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

**TUESDAY, OCTOBER 20, 2009**

**CALL TO ORDER**

The meeting was called to order by Mayor Leone at 5:47 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 D6 would be discussed in Closed Session.

**Public Comment:** There was no Public Comment on these items.

Council then adjourned to the Conference Room for their Closed Session at 5:49 pm.

**The regular meeting reconvened at 7:04 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)  
***Discussed; no actions taken***
2. **PUBLIC EMPLOYMENT** pursuant to CGC § 54957  
Title: Special legal counsel  
***Discussed; no actions taken***
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8  
Property: 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 **Discussed; no actions taken**

- 4  
5 **4. CONFERENCE WITH LABOR NEGOTIATORS** pursuant to CGC § 54957.6  
6 Agency Negotiator: City Manager  
7 Employee Organizations: Sausalito Firefighters IAFF Local 1775, Sausalito Police  
8 Association  
9 **Direction given**
- 10  
11 **5. CONFERENCE WITH LEGAL COUNSEL** - Existing litigation CGC §54956.9(a)  
12 Name of Case: Friedel v. Sausalito; MCSC Case No. CIV085785  
13 **Direction given**
- 14  
15 **6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §  
16 54956.8  
17 Property: MLK Properties, 100 Ebbtide Avenue  
18 Negotiating Parties: Lynn Churchill; Donovan; Mortan; Scholz; Likas; Fischer;  
19 Bruce; Newlin; Sizemore; Cavanaugh; Murray; Sandberg; New Village School;  
20 Badell; Daniloff; The Marin School  
21 City Negotiator: City Manager and City Attorney  
22 Under Negotiation: Price and Terms  
23 **Direction given**

24  
25 **Public Comment on Closed Session Items:** There was no Public Comment on this item.

26  
27 **APPROVAL OF THE AGENDA**

28  
29 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the agenda**  
30 **as submitted. The motion was unanimously approved by a voice vote.**

31  
32 **1. SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**

33  
34 **1A. Introduction of Senior Accounting Technician Joe Finnegan and Administrative**  
35 **Aide Patricia Enos (Administrative Services Manager / Treasurer Charlie Francis)**

36  
37 Administrative Services Manager / Treasurer Charlie Francis introduced the new Senior  
38 Accounting Technician Joe Finnegan and Administrative Aide Patricia Enos. He noted that  
39 although both were being introduced as "new" employees, they were familiar faces in the  
40 Administration Office, both, having worked in temporary capacities for nearly one year. Mr.  
41 Francis then went on to give some professional backgrounds on Mr. Finnegan and Ms Enos.

42  
43 **1B. Introduction of Natalie McCall and Update on the Library Foundation Grant for**  
44 **the Children's program (Librarian II Augie Webb)**

45  
46 Librarian II Augie Webb presented the update on the Library Foundation Grant. She noted  
47 statistics which included increased usage of children's programs. Ms Webb then introduced  
48 Natalie McCall who is responsible for the children's programs. Ms McCall presented the  
49 Council with a flyer showing some of the new programs that have, or will, be starting.

1  
2 **1C Update on 2009 Art Festival Activities; Receive the 2008 Financial Report**

3  
4 Ann Arnott and the new Executive Director, Demitri Rizos presented an update on  
5 the 2009 Art Festival activities. They noted that it had been a very successful year,  
6 with 27,963 in paid attendance; gate income equaled \$505,682; and there were 291  
7 artists displaying their wares at the festival.

8  
9 **COMMUNICATIONS**

10  
11 **Sonja Hanson**, representing residents who live in the 500-600 block of Spring Street, spoke  
12 about the speeding that takes place on their street. Ms Hanson suggested changes in the  
13 roadway which might help to deter those speeding. One such suggestions was to stripe the  
14 roadway.

15  
16 **Amy Noveski, Bethany Mergia, John Maggiora and Joe Burns** also spoke on this same  
17 subject, offering suggestions and pleading for a rapid resolve.

18  
19 **Scott Diamond** spoke on the "Pete's" proposal and felt it would be good for Sausalito.

20  
21 **ACTION MINUTES OF PREVIOUS MEETINGS**

22  
23 **3A. Approve minutes from the regular City Council meeting of September 15, 2009**  
24 (con't from 10/6/09)

25  
26 **3B. Approve minutes from the regular City Council meeting of October 6, 2009**

27  
28 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the**  
29 **minutes of the Regular City Council meetings of September 15, 2009 and October 6,**  
30 **2009 as submitted. The motion was unanimously approved by a roll call vote:**

31 **AYES: Councilmembers: Kelly, Pfeifer, Weiner**

32 **NOES: Councilmembers: None**

33 **ABSTAIN: Councilmembers: Mayor Leone**

34 **ABSENT: Councilmembers: None**

35  
36 **CONSENT CALENDAR**

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

39  
40 Councilmember Kelly requested clarification on item 4B4, Proposition 1A Sale Resolution.

41  
42 Councilmember Kelly and Mayor Leone requested clarifications to item 4B6, Awarding a  
43 Contract to JEDCO for Prospect/Sausalito Blvd. Storm Drain Repairs.

44  
45 Councilmember Kelly and Mayor Leone requested that item 4B9, Second Amendment to the  
46 GTE Building Lease Agreement, be approved contingent to asking that a clause be added to  
47 the lease that any relocation of the equipment on the property would be at their costs.

1 Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve Consent  
2 Calendar Items 4B1 through 4B10, with the exception that item 4B9, Second  
3 Amendment to the GTE Building Lease Agreement, will be amended regarding the  
4 instructions to the negotiators to include the right to move the equipment any place  
5 on the site to a similar or substantially the same coverage area and to also  
6 aesthetically improve the installation of the tower. The motion was unanimously  
7 approved by a voice vote.

8  
9 Consent Calendar item approved was:

- 10
- 11 1) Waived further reading and adopted Ordinance No. 1198, an ordinance amending
- 12 chapter 3.30, "Purchase of Supplies, Equipment and Services and Procedures for
- 13 Public Works Projects", of the Sausalito Municipal Code
- 14 2) Waived further reading and adopted Ordinance No. 1199, an ordinance amending
- 15 Section 12.16.140 of the Sausalito Municipal Code re: Time Limits on Operating
- 16 Construction Devices in Residential Zones
- 17 3) Received and filed actions taken at the Planning Commission meeting of
- 18 September 9 and September 23, 2009
- 19 4) Adopted Resolution No. 5073 regarding the proposed Proposition 1A Sale
- 20 Resolution and Purchase and Sale Agreement
- 21 5) Adopted Resolution No. 5074 approving the Lease of Premises by and between
- 22 the City of Sausalito and Lynn Churchill at the Martin Luther King properties.
- 23 6) Adopted Resolution No. 5075 awarding a contract to and authorizing the City
- 24 Manager to execute a contract with JEDCO for Prospect/Sausalito Blvd Storm
- 25 Drain repairs
- 26 7) Adopted Resolution No. 5076 approving the service of alcohol beverages in the
- 27 outdoor dining area for the restaurant at Fred's Place Coffee Shop, 1917
- 28 Bridgeway
- 29 8) Adopted Resolution No. 5077 documenting Council approved infrastructure for the
- 30 planter/art work at the Public Safety Facilities
- 31 9) Adopted Resolution No. 5078 approving the second amendment to the GTE
- 32 Building Lease Agreement
- 33 10) Received an Update on the Housing Element Committee
- 34

### 35 **PUBLIC HEARINGS**

36  
37 There were no Public Hearings.

### 38 **BUSINESS ITEMS**

#### 39 **6A. Green Building Energy Retrofit and Solar Transformation (BERST) Presentation**

#### 40 **and Discussion by Bob Brown**

41  
42 Bob Brown, Community Development Director for the City of San Rafael, presented this  
43 item, describing what BERST was all about . . . using less energy! Mr. Brown noted that this  
44 group had been formed in order to retain consistency throughout Marin with regard to  
45 adoption of green building regulations for new construction and remodels.  
46  
47  
48  
49

1 Mr. Brown showed examples of how to attain energy savings. He also explained BERST's  
2 recommendations on how to attain energy savings. Mr. Brown concluded his presentation  
3 describing the next steps, which included: creating a model ordinance for all the  
4 municipalities; preparing the California Energy Commission application; local agency  
5 adoption of green building ordinances; and finally the implementation and collaboration of all  
6 building officials.

7  
8 Council questions followed.

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

11  
12 No further action was taken on this item.

13  
14 **6B. EPA Order Compliance Update from the City of Sausalito (Director of Public Works**  
15 **Jonathon Goldman) and the Sausalito-Marin City Sanitary District (General Manager Bob**  
16 **Simmons)**

17  
18 Director of Public Works Jonathon Goldman presented an update on the EPA Compliance  
19 Order. He noted that there had only been one "spill" during the last quarter, and that spills  
20 are much smaller in nature. Mr. Goldman then described the sewer priority projects.

21  
22 Sausalito-Marin City Sanitary District General Manager Bob Simmons presented an update  
23 on the Sanitary District. He described the way that the City, Tamalpais Community Services  
24 District and the Sausalito-Marin City Sanitary District all work together. Mr. Simmons went  
25 over the wet weather problems that the District is experiencing, along with the  
26 accomplishments that have been made to date.

27  
28 Council questions followed.

29  
30 **Public Comment:**

31  
32 **Norman Wohlschlaeger** asked the Council if they had a location preference for the holding  
33 tanks.

34  
35 No further action was taken on this item.

36  
37 At 9:45 pm, the Mayor called for a ten minute break.

38  
39 **6C. Zoning Ordinance Amendment to Add Construction Time Limit Regulations and**  
40 **Modify the Length of Validity of Certain Permits – ZOA 09-002 (Community**  
41 **Development Director Jeremy Graves)**

42  
43 Community Development Director Jeremy Graves presented the staff report via a  
44 PowerPoint Presentation. He noted that Sausalito does not currently have any restrictions  
45 on the duration of construction; although, the UBC requires that inspections on projects be  
46 performed every six months.

47  
48 Mr. Graves described the proposed changes to the time limits as follows:  
49

<u>Value of Project</u>	<u>Time Limit</u>
\$0 to \$500,000	18 months
\$500,001 to \$1,000,000	24 months
Greater than \$1,000,000	30 months

He noted that the “clock would start ticking” at the issuance of a building permit. Mr. Graves also described the penalties as follows: day 1 – 60: \$400; day 61 – 120: \$600; and day 121 +: \$800 (with a maximum of 10% of project value or \$200,000, whichever is less).

Council questions followed.

**Public Comment:**

**Michael Rex** offered comments on the changes to the earlier draft of the ordinance. He then read a letter requesting four changes and presented the letter to the Council.

**Stafford Keegin** expressed concern about the lateness of Mr. Rex’s requested changes.

**Ray Withy** voiced concerns about the Design Review Permit.

**Don Olsen** voiced concern over the monetary penalties, noting that the ordinance was punitive.

**Flynn McDonald** thought that the construction time limits portion was good. However, she was also concerned with the Design Review Permit process.

**Peter Thomas** voiced concern about the penalties, noting that the costs for construction in Sausalito are already too high.

**Michael Rex** returned to the podium to respond to some of the comments that had been made.

**John Ferrell** sympathized with Don Olsen and Peter Thomas. He felt that the Council should be careful with adding the extra burdens. Mr. Ferrell then asked whether this was a Council over-reaction to a couple of situations that have arisen in the past.

**Susan Keegin** implored Council to take action and move ahead with this ordinance.

Council discussion followed, offering several recommendations for changes/modifications to the draft ordinance, and which would need to be reviewed by the Planning Commission.

**6D. Receive Fire Department Quarterly Report and Update on the Vegetation Management Program (Fire Chief Jim Irving)**

Fire Chief Jim Irving presented an over view report which included the training they have been involved in, the joint services being provided, and the 2008 response statistics. Chief Irving also provided a very brief update on the vegetation management program.

Council questions followed.

3A  
6

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

3  
4 At 12:05 am, Councilmember Pfeifer left the dais and returned at 12:07 am.

5  
6 **6E. Receive and file the Police Department Quarterly Report ending 9/30/09 (Chief of**  
7 **Police Scott Paulin)**

8  
9 Chief of Police Scott Paulin presented his third quarter statistical report via a PowerPoint  
10 Presentation. Chief Paulin noted that there were few trend changes.

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

13  
14 **6F. 2009 Season Wrap-up for the Rental Bike Parking Pilot Program (Chief of Police**  
15 **Scott Paulin)**

16  
17 Chief of Police Scott Paul presented the wrap-up for the Pilot Parking Program involving the  
18 rental bikes. He noted that some of the accomplishments over prior years included: bicycle  
19 racks addressed parking needs during the peak season; successfully reduced bike riding on  
20 sidewalks; fewer bikes were parked in Yee Tock Chee Park; fewer bikes were parked at sign  
21 poles and meters.

22  
23 Chief Paulin advised that the next steps would include continuing with the parking plan;  
24 removing unnecessary racks during the off season; and reviewing the current rack locations.

25  
26 Council discussion followed.

27  
28 **Public Comment:**

29  
30 **John Ferrell** suggested that at either end of town signs could be placed saying welcome  
31 and here are the rules. He also advised the Council that he was not happy with the parking  
32 in front of the Bank of America, as he felt that it was not good aesthetics.

33  
34 Mayor Leone suggested that during the off season, the Chief could look into different areas  
35 or make parking areas smaller. He further recommended that the Chief come back with  
36 recommendations at a public forum to address any modifications to the bike parking  
37 program.

38  
39 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**  
40 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

41  
42  
43 **7A. City Manager Reports**

44 **7A1. City Manager Information for Council**

45  
46 City Manager Adam Politzer reported on: the Holiday Potluck scheduled for October 29; and  
47 noted that the solar panel project is finally underway.

48  
49 **7A2. Future Agenda Items**

1 There was no discussion on Future Agenda Items.

2  
3 **7B. City Council Reports**

4 **7B1. Appointment to the Disaster Committee**

5  
6 Mayor Leone nominated Rene Steinhauer and Tom Perazzo for the two year terms and  
7 David King and Bonnie MacGregor for the one year terms.

8  
9 There being no other nominations, Rene Steinhauer, Tom Perazzo, David King and Bonnie  
10 MacGregor were appointed, by acclamation, to the Disaster Committee for the terms noted  
11 above. One position remains vacant

12  
13 **7B2. Other reports of significance**

14  
15 There were no other reports of significance.

16  
17 **7B3. Councilmember Committee Reports**

18  
19 There were no Councilmember Reports given.

20  
21 **ADJOURNMENT**

22  
23 There being no further business, the City Council meeting was adjourned at 12:40 am. The  
24 next regularly scheduled meeting will be held on November 10, 2009, with the open meeting  
25 due to commence at approximately 7:00 pm.

26  
27  
28  
29 Respectfully submitted,

30  
31 Debbie Pagliaro  
32 City Clerk

33  
34 Approved on:

MS