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

TUESDAY, APRIL 7, 2009

CALL TO ORDER

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

ROLL CALL

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

(Councilmember Belser participating from a telephonic location as noted)

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Leone announced, by title, that items D1 through D4 would be discussed in Closed Session.

Public Comment:

Elizabeth Tippins, attorney for the Rawlings, spoke on their behalf regarding item D4. She encouraged the Council to settle the claim as soon as possible.

Council then adjourned to the Conference Room for their Closed Session at 6:20 pm.

The regular meeting reconvened at 7:07 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **CONFERENCE WITH LEGAL COUNSEL**– Anticipated Litigation CGC §54956.9(c)
Initiation of litigation (One potential case)
Direction given
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: Tidelands adjacent to 40 Alexander Avenue
Negotiating Parties: Maurice and Elizabeth Meyers
City Negotiator: City Manager and City Attorney

1 Under Negotiation: Price and Terms
2 **Direction given**

3
4 **3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
5 54956.8

6 Property: Heath Way
7 Negotiating Parties: Heath Ceramics, Industrial Center Building and Equity Office
8 City Negotiator: City Manager and City Attorney
9 Under Negotiation: Price and Terms
10 **Direction given**

11
12 **4. CONFERENCE WITH LEGAL COUNSEL–** Anticipated Litigation CGC
13 §54956.9(c)
14 Initiation of litigation (One potential case)
15 **Direction given**

16
17 **Public Comment on Closed Session Items:** There was no Public Comment on this item.

18
19 **APPROVAL OF THE AGENDA**

20
21 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the agenda**
22 **as submitted. The motion was unanimously approved by a roll call vote:**

23 **AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly and Mayor Leone**
24 **NOES: Councilmembers: None**
25 **ABSTAIN: Councilmembers: None**
26 **ABSENT: Councilmembers: None**

27
28 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**

29
30 **A. Update from Sybil Boutilier on Commission on Aging activities**

31
32 Sybil Boutilier, the City's representative to the Commission on Aging presented an update
33 on the activities of the Commission. She presented the Council with documents, including
34 "A Report on Services for Older Adults in Marin" and "Marin County Area Plan for Aging
35 2009-2012". In addition, she described a project which was sponsored by the Marin Fire
36 Chief's Association (Vial of L.I.F.E.) and the safe disposal of medicines and sharps.

37
38 **B. By Nancy Hornor on the Marin Headlands – Fort Baker Transportation and**
39 **Infrastructure Management Plan FEIS**

40
41 Nancy Hornor of the National Park Service presented a PowerPoint presentation on the
42 Marin Headlands and Ft. Baker Transportation Infrastructure Management Plan. During her
43 presentation, she pointed out several of the problems associated with the paths and
44 roadways in the Fort Baker area and how the Park Service intended on addressing them.
45 She also explained how they were addressing the issue of bikes coming across the bridge
46 and into the park area.

47
48 **COMMUNICATIONS**

1 **Dee Boskovic** of NT Electric addressed the Council regarding an electrical permit that had
2 been issued in March, along with the many problems that arose after. She asked for
3 Council assistance with respect to these issues in the Building Department.

4
5 **Jeff Chase** spoke about the need for a community garden. He noted an area that he had
6 been looking into was recently graveled over. He asked for Council support and wanted this
7 discussion placed on the next City Council agenda.

8
9 **ACTION MINUTES OF PREVIOUS MEETINGS**

10
11 There were no minutes presented for approval.

12
13 **CONSENT CALENDAR**

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

16
17 For purposes of clarification, City Attorney Mary Wagner noted that the resolution for item
18 4B4 had been corrected and re-distributed to Council.

19
20 **Councilmember Kelly moved, seconded by Councilmember Pfeifer, to approve**
21 **Consent Calendar items 4B1 through 4B11 (so noting the correction to item 4B4).**
22 **The motion was unanimously approved by a roll call vote:**

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

24 **NOES: Councilmembers: None**

25 **ABSTAIN: Councilmembers: None**

26 **ABSENT: Councilmembers: None**

27
28 Consent Calendar items approved were as follows:

- 29
30 1) Accepted the resignation of Amy Chramosta from the Historic Landmarks Board
31 2) Waived further reading and adopted Ordinance No. 1194, an ordinance amending
32 Title 10 and Title 3 regarding Hotel Condominium Conversion and definitions
33 3) Approved Community Development Department temporary staffing contract with
34 Muni Temps
35 4) Adopted Resolution No. 5014 approving the industrial disability retirement of
36 Donald E. MacQuarrie
37 5) Received and filed notes taken at the Sausalito OMIT Committee meeting of March
38 18, 2009
39 6) Received and filed notes taken at the Sausalito Finance Committee meeting of
40 March 16, 2009
41 7) Received and filed notes taken at the Citizen's Oversight Committee meeting of
42 March 19, 2009
43 8) Adopted Resolution No. 5015 authorizing the City Manager enter into agreements
44 with PG&E for combined gas and electrical services for provision of new service to
45 the Public Safety Facilities and to be paid for by the PSF bond funds.
46 9) Adopted Resolution No. 5016 authorizing City Manager to: (a) submit a Financial
47 Assistance Application for a financing agreement from the State Water Resources
48 Control Board for the planning, design, and construction of the Priority Sewer
49 Rehabilitation Projects, (b) certify that the City of Sausalito has and will comply with

1 all applicable state and federal statutory and regulatory requirements related to any
2 financing or financial assistance received from the State Water Resources Control
3 Board, and (c) negotiate and execute a financial assistance agreement from the
4 State Water Resources Control Board and any amendments or change orders
5 thereto and (d) certify financing agreement disbursements on behalf of the City of
6 Sausalito

7 10) Received and filed actions taken at the Planning Commission meeting of March
8 18, 2009

9 11) Approved Community Development Department temporary staffing contract with
10 Public Vision Research, LLC

11
12 **4C - Consent Calendar - con't items**

13
14 1) Adopt resolution upholding the decision of the Planning Commission and deny the
15 appeal of Subway Restaurants (*con't to 4/21/09*)

16
17 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to continue 4C1**
18 **adoption of a resolution upholding the decision of the Planning Commission and**
19 **denying the appeal of Subway Restaurants to April 21, 2009. The motion was**
20 **unanimously approved by a roll call vote:**

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

22 **NOES: Councilmembers: None**

23 **ABSTAIN: Councilmembers: None**

24 **ABSENT: Councilmembers: None**

25
26 **PUBLIC HEARINGS**

27
28 **5A. On the appeal of Planning Commission approval of Chris Henry second story**
29 **offices at 660 Bridgeway (Associate Planner Heidi Burns)**

30
31 Associate Planner Heidi Burns presented the staff report on this item, along with a
32 PowerPoint presentation. She explained to Council the different iterations that this proposal
33 had gone through. Ms Burns concluded her report by going through each of the six points of
34 the appeal.

35
36 **Mike Monsef**, the appellant, also explained his reasons for the appeal. He also went
37 through each of his points of the appeal. Mr. Monsef concluded by stressing the need for a
38 strong vitality in the downtown area.

39
40 **Chris Henry**, the applicant and owner of 660 Bridgeway explained to Council that he had
41 been unable to rent out the upstairs of this building as a restaurant and, therefore, began to
42 pursue other avenues.

43
44 **Richard Burling**, architect for the project, noted how they had gone through different
45 designs for several possible uses. Mr. Burling expressed the most plausible use would be
46 to have four offices in the upstairs space. Mr. Burling then went on to explain that once the
47 use is determined, they would be going back through the design review process for the
48 exterior of the building. He stressed that there would be no façade changes.

1 **Derrick Weller**, attorney for the applicant, agreed that the Planning Commission had made
2 the correct decision and explained their reasons.

3
4 Council questions followed.

5
6 Mayor Leone opened the Public Hearing.

7
8 **Vicki Nichols** spoke as a member of the Historic Landmarks Board and described how and
9 why the votes came forward from HLB.

10
11 **Joan Cox**, a member of the Planning Commission, spoke about the November, 2008
12 Planning Commission meeting since there were no minutes available regarding that
13 meeting.

14
15 **Tom Gangitano** spoke about the uses that would be more beneficial to the town. He asked
16 Council to encourage the hotel use.

17
18 **Chris Hontalas** agreed that it would be better to have a hotel use. He agreed that this was
19 a difficult situation for the property owner, but from a business point of view, he felt that a
20 hotel would be better for the downtown.

21
22 **Sam Jabbar** also agreed that a hotel use would be better for the community. He also
23 agreed that what may be the most viable for the owner, may not be the most beneficial to
24 the local businesses.

25
26 **Peter Sealy** stressed to Council that they need to consider what would be best for the City.
27 He highly advised against an office use.

28
29 Mayor Leone closed the Public Hearing.

30
31 On rebuttal, Mike Monsef simply noted that there must be a reason why there is only a 15%
32 office use in the downtown area.

33
34 On his rebuttal, Chris Henry noted that he would need some leeway for building changes if
35 he was to incorporate a hotel use in the upstairs of this building.

36
37 Council comments and discussion followed regarding the uses, economics and the building.

38
39 **Mayor Leone moved, seconded by Councilmember Pfeifer, uphold the appeal based**
40 **on findings found in Zoning Ordinance Sections 10.44.250 and 10.60.050, as well as**
41 **Land Use Policies of the General Plan Sections 2.0 and 2.2 relating to economic**
42 **diversity and viability. The motion was approved by a roll call vote:**

43 **AYES: Councilmembers: Pfeifer, Weiner, Kelly and Mayor Leone**

44 **NOES: Councilmembers: Belser**

45 **ABSTAIN: Councilmembers: None**

46 **ABSENT: Councilmembers: None**

47
48 **BUSINESS ITEMS**

1 **6A. Quarterly CDD Report / Code Enforcement Update (Community Development**
2 **Director Jeremy Graves)**

3
4 Mayor Leone moved, seconded by Councilmember Kelly, to continue Item 6A,
5 Quarterly CDD Report/Code Enforcement Update, to a date uncertain. The motion
6 was unanimously approved by a roll call vote:

7 **AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly and Mayor Leone**
8 **NOES: Councilmembers: None**
9 **ABSTAIN: Councilmembers: None**
10 **ABSENT: Councilmembers: None**

11
12 At 9:45 pm, Mayor Leone called for a five minute recess.

13
14 At 9:52 pm, the meeting was reconvened.

15
16 **6B. Approve 6th amendment to Professional Services Agreement with Glass**
17 **Architects for the Public Safety Facilities Project (Public Works Director Jonathon**
18 **Goldman/Project Manager Loren Umbertis)**

19
20 Public Works Director Jonathon Goldman presented the staff report on this item, noting that
21 there were several impending design changes needed. Fire Chief Irving was also present to
22 offer clarifications on some of the changes needed.

23
24 Council questions followed.

25
26 **Public Comment:** There was no Public Comment on this item.

27
28 **Councilmember Kelly moved, seconded by Councilmember Belser, to adopt**
29 **Resolution No. 5017 approving the sixth amendment to the Professional Services**
30 **Agreement with Glass Architects for the Public Safety Facilities Project. The motion**
31 **was unanimously approved by a roll call vote:**

32 **AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly and Mayor Leone**
33 **NOES: Councilmembers: None**
34 **ABSTAIN: Councilmembers: None**
35 **ABSENT: Councilmembers: None**

36
37 **6C. Approval of NMTTP Technical Advisory Committee Structure (City Engineer Todd**
38 **Teachout)**

39
40 City Engineer Todd Teachout presented the staff report on this item. He noted that Council
41 had briefly discussed the structure of such a committee at their February 24 meeting. Mr.
42 Teachout advised that he was seeking the direction of the Council so that he could move
43 forward on the projects.

44
45 **Public Comment:**

46
47 **Vicki Nichols** expressed concern over the recommendation that the committee be allowed
48 to conduct business at all scheduled meetings regardless of attendance.

1 Council questions followed.

2
3 **Mayor Leone moved, seconded by Councilmember Kelly to authorize six resident**
4 **members and three non-resident members, removing the recommended requirement**
5 **that “business to occur at all scheduled meetings regardless of attendance”, and that**
6 **the Committee serve two year terms, be consistent with Municipal Code Section 2.58**
7 **regarding city boards and commissions, and that a sunset provision be included.**

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

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

10 **NOES: Councilmembers: None**

11 **ABSTAIN: Councilmembers: None**

12 **ABSENT: Councilmembers: None**

13
14 **6 D. Stimulus discussions, including discussion on state of the local business**
15 **community**

16
17 City Manager Adam Politzer began the presentation reporting on the status of County
18 meetings being held regarding the stimulus funds. Director of Public Works Jonathon
19 Goldman spoke about the possibilities on the availability of stimulus funds for sewer and
20 storm drain projects, transportation, roads, green energy, communications, and COPS
21 funding.

22
23 Councilmember Belser presented concerns for the local businesses and wanted to find
24 ways to support the business community.

25
26 Mayor Leone followed up advising that the Chamber of Commerce had set up a Business
27 Development Subcommittee and has already kicked off a “Buy Local Campaign”. He further
28 advised of other business community projects.

29
30 **Public Comment:** There was no Public Comment on this item.

31
32 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
33 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

34
35
36 **7A. City Manager Reports**

37 **7A1. City Manager Information for Council**

38
39 City Manager Adam Politzer reported on: the strategic plan, Volunteer Event, and the sewer
40 meeting.

41
42 **7A2. Future Agenda Items**

43
44 Council had no comment.

45
46 Jeff Chase, from the audience, requested that Council agendaize his community garden
47 discussions for the next meeting.

48
49 **7B. City Council Reports**

50 **7B2. Other reports of significance**

1
2 There were no reports of significance.

3
4 **7B3. Councilmember Committee Reports**

5
6 Vice Mayor Weiner updated the Council on the bicycle plan which included signage and
7 parking.

8
9 **7B1. Appoint two members to unexpired terms on the Historic Landmarks Board**

10
11 Mayor Leone nominated Morgan Pierce to fill the term expiring July, 2010 and Allan Nichol
12 to fill the term expiring July, 2011.

13
14 Councilmember Pfeifer nominated Denina Frederickson to fill the term expiring July, 2011.

15
16 Councilmember Belser indicated that she would be abstaining from these appointments, as
17 she had not participated in the interviews.

18
19 There being no further nominations, the vote to appoint was as follows:

20
21 Councilmember Pfeifer: Frederickson - 7/11 / Pierce - 7/10

22 Vice Mayor Weiner: Nichol - 7/11 / Pierce - 7/10

23 Councilmember Kelly: Nichol - 7/11 / Pierce - 7/10

24 Mayor Leone: Nichol - 7/11 / Pierce - 7/10

25 *Councilmember Belser: Abstaining*

26
27 **Morgan Pierce, having received at least the minimum of three required votes, was**
28 **appointed to an unexpired term on the Historic Landmarks Board with his term**
29 **expiring in July, 2010. Allan Nichol, having received the minimum of three required**
30 **votes, was appointed to an unexpired term on the Historic Landmarks Board with his**
31 **term expiring in July, 2011.**

32
33 **ADJOURNMENT**

34
35 There being no further business, the City Council meeting was adjourned at 11:35 pm. The
36 next regularly scheduled meeting will be held on April 21, 2009, with the open meeting due
37 to commence at approximately 7:00 pm.

38
39 Respectfully submitted,

40
41
42 Debbie Pagliaro
43 Deputy City Clerk

44 Approved on: