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

TUESDAY, MAY 5, 2009

CALL TO ORDER

The meeting was called to order by Mayor Leone at 5:35 p.m.

ROLL CALL

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

(Vice Mayor Weiner arriving during the Closed Session deliberations)

(Councilmember Belser participating from an electronic location)

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Leone announced, by title, that items D1 through D6 would be discussed in Closed Session.

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

Council then adjourned to the Conference Room for their Closed Session at 5:37 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**– 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
Under Negotiation: Price and Terms
Direction given

3B
6-9-09
1

- 1
2 **3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
3 54956.8
4 Property: Heath Way
5 Negotiating Parties: Heath Ceramics, Industrial Center Building and Equity Office
6 City Negotiator: City Manager and City Attorney
7 Under Negotiation: Price and Terms
8 ***Direction given***
9
- 10 **4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
11 54956.8
12 Property: MLK Properties
13 Negotiating Parties: The Marin School, New Village School
14 City Negotiator: City Manager and City Attorney
15 Under Negotiation: Price and Terms
16 ***Direction given***
17
- 18 **5. CONFERENCE WITH LEGAL COUNSEL**– Anticipated Litigation CGC
19 §54956.9(c)
20 Initiation of litigation (One potential case)
21 ***Direction given***
22
- 23 **6. CONFERENCE WITH LABOR NEGOTIATORS** pursuant to CGC § 54957.6
24 Agency Negotiator: City Manager
25 Employee Organizations: Sausalito Firefighters IAFF Local 1775, Sausalito Police
26 Association, Management and Unrepresented
27 ***Direction given***
28

29 **Public Comment on Closed Session Items:** There were no Public Comments.

30
31 **APPROVAL OF THE AGENDA**
32

33 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the agenda**
34 **as submitted. The motion was unanimously approved by a voice vote.**
35

36 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**
37

38 **1A. Introduction of newly promoted Captain Robert DeLong of the Sausalito Fire**
39 **Department**
40

41 Interim Fire Chief Jim Irving presided over the introduction and pinning ceremony for
42 Captain Robert DeLong.
43

44 **COMMUNICATIONS**
45

46 **John Ferrell** spoke about the affects of bicycles being ridden in Sausalito. He also voiced
47 concern about the aesthetics of the bike racks in the plaza area fronting the Bank of
48 America.
49

1 **Pat Zuch** spoke about the Housing Element Committee and asked that the Council consider
2 appointing one member from each neighborhood.

3
4 **Alice Merrill** spoke about the lack of enforcement on permits for businesses. She
5 encouraged the Council to consider a full time code enforcement person.

6
7 **ACTION MINUTES OF PREVIOUS MEETINGS**

8
9 **3A. Approval of minutes from the regular meeting of March 10, 2009**

10 **3B. Approval of minutes from the regular meeting of March 24, 2009**

11
12 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the**
13 **minutes of the regular meetings of March 10 and March 24, 2009 as submitted. The**
14 **motion was unanimously approved by a voice vote.**

15
16 **CONSENT CALENDAR**

17
18 **Public Comment:** There was no Public Comment on this item.

19
20 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve Consent**
21 **Calendar items 4B1 through 4B6 as submitted. The motion was unanimously**
22 **approved by a voice vote.**

23
24 Consent Calendar items approved were as follows:

- 25
26 1) Received and filed notes taken at the Business Advisory Board meetings of
27 February 26 and March 19, 2009
28 2) Awarded contract for the codification of the City of Sausalito Municipal Code
29 3) Adopted Resolution No. 5024 approving a Professional Services Contract with
30 Prunuske Chatham, Inc. for Environmental Compliance, Permitting and
31 Consultation Services for Priority Sewer Projects.
32 4) Adopted Resolution No. 5025 approving a Professional Services Contract with
33 Swinerton Management & consulting for Pre-Program / Pre-Construction
34 Management Services for Priority Sewer Projects
35 5) Adopted Resolution No. 5026 approving a Professional Services Contract with
36 Towill, Inc, for Topographic Terrain Analysis Services for Priority Sewer Projects
37 6) Approved Planning Commission recommendation to appoint Eric Stout to the
38 Undergrounding Committee

39
40 **PUBLIC HEARINGS**

41
42 **5A. Review and approval of exception to Marinship Specific Plan for additional**
43 **seating at Fish Restaurant, 350 Harbor Drive (*Associate Planner Lilly Schinsing*)**

44
45 Associate Planner Lilly Schinsing presented the staff report on this item. She described the
46 history on the project which included three CUP's, one amendment to the Zoning Ordinance
47 and one exception to the Marinship Specific Plan. Ms Schinsing then addressed how the
48 five findings could be approved.
49

1 **William Ziegler**, attorney for the owner of Fish Restaurant, presented seven reasons why
2 the request should be granted. He explained that the two previous hearings before the
3 Planning Commission had been approved. Mr. Ziegler noted that the process for this
4 project had begun in 2006. He explained that the process was tough, but thorough, and yet
5 a good process.
6

7 **Kenny Belou**, owner of the Fish Restaurant, explained that his restaurant is a community
8 driven place; a place to feel at home and to learn. He stressed to Council that they want to
9 stay, but they need leniency from the Council for seating.
10

