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

**TUESDAY, JULY 21, 2009**

**CALL TO ORDER**

The meeting was called to order by Vice Mayor Weiner at 5:58 p.m.

**ROLL CALL**

**PRESENT:** Councilmember Pfeifer, Vice Mayor Weiner, Councilmember Kelly, Mayor Leone (arriving late)

**ABSENT:** None

**ANNOUNCEMENT OF CLOSED SESSION ITEMS**

Vice Mayor Weiner announced, by title, that items D1 through D7 would be discussed in Closed Session.

**Public Comment:**

**Chuck Donald** spoke on item D2, noting his concern about an error in the property description.

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

**The regular meeting reconvened at 7:10 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: 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: Bridgeway Marine Corporation

1 City Negotiator: City Manager and City Attorney  
2 Under Negotiation: Price and Terms

3 ***Direction given***  
4

- 5 **3. CONFERENCE WITH LEGAL COUNSEL**– Existing litigation CGC §54956.9(a)  
6 Name of Case: Friedel v. Sausalito; MCSC Case No. CIV085785

7 ***Direction given***  
8

- 9 **4. CONFERENCE WITH LEGAL COUNSEL**– Existing litigation CGC §54956.9(a)  
10 Name of Case: Zacks v. Sausalito; MCSC Case No. CIV050995

11 ***Direction given***  
12

- 13 **5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC  
14 §54956.8

15 Property: MLK Properties, 100 Ebbtide Avenue  
16 Negotiating Parties: New Village School, The Marin School  
17 City Negotiator: City Manager and City Attorney  
18 Under Negotiation: Price and Terms

19 ***Direction given***  
20

- 21 **6. CONFERENCE WITH LEGAL COUNSEL**– Existing litigation CGC §54956.9(a)  
22 Name of Case: Styger v. Sausalito; MCSC Case No. CIV083980

23 ***Direction given***  
24

- 25 **7. CONFERENCE WITH LABOR NEGOTIATORS** pursuant to CGC § 54957.6

26 Agency Negotiator: City Manager  
27 Employee Organizations: Sausalito Firefighters IAFF Local 1775, Sausalito Police  
28 Association

29 ***Direction given***  
30

31 **Public Comment on Closed Session Items:**  
32

33 **Chuck Donald** repeated his earlier comments for the benefit of the Mayor who was absent  
34 at the time he first offered Public Comments on item D2.  
35

36 **APPROVAL OF THE AGENDA**  
37

38 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the agenda**  
39 **as submitted. The motion was unanimously approved by a voice vote.**  
40

41 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**  
42

43 **1A. Presentation by Elissa Giambastiani of the League of Women Voters re:**  
44 **Campaign Reform**  
45

46 Elissa Giambastiani of the League of Women Voters spoke about campaign reform. She  
47 noted that the League of Women Voters is concerned about negative campaigning and that  
48 there needs to be a change in the climate of elections. She advised that it is the objective of  
49 the League of Women Voters to create transparency so that voters will know where the

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1 funding of campaigns is coming from. Ms Giambastiani noted that they are asking all cities  
2 and towns to adopt an ordinance similar to what the County of Marin had adopted in June.

3  
4 **COMMUNICATIONS**

5  
6 There were no Public Communications.

7  
8 **ACTION MINUTES OF PREVIOUS MEETINGS**

9  
10 There were no Minutes.

11  
12 **CONSENT CALENDAR**

13  
14  
15 **Public Comment:**

16  
17 **AT Lynne**, Chair of the Underground Committee, noted that there was a misstatement in  
18 item 4B4 and would like to see that item return to their Committee for correction.

19  
20 Mayor Leone agreed and advised that item 4B4 would be continued to a date uncertain.

21  
22 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve Consent**  
23 **Calendar items 4B1 through 4B3 and 4B5 through 4B14, noting that item 4B4 would**  
24 **be continued to a date uncertain. The motion was unanimously approved by a voice**  
25 **vote.**

26  
27 Consent Calendar items approved were as follows:

- 28  
29 1) Approved suggested responses to the Grand Jury report entitled "Marin's  
30 homeless" The 'invisible' problem that won't disappear"  
31 2) Approved suggested responses to the Grand Jury report entitled "Saving Marin's  
32 Major Crimes Task Force"  
33 3) Approved printing services agreement, and authorized the City Manager to sign the  
34 agreement with Folger Graphics for the City Magazine  
35 4) *Approve Revised Utility Undergrounding Guidelines (con't to date uncertain)*  
36 5) Adopted Resolution No. 5047 approving a Race Conscious Disadvantaged  
37 Business Enterprise (DBE) Program for use with Federally Funded Transportation  
38 Projects  
39 6) Adopted Resolution No. 5048 authorizing Amendment No 4 to Consultant Services  
40 Agreement with West Yost Associates for preparation of bid documents for the  
41 Priority 1 Sewer Repair Projects  
42 7) Adopted Resolution No. 5049 awarding a purchase order to W.R. Forde  
43 Associates for budgeted Minor Public Work Sewer Repairs  
44 8) Received and filed minutes taken at the Sausalito Sustainability Commission  
45 meeting of June 11, 2009  
46 9) Received and filed resignation of Peg Copple from the Business Advisory  
47 Committee  
48 10) Authorized the appropriation of \$29,170.11 from the Vehicle Replacement Fund for  
49 the purchase of a Ford Fusion Hybrid vehicle for the Police Department

- 1 11) Approved the revised temporary parking management plan with the Sausalito  
2 Yacht Club  
3 12) Authorized the Director of Administrative Services/Treasurer to enter into  
4 negotiations for renewal of the parking citation process agreement with the City of  
5 Inglewood  
6 13) Approved Resolution No. 5050 revising the resolution establishing the authorized  
7 staffing levels and salary ranges for all permanent and temporary positions for  
8 FY2009-10  
9 14) Adopted Resolution No. 5051 approving first amendment to a lease at MLK for The  
10 New Village School

11  
12 **PUBLIC HEARINGS**

13  
14 **5A. Appeal of the Planning Commission approval of a Design Review Permit (DR08-**  
15 **002) for an addition to one duplex unit located at 600 Locust Street (Associate Planner**  
16 **Lilly Schinsing)**

17  
18 Associate Planner Lilly Schinsing presented the Staff Report on this item. She explained  
19 the process that the applicant had been through in order to obtain approval of the project.

20  
21 Council disclosed their Ex Parte communications.

22  
23 Mayor Leone opened the public hearing. Because a member of the public needed to leave  
24 and wanted to speak on the project, she was allowed to present her views prior to the  
25 appellant.

26  
27 **Betty Leaskou** noted that she had not received any notices regarding this project; however,  
28 her tenants had and they had signed off on the approval being presented. Ms Leaskou did  
29 not feel that tenants had the right to make such decisions. Ms Leaskou also voiced concern  
30 that this was a safety issue because of the blind corner. Lastly, Ms Leaskou felt that an oak  
31 tree being planted in this area was unacceptable.

32  
33 **Robert Beifuss**, the appellant and owner of nearby property, presented pictures regarding  
34 the privacy issues. Mr. Beifuss objected to a wrap-around deck because this would create  
35 many directional views into the windows of his property. He also noted that he will be losing  
36 1-1/2 to 2 hours of winter sun with the proposed roofline. Mr. Beifuss explained that he had  
37 offered a solution with regard to a trellis, but now he was more concerned about the loss of  
38 sunlight. Mr. Beifuss continued to present visuals of his concerns regarding the deck.

39  
40 **Don Olsen**, representing the applicant/owner, explained the landscaping that had been  
41 proposed to assist in the privacy issued. He also explained how the rounded deck is less  
42 massive than an angular deck. Mr. Olsen also noted that they have already pulled back the  
43 dining room area and are willing to change exterior finishes and landscaping if necessary.

44  
45 **Vanya Akraboff**, the property owner, added that she had gone door-to-door to talk about  
46 the project. She also explained how she has addressed the issues of the appellant. Ms  
47 Akraboff noted that over the last two years, she has worked with the neighbors in order to  
48 appease them.

1 **Betty Leaskou** returned to the dais to challenge some of the privacy issues.

2  
3 **John Boldes** noted that he is primarily concerned about the safety issue regarding the blind  
4 corner. He agreed that the owner has worked to make changes. At this point, Mr. Boldes  
5 just wanted to make sure the wall is being pulled back sufficiently from the curb.

6  
7 **John McCoy**, also from Don Olsen's office, described the wall move and the eave changes.

8  
9 **Paul Rogers**, representing some property buyers in the area, noted that they are in  
10 agreement with the e-mail that had been sent out today.

11  
12 **Allison Russo**, supported the privacy issue. She also noted that she had not received any  
13 contact regarding the neighborhood outreach.

14  
15 Mayor Leone called Mr. McCoy back up to further explain the changes in the wall and the  
16 eaves.

17  
18 **Kim Stoddard**, also a realtor, explained the negative value to the property of Mr. Beifuss.  
19 She felt that the project is way out of scale for this neighborhood.

20  
21 **Robert Beifuss** presented his rebuttals. He voiced concern over the changes made to the  
22 list of those who had signed and were in agreement with the project. He also addressed  
23 concerns regarding the oak tree. Finally, Mr. Beifuss indicated that he wants a smaller  
24 footprint, wants a sun study performed and wants to see the back deck and wall brought in  
25 further.

26  
27 **Vanya Akraboff** presented her rebuttals and stressed that she did not tamper with the list of  
28 signatures approving of the project.

29  
30 Mayor Leone closed the public hearing.

31  
32 Council questions/comments followed.

33  
34 **Mayor Leone moved, seconded by Vice Mayor Weiner, to remand the application to**  
35 **the Planning Commission for a recommendation to the privacy issue, and come back**  
36 **to the City Council with those recommendations. The motion was unanimously**  
37 **approved by a voice vote.**

38  
39 **5 B. Public Hearing on the Sewer Report**

40  
41 Administrative Services Manager/Treasurer Charles Francis presented the staff report on  
42 this item. He noted that a resolution must be adopted accepting the sewer report so that it  
43 can be forwarded to the County Auditor.

44  
45 **Public Comment:** There was no Public Comment on this item.

46  
47 Mayor Leone clarified, for the public, that a reminder notice describing the new sewer  
48 charges would be mailed out prior to the tax bills.

1 Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt Resolution  
2 No. 5054 accepting the report of sewer service charges for Fiscal Year 2009-2010 and  
3 direct the filing of charges for collection by the County Auditor. The motion was  
4 unanimously approved by a voice vote.

5  
6 **BUSINESS ITEMS**

7  
8 **6A. Public Safety Facilities Project Update; Approval of Change Order No. 4 with**  
9 **Alten Construction, Inc. (Project Manager Loren Umbertis and Public Works Director**  
10 **Jonathon Goldman)**

11  
12  
13 Project Manager Loren Umbertis presented the staff report on this item. He described  
14 Change Order #4, noting that the majority of the changes came from the detention room  
15 modifications.

16  
17 Council questions/comments followed.

18  
19 **Public Comment:**

20  
21 **Chuck Donald** asked about the scheduled completion date.

22  
23 Mr. Umbertis advised that the official completion was mid-February. However, he noted that  
24 the newest schedule had the fire building being completed in early to mid-March and the  
25 police building being completed in mid-April.

26  
27 **Councilmember Kelly moved, seconded by Councilmember Pfeifer, to adopt**  
28 **Resolution No. 5053 approving and authorizing the City Manager to execute Change**  
29 **Order #4 to the contract with Alten Construction, Inc. for Sausalito Public Safety**  
30 **Facilities Project New Construction dated October 9, 2008. The motion was**  
31 **unanimously approved by a roll call vote:**

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

33 **NOES: Councilmembers: None**

34 **ABSTAIN: Councilmembers: None**

35 **ABSENT: Councilmembers: None**

36  
37 **6B. Continued Discussion on Closed Session Reporting (City Attorney Mary Wagner)**

38  
39 City Attorney Mary Wagner began the presentation on the staff report. She then introduced  
40 outside counsel, Michael Colantuono, who continued with the presentation.

41  
42 **Public Comment:**

43  
44 **Bob Mitchell** read into the record, a letter from Peter Scheer of the First Amendment  
45 Coalition.

46  
47 **Chuck Donald** was all for transparency. He was also glad to see that the City had brought  
48 in an attorney specializing in this area. Mr. Donald went on to voice concern over the  
49 defining of closure relating to these types of property negotiations.

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1  
2 Mayor Leone, referring back to the staff report, set the parameters for further Council  
3 discussions. He reaffirmed the three actions before Council: 1) Does Council wish to  
4 disclose actions taken and Councilmember's votes taken during the Closed Sessions  
5 relating to the property negotiations of the Sausalito Marine Properties? 2) Does Council  
6 wish to disclose documents, if any, considered during these negotiations? 3) Does Council  
7 wish to disclose actions taken and Councilmember's votes thereon, if any, on the disclosure  
8 of confidential information relating to the same?  
9

10 Council discussions followed.

11  
12 **Mayor Leone moved, seconded by Councilmember Kelly, to take a vote to disclose**  
13 **the actions taken at the series of meetings and the Councilmember's votes thereon,**  
14 **to disclose the documents considered in Closed Session meetings on the series of**  
15 **meetings concerning the Sausalito Marine Properties and to disclose the actions**  
16 **taken and the Councilmember's votes thereon on the disclosure of confidential**  
17 **information in Closed Session meetings held on the series of dates in February. The**  
18 **motion was unanimously approved by a roll call vote:**

19 **AYES: Councilmembers: Pfeifer, Weiner, Kelly, Mayor Leone**

20 **NOES: Councilmembers: None**

21 **ABSTAIN: Councilmembers: None**

22 **ABSENT: Councilmembers: None**  
23

24 Each Councilmember then expressed their thought process on how they came to their votes  
25 on this issue.  
26

27 Mayor Leone restated the actions that had taken place in Closed Sessions: all voted to  
28 disclose documents; there was a 3-2 vote to acquire the property (Councilmember Pfeifer,  
29 Vice Mayor Weiner and Mayor Leone); there was a 3-2 vote to not disclose information  
30 (Councilmember Pfeifer and Mayor Leone vote in favor); amount decided on to go to the  
31 auction with was \$4.025 million, and with late contributions were able to bid as high as  
32 \$4.125 million.  
33

34 **6C. Approve Consultant Services Agreement with Winter & Company for the**  
35 **preparation of Historic Design Guidelines (Associate Planner Heidi Burns)**  
36

37 Associate Planner Heidi Burns presented the staff report on this item. Ms Burns explained  
38 the process that was followed in obtaining the RFP's and the ensuing interview process.  
39 She noted how staff was excited with Winter & Company and felt they would do the job well.  
40

41 Council questions followed.  
42

43 **Public Comment:**  
44

45 **Vicki Nichols** explained that she had participated in the interview process and noted how  
46 she came to selecting this company.  
47

48 **Morgan Pierce** also reiterated what Vicki Nichols and Heidi Burns had said.  
49

1 Councilmember Kelly moved, seconded by Vice Mayor Weiner, to authorize the City  
2 Manager to execute the professional services agreement with Winter & Company for  
3 preparation of the Historic Design Guidelines consistent with their proposal. The  
4 motion was unanimously approved by a roll call vote:

5 AYES: Councilmembers: Pfeifer, Weiner, Kelly, Mayor Leone

6 NOES: Councilmembers: None

7 ABSTAIN: Councilmembers: None

8 ABSENT: Councilmembers: None

9  
10 **6D. Approve amendment to the Master Fee Schedule relating to Planning and**  
11 **Engineering Fees (Community Development Director Jeremy Graves)**

12  
13 Community Development Director Jeremy Graves presented the staff report on this item. As  
14 he began the presentation, Mr. Graves handed a late e-mail to the Council from Michael  
15 Rex. Mr. Graves went on to explain the more significant fee changes.

16  
17 Council discussion followed on the appeal fees.

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

20  
21 **Councilmember Kelly moved, seconded by Councilmember Pfeifer, to adopt**  
22 **Resolution No. 5052 amending the Planning Division Fee Schedule. The motion was**  
23 **unanimously approved by a voice vote.**

24  
25 **6E. Quarterly EPA Update (Director of Public Works Jonathon Goldman)**

26  
27 This item was postponed until later in the evening.

28  
29 **6F. Award of Professional Services Agreement with CSW/Stuber Stroeh for 2009-**  
30 **2010 General Capital Project including street repairs, sidewalk repairs and others (City**  
31 **Engineer Todd Teachout)**

32  
33 City Engineer Todd Teachout presented the staff report on this item.

34  
35 Council questions followed.

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

38  
39 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt Resolution**  
40 **No. 5055 awarding a professional services agreement to and authorizing the City**  
41 **Manager to execute a professional services agreement with CSW/Stuber-Stroeh for**  
42 **preparation of plans, specifications and cost estimates for apportion of the FY2009-10**  
43 **General Capital Project List. The motion was unanimously approved by a voice vote.**

44  
45 **6G. Award of Professional Services Agreement with Kennedy Jenks Consultants**  
46 **for the Alexander Avenue Shoreline Sewer (City Engineer Todd Teachout)**

47  
48 City Engineer Todd Teachout presented the staff report on this item. He also explained why  
49 the name of the project had been changed.



1  
2 Council questions followed.

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

5  
6 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt Resolution**  
7 **No. 5056 authorizing the City Manager to execute a professional services agreement**  
8 **with Kennedy Jenks Consultants for the Alexander Avenue Shoreline Sewer Project**  
9 **and in an amount not to exceed \$134,000 without further authorization. The motion**  
10 **was unanimously approved by a voice vote.**

11  
12 **6E. Quarterly EPA Update (Director of Public Works Jonathon Goldman)**

13  
14 Director of Public Works Jonathon Goldman presented a very brief update on the EPA  
15 status.

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

18  
19 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**  
20 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

21  
22  
23 **7A. City Manager Reports**

24 **7A1. City Manager Information for Council**

25  
26 City Manager Adam Politzer reported on: State budget negotiations; upcoming election and  
27 orientation process for candidates; advised that he would be on vacation the week of August  
28 17 and advised everyone to take time to take a break during August.

29  
30 **7A2. Future Agenda Items**

31  
32 Vicki Nichols, speaking on behalf of the Historic Landmarks Board, requested that an item  
33 regarding the inventory of Marinship buildings be placed on a future agenda for action.

34  
35 Councilmember Pfeifer asked that an item regarding the Alexander Avenue right-of-way be  
36 added to a future agenda for discussion.

37  
38 **7B. City Council Reports**

39 **7B1. Council Committee Assignments**

40  
41 Due to the lateness of this meeting, there were no assignments made.

42  
43 **7B2. Other reports of significance**

44  
45 There were no other reports of significance.

46  
47 **7B3. Councilmember Committee Reports**

48  
49 Councilmember Kelly spoke about the Public Safety Facilities Project.

1 Mayor Leone advised that the Mallya warehouse project was before the Planning  
2 Commission.

3

4 **ADJOURNMENT**

5

6 There being no further business, the City Council meeting was adjourned at 12:41 am on  
7 July 22. The next regularly scheduled meeting will be held on September 1, 2009, with the  
8 open meeting due to commence at approximately 7:00 pm.

9

10

Respectfully submitted,

11

12

Debbie Pagliaro

13

City Clerk

14

15

Approved on:

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