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

TUESDAY, NOVEMBER 17, 2009

CALL TO ORDER

The meeting was called to order by Vice Mayor Weiner at 5:40 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 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 5:41 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)
Gave direction; no action taken
2. **PUBLIC EMPLOYMENT** pursuant to CGC § 54957
Title: Special legal counsel
Gave direction; no action 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
City Negotiator: City Manager and City Attorney

1 Under Negotiation: Price and Terms

2 ***Gave direction; no action taken***

3
4 **4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
5 54956.8

6 Property: MLK Properties, 100 Ebbitide Avenue

7 Negotiating Parties: Lynn Churchill; Donovan; Mortan; Scholz; Likas; Fischer;
8 Bruce; Newlin; Sizemore; Cavanaugh; Murray; Sandberg; New
9 Village School; Badell; Daniloff; The Marin School

10 City Negotiator: City Manager and City Attorney

11 Under Negotiation: Price and Terms

12 ***Gave direction; no action taken***

13
14 **5. CONFERENCE WITH LEGAL COUNSEL**– Existing litigation CGC §54956.9(a)

15 Name of Case: Zacks v. Sausalito; MCSC Case No. CIV050995

16 ***Gave direction; no action taken***

17
18 **6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
19 54956.8

20 Property: Cass' Marina, portions of submerged and dry lands of Dunphy Park

21 Negotiating Parties: Cass' Rental Marina Inc.

22 City Negotiator: City Manager and City Attorney

23 Under Negotiation: Price and Terms

24 ***Gave direction; no action taken***

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

27
28 **APPROVAL OF THE AGENDA**

29
30 **Mayor Leone moved, seconded by Councilmember Pfeifer, to move item 6D, Council**
31 **Discussion on Removing a Planning Commissioner from Office to the last business**
32 **item, and to continue item 5A, the Peet's Coffee Application, to January 12, with the**
33 **exception that testimony would be received from those present this evening. The**
34 **balance of the agenda would remain as submitted. The motion was unanimously**
35 **approved by a roll call vote:**

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

37 **NOES: Councilmembers: None**

38 **ABSTAIN: Councilmembers: None**

39 **ABSENT: Councilmembers: None**

40
41 **1. SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**

42
43 There were no Special Presentations.

44
45 **COMMUNICATIONS**

46
47 **Jacques Ullman** spoke about the ferry terminal pedestrian and bicycle circulation.
48

1 **Stafford Keegin** suggested that there was a need to amend the zoning ordinance, prior to
2 the Peet's discussion, so that "formula retail" could be better defined.

3
4 **Richard Melenchuk** spoke about his neighbor and her construction job that was taking
5 place. He requested that Council remove Keller, "Stewart" (sic), and Cox from the Planning
6 Commission because they had testified against him when his neighbor tried to file a
7 restraining order against him. Mr. Melenchuk was emphatic that those three not be allowed
8 to make decisions on this project at the next Planning Commission meeting.

9
10 **Paul Ronan** spoke about the property across from his at 66 Atwood Avenue. He noted that
11 a tent had been placed on the roof of the house back in June. He noted that it had just been
12 removed today, but he was concerned about the lack of code enforcement even though he
13 had addressed the Planning Department when it first went up.

14 15 **ACTION MINUTES OF PREVIOUS MEETINGS**

16
17 There were no Minutes available.

18 19 **CONSENT CALENDAR**

20
21 **Public Comment:** There was no Public Comment on this item.

22
23 **Councilmember Pfeifer moved, seconded by Vice Mayor Weiner, to approve Consent**
24 **Calendar Items 4B1 through 4B6, as presented. The motion was unanimously**
25 **approved by a voice vote.**

26
27 Consent Calendar item approved was:

- 28
29 1) Approved the Holiday Parking Meter Waiver
30 2) Adopted Resolution No. 5084, Accepting the \$100,000 SLEFS COPS Grant
31 Funding
32 3) Approved Purchase of Police Patrol Vehicles and Authorized the Appropriation of
33 \$46,571.40 from the Vehicle Replacement Fund
34 4) Adopted Resolution No. 5085, authorizing the Submittal of an Application to the
35 California Energy Commission's EECBG Program for Funds to Execute the
36 Proposed City Hall Historically-Sensitive Exterior Windows and Doors
37 Replacement Project
38 5) Adopted Resolution No. 5086, Approving a Caltrans Temporary Construction
39 Easement on Sacramento
40 6) Received an Informational Item on the Bid Documents for Furniture for the Public
41 Safety Facilities

42 43 **PUBLIC HEARINGS**

44
45 **5A. Introduction and first reading, reading by title only, an ordinance amending**
46 **Zoning Ordinance Table 10.24-1 (Land Uses Allowed in Commercial Districts) and**
47 **Section 10.444.240.C (Formula Retail) to allow Formula Retail uses in the Commercial**
48 **Waterfront (CW) Zoning District, subject to issuance of a conditional use permit.**

1 (related to the Peet's Coffee Application for 1250 Bridgeway) (Associate Planner Heidi
2 Burns)

3
4 Mayor Leone reminded the group that this item was being continued to January 12;
5 however, because so many were present for this item, they would take public testimony for
6 the record.

7
8 Associate Planner Heidi Burns then presented an abbreviated synopsis on what this hearing
9 was about. She did not go into detail, advising that on January 12, 2010 she would go into
10 the merits of the application.

11
12 **Public Comment:**

13
14 **Mauro Dosolini** was glad to see that this would not be heard until there was a full Council.
15 He also advised that he is not in favor of the application.

16
17 **Morgan Morgan** noted that she is a Peet's advocate and has to go out of town to get it.
18 She felt this was a great opportunity to maximize revenues.

19
20 **Melissa Mooney** supported Ms Morgan's comments.

21
22 **Sky Schickman** noted that he does not support Peet's; instead he supports local business.
23 Mr. Schickman implored the Council to protect the locals.

24
25 **Kemal Abuhan** indicated that he loves Peet's Coffee, but does not support this application.
26 He expressed concern for the waterfront residents.

27
28 **Mike Attaway** noted that the issue is not Peet's, it is in the ordinance and formula retail. He
29 felt that this application would open up "Pandora's Box".

30
31 **Mike Madden** felt that most property owners would not allow formula retail businesses in
32 this zoning area. He felt that this was just a scare tactic.

33
34 **Marianne Wiener** was not in favor of Peet's. She welcomes the opportunity to support
35 small businesses with good quality wares.

36
37 **Kim Stoddard** felt that allowing this type of business would drive up rents in this area. She
38 expressed concern about the garbage that is created by coffee companies. She felt that
39 Council needs to keep the Sausalito charm, and strongly opposes this application.

40
41 **Peter Thomas** noted that this town thrives because of small businesses. He further noted
42 that there already is an existence of unique blends of coffees in Sausalito.

43
44 **Tom Gangitano** felt that those who leave Sausalito to shop should be ashamed. He felt
45 that residents need to support Sausalito. He also recommended that residents should feel
46 free to make suggestions to business owners if they feel a need for change in what they
47 have to offer. Mr. Gangitano noted that in their business, they always listen to the
48 consumer.

1 **Zack Zastrow** noted that he had moved to Sausalito because of the small town feel. He
2 strongly opposes Peet's.

3
4 **John Cox** felt that Peet's would not pull business away from other locals; he felt they would
5 actually make them grow. Mr. Cox then asked how much revenue would be brought to
6 Sausalito by Peet's.

7
8 **Jim Madden** felt that Peet's would not run business out of town. He was glad to see that
9 they will keep the residents in town.

10
11 **Gerry Fait** sees this as a zoning issue and not about a specific business. She wants to see
12 the commercial waterfront remain the same.

13
14 There being no further Public Comment, Mayor Leone declared the hearing continued to
15 January 12, 2010.

16
17 **5B. Introduction and first reading, reading by title only, an ordinance adding a new**
18 **section in the Zoning Ordinance which establishes time limit regulations for**
19 **construction projects; amending Zoning Ordinance Sections 10.54.040 and 10.54.050**
20 **and Chapter 10.62 regarding the expiration of certain permits; amending Zoning**
21 **Ordinance Section 10.80.040 regarding responsibilities of the Zoning Administrator**
22 **(Community Development Director Jeremy Graves)**

23
24 Community Development Director Jeremy Graves presented the staff report on this item,
25 which also included the background on the process that this ordinance had taken. Mr.
26 Graves noted that this item had been before the Council previously and was now back with
27 the Planning Commission recommendations as requested.

28
29 **Public Comment:**

30
31 **Ray Withy** felt that this draft had created a balance for the penalties and allows projects to
32 proceed. He still expressed concern regarding definitions of extension on the Design
33 Review Permit.

34
35 **Michael Rex** felt that financial problems on the part of the applicant should be an exemption
36 for extension.

37
38 **Patty Bacon** supported the passage of this ordinance.

39
40 **Paul Ronan** endorsed the legislation one hundred percent, and felt it was long overdue.

41
42 **Susan Keegin** felt that the Council should "just do it!" She was glad to see that the "clock"
43 would continue even with proposed changes to projects.

44
45 **Mayor Leone moved, seconded by Councilmember Pfeifer, to waive first reading and**
46 **read by title only, an ordinance of the City Council of the City of Sausalito amending**
47 **Title 10 of the Sausalito Municipal Code to: add a new Section 10.54.100 regarding**
48 **construction time limits, modify Section 10.50.120 regarding implementation of**
49 **permits, modify Sections 10.54.040, 10.54.050 and 10.62.070 regarding the length of**

1 validity of certain permits, and modify Section 10.80.040B regarding duties of the
2 Zoning Administrator. The motion was unanimously approved by a roll call vote:

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

7
8 **BUSINESS ITEMS**

9
10 **6A. Bay Cities Refuse Rate Increase (Administrative Services Director / Treasurer**
11 **Charles Francis)**

12
13
14 Administrative Services Director / Treasurer Charles Francis presented the staff report on
15 this item. He noted that even with the recommended two percent increase for services, Bay
16 Cities Refuse fees are still one of the lowest for all refuse providers in Marin County, and
17 they provide better services.

18
19 Council questions followed.

20
21 Greg Christie of Bay Cities Refuse also assisted in answering Council questions.

22
23 **Public Comment:**

24
25 **Rich Fortmann** strongly supported the rate increase. He noted that Bay Cities Refuse
26 Service goes above and beyond for this community.

27
28 **Councilmember Kelly** moved, seconded by **Vice Mayor Weiner**, to adopt **Resolution**
29 **No. 5087** approving modified rates effective January 1, 2010 for a two percent
30 increase in both commercial and residential rates. The motion was unanimously
31 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. Adoption of plans, specs & working details for the NMTTP Bridgeway to Ferry**
38 **Landing Project and authorize the invitation of bids (City Engineer Todd Teachout)**

39
40 City Engineer Todd Teachout presented the staff report on this item. He described some of
41 the recommended changes along Anchor and Bay Streets. He advised that Humboldt
42 Street would be addressed later.

43
44 Council discussion followed.

45
46 **Public Comment:**

47
48 **Michael Rex** applauded the outreach that the City had pursued on this project. He further
49 noted how he appreciated the recommendation to enlarge the sidewalk. Mr. Rex stressed

1 the need to coordinate with the Bridgeway to Gate 6 project. Mr. Rex concluded by making
2 further suggestions regarding communications to the public about the project improvements.

3
4 **Vice Mayor Weiner moved, seconded by Councilmember Kelly, to adopt Resolution**
5 **No. 5088 authorizing the City Manager to Execute Amendment No. 1 to the**
6 **Professional Services Agreement with Royston Hanamoto Alley & Abbey for**
7 **construction plan preparation for Non-Motorized Transportation Project – Bridgeway**
8 **to Ferry Landing Improvements. Mayor Leone requested the consideration of an**
9 **amendment to the motion which would require the Director of Public Works and/or**
10 **City Engineer to return to Council to advise what projects will not be done because of**
11 **using the funds for this project. The amendment was accepted and the original**
12 **motion and amendment were unanimously approved by a roll call vote:**

13 **AYES: Councilmembers: Pfeifer, Weiner, Kelly and Mayor Leone**
14 **NOES: Councilmembers: None**
15 **ABSTAIN: Councilmembers: None**
16 **ABSENT: Councilmembers: None**

17
18 At 9:55 pm, the Mayor called for a five minute break.

19
20 **6C. Street Repair Program – Status Update and Authorization to Solicit Bids (City**
21 **Engineer Todd Teachout)**

22
23 City Engineer Todd Teachout presented the staff report on this item. He noted that
24 additional resources would be needed because of recommended changes to the Program,
25 which included:

- 26 • Reconstruction Plans for Johnson and Caledonia - rehab Johnson with PSF Facility -
27 \$20,800
- 28 • Reconstruction Plans for Bee Street - \$32,200
- 29 • Need to add 2010 Street Repair List - \$15,000

30
31 Council questions followed.

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

34
35 Council discussion continued.

36
37 **Vice Mayor Weiner moved, seconded by Councilmember Kelly, to adopt Resolution**
38 **No. 5089 authorizing the amendment to the Professional Services agreement with**
39 **CSW/Stuber-Stroeh and authorizing staff to solicit bids for construction of the 2010**
40 **Street Rehab Project. The motion was unanimously approved by a roll call vote:**

41 **AYES: Councilmembers: Pfeifer, Weiner, Kelly and Mayor Leone**
42 **NOES: Councilmembers: None**
43 **ABSTAIN: Councilmembers: None**
44 **ABSENT: Councilmembers: None**

45
46 **6D. Council Discussion on Removing a Planning Commissioner from Office (City**
47 **Council)**

48
49 *(As noted above, this item was moved to follow 6F.)*

1
2 **6E. Discussion and Direction on Proposed Amendment of Sausalito Municipal Code**
3 **Section 18.12, Sewers (Director of Public Works Jonathon Goldman)**

4
5 Director of Public Works Jonathon Goldman presented the staff report, exactly as found in
6 the packet.

7
8 Council questions followed.

9
10 **Public Comment:**

11
12 **Katie Peacock** of the Marin Association of Realtors supported the changes as presented.
13 She offered their services to help in any way that the City might need.

14
15 **Rich Fortmann** complimented staff for working hard to solicit input into this subject.
16 However, Mr. Fortmann still felt that the City could do better. He that there were problems in
17 the wording with regard to the proposed common laterals and in the easements for sewer
18 dealing with sewer lines crossing another's land. He recommended defining the problem
19 and then coming up with a program for residents to repair their lines.

20
21 Mayor Leone recommended referring the issues regarding language back to the Sewer
22 Committee.

23
24 No further action was taken on this item.

25
26 **6F. Approve Closure of City Hall for the Period of December 21, 2009 through**
27 **January 3, 2010 (City Manager Adam Politzer)**

28
29 City Manager Adam Politzer presented the staff report on this item. He noted that this will
30 be the third year in which City Hall would be recommended for closure. Mr. Politzer noted
31 that the Library closing has been the issue in the past. He noted that this year, the Library
32 has recommended closing Thursday through Saturday of both weeks. Mr. Politzer noted
33 that all other departments outside of City Hall would work with skeletal crews.

34
35 **Public Comment:** There was no Public Comment on this item.

36
37 **Councilmember Kelly moved, seconded by Councilmember Pfeifer, to approve the**
38 **City Hall Holiday Closure proposal which would close City Hall during the weeks of**
39 **December 21, 2009 through January 1, 2010 and be based on the same schedule as**
40 **last year. The motion was unanimously approved by a voice vote.**

41
42 **6D. Council Discussion on Removing a Planning Commissioner from Office (City**
43 **Council)**

44
45 It was noted that a letter of resignation had been received from Commissioner Stout.
46 Council then, by consensus, accepted the resignation of Commissioner Eric Stout from the
47 Planning Commission.
48

1 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
2 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

3
4
5 **7A. City Manager Reports**

6 **7A1. City Manager Information for Council**
7

8 City Manager Adam Politzer reported on: the \$500 sponsorship for outreach for the Marin
9 Energy Authority workshops; and MCCMC on December 3.

10
11 **7A2. Future Agenda Items**
12

13 Mayor Leone recommended the following items for future agendas:
14

- 15 • Clarification on how items are placed on agendas
- 16 • Placing the award of grants from the Holiday Meter Waiver Program on the
17 December 8 City Council meeting

18
19 **7B. City Council Reports**

20 **7B1. Other reports of significance**
21

22 There were no other reports of significance.
23

24 **7B2. Councilmember Committee Reports**
25

26 Councilmember Pfeifer reported on the Library exploring additional space availability in City
27 Hall.
28

29 **ADJOURNMENT**
30

31 There being no further business, the City Council meeting was adjourned at 11:32 pm. The
32 next regularly scheduled meeting will be held on December 8, 2009, with the open meeting
33 due to commence at approximately 7:00 pm.
34
35
36
37

38 Respectfully submitted,

39 Debbie Pagliaro
40 City Clerk
41

42 Approved on:

