

- 1 **3. 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 **4. CONFERENCE WITH LEGAL COUNSEL**– Existing litigation CGC §54956.9(a)
6 Name of Case: Styger v. Sausalito; MCSC Case No. CIV083980
7 ***Item not discussed***
8
9 **5. CONFERENCE WITH LEGAL COUNSEL**– Anticipated Litigation CGC
10 §54956.9(c)
11 Initiation of litigation (One potential case)
12 ***Direction given***
13
14 **6. CONFERENCE WITH LABOR NEGOTIATORS** pursuant to CGC § 54957.6
15 Agency Negotiator: City Manager
16 Employee Organizations: Sausalito Firefighters IAFF Local 1775, Sausalito Police
17 Association
18 ***Item not discussed***
19

20
21 **Public Comment on Closed Session Items:**

22 **Johnston Melbostad** asked if more information from the Closed Session could be
23 disclosed, offering more clarity.
24

25
26 Mayor Leone and City Attorney Mary Wagner offered a little more description regarding Item
27 #2.
28

29 **APPROVAL OF THE AGENDA**

30
31 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the agenda**
32 **as submitted. The motion was unanimously approved by a voice vote.**
33

34 **1. SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**

35
36 **1A. "Citizen Recognition Award" for assisting the SPD. Her quick thinking and**
37 **actions led to the prevention of a vehicle theft and the apprehension of the**
38 **suspect (Chief of Police Scott Paulin)**
39

40 Chief of Police Scott Paulin introduced Justine Rockwood. Chief Paulin described heroics
41 actions taken by Justine on August 26, 2009, when she assisted Police Officers in
42 apprehending a suspect. Ms Rockwood was presented with a Certificate of Recognition by
43 both Mayor Leone and Chief Paulin.
44

45 **COMMUNICATIONS**

46
47 There were no Communications.
48
49

1
2 **ACTION MINUTES OF PREVIOUS MEETINGS**

3
4 **3A. Approve minutes from the regular City Council meeting of September 1, 2009**

5
6 Vice Mayor Weiner moved, seconded by Councilmember Kelly, to approve the
7 minutes of the Regular City Council meeting of September 1, 2009 as corrected. The
8 motion was unanimously approved by a voice vote.
9

10 **CONSENT CALENDAR**

11
12 **Public Comment:** There was no Public Comment on this item.

13
14 Vice Mayor Weiner moved, seconded by Councilmember Pfeifer, to approve Consent
15 Calendar item 4B1. The motion was unanimously approved by a voice vote.
16

17 Consent Calendar item approved was:

- 18
19 1) Received and filed actions taken at the Special Planning Commission meeting of
20 September 2, 2009
21

22 **PUBLIC HEARINGS**

23
24 **5A. Introduction and first reading of the construction limits ordinance**

25
26 Mayor Leone announced that this item was being continued to October 6, 2009.
27

28 **Public Comment:**

29
30 **Raymond Withy** asked to be able to address this item even though it was being continued.
31 Mr. Withy expressed concern that the Council was moving too fast in enacting such laws.
32 He urged the Council to discuss the proposed regulations with local architects and
33 developers. Mr. Withy also expressed concern about the time change for Design Review
34 and that this would be detrimental to homeowners. Mr. Withy concluded in expressing that
35 these proposed regulations would be a financial risk to homeowners.
36

37 **Councilmember Kelly** moved, seconded by Vice Mayor Weiner, to continue the
38 **Introduction and first reading of the construction time limits ordinance to October 6,**
39 **2009. The motion was unanimously approved by a voice vote.**
40

41 **5B. Introduction and first reading of an ordinance amending the Transient**
42 **Occupancy Tax regulations (Administrative Services Director / Treasurer)**

43
44 Administrative Services Director / Treasurer Charles Francis presented the staff report on
45 this item, along with a PowerPoint presentation. He noted that the ordinance was originally
46 adopted in 1966 and that other than amendments to the actual tax (1968, 1974, 1986, 1989
47 and 2005) the text and administrative regulations had never been upgraded. Mr. Francis
48 went on to describe the proposed changes; and stressing that this was not a tax increase.
49

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

3 **Councilmember Kelly moved, seconded by Vice Mayor Weiner to waive first reading,**
4 **introduce and read by title only, An Ordinance of the City Council of the City of**
5 **Sausalito Amending Chapter 3.12, "The Transient Occupancy Tax" of the Sausalito**
6 **Municipal Code. The motion was unanimously passed by a roll call vote:**

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

8 **NOES: Councilmembers: None**

9 **ABSTAIN: Councilmembers: None**

10 **ABSENT: Councilmembers: None**
11

12 **BUSINESS ITEMS**

14 **6A. Continued Council discussion and input on the Sausalito Marine Properties**

15 *(Mayor Jonathan Leone)*
16
17

18 Mayor Leone noted that this item was in follow-up to the same item discussed at the last
19 regular City Council meeting. He again explained that the City is looking into several
20 avenues which could include ongoing negotiations with the new owner or even acquisition
21 through eminent domain. Mayor Leone indicated that Council is continuing to seek public
22 input on the desires of the community.
23

24 **Public Comment:**

25
26 **Johnston Melbostad** asked if the City had received a bequest of monies for this property,
27 as he had heard that Dr. Mallya had given the City money to purchase it.
28

29 Staff advised that they know nothing of this.
30

31 **Gary Weatherford** spoke about the beauty of Richardson's Bay and the Sausalito
32 waterfront for rowers and kayakers. He also spoke about the eel grass being an essential
33 part of the waterfront. Mr. Weatherford urged the Council to exercise their right to obtain
34 the property through eminent domain to protect the shoreline and expand Dunphy Park.
35

36 **Chuck Donald** echoed what Mr. Weatherford had said. Additionally, Mr. Donald continued
37 to object to the way the City is titling this item on the agenda.
38

39 **Scott Diamond** voiced concern about all the eel grass discussions. He felt that this topic is
40 beyond that point. Mr. Diamond agreed that this is a working waterfront, and as such
41 expressed concern that the eel grass could actually be a causation to the bay fill.
42

43 **Paul Leffingwell** spoke about the expansion of Dunphy Park. He then presented slides in
44 which he had developed a study for needed parking in this area. Mr. Leffingwell noted that
45 the Friends of Dunphy Park want to begin a Master Plan for this area.
46

47 **Jacques Ullman** encouraged the Council to find common ground in order to expand the
48 park and keep the marina.
49

1 **David Weatherford** urged the Council to do whatever to preserve the open waterfront in
2 perpetuity. He urged the Council to go forward with eminent domain in order to do so.
3

4 **Chuck Donald** returned to the podium to indicate that he agrees with the master planning
5 concept for the park expansion. He also advised Council that due to the fact that the City
6 owned property, between Dunphy Park and the Mallya property, had been obtained through
7 a Coastal Conservancy grant, there are restrictions associated with its use.
8

9 There was no further discussion on this item.
10

11 **6B. Council direction on the process for the Mallya Warehouse Project (Associate**
12 **Planner Heidi Burns)**
13

14 City Attorney Mary Wagner presented a brief report on this item. She noted that only
15 Council input on the process was being sought; there would be no discussions on the merit
16 of the project.
17

18 Council questions followed, along with discussions on the encroachment agreement to
19 improve and maintain the City-owned property.
20

21 **Public Comment:**
22

23 **Paul Leffingwell** spoke as a landscape architect. He stressed to the Council that there is a
24 need to have community input if the park is going to work. Mr. Leffingwell also repeated the
25 need for a master plan for all this area.
26

27 **Johnston Melbostad** indicated that he is against the Mallya project. He felt that this was an
28 opportunity to have a great plan without the building.
29

30 **Ulla Davis** urged the Council to look at the overall picture and not proceed in a piece-meal
31 fashion. She expressed concern that the property owner may take on proprietary rights if
32 they are allowed to improve the City's property.
33

34 **Jacques Ullman** also advised Council that there is grant money available for creating
35 wildlife preserves. He also agreed that there is a need for a master plan, and that the
36 property owner should be involved. Mr. Ullman urged the Council to make sure that citizens
37 join in at the Parks and Recreation meeting when they discuss this park area.
38

39 **Lauren Gonzales** also does not approve of the project. She felt that there was no
40 continuity between a park and the proposed, semi-closed building. She asked Council to
41 think about something that is better for residents and the City.
42

43 **Johnson Melbostad** felt that the Council should also use their power of eminent domain in
44 order to obtain this area for park lands.
45

46 **Brian Schwartz** advised that he has been involved in the design for this project. He noted
47 that he had met with Chuck Donald, Paul Leffingwell and Jacques Ullman as they began to
48 develop plans. Mr. Schwartz advised that they are willing to work with the Friends of
49 Dunphy Park, but as yet, the Friends have been unable to meet as a whole. Mr. Schwartz

1 also noted that he had gone door-to-door within a three block radius in order to obtain input
2 for their project. He noted that as an outcome of this input, the concept of a park on the city-
3 owned property emerged.

4
5 **Lauren Gonzales** returned to the podium consenting that Mr. Schwartz had gone to
6 property owners; however, they did not speak to tenants.

7
8 **Ursula Leffingwell** wanted to know how far up the hill his group had gone, since she had
9 not been contacted on Litho Street.

10
11 **Johnston Melbostad** also agreed that none of the marina residents had been approached.

12
13 Council comments followed.
14

15 *There was a consensus of the Council that discussions regarding the City-owned property*
16 *be held with the applicant and a Council working committee (Mayor Leone and Vice Mayor*
17 *Weiner), and that these discussions should begin taking place earlier, rather than later in the*
18 *process.**

19
20 **6C. Authorize the City Engineer to halt project development at the**
21 **Prospect/Sausalito Blvd Stairs (Non-Motorized Transportation Pilot Program –**
22 **Sausalito Stairs) (City Engineer Todd Teachout)**
23

24 City Engineer Todd Teachout presented an abbreviated staff report on this item, along with
25 a PowerPoint presentation. He explained that the decision to remove this stair project from
26 the Non-Motorized Transportation Pilot Program stairs project was due to community input
27 in this particular area.

28
29 **Public Comment:**
30

31 **AT Lynne** after walking the paths and stairs this past weekend, wondered why the project
32 should be stopped.

33
34 **Tim Brodie** noted that if the project continues, he would return with many more to speak
35 against the project.

36
37 **Jerry Ludivich** noted that stairs like these were created years ago when there was a need
38 to be able to get to houses. Now, he feels that they are obsolete and not needed. Mr.
39 Ludivich advised that the Cable Roadway stairs are in close proximity, and although in need
40 of repair, this new project would be a redundancy.

41
42 **Councilmember Kelly moved, seconded by Councilmember Pfeifer, to adopt a motion**
43 **of the City Council of the City of Sausalito authorizing the City Engineer to halt further**
44

45
46 ** At their meeting of October 6, 2009, Councilmember Pfeifer requested that the minutes of*
47 *September 15 reflect that she was not a part of this consensus due to the fact that prior to this action*
48 *she had made it known that she was uncomfortable with the Mallya project including that portion of*
49 *City-owned parkland.*

1 development of a stair facility between Prospect Avenue and Sausalito Blvd. and
2 adjacent to 591 Sausalito Blvd. The motion was unanimously approved by a roll call
3 vote:

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

8
9 Councilmember Kelly moved, seconded by Councilmember Pfeifer, to adopt
10 Resolution No. 5062 approving and authorizing the City Manager to execute Change
11 Order No. 5 to the contract with Alten Construction Inc. for Sausalito Public Safety
12 Facilities Project New Construction Dated October 9, 2008. The motion was
13 unanimously approved by a voice vote.

14
15 Mayor Leone called for a ten minute recess.

16
17 **6D. Receive and file 2009 second quarter Police Department Statistical Report (Chief**
18 **of Police Scott Paulin)**

19
20 Chief Paulin presented the staff report on this item, explaining the changes in some of the
21 stats.

22
23 **Public Comment:** There was no Public Comment on this item.

24
25 **6E. Adopt construction bid documents for replacement of parking and revenue**
26 **control systems (PARCS) equipment in City Parking Lots 1,2,3,and 4 and**
27 **authorize invitation to bid (Director of Public Works Jonathon Goldman)**

28
29 Director of Public Works Jonathon Goldman presented an abbreviated staff report on this
30 item, along with a PowerPoint presentation. He described the types of equipment being
31 recommended and where some of this type of equipment is located.

32
33 Council questions followed.

34
35 Mayor Leone requested that the resolution have the word "Plans" removed, as not all of the
36 planning for the downtown parking lots has been completed.

37
38 **Public Comment:**

39
40 **Buddy DeBruyn** asked about the status of the booth in Parking Lot #1.

41
42 Mr. Goldman explained that Council had authorized replacement of the booth, but that they
43 were now awaiting plans for a permanent location and design concepts.

44
45 Mr. DeBruyn continued, asking if employees will be eliminated.

46
47 Mr. Goldman responded that employees would not be eliminated, that they are now going to
48 be used for other related duties such as issuing parking permits and some enforcement.

49
DRAFT

1 Mayor Leone moved, seconded by Vice Mayor Weiner to adopt Resolution No. 5066
2 (1) finding that the project is categorically exempt from CEQA, (2) adopting the
3 specifications and related details for removal and replacement of the existing Parking
4 and Revenue Control Systems (PARCS) equipment in Lots 1, 2, 3 and 4 with Multi-
5 Space Meters (MSMs), and (3) authorizing the City Manager to invite bids for
6 provision of the specified equipment. The motion was unanimously approved by a
7 voice vote.

8
9 **6F. Approve amendment to the joint exercise of powers agreement relating to the**
10 **Marin County Stormwater Pollution Prevention Program (City Engineer Todd**
11 **Teachout)**

12
13 City Engineer Todd Teachout presented an abbreviated staff report on this item, along with
14 a PowerPoint presentation. He explained that most of the revisions were administrative
15 along with correcting some errors.

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

18
19 **Vice Mayor Weiner moved, seconded by Councilmember Kelly, to adopt Resolution**
20 **No. 5067 authorizing the Mayor to execute a revised Joint Exercise of Power**
21 **Agreement with Marin County Flood Control and Water Conservation District. The**
22 **motion was unanimously approved by a voice vote.**

23
24 **6G. Plan for Phase II improvements at City Hall (Director of Public Works Jonathon**
25 **Goldman)**

26
27 Director of Public Works Jonathon Goldman presented an abbreviated staff report on this
28 item, along with a PowerPoint presentation. He advised that Phase II would consist of the
29 SolarCity installation by year-end, demolition of the existing break room to provide for ADA
30 restrooms, replacing exterior doors and windows and additional lighting improvements.

31
32 Council questions followed.

33
34 **Public Comment:**

35
36 **Buddy DeBruyn** made mention of what he recalled in the spaces involved with the break
37 room and related plumbing.

38
39 It was the consensus of the Council that since this project was over budget, staff should
40 seek additional funding and return with proposals.

41
42 **6H. Council discussion on City Council Protocols (Mayor Jonathan Leone)**

43
44 Mayor Leone brought this item forward and reminded all new Councilmembers to read the
45 protocols. He also urged all members of the Council to review this document from time to
46 time.

47
48 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
49 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

1
2
3 **7A. City Manager Reports**

4 **7A1. City Manager Information for Council**

5
6 City Manager Adam Politzer reported on: the fire on Pine Street; MCCMC; League of
7 California Cities Conference; and the Spirit of Marin Luncheon.

8
9 **7A2. Future Agenda Items**

10
11 There was no Future Agenda Item discussions.

12
13 **7B. City Council Reports**

14 **7B3. Councilmember Committee Reports**

15
16 Mayor Leone reported on: Securitization of Prop 1 monies; Coastal Clean-up; formally
17 removed Councilmember Pfeifer as the liaison to the Trees and Views Committee; Fire
18 Consolidation

19
20 **7B1. Appointment to the Historic Landmarks Board**

21
22 Mayor Leone nominated Denina Fredrickson to fill the unexpired term on the Historic
23 Landmarks Board.

24
25 Councilmember Pfeifer nominated Chris Visher.

26
27 There being no further nominations, the vote to appoint was as follows:

28
29 Councilmember Pfeifer: C. Visher
30 Vice Mayor Weiner: D. Fredrickson
31 Councilmember Kelly: D. Fredrickson
32 Mayor Leone: D. Fredrickson

33
34 **Denina Fredrickson, having received at least the minimum of three required votes,**
35 **was appointed to an unexpired term on the Historic Landmarks Board with her term**
36 **expiring in July, 2011.**

37
38 **7B2. Other reports of significance**

39
40 There were no other reports of significance.

41
42
43 **ADJOURNMENT**

44
45 There being no further business, the City Council meeting was adjourned at 11:35 pm. The
46 next regularly scheduled meeting will be held on October 6, 2009, with the open meeting
47 due to commence at approximately 7:00 pm.

48
49 Respectfully submitted,

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2
3
4

Approved on:

Debbie Pagliaro
City Clerk