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**\*\*DRAFT\*\***  
**MINUTES OF THE**  
**SAUSALITO CITY COUNCIL**  
**REGULAR MEETING**  
  
**TUESDAY, MARCH 24, 2009**

9 **CALL TO ORDER**

10  
11 The meeting was called to order by Mayor Leone at 6:10 p.m.

12  
13 **ROLL CALL**

14  
15 **PRESENT:** Councilmember Pfeifer, Vice Mayor Weiner, Councilmember Belser,  
16 Councilmember Kelly, Mayor Leone

17  
18 (Councilmember Belser participating from a telephonic location as noted)

19  
20 **ABSENT:** None

21  
22 **ANNOUNCEMENT OF CLOSED SESSION ITEMS**

23  
24 Mayor Leone announced, by title, that items D1 through D3 would be discussed in Closed  
25 Session.

26  
27 **Public Comment:** There was no public comment on these items.

28  
29 Council then adjourned to the Conference Room for their Closed Session at 6:12 pm.

30  
31 **The regular meeting reconvened at 7:10 p.m.**

32  
33 **PLEDGE OF ALLEGIANCE**

34  
35 **REPORT ON RESULTS OF CLOSED SESSION ITEMS**

- 36  
37 1. **CONFERENCE WITH LEGAL COUNSEL**– Anticipated Litigation CGC  
38 §54956.9(c)  
39 Initiation of litigation (One potential case)  
40 ***Direction given***  
41  
42 2. **CONFERENCE WITH LEGAL COUNSEL**– Anticipated Litigation CGC  
43 §54956.9(c)  
44 Initiation of litigation (One potential case)  
45 ***Direction given***  
46  
47

1           **3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §  
2           54956.8  
3           Property: MLK Properties, 100 Ebbitide Avenue  
4           Negotiating Parties: Pippa Murray and George Dapsevicius  
5           City Negotiator: City Manager and City Attorney  
6           Under Negotiation: Price and Terms  
7           ***Direction given***

8  
9   **Public Comment on Closed Session Items:** There was no Public Comment on this item.

10  
11   **APPROVAL OF THE AGENDA**

12  
13   Mayor Leone announced that item 4B4 would be continued to their meeting of April 7, 2009.

14  
15   **Mayor Leone moved, seconded by Councilmember Kelly, to approve the agenda as**  
16   **amended. The motion was unanimously approved by a roll call vote:**

17  
18           **AYES:           Councilmembers: Pfeifer, Weiner, Belser, Kelly and Mayor Leone**  
19           **NOES:            Councilmembers: None**  
20           **ABSTAIN:       Councilmembers: None**  
21           **ABSENT:         Councilmembers: None**

22  
23   **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**

24  
25   **A. Announcement from the Mayor on the outcome of Alta Mira**

26  
27   Mayor Leone read, into the record, a statement regarding the Alta Mira settlement. A  
28   synopsis is as follows:

29  
30   "On February 23, 2009, the City of Sausalito entered into a Settlement Agreement with the  
31   Alta Mira Treatment Center and all other related defendants. . . .The Settlement Agreement  
32   provides for many of the same types of conditions of operation that would be obtained  
33   through the conditional use permit process. These types of conditions include: The facility  
34   is limited to 48 registered inpatients at any time; the facility will not be expanded to include  
35   additional buildings; the facility will abide by the City's noise ordinance; the operator must  
36   comply with all applicable laws and obtain all necessary licenses; only licensed services can  
37   be offered at the site; no outpatient services will be provided; City approval is required for  
38   any events that are open to the public; resident patients must be transported to and from the  
39   facility by the operator; a mechanism is established to respond to citizen complaints. . .  
40   Mayor Leone further stated: "Obtaining conditions of operation similar to those that would  
41   have been instituted through the permit process, including limiting the size of the facility, has  
42   been the goal of the City Council throughout this process. The City will continue to work  
43   with the State Assembly and Senate officials to create legislation providing for more  
44   balanced, statewide licensing of treatment facilities that provide for local control of  
45   community impacts, such as Jarred Huffman's bill AB1284 and State Senate bill SBB268."

46  
47   **COMMUNICATIONS**

1 There were no Public Communications.

2  
3 **ACTION MINUTES OF PREVIOUS MEETINGS**

4  
5 Mayor Leone made one correction to the minutes.

6  
7 **Councilmember Kelly moved, seconded by Councilmember Weiner, to approve the**  
8 **minutes of the regular City Council Meeting of February 10, 2009 as corrected. The**  
9 **motion was unanimously approved by a roll call vote:**

10 **AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone**

11 **NOES: Councilmembers: None**

12 **ABSTAIN: Councilmembers: None**

13 **ABSENT: Councilmembers: None**

14  
15 **CONSENT CALENDAR**

16  
17 **Public Comment:** There was no public comment on this item.

18  
19 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve Consent**  
20 **Calendar items 4B1 through 4B3 and 4B5 through 4B7 (item 4B4 being continued to**  
21 **April 7). The motion was unanimously approved by a roll call vote:**

22 **AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone**

23 **NOES: Councilmembers: None**

24 **ABSTAIN: Councilmembers: None**

25 **ABSENT: Councilmembers: None**

26  
27 Consent Calendar items approved were as follows:

- 28  
29 1) Approved disbanding of the Art Commission and Disaster Committee  
30 2) Received and filed minutes taken at the February 12, 2009 Business Advisory  
31 Committee meeting  
32 3) Received and filed minutes taken at the February 4, 2009 Sustainability  
33 Commission meeting  
34 4) *Adopt resolution approving 6<sup>th</sup> amendment to Professional Services Agreement*  
35 *with Glass Architects to provide design services to relocate firefighter pole at the*  
36 *Public Safety Facilities Project (con't to 4/7/09)*  
37 5) Adopted Resolution No. 5011 approving first amendment to Professional Services  
38 Agreement with Noble Consultants to enable plan revisions for the Sausalito Yacht  
39 Harbor Bulkhead project  
40 6) Adopted Resolution No. 5012 approving the MLK leases for Pippa Murray and  
41 George Dapsevicius  
42 7) Proclaimed March 31 as Phil Frank Day

43  
44 **PUBLIC HEARINGS**

45  
46 **5A. On the appeal of the Planning Commission's denial of Subway Restaurant at**  
47 **1907 Bridgeway – CUP/EA 07-008 (Associate Planner Heidi Burns)**

1 Associate Planner Heidi Burns presented the staff report on this item, along with a  
2 PowerPoint presentation. Ms Burns noted that the opposition to this project included: use  
3 of public parking spaces, large truck deliveries, lack of local products used, over-  
4 concentration of Formula Retail uses, and the Formula Retail appearance.

5  
6 Council questions followed regarding the parking.

7  
8 Mayor Leone opened the Public Hearing.

9  
10 **Gerald Needleman**, one of the owners of the building, and also a resident of Sausalito,  
11 began the Public Hearing by indicating that he is interested in maintaining the character of  
12 Sausalito. He briefly rebutted the oppositions that had been raised.

13  
14 **Mary Barter** noted that her biggest concern is increased traffic in the shopping center. She  
15 felt that by changing the City's parking spaces to short term parking would create as much  
16 of a hazard.

17  
18 **Tom Perazzo** noted that there is already a parking problem on the lower half of Easterby.  
19 He expressed concern about taking away the public parking spaces used by the commuters,  
20 and that this would impact the street parking even more in their area. He also felt that the  
21 garbage enclosure was too small for the building.

22  
23 **Steven Choi**, owner of Fred's Coffee Shop, felt that Subway would "kill" his business. He  
24 felt that he could not compete with a large corporation and still survive. Mr. Choi also noted  
25 that Subway serves breakfasts.

26  
27 **Kayla Kahn**, agreed that traffic in this area is terrible. She felt that there had to be an  
28 ordinance that would not allow this project to happen.

29  
30 **Eric Stout** noted that Subway is the second largest franchise in the world. He expressed  
31 concern that this business would create an economic downfall for local business.

32  
33 **Andy Koster** echoed the comments on the traffic concerns. He noted that the parking has  
34 already been impacted by the opening of Saylor's. Mr. Koster explained that he lives in  
35 Sausalito because of the unique character, and Subway would not be able to disguise what  
36 they really are.

37  
38 **Joan Cox** further reiterated actions taken before the Planning Commission.

39  
40 **Bert Damner** indicated that if the owners were willing to "play down" Subway, they could  
41 end up with a good use there, and a lot of people would be willing to walk to that location.

42  
43 **Vicki Nichols** stated that the issue was clearly parking, and she felt strongly about the City  
44 giving away public parking.

45  
46 **Ted Goldberg** felt that traffic was not a problem on Spring Street. He noted that you learn  
47 to live with parking issues. He felt that Subway was trying to be accommodating, and that it  
48 would be a viable business in Sausalito.

1  
2 **Sonja Hansen** reiterated all her previous statements.

3  
4 **Amy Novesky** echoed these statements. She also added that this area is already dirty and  
5 loud.

6  
7 **Ken Niles**, one of the building owners, presented the rebuttals, especially addressing the  
8 parking. He felt that this business would serve Sausalito, and that it was a perfect  
9 opportunity for the entire community. Mr. Niles also noted that because of the re-design of  
10 the signage, you would not see the typical Subway signs. He stressed that by putting a  
11 business in this space would help the economics of Sausalito. Mr. Niles concluded by  
12 stressing to the Council that if they say “no” to this proposal, they are saying “no” to any  
13 restaurant in that location.

14  
15 **Mary Barter** again addressed the Council and noted that the garbage is a public health  
16 hazard.

17  
18 **Kayla Kahn** also readdressed the parking issue, and requested no parking in that area on  
19 Sundays.

20  
21 Mayor Leone closed the Public Hearing.

22  
23 Council comments and discussion followed.

24  
25 **Mayor Leone moved, seconded by Councilmember Pfeifer, to direct the staff to come**  
26 **back with a resolution to deny the appeal and uphold the Planning Commission’s**  
27 **findings of D1, D2, D7 and add D4 and D5. The motion was approved by a roll call**  
28 **vote:**

29 **AYES: Councilmembers: Pfeifer, Belser, and Mayor Leone**

30 **NOES: Councilmembers: Weiner, Kelly**

31 **ABSTAIN: Councilmembers: None**

32 **ABSENT: Councilmembers: None**

33  
34 Councilmember Belser suggested that the issue with the public parking spaces be placed on  
35 a future OMIT agenda.

36  
37 **5B. First reading and introduction, by title only, of an ordinance amending the Title**  
38 **10 (Zoning) of the Municipal Code by adding a new Chapter 10.67 (Hotel-**  
39 **Condominium Conversion Permit); amending Table 10.40-1 regarding parking**  
40 **requirements, amending Section 10.50.040 regarding application filing,**  
41 **amending Section 10.88.040 to add a definition of “hotel”; and amending Title 3**  
42 **(Revenue and Finance) of the Municipal Code to include Hotel-Condominiums in**  
43 **the definition of “Hotel.” (City Attorney Mary Wagner)**

44  
45 City Attorney Mary Wagner presented the staff report on this item, noting that the current  
46 moratorium ends on June 18 and could not be extended again. She also noted that this  
47 draft ordinance had been before the Planning Commission three times and they had  
48 unanimously recommended sending this ordinance to Council for first reading and adoption.

1 Ms Wagner advised that there was a correction needed to the CEQA findings, noting that  
2 the correct section was 15.301 instead of 15.305. She also addressed some typographical  
3 errors that could be found in the current version of the draft ordinance.

4  
5 Council questions followed.

6  
7 **Public Comment:** There was no public comment on this item.

8  
9 **Mayor Leone moved, seconded by Councilmember Kelly, to waive first reading and**  
10 **read by title only, and introduce an ordinance of the City Council of the City of**  
11 **Sausalito amending Title 10 (Zoning Ordinance) to: add a new chapter 10.67 Hotel-**  
12 **Condominium Conversion Permit, amend Table 10,40-1 regarding Parking**  
13 **Requirements, amend Section 10.50.040 regarding Application filing, amend Section**  
14 **10.88.040 to add a Definition of "Hotel", and amend Title 3 (Revenue and Finance) of**  
15 **the Sausalito Municipal Code to include Hotel-Condominiums in the definition of**  
16 **"Hotel". The motion was unanimously approved by a roll call vote:**

17 **AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly and Mayor Leone**

18 **NOES: Councilmembers: None**

19 **ABSTAIN: Councilmembers: None**

20 **ABSENT: Councilmembers: None**

21  
22 **BUSINESS ITEMS**

23  
24 **6A. Monthly status report and discussion on the progress of the Public Safety**  
25 **Facilities Project (Public Works Director Jonathon Goldman and Project Manager**  
26 **Loren Umbertis)**

27  
28 Project Manager Loren Umbertis presented the monthly update to the Council.

29  
30 Council suggested some changes to the format of his report.

31  
32 **Public Comment:** There was no public comment on this item.

33  
34 **6B. CIP Update /Quarterly Public Works Department Update (con't from 3/10/09)**  
35 **(Public Works Director Jonathon Goldman and City Engineer Todd Teachout)**

36  
37 Public Works Director Jonathon Goldman presented the Public Works Quarterly update  
38 through a PowerPoint presentation which included a long list of highlights and  
39 accomplishments. He also spoke about several capital improvement projects.

40  
41 **Public Comment:**

42  
43 **David Lay** complimented the Public Works Director for a job well done!

44  
45 **6C. Adopt resolution awarding a Professional Services Agreement with Royston**  
46 **Hanamoto Alley & Abbey for design and environmental review services for the**  
47 **Non-Motorized Transportation Project - Bridgeway to Ferry Landing**

1 **Improvements, and authorize use of Measure A Funds for said services (City**  
2 **Engineer Todd Teachout)**

3  
4 City Engineer Todd Teachout presented the staff report on this item. He explained that this  
5 project had been awarded a \$200,000 grant. He described the project area as being from  
6 the ferry landing to Anchor, Anchor to Bay along Humboldt Street, and Lot #3/Humboldt to  
7 back to Bridgeway along Bay Street. He further noted that this project would include  
8 signage, lighting and markings.

9  
10 Council discussion followed on the scope of the work.

11  
12 Councilmember Kelly clarified the project, noting that existing pedestrian routes would be  
13 evaluated for aesthetics and functional deficiencies, and that improvements would be  
14 proposed to eliminate these deficiencies. He further described the improvements as  
15 maintenance level reconstruction of sidewalks on Humboldt between Anchor and Bay  
16 Street, including consideration of lighting and accessibility improvements. He concluded his  
17 comments noting that there would be directional signage on Bridgeway along routes  
18 between Bridgeway to give visitors clearer information to get to the Ferry Landing from  
19 Bridgeway and vice versa.

20  
21 Mayor Leone concurred and described the need for these improvements, most especially  
22 noting that there are no crosswalk strippings in this area.

23  
24 There was Council concurrence to take the two paragraphs at the bottom of page three of  
25 the staff report to include: "Existing pedestrian and bicycle routes from the designated areas,  
26 the ferry landing to and including: Bay Street, Bay to Anchor along Humboldt, Bay from  
27 Humboldt to Bridgeway, Anchor from Humboldt to Bridgeway, and Bay to Lot #3, be  
28 evaluated for aesthetic and functional deficiencies. Improvements will be proposed to  
29 eliminate these deficiencies and vetted through the Planning Commission and the City  
30 Council. The most . . . .", with the rest of the language remaining. These two paragraphs  
31 would then be pulled into Section 1, Scope of Work, and referenced back to the task list for  
32 the implementation of the project. It was further suggested that a map be provided that  
33 would give a picture of what it is proposed.

34  
35 **Councilmember Kelly moved, seconded by Councilmember Belser, to approve the**  
36 **contract subject to the changes detailing the scope of the project as noted above, and**  
37 **1) adopt Resolution No. 5013 of the City Council of the City of Sausalito awarding a**  
38 **Professional Services Agreement to and authorizing the City Manager to execute a**  
39 **Professional Services Agreement with Royston Hanamoto Alley & Abbey for design**  
40 **and environmental review services for Non-Motorized Transportation Project –**  
41 **Bridgeway to Ferry Landing Improvements, and 2) Authorize the use of Measure A**  
42 **funds for said Professional Services Agreement with Royston Hanamoto Alley &**  
43 **Abbey. The motion was approved by a roll call vote:**

44 **AYES: Councilmembers: Weiner, Belser, Kelly and Mayor Leone**

45 **NOES: Councilmembers: Pfeifer**

46 **ABSTAIN: Councilmembers: None**

47 **ABSENT: Councilmembers: None**

48

**DRAFT**

1 **6 D. Discussion and direction regarding Sanitary Sewer Fee Study Summary of**  
2 **Draft Findings dated March 16, 2009 (Public Works Director Jonathon Goldman)**

3  
4 Public Works Director Jonathon Goldman presented the staff report on this item. He noted  
5 that the City is compelled to increase sewer fees due to the condition of the infrastructure.  
6 Because of this, Mr. Goldman noted that the City has contracted with an independent  
7 contractor in order to proceed with the sewer fee study and process.

8  
9 Council questions and comments followed.

10  
11 It was the consensus of the Council that there is a strong need for public education and  
12 outreach in order to be successful. They also concluded that the City needs to strategically  
13 plan for the noticing.

14  
15 **Public Comment:** There was no Public Comment on this item.

16  
17 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**  
18 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

19  
20  
21 **7A. City Manager Reports**

22 **7A1. City Manager Information for Council**

23  
24 City Manager Adam Politzer reported on: the strategic planning session being moved to  
25 April 10; MCCMC dinner; All Hands Meeting; budget preparations that have begun; and the  
26 kick off meeting for Fire Consolidation.

27  
28 **7A2. Future Agenda Items**

29  
30 Mayor Leone requested that the next agenda include a discussion on stimulus monies. He  
31 also requested a status on the bus shelters, and City leases, particularly of cell sites.

32  
33 **7B. City Council Reports**

34 **7B1. Other reports of significance**

35  
36 There were no reports of significance.

37  
38 **7B2. Councilmember Committee Reports**

39  
40 Vice Mayor Weiner updated the Council on the bicycles.

41  
42 Mayor Leone reported on the Code Review Committee meeting; RBRA mooring field  
43 update; and the Business Advisory Committee meeting.

44  
45 **ADJOURNMENT**

46  
47 There being no further business, the City Council meeting was adjourned at 11:47 pm. The  
48 next regularly scheduled meeting will be held on April 7, 2009, with the open meeting due to  
49 commence at approximately 7:00 pm.



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Approved on:

Respectfully submitted,

Debbie Pagliaro  
Deputy City Clerk