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

TUESDAY, SEPTEMBER 1, 2009

**CALL TO ORDER**

The meeting was called to order by Mayor Leone at 6:04 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 through D4 would be discussed in Closed Session.

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

Council then adjourned to the Conference Room for their Closed Session at 6:06 pm.

**The regular meeting reconvened at 7:06 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  
City Negotiator: City Manager and City Attorney  
Under Negotiation: Price and Terms  
**Direction given**

1           **4. CONFERENCE WITH LEGAL COUNSEL**– Existing litigation CGC §54956.9(a)  
2           Name of Case: Zacks v. Sausalito; MCSC Case No. CIV050995  
3           *Direction given*

4  
5           **6. CONFERENCE WITH LEGAL COUNSEL**– Existing litigation CGC §54956.9(a)  
6           Name of Case: Styger v. Sausalito; MCSC Case No. CIV083980  
7           *Direction given*

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

10  
11           **COMMUNICATIONS**

12  
13           **Joseph Tremolada** of CannaCare Café requested that the Council re-evaluate their  
14           medical marijuana policy. He advised Council that he was appealing the conditions of his  
15           Occupational Permit in order to open his business at 495 Gate 5 Road.

16  
17           **Kayla Kahn** spoke about the need for a Design Review Board again, as projects are  
18           appearing in neighborhoods that don't fit in with the surrounding area. She also spoke  
19           about the need for an Arts Commission.

20  
21           **APPROVAL OF THE AGENDA**

22  
23           Mayor Leone advised that item 6D would be continued to a date uncertain as Captain  
24           Gloeckner had been called down to Southern California because of the wildfires. Mayor  
25           Leone continued, indicating that item 6H would be moved into the time slot allocated for item  
26           6D.

27  
28           **Mayor Leone moved, seconded by Councilmember Pfeifer, to approve the agenda as**  
29           **amended above. The motion was unanimously approved by a voice vote.**

30  
31           **ACTION MINUTES OF PREVIOUS MEETINGS**

- 32  
33           A. Approve minutes from the regular City Council meeting of June 23, 2009  
34           B. Approve minutes from the special City Council meeting of June 30, 2009  
35           C. Approve minutes from the special City Council meeting of July 2, 2009  
36           D. Approve minutes from the regular City Council meeting of July 7, 2009  
37           E. Approve minutes from the special City Council meeting of July 11, 2009  
38           F. Approve minutes from the regular City Council meeting of July 21, 2009

39  
40           **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the**  
41           **minutes of the Regular City Council meeting of June 23, the Special City Council**  
42           **meeting of June 30, the Special City Council meeting of July 2, the Regular City**  
43           **Council meeting of July 7, the Special City Council meeting of July 11, and the**  
44           **Regular City Council meeting of July 21, 2009 as submitted. The motion was**  
45           **unanimously approved by a voice vote.**

46  
47           **CONSENT CALENDAR**

48  
49           **Public Comment:**

1  
2 Councilmember Pfeifer requested that item 4B12 be removed for further discussion.

3  
4 Mayor Leone agreed and advised that item 4B12 would be discussed at the end of the  
5 Business items (following item 6G).

6  
7 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve Consent**  
8 **Calendar items 4B1 through 4B11 and noted that item 4B12 would be removed from**  
9 **Consent for further discussion as noted previously. The motion was unanimously**  
10 **approved by a voice vote.**

11  
12 Consent Calendar items approved were as follows:

- 13  
14 1) Accepted monthly financial statement for June and the quarterly financial report for  
15 the quarter ending March 31, 2009  
16 2) Received and filed the Finance Committee minutes from March 30, April 6, April  
17 22, May 20, June 17, and July 15, 2009  
18 3) Received and filed the OMIT Committee minutes from May 18, June 15, June 22,  
19 June 29, July 13, and July 20, 2009  
20 4) Received and filed the Citizens Oversight Committee minutes from March 18, April  
21 27, May 21, June 18, July 27, and August 24, 2009  
22 5) Received and filed minutes from the July 16, 2009 Business Advisory Committee  
23 6) Received and filed actions taken at the Planning Commission meetings of May 20,  
24 June 3, June 17, July 1 and July 15, 2009  
25 7) Adopted Resolution No. 5057 amending the Joint Exercise of Powers Agreement  
26 for the Marin County Major Crimes Task Force  
27 8) Adopted Resolution No. 5058 accepting the Sanitary Sewer Easement Deed within  
28 40 Alexander Avenue  
29 9) Adopted Resolution No. 5059 authorizing a continuous destruction schedule for  
30 public records held by the Police Department  
31 10) Adopted Resolution No. 5060 adjusting the salary scale for the Recreation  
32 Coordinator  
33 11) Adopted Resolution No. 5061 approving an Encroachment Agreement for the  
34 construction of retaining wall with rock rip rap within the Sausalito Blvd public right-  
35 of-way along the frontage of 319 Sausalito Blvd (ADR-EA 09-104)  
36 12) *Adopt a resolution revising parking time limits on Pine between Caledonia and*  
37 *Bridgeway and Napa from westerly extent of CR Zoning to Bridgeway (moved to*  
38 *last Business Item)*

39  
40 **PUBLIC HEARINGS**

41  
42 There were no Public Hearings

43  
44 **BUSINESS ITEMS**

45  
46 **6A. Council Discussion and Public Input on Sausalito Marineways Property (Mayor**  
47 **Jonathan Leone)**

1 Mayor Leone reported that Council has continued to meet with the new owner of the  
2 Sausalito Marine Properties. With regard to the property, he reported that the City is looking  
3 into several avenues which could include ongoing negotiations with the new owner or even  
4 acquisition through eminent domain. Mayor Leone indicated that at this point, Council was  
5 seeking public input on their desires. He also advised that these discussions would  
6 continue at the next Council meeting on September 15.

7  
8 **Public Comment:**

9  
10 **Chuck Donald** voiced concern about the title of this item because the new owner is using a  
11 different business name and that this title implied that it was some other property.

12  
13 **Johnston Melbostad** asked what was discussed in Closed Session. He continued on  
14 stating that he wants the City to go for obtaining the property. He felt that the City needs a  
15 viable waterfront for transient boaters.

16  
17 **Jacques Ullman** advised the Council that the Audubon Society is still willing to help out with  
18 a habitat preserve. He also added that there have been discussions with Supervisor  
19 McGlahan's Office regarding a water conservation garden and working that into the habitat  
20 preserve. Mr. Ullman stressed that this is an opportunity for all to work together.

21  
22 **Dia Rabitini** wondered if the new owners knew of the possible acquisitions.

23  
24 City Attorney described the process for eminent domain.

25  
26 Ms Rabitini continued and expressed concern about the marina and proposed  
27 improvements not being made because of the possibility of such delaying factors. She  
28 agreed that she would love to have the City step in. Ms Rabitini then inquired as to where  
29 the money would come from.

30  
31 **Sherry Lynn Campbell** asked if there have been any discussions about providing facilities  
32 for the anchor-outs, as they use the Sausalito Marina facilities. She also expressed concern  
33 that there are no "inviting" docks for visitors, and wants the Council to take that into  
34 consideration.

35  
36 **Joseph Tremolada** spoke about eminent domain and fair market values of the properties.

37  
38 There was no further discussion on this item.

39  
40 **6B. Comment Letter on Headlands Institute Campus Improvement and Expansion**  
41 **Plan Environmental Assessment (Golden Gate National Recreation Area)**  
42 *(Associate Planner Heidi Burns)*  
43

44 Associate Planner Heidi Burns presented the staff report on this item, along with a  
45 PowerPoint presentation. She presented an historical background on the Headlands  
46 Institute. Ms Burns concluded by noting some of the possible negative impacts to Sausalito.

47  
48 **Public Comment:**  
49

1 **Chuck Donald** wanted to know who ran the Headlands Institute.

2  
3 Council discussion followed.

4  
5 Mayor Leone suggested that the safety of Alexander Avenue be included in the letter.

6  
7 It was the consensus of the Council to authorize the City Manager to sign the Comment  
8 Letter, with the inclusion of the traffic safety issues.  
9

10 **6B1. Community Development Department Quarterly Update (Community Development**  
11 **Director Jeremy Graves)**

12  
13 Community Development Director Jeremy Graves presented this oral report. He addressed:

- 14
- 15 • Outdoor dining requirements
- 16 • Code enforcement
- 17 • Medical marijuana dispensaries
- 18 • Historic Design Guidelines
- 19 • Current Planning Process, including
  - 20 ○ Mallya Warehouse
  - 21 ○ Mallya Residential Project (4 Bulkley)
  - 22 ○ Marion Avenue Project
  - 23 ○ 33 Miller Avenue
- 24 • Advanced Planning, including
  - 25 ○ Housing Element
- 26

27 **Public Comment:**

28  
29 **Roberta Malloy** advised that there were several other events going on in Sausalito on the  
30 evening of the Guidelines kickoff, proposed for September 10.

31  
32 **6C. Public Safety Facilities Update; Approve Alten Change Order #5 (Project**  
33 **Manager Loren Umbertis / Director of Public Works Jonathon Goldman)**

34  
35 Project Manager Loren Umbertis presented the staff report on the Change Order. He noted  
36 key items in the change order, including the steel for the elevator and the changes needed  
37 for the antenna conduit and power source.

38  
39 Discussion followed on the brick pavers; noting that the Planning Commission would prefer  
40 pavers in the plaza area. Mr. Umbertis advised that this would require another change order  
41 approximating an additional \$75,000.

42  
43 Community Development Director Jeremy Graves added that as an alternate, the Planning  
44 Commission would accept colored or textured concrete in place of the brick pavers.

45  
46 **Public Comment:**  
47

1 **Vicki Nichols** was curious as to how many members of the public have been present to  
2 hear the Planning Commission voice their preference for the pavers. She noted that she  
3 remembers specific meetings where it was mandated that the buildings were not to "stand  
4 out". Ms Nichols suggested that there needs to be a Planning Commission meeting where  
5 the public weighs in on the pavers. Ms Nichols does not believe that the residents would  
6 want pavers.

7  
8 **Bonnie MacGregor** voiced concern about the safety of pavers. She also agreed with Vicki  
9 Nichols regarding the public input.

10  
11 **Buddy DeBruyn** described stamped concrete that could be used. He also agreed that  
12 bricks can break and that there would be a safety issue.

13  
14 **Bea Seidler** also agreed with everyone who had spoken. She did not believe that there  
15 needs to be additional costs involved.

16  
17 Council comments followed.

18  
19 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to request that the**  
20 **Planning Commission not require the use of pavers and that concrete be used**  
21 **instead. The motion was unanimously approved by a roll call vote:**

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

23 **NOES: Councilmembers: None**

24 **ABSTAIN: Councilmembers: None**

25 **ABSENT: Councilmembers: None**

26  
27 **Councilmember Kelly moved, seconded by Councilmember Pfeifer, to adopt**  
28 **Resolution No. 5062 approving and authorizing the City Manager to execute Change**  
29 **Order No. 5 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 voice vote.**

32  
33 **6D. Council Direction for Implementation of the Vegetation Management Program**  
34 **(Fire Captain Cary Gloeckner)**

35  
36 This item was continued to a date uncertain due to the absence of Captain Gloeckner who  
37 had been called to the fires in Southern California.

38  
39 **6H. Council discussion on request for League of Women Voters regarding**  
40 **Political Reform (City Attorney Mary Wagner) (moved forward by the Mayor for earlier**  
41 **discussion)**

42  
43 City Attorney Mary Wagner presented the background on the newly adopted County  
44 Ordinance regarding Political Reform. She noted that, to date, of those jurisdictions in Marin  
45 who replied to her inquiry, no one had adopted a similar ordinance. Ms Wagner noted that  
46 even if the Council wanted to proceed with the adoption of a similar ordinance, it would not  
47 be in time for the upcoming election.

48  
49 Council questions followed.

1  
2 **Public Comment:** There was no Public Comment on this item.

3  
4 Council comments continued.

5  
6 It was the consensus of the Council to continue to have the City Attorney research this item  
7 and have discussions with the other jurisdictions as to why they may not wish to consider  
8 such an ordinance.

9  
10 **6E. Approval of Technical Advisory Committee – Non-Motorized Transportation**  
11 **Pilot Program – Bridgeway Path Plan (City Engineer Todd Teachout)**

12  
13 City Engineer Todd Teachout presented the staff report on this item and discussed the  
14 outreach that had taken place for Committee membership.

15  
16 Council questions followed.

17  
18 **Public Comment:**

19  
20 **Bonnie MacGregor** noted that she was excited about this process moving forward. She did  
21 have concerns that the Committee may be slanting towards bicycles and not pedestrians.  
22 She also voiced concern about the membership having a lack of knowledge of the various  
23 projects. Ms MacGregor concluded by saying that she would encourage the Council to  
24 consider appointing Michael Rex to the Committee, and that she would be willing to give up  
25 her seat, for another, in order to have Michael serve.

26  
27 **Roberta Malloy** asked what an “observer” was, and could there be alternates on this  
28 Committee.

29  
30 Council comments followed.

31  
32 It was the consensus of the Council to only seat five members this evening. The balance  
33 would be appointed following additional interviews or outreach, possibly on September 15.

34  
35 Mayor Leone appointed Vice Mayor Weiner to be the Council representative on this  
36 Committee.

37  
38 Mayor Leone then nominated his slate of Bonnie MacGregor, Bill Werner, David Hoffman,  
39 and Tony Tom.

40  
41 Further nominations were opened to the dais and Councilmember Pfeifer nominated Bob  
42 Mitchell.

43  
44 There being no further nominations, the vote to appoint was as follows:

45  
46 Councilmember Pfeifer: Bob Mitchell  
47 Vice Mayor Weiner: Bonnie MacGregor, Bill Werner, David Hoffman and Tony Tom  
48 Councilmember Kelly: Bonnie MacGregor, Bill Werner, David Hoffman and Tony Tom  
49 Mayor Leone: Bonnie MacGregor, Bill Werner, David Hoffman and Tony Tom

1  
2 **Bonnie MacGregor, Bill Werner, David Hoffman and Tony Tom, having received the**  
3 **minimum of three required votes, were appointed to the Technical Advisory**  
4 **Committee for the Non-Motorized Transportation Pilot Program.**

5  
6 **6F. Amendment No. 3 to Power Purchase Agreement with SolarCity for the**  
7 **installation of a Photovoltaic System on City Hall** *(Director of Public Works Jonathon*  
8 *Goldman)*

9  
10 Director of Public Works Jonathon Goldman briefly presented the staff report on this item.  
11 He then turned the microphone over to Jennifer Jachym of SolarCity to describe the  
12 changes in the design, financing and rebates.

13  
14 **Public Comment:** There was no Public Comment on this item.

15  
16 Council comments followed.

17  
18 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt Resolution**  
19 **No. 5063 approving and authorizing the City Manager to execute Amendment No. 3 to**  
20 **the Solar Energy Purchase Agreement with SolarCity Corporation dated July 1, 2008.**  
21 **It was further added that the plans for the photovoltaic system shall be subject to**  
22 **review by the County of Marin for approval/recommendation. The motion was**  
23 **unanimously approved by a roll call vote:**

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

25 **NOES: Councilmembers: None**

26 **ABSTAIN: Councilmembers: None**

27 **ABSENT: Councilmembers: None**

28  
29 **6G. Approval Separate Professional Services Agreements with Carollo Engineers,**  
30 **P.C. and West Yost Associates for Regulatory Compliance Consulting Services, EPA**  
31 **Administrative Order and Related Matters** *(Director of Public Works Jonathon Goldman)*

32  
33 Director of Public Works Jonathon Goldman presented the staff report on this item. He  
34 clarified the scope of work to be conducted by each of the consultants.

35  
36 Council comments/questions followed.

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

39  
40 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt Resolution**  
41 **No. 5064 approving and authorizing the City Manager to execute separate**  
42 **Professional Services Agreements with Carollo Engineers, PC and West Yost**  
43 **Associates for Regulatory compliance consulting services, EPA Administrative Order**  
44 **and related matters. The motion was unanimously approved by a roll call vote:**

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

46 **NOES: Councilmembers: None**

47 **ABSTAIN: Councilmembers: None**

48 **ABSENT: Councilmembers: None**



1 **6H. Council discussion on request for League of Women Voters regarding Political**  
2 **Reform (City Attorney Mary Wagner)**

3  
4 This item was heard earlier in the evening (following item 6D).

5  
6 **4B12. Adopt a resolution revising parking time limits on Pine between Caledonia and**  
7 **Bridgeway and Napa from westerly extent of CR Zoning to Bridgeway (moved from**  
8 **Consent Calendar)**

9  
10 Councilmember Pfeifer asked for clarification on the time limit changes being recommended  
11 in the Napa/Caledonia Street area.

12  
13 Director of Public Works Jonathon Goldman explained what all the changes were that were  
14 being recommended. He stressed that there were no parking spaces being taken away,  
15 and that these requests had come from residents and business owners in the area.

16  
17 Council discussion followed, including future suggestions for the Pine Street area.

18  
19 **Public Comment:**

20  
21 **Vicki Nichols** requested additional clarification.

22  
23 **Councilmember Kelly** moved, seconded by Vice Mayor Weiner, to adopt Resolution  
24 **No. 5065** establishing new time limits for public parking spaces on 1) Pine Street  
25 **between Caledonia and Bridgeway, and 2) the southerly side of Napa Street between**  
26 **the westerly limit of the (C-R) Commercial-Residential Zoning District and Bridgeway.**  
27 **The motion was unanimously approved by a voice vote.**

28  
29 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**  
30 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

31  
32  
33 **7A. City Manager Reports**

34 **7A1. City Manager Information for Council**

35  
36 City Manager Adam Politzer reported on: Art Festival; MCCMC on the 23<sup>rd</sup>; League  
37 Conference; Boards and Commission recruitments; Mary Richardson; Council protocols;  
38 pension reform; Chamber thank you letter re: Buy Local Program; Fire Consolidation  
39 meeting; and an e-mail from Debra Bradley from the School District.

40  
41 **7A2. Future Agenda Items**

42  
43 There was no Future Agenda Item discussions.

44  
45 **7B. City Council Reports**

46 **7B1. Appointment to Underground Committee and Parks and Recreation**  
47 **Commission**

48  
49 Mayor Leone nominated Dan Passini and AT Lynne to the Underground Committee.

50

1 There being no other nominations, Dan Passini was, by acclamation, unanimously  
2 appointed to the Underground Committee with his term expiring January, 2012. AT Lynne  
3 was, by acclamation, unanimously re-appointed to the Underground Committee with her  
4 term expiring January, 2012.

5  
6 Since Committee Member Charlotte Mastrangelo has reached her term limits on the  
7 Committee, Mayor Leone asked that she continue to serve until such time as new applicants  
8 can be found.

9  
10 Mayor Leone nominated Jayne Reichert to the Parks and Recreation Commission.

11  
12 There being no other nominations, Jayne Reichert was, by acclamation, unanimously  
13 appointed to the Parks and Recreation Commission with her term expiring June, 2012.

14  
15 **7B2. Council Committee Assignments**

16  
17 Mayor Leone appointed Councilmember Pfeifer as liaison to the Board of Library Trustees  
18 (alternate position), the Art Commission, the Trees & Views Committee and the  
19 Transportation Authority of Marin (alternate position).

20  
21 **7B3. Other reports of significance**

22  
23 There were no other reports of significance.

24  
25 **7B4. Councilmember Committee Reports**

26  
27 There were no Council Committee Reports.

28  
29 **ADJOURNMENT**

30  
31 There being no further business, the City Council meeting was adjourned at 11:35 pm. The  
32 next regularly scheduled meeting will be held on September 15, 2009, with the open  
33 meeting due to commence at approximately 7:00 pm.

34  
35 Respectfully submitted,

36  
37 Debbie Pagliaro  
38 City Clerk  
39

40 Approved on: