie Pagliaro  
Deputy City Clerk

Approved on:

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