11 Council questions followed.
12

13 **Mayor Leone opened the Public Hearing.**
14

15 **John Dervan** expressed major concern over this project. He claimed that the owner has
16 been non-responsive to oil spills created by the restaurant, and to air pollution from smoke
17 created by the restaurant.
18

19 **Chuck Donald** indicated that there were good aspects to the proposal before Council;
20 however, he was very concerned about the approval being retroactive.
21

22 **Vicki Nichols** noted that the Marinship Specific Plan intended to encourage local fishermen;
23 however, she was concerned about this possible approval being precedent setting because
24 of the retroactive side of the project.
25

26 **Alice Merrill** voiced concern over the fact that there had been no enforcement when the
27 illegal seats were originally placed there. She also agreed with the two previous speakers.
28

29 **Carol Peltz** was concerned that approvals go with the property and that this would then be
30 precedent setting. She questioned where the City's code enforcement program is. She also
31 added that the definition of "minor" needs to be clarified.
32

33 **John Ferrell** asked who had the authority to enforce these violations.
34

35 **John Dervan** returned to the podium to question whether Council had already made up
36 their minds in approving the project.
37

38 **Kenny Belou** offered a brief rebuttal.
39

40 **Mayor Leone closed the Public Hearing.**
41

42 Council comments followed.
43

44 **Mayor Leone moved, seconded by Councilmember Pfeifer, to deny an**
45 **exception to the Marinship Specific Plan for Fish Restaurant and directed staff**
46 **to return with a resolution of denial for an increase in the number of seats,**
47 **citing General Plan Land Use Policy 4.2 and Zoning Ordinance Sections**

1 10.28.050.A.3, 4, and 5. The motion was unanimously approved by a roll call
2 vote:

3 AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly and Mayor Leone
4 NOES: Councilmembers: None
5 ABSTAIN: Councilmembers: None
6 ABSENT: Councilmembers: None
7

8 **BUSINESS ITEMS**
9

10 **6A. Policy proposal for Artist's rent at MLK / Update on MLK occupancy rate**
11

12 Mayor Leone introduced this item, along with the introduction of Sonja Hansen who has
13 been managing the MLK properties for the past several years. He further advised how the
14 City is attempting to promote artists in renting this property with a proposed differentiated
15 rate. Ms Hansen then read the proposed policy into the record.
16

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

19 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt the policy as**
20 **submitted. The motion was 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 **6B. Update on development of a 3-yr vegetation management plan (Fire Captain Cary**
27 **Gloeckner)**
28

29 Captain Cary Gloeckner presented the update on the development of a vegetation
30 management program. Captain Gloeckner supported his presentation through a
31 PowerPoint presentation. He emphasized that recommendations made by the Council
32 would be the controlling factor on development of such a vegetation management plan.
33

34 Council questions followed.
35

36 **Public Comment:** There was no Public Comment on this item.
37

38 At 9:45 p.m., Mayor Leone recessed the meeting for a five minute break.
39

40 At 9:52 p.m., Mayor Leone reconvened the meeting.
41

42 **6C. Discussion on Priority Calendar items (City Manager Adam Politzer)**
43

44 City Manager Adam Politzer presented the staff report on this item. He presented the
45 background on this project and described the process that Council will be taking.
46

47 **Public Comment:**
48

1 **Vicki Nichols**, speaking on behalf of the Historic Landmarks Board, requested that the
2 Council continue funding the Historic Guidelines item.

3
4 Council discussion followed on adding items to the list and/or removing them. Council
5 ended up with a list of 49 items to determine how to prioritize.

6
7 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to continue this item**
8 **to May 26, 2009. 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 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
15 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

16
17
18 **7A. City Manager Reports**

19 **7A1. City Manager Information for Council**

20
21 City Manager Adam Politzer reported on: Memorial services for Sergeant Embley and the
22 Board of Supervisors adjourning in his memory; budget meetings with the Department
23 Heads and the Finance Committee; Council meeting dates for May and June; Woman's
24 Club Blood Drive; and Council protocols.

25
26 **7A2. Future Agenda Items**

27
28 Councilmember Pfeifer initiated a brief discussion on the Fish application that was currently
29 before the Planning Commission. City Attorney Mary Wagner advised that the application
30 before the Planning Commission was separate from the one heard earlier in the evening
31 and had no bearings on the decision made tonight.

32
33 There were no other discussions for future agendas.

34
35 **7B. City Council Reports**

36 **7B1. Other reports of significance**

37
38 There were no reports of significance.

39
40 **7B2. Councilmember Committee Reports**

41
42 Mayor Leone reported on: the need to find applicants for the Business Advisory Committee,
43 Disaster Committee and the Bond Oversight Committee. (Councilmember Belser also
44 added that the charge for the new Disaster Committee would need to be clarified.) Mayor
45 Leone also announced that he had been appointed to the League of California Cities
46 Northbay Executive Committee.

47
48 Councilmember Belser requested that the Council adjourn tonight's meeting in memory of
49 Sergeant Michael Embley.

1 **ADJOURNMENT**

2
3 There being no further business, the City Council meeting was adjourned in memory of
4 Sergeant Embley at 11:18 pm. The next regularly scheduled meeting will be held on May
5 26, 2009, with the open meeting due to commence at approximately 7:00 pm.
6

7 Respectfully submitted,

8
9
10 Debbie Pagliaro
11 Deputy City Clerk

12 Approved on: