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

TUESDAY, JULY 7, 2009

CALL TO ORDER

The meeting was called to order by Mayor Leone at 6:02 p.m.

ROLL CALL

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

ABSENT: None

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 Closed Session items.

Council then adjourned to the Conference Room for their Closed Session at 6:04 pm.

The regular meeting reconvened at 7:08 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to CGC §54957
Title: City Manager
Mayor Leone advised that this item was not discussed, that it was on the agenda in error
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: MLK Properties, 100 Ebbtide Avenue
Negotiating Parties: John Donovan, Gary Ferber, John Lund, David Maisel, New Village School
City Negotiator: City Manager and City Attorney
Under Negotiation: Price and Terms
Direction given

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

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9-1-09
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2 **APPROVAL OF THE AGENDA**

3
4 Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the agenda
5 as submitted. The motion was unanimously approved by a voice vote.
6

7 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**

8
9 There were no Special Presentations.

10
11 **COMMUNICATIONS**

12
13 There were no Public Communications.

14
15 **ACTION MINUTES OF PREVIOUS MEETINGS**

16
17 There were no Minutes.

18
19 **CONSENT CALENDAR**

20
21 Mayor Leone clarified that item 4B2 regarding the renegotiations of the leases at MLK
22 included rent reductions and would be extended through December 31, 2009.

23
24 **Public Comment:** There was no Public Comment on this item.

25
26 Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve Consent
27 Calendar items 4B1 and 4B2, amending 4B2 to include that the rent reduction would
28 be extended through December 31, 2009. The motion was unanimously approved by
29 a voice vote.

30
31 Consent Calendar items approved were as follows:

- 32
33 1) Accepted the resignation of Allan Nichol from the Historic Landmarks Board
34 2) Adopted Resolution No. 5043 approving amendments to leases at MLK, including:
35 John Donovan, Gary Ferber, John Lund and David Maisel (con't from 6/30/09)
36

37
38 **PUBLIC HEARINGS**

39
40 **5A. Introduction and First Reading, Reading by Title Only, an Ordinance Amending**
41 **Title 10 of the Sausalito Municipal Code to Add a New Section 10.54.100**
42 **regarding Construction Time Limits and to Modify Sections 10.54.040, 10.54.050**
43 **and 10.62 regarding Effectiveness of Certain Permits – ZOA 09-002 (Community**
44 **Development Director Jeremy Graves)**

45
46 City Attorney Mary Wagner presented the staff report on this item. She explained the
47 suggested time limitations (completion of project) would be based on the value of the
48 project. Thus, projects valued up to \$100,000 should be completed within nine months;

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2

1 projects valued from \$100,001 to \$500,000 should be completed within twelve months; and
2 projects valued over \$500,000 should be completed within eighteen months.

3
4 Ms Wagner then described the suggested penalties as \$400 per day (maximum \$24,000
5 during first 60-day period) for projects extending over the limit for 60 days; \$600 per day
6 (maximum \$36,000 during this 60-day period) for projects extending over the limit from the
7 61st day through the 120th day; and \$800 per day (to a maximum of the lesser of 10% of the
8 project value or \$200,000) for those projects extending over 121 days and thereafter.

9
10 Council questions followed.

11
12 **Public Comment:**

13
14 **Chuck Donald** noted that the City would never get around all of these problems, but he
15 thought this was a good start. He also felt very strongly that the property owner should be
16 the one assessed with the penalties.

17
18 **Michael Rex** spoke on several issues. He addressed concerns about the construction
19 duration, appeal process and discretionary reviews.

20
21 There being no additional public comment, Mayor Leone closed the public hearing.

22
23 Council then went through suggested changes to the draft ordinance which the Planning
24 Commission would need to reconsider.

25
26 It was the consensus of the Council to return the draft ordinance to the Planning
27 Commission in order to review Council's suggested changes.

28
29 **BUSINESS ITEMS**

30
31 **6A. Monthly Public Safety Facilities Project Update** (*Director of Public Works Jonathon*
32 *Goldman, Project Manager Loren Umbertis*)

33
34
35 Project Manager Loren Umbertis presented an update on the Public Safety Facilities
36 Project. He noted that with regards to completion, the project was approximately 50% of
37 time complete and 35% of dollars spent. Mr. Umbertis further noted that the detention area
38 was currently under design by Glass Architects, and that they would return on July 21 to
39 address the associated change orders.

40
41 **Public Comment:**

42
43 **Pat Zuch** suggested that the community needs to be kept more informed in what is
44 happening with this project and suggested using the In the Loop for updates.

45
46 When asked by the Mayor, Mr. Umbertis noted that the anticipated construction completion
47 date would be sometime in February 2010.

1 **6B. Appointment of a designated representative and two alternates to the Marin**
2 **Emergency Radio Authority Board of Directors** (*Police Captain John Rohrbacher*)
3
4

5 Police Captain John Rohrbacher gave a brief overview of the staff report. He noted that
6 staff was suggesting that a Councilmember be named as the designated representative and
7 that Chief Paulin and Captain Rohrbacher be named as alternates.
8

9 **Public Comment:** There was no Public Comment on this item.
10

11 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt Resolution**
12 **No. 5044 appointing Jonathan Leone as the designated representative and Chief**
13 **Paulin and Captain Rohrbacher as the alternates to the Marin Emergency Radio**
14 **Authority (MERA) Board of Directors. The motion was unanimously approved by a**
15 **voice vote.**
16

17 **6C. Amendments to the Master Fee Schedule; including proposed fee changes for**
18 **Parks and Recreation, Library and Police** (*Parks and Recreation Director Mike*
19 *Langford*)
20
21

22 Parks and Recreation Director Mike Langford presented the staff report on this item. He
23 reviewed the changes in fees and explained why staff was recommending the changes.
24

25 Council questions followed.
26

27 **Public Comment:** There was no Public Comment on this item.
28

29 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt Resolution**
30 **No. 5045 approving the Master Fee Schedule for changes in fees in the Parks and**
31 **Recreation Department, the Police Department/Parking Division and the Library. The**
32 **motion was unanimously approved by a voice vote.**
33

34 **6D Discussion on Closed Session Reporting** (*City Attorney Mary Wagner*)
35

36 City Attorney Mary Wagner presented the staff report on this item. She quoted from the
37 Section 54950 of the California Government Code, or more commonly known as "The Brown
38 Act", explaining the limitations on what can be discussed during Closed Sessions. She then
39 explained what is required to be reported out following the Closed Session, quoting several
40 Government Code Sections.
41

42 **Public Comment:**
43

44 **Carolyn Ford**, spoke, representing Sausalito Environmental Action (SEA). She noted the
45 petition being circulated by SEA and that they had over 500 signatures stressing a need for
46 "open government". Ms Ford advised that SEA has two questions for Council: 1) Can the
47 City Council vote to disclose this information after a period of time has passed; and 2) Can
48 that discussion take place in an open session.
49

1 City Attorney Mary Wagner responded by, again, indicating that the information is
2 confidential until Council votes to disclose it; and thus the discussion must first take place in
3 Closed Session before releasing any information in an open session.

4
5 Council questions followed with extensive discussion on what constitutes a "final action".

6
7 At the request of the public, Mayor Leone re-opened the Public Comment period.

8
9 **Pat Zuch** related this situation to the MLK public hearings that were held to discuss that
10 purchase. She noted that following the public hearings, Council then went into Closed
11 Session to finalize the purchase. In the recent situation of the Council, Ms Zuch felt that
12 Council went into Closed Session to discuss whether or not to purchase the property. She
13 also suggested that Council could disclose anything they want.

14
15 Council discussion continued.

16
17 Suggested actions included: Council reconsideration of the confidentiality and nature of the
18 Closed Session; determine whether to release the confidential actions in open or closed
19 session; and consider reviewing the San Francisco and San Jose Sunshine Guidelines for
20 relevancy for possible incorporation into a Sausalito policy.

21
22 **6E. Accept Street Repair List for the 2009-2010 Fiscal Year Work Plan (City**
23 **Engineer Todd Teachout)**

24
25 City Engineer Todd Teachout presented the staff report on this item. He presented the
26 Council with a list of streets for inclusion in the 2009-10 Work Plan. Mr. Teachout noted that
27 the 2006 list of street repairs had been completed and that the 2007 list had been
28 incorporated into the 2008 list, and were now included in the new Work Plan.

29
30 At 9:58 pm Councilmember Kelly left the dais.

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

33
34 Mayor Leone suggested to the City Engineer that the list of street repairs be placed on the
35 website where the residents will be able to review it.

36
37 At 10:01 pm Councilmember Kelly returned to the dais.

38
39 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to accept the 2009/10**
40 **Street Repair List Plan. The motion was unanimously approved by a voice vote.**

41
42 **6F. Guidelines for the Placement of Surface Mounted Utility Facilities in the Public**
43 **Right of Way (City Engineer Todd Teachout)**

44
45 City Engineer Todd Teachout presented the staff report on this item. He noted that the
46 guidelines before Council were based on the guidelines adopted by the Town of Fairfax

47
48 **Public Comment:**

1 **Chuck Donald** advised the Council that a franchise agreement for PG&E does not exist.
2 He also advised that PG&E has been told to remove their high voltage towers from GGNRA
3 properties. He further suggested that staff may want to check on some of the larger poles
4 that have heavy transformers on them because they may not be seismically safe.

5
6 **Mayor Leone moved, seconded by Councilmember Kelly, to adopt Resolution No.**
7 **5046 approving guidelines for the placement of surface-mounted utility facilities in**
8 **the public right-of-way. The motion was unanimously approved by a voice vote.**
9

10 Mayor Leone directed the City Attorney to look into the franchise agreement issue.

11
12 Councilmember Pfeifer asked staff to have PG&E secure a neutral, third party to evaluate
13 the seismic safety of large poles in Sausalito.

14
15 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
16 **DISCUSSIONS AND COUNCILMEMBER REPORTS**
17
18

19 **7A. City Manager Reports**

20 **7A1. City Manager Information for Council**

21
22 City Manager Adam Politzer reported on: upcoming retirement party for Captain
23 MacQuarrie; rescheduling OMIT to the 13th; and a reminder that the last meeting before the
24 summer break would be July 21.

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

27
28 There were no discussions on future agenda items.

29
30 **7B. City Council Reports**

31 **7B1. a) Appoint one member to the Historic Landmarks Board (to fill the unexpired**
32 **term ending July, 2011) and to reappoint one position**

33 **b) Appoint three members to the Sustainability Commission (to fill two**
34 **unexpired terms ending Feb., 2012 and one ending Feb., 2011) and to**
35 **reappoint three positions**
36

37 Mayor Leone nominated Bradford Paul for reappointment to the Historic Landmarks Board.

38
39 There being no other nominations, Mr. Paul was, by acclamation, unanimously reappointed
40 to the Historic Landmarks Board with a term to expire in July, 2011.

41
42 Mayor Leone advised that the second appointment for the Historic Landmarks Board would
43 be continued.

44
45 Mayor Leone nominated Sue Currier and Bill Ring for reappointment to the Sustainability
46 Commission.

47
48 There being no other nominations, Ms Currier and Mr. Ring were, by acclamation,
49 unanimously reappointed to the Sustainability Commission with terms expiring in February,
50 2012.

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Mayor Leone advised that the additional appointments would be continued to a date uncertain.

Public Comment: There was no Public Comment on this item.

7B2. Council Committee Assignments

In continuing to fill the Committee Assignments left vacant by Amy Belser, Mayor Leone appointed Vice Mayor Weiner as the City's lead member on TAM. Mayor Leone also appointed Councilmember Kelly to serve on the Hospitality Business Development Plan Advisory Committee.

7B3. Other reports of significance

There were no other reports of significance.

7B4. Councilmember Committee Reports

There were no Council Committee Reports.

ADJOURNMENT

There being no further business, the City Council meeting was adjourned at 10:26 pm. The next regularly scheduled meeting will be held on July 21, 2009, with the open meeting due to commence at approximately 7:00 pm.

Respectfully submitted,

Debbie Pagliaro
City Clerk

Approved on:

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