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

TUESDAY, JANUARY 12, 2010

CALL TO ORDER

The meeting was called to order by Mayor Leone at 6:58 p.m.

ROLL CALL

PRESENT: Councilmember Weiner, Vice Mayor Pfeifer, Councilmember Ford,
Councilmember Kelly (arriving later as noted), Mayor Leone

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Leone announced, by title, that items D1 and D2 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 6:59 pm.

The regular meeting reconvened at 7:08 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8

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

Negotiating Parties: Cass' Rental Marina Inc.

City Negotiator: City Manager and City Attorney

Under Negotiation: Price and Terms

Direction given

2. **CONFERENCE WITH LEGAL COUNSEL**— Existing litigation CGC §54956.9(a)

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

Direction given

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

1 **APPROVAL OF THE AGENDA**

2
3 Vice Mayor Pfeifer requested that item 4B7, adoption of a resolution authorizing the
4 lease and installation of a temporary parking lot booth for Municipal Lot #1, be pulled
5 from the Consent Calendar. Mayor Leone suggested that this item be continued to
6 January 26 because of the anticipated length of tonight's meeting.
7

8 Vice Mayor Pfeifer moved, seconded by Councilmember Ford, to approve the agenda
9 with the noted change above. The motion was unanimously approved by a voice vote
10 (Councilmember Kelly absent).
11

12 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**

13
14 **A. Acknowledgement of those students reaching the "900 Club" (*Intern David***
15 ***Weatherford and Mayor Leone*)**
16

17 Sausalito-Marin City School District Superintendent Debra Bradley introduced those Board
18 Members present from both the Sausalito-Marin City School District and from the Willow
19 Creek Academy. She also introduced the Principals of Bayside School and Willow Creek
20 Academy. Ms Bradley noted that this was the second year that students from the "900
21 Club" were being acknowledged by the Sausalito City Council. Ms Bradley then described
22 the "900 Club" and named the seventeen students who had qualified this year.
23

24 Mayor Leone and the members of the City Council then congratulated those students
25 present and presented them with Certificates of Acknowledgement.
26

27 **B. Swearing In Ceremony for Reserve Police Officer Nick White (*Chief of Police Scott***
28 ***Paulin*)**
29

30 Chief of Police Scott Paulin conducted the swearing in ceremony by introducing Nick White,
31 Nick's mother and his girlfriend. He then swore in Nick White as a Reserve Police Officer for
32 the Sausalito Police Department.
33

34 Following this ceremony, Mayor Leone advised those present that Chief Paulin was acting in
35 place of City Manager Adam Politzer, who had been called out of town on a family
36 emergency.
37

38 **C. Ceremony Awarding the Sausalito Police Department Life Saving Award to Officer**
39 **Sean Smagalski (*Chief of Police Scott Paulin*)**
40

41 As the introductions began, Councilmember Kelly took his seat at the dais at 7:28 pm.
42

43 Chief Paulin introduced Captain John Rohrbacher who was present for this ceremony.
44

45 Captain Rohrbacher then introduced Officer Sean Smagalski and described the events that
46 had lead up to this presentation. Officer Smagalski was then awarded the Sausalito Police
47 Department's Life Saving Award. Officer Smagalski was commended by the Mayor and
48 Councilmembers.
49

1 **COMMUNICATIONS**

2
3 There were no Communications.
4

5 **ACTION MINUTES OF PREVIOUS MEETINGS**

6
7 **3A. Approve minutes from the regular City Council meeting of November 17, 2009**

8
9 Vice Mayor Pfeifer moved, seconded by Councilmember Weiner, to approve the
10 minutes of the Regular City Council meeting of November 17, 2009 as submitted. The
11 motion was unanimously approved by a voice vote (Councilmember Ford abstaining).
12

13 **3B. Approve minutes from the regular City Council meeting of December 8, 2009**

14
15 Vice Mayor Pfeifer moved, seconded by Councilmember Weiner, to approve the
16 minutes of the Regular City Council meeting of December 8, 2009 as submitted. The
17 motion was unanimously approved by a voice vote.
18

19 **CONSENT CALENDAR**

20
21 **Public Comment:** There was no Public Comment on this item.
22

23 **Councilmember Ford moved, seconded by Vice Mayor Pfeifer, to approve Consent**
24 **Calendar Items 4B1 through 4B6 and 4B8 through 4B9, noting the earlier discussion**
25 **to continue 4B7 to January 26. The motion was unanimously approved by a voice**
26 **vote.**
27

28 Consent Calendar item approved was:
29

- 30 1) Received and filed actions taken at the Planning Commission meetings of
31 November 4, November 18, and December 2, 2009
- 32 2) Received and filed notes taken at the December 14, 2009 meeting of the Citizen's
33 Advisory Review Board for Police Matters
- 34 3) Received and filed notes taken at the November 12, 2009 meeting of the
35 Sustainability Commission
- 36 4) Adopted Resolution No. 5100 amending the Memorandum of Understanding with
37 the Southern Marin Professional Firefighters, Sausalito Group, IAFF Local 1775
- 38 5) Adopted Resolution No. 5101 declaring City Vehicle 109, a 1991 International 900
39 Water Truck, surplus and authorize the City Manager to dispose of said vehicle
- 40 6) Adopted Resolution No. 5102 approving the proposed refunding of Marin
41 Emergency Radio Authority 1999 Revenue Bonds
- 42 7) *Adopt resolution authorizing the lease and installation of a temporary parking lot*
43 *booth for Municipal Lot #1 – continued to January 26, 2010*
- 44 8) Accepted the resignation of Henry Larsen from the Housing/Dangerous Buildings
45 Appeals Board
- 46 9) Adopted Resolution No. 5013 executing an agreement with the Transportation
47 Authority of Marin for Measure A "return to source funding" an enable
48 disbursement of \$134,737 to Sausalito for local transportation improvement
49 programs

1
2 **PUBLIC HEARINGS**

3
4 **A. Introduction and first reading, reading by title only, an ordinance amending**
5 **Zoning Ordinance Table 10.24-1 (Land Uses Allowed in Commercial Districts) and**
6 **Section 10.444.240.C (Formula Retail) to allow Formula Retail uses in the Commercial**
7 **Waterfront (CW) Zoning District, subject to issuance of a conditional use permit.**
8 **(Peet's Coffee application for 1250 Bridgeway) (Associate Planner Heidi Burns) – con't**
9 **from 11-17-09**

10
11 Associate Planner Heidi Burns presented the staff report on this item. In addition, she used
12 a PowerPoint Presentation to give the background on the Zoning Ordinance amendment
13 regarding Formula Retail. Ms Burns noted that since the inception of the formula retail
14 amendment, only three businesses have come forward with requests to open. She
15 continued with the definition and purpose of the Formula Retail Ordinance and the
16 permitting process. Ms Burns noted that formula retail operations are currently allowed in
17 the CC (Central Commercial), the CS (Shopping Center) and the CN (Neighborhood
18 Commercial) Districts.

19
20 Council questions followed.

21
22 Representing the applicant was CEO Patrick O'Dea. Mr. O'Dea indicated that he did not
23 want to "lobby" for Peet's, he simply wanted to describe the company.

24
25 Mr. O'Dea noted that the first Peet's Coffee opened in 1966. He noted that the company
26 has always strived for quality and a commitment to their craft, commitment to the community
27 and a commitment to their people. He continued, noting that if they were to open a store in
28 Sausalito, they would aim for LEED certification (and he further described their "green"
29 capabilities). Mr. O'Dea further explained how Peet's uses local companies for many of their
30 needed services. They also feature local artists in their storefronts. Mr. O'Dea concluded
31 by indicating that Peet's wants to be a part of the Sausalito community.

32
33 Also representing Peet's was Carol Mazzetti. She simple added that this was the first
34 location in Sausalito where they found adequate parking.

35
36 **Public Comment:**

37
38 **Elaine Pazloski** asked specific questions directed at the Peet's representatives.

39
40 **Jean Spaulding** noted that although she supports local coffee shops, she does buy Peet's
41 coffee beans. She did agree that Peet's has a long standing reputation for supporting their
42 local communities. Ms Spaulding suggested that Council should look at the economic
43 situation and the fact that the proposed location has been vacant for some time. She
44 stressed that a coffee shop would not have an impact on the marine business in that area
45 and that Peet's would bring more business to Sausalito.

46
47 **Bonnie MacGregor** supported the application. She also noted that the proposed location
48 has been idle for over a year. She also stressed how other storefronts are vacant in

1 Sausalito and that Sausalito was losing income because of it. Ms MacGregor felt that a
2 company like Peet's could get business up and running faster than most other businesses.
3

4 **Pamela Krazny** noted that she is a passionate supporter of Peet's and would love to be
5 able to buy her coffee here.
6

7 **Laurie Wright** also noted that she is a strong supporter of Peet's.
8

9 **Vicki Nichols** reminded Council that this application is about a land use change. She noted
10 that she opposes the application because only one business has come in to request such a
11 Zoning Ordinance change in that area. With that being said, she noted that the application
12 does not meet a "need" issue.
13

14 **Gordon Radley** recommended bringing Peet's into the "village" atmosphere of Sausalito.
15 He also expressed concern about how those areas were designated for formula retail and
16 just down the street it is not allowed.
17

18 **Monica Towers** felt that Peet's would be great for the character of Sausalito. She felt that
19 they would bring vitality to an area in need.
20

21 **Fred Krause** felt that the building at the proposed location needs something special. He felt
22 that Peet's could make it there, and that Peet's could be a Sausalito resident secret.
23

24 **Susan Foster** reminded everyone of the quaintness and charm that the previous coffee
25 shop brought to the area. She felt that Peet's may not be the most quaint at this location.
26

27 **Jerome Shofarim** was in favor of small businesses that could exist in Sausalito. He felt that
28 Peet's would put other local coffee shops and cafes out of business. Mr. Shofarim
29 expressed concern about excess traffic being brought in over the weekends.
30

31 **Jim Madden** noted that their family owns several of the properties in this CW zone and they
32 do not plan on bringing in formula retail. He then read a letter of support into the record.
33

34 **Mike Madden** followed up on Jim's comments and noted that there are only four parcels in
35 the CW zone that would be affected by such a zoning amendment, since their family owns
36 the balance of the parcels.
37

38 **Dave Kaplan** noted that he was in favor of Peet's. Even he realized that the property owner
39 is simply trying to rent to a stable business. Mr. Kaplan felt that this location needs to have
40 a business where you can sit outside and enjoy the water.
41

42 **Mary McDowell** hoped that easy access for kayakers could be accommodated at this
43 location.
44

45 **Robin Sweeny** felt that there are already several independent coffee places in Sausalito
46 and that the City should be able to protect "our own".
47

1 **Pam Page** felt that the proposed location was perfect for a coffee shop and one that would
2 be community oriented. She felt that traffic would not be an issue as more people would be
3 walking and biking to this location.

4
5 **Kayla Kahn** expressed concern about the change in the ordinance. She questioned what
6 this would do for the town.

7
8 **Nick** felt that Peet's should not be at the proposed location. He preferred to see Peet's
9 located farther to the south.

10
11 **Dorothy Gibson** expressed concern that kayakers might disturb this natural habitat if they
12 were allowed to come ashore there.

13
14 **Pasquale Ancona** did not want to judge Peet's; however, he felt that to change the rules
15 just for them would not be fair.

16
17 Peter O'Dea and Carol Mazzetti responded to the questions that had been raised and were
18 specific to Peet's. They stressed how the outside of the building would not be changed.
19 They even showed a sample of an old wooden Peet's Coffee sign that they had proposed to
20 hang. They also described how the patio would be landscaped and furniture added so that
21 all could enjoy the outside.

22
23 Mayor Leone closed the public hearing.

24
25 Council Comments followed.

26
27 **Vice Mayor Pfeifer moved, seconded by Councilmember Ford, to reject the ordinance**
28 **amending Title 10 of the Sausalito Municipal Code to amend Table 10.24-1 and**
29 **Section 10.44.240 to allow Formula Retail uses subject to approval of a conditional**
30 **use permit within the Commercial Waterfront Zoning District. The motion was**
31 **approved by a roll call vote:**

32	AYES:	Councilmembers:	Pfeifer, Ford and Mayor Leone
33	NOES:	Councilmembers:	Weiner, Kelly
34	ABSENT:	Councilmembers:	None
35	ABSTAIN:	Councilmembers:	None

36
37 Mayor Leone called for a short recess in order to empty the room.

38
39 **BUSINESS ITEMS**

40
41 **6A. Consideration of continued participation in the Marin Energy Authority's Marin**
42 **Clean Energy Program**

43
44 Supervisor Charles McGlashan began the presentation on this item by describing what
45 Marin Clean Energy was about. He advised that of those cities and towns who remain in the
46 program, approximately 20% of the customers would be phased in by June, 2010 and the
47 remaining customers would be phased in around mid-2011.

48
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1 Supervisor McGlashan explained how this program helps to avoid cities' individual costs
2 associated with the new laws pertaining to greenhouse reductions. In that sense,
3 Supervisor McGlashan showed where the estimated costs for Sausalito to comply with the
4 new laws would be approximately \$11.5 million dollars; whereas, if Sausalito joins in the
5 Marin Clean Energy program, the costs to comply would only be \$3.8 million dollars.
6

7 Supervisor McGlashan stressed that there is no financial risk to member cities and hoped
8 that Sausalito would stay in the program.
9

10 Council questions followed.
11

12 Shawn Marshall advised that she was a Board Member of Marin Energy Authority, but that
13 she was coming before Council tonight as a Mill Valley City Councilmember. She continued
14 by describing how Mill Valley had come to their decision to remain with the program.
15

16 David Reuben, of PG&E, spoke about the proposed contract in which Shell would be
17 providing green energy for MEA. He noted the references comparing MEA with PG&E.
18

19 Council questions followed.
20

21 Bill Monson of MRW & Associates spoke as an impartial party in order to weigh in on what
22 had been presented this evening. Mr. Monson helped to explain some of the differences
23 between the presentations of MEA and PG&E.
24

25 Council questions followed.
26

27 **Public Comment:**
28

29 **Skip Berg** noted that this was an opportunity for Sausalito to help lead the County, if not the
30 State and the Nation, to a cleaner universe.
31

32 **Paul Helliker**, General Manager of MMWD, explained that as one of the largest electric
33 customers in Marin County, they want the opportunity to purchase their energy from MEA.
34 He hoped that the Council would be willing to allow Sausalito businesses and residents an
35 opportunity to make a choice on how they purchase their energy.
36

37 **Scott Robinson** expressed that he wants to be able to make his own choice. He
38 encouraged the City to stay in the program.
39

40 **Mary Moss** asked Council to allow her to be a part of the solution.
41

42 **Sherry Reson** read a letter into the record from the Sierra Club.
43

44 **Yoshi Tome** noted that PG& E spoke at a Chamber meeting because of the power outages
45 that have been happening. He stressed that PG&E is a monopoly and has not been
46 accountable. Mr. Tome encouraged "open competition!"
47

48 **Rachel Guinness** felt that MEA would allow the people to choose.
49

1 **Jeff Scharoush** expressed that competition is a great thing. He also wanted the
2 opportunity to be able to choose.

3
4 **Meghan Matsen** supported the MEA program. She read several comments of support into
5 the record. She urged Council to allow the residents to make their own choices.

6
7 **Chris Gallagher** endorsed and echoed the comments of Yoshi Tome and Jeff Scharousch.
8 She explained that the Chamber urged Council to allow the businesses and residents to
9 make their choice.

10
11 **Bill Carney** of Sustainable Marin, expressed the importance of the involvement of electric
12 vehicles and how they will help to meet the greenhouse reductions. He felt that all of this
13 was about choices.

14
15 **Doreen Gournard** advised that as a resident of Galilee they currently use solar energy.
16 She hoped that Council would be willing to take a “leap of faith” and just do it!

17
18 **Kiki Laporta**, also of Sustainable Marin, expressed “we want our MCE”!

19
20 **Peter Van Meter** expressed to Council to not be afraid. He also suggested that there
21 should be a push for wind power.

22
23 **Misha Raskin** of the local Sierra Club thought this was an exciting opportunity and
24 encouraged the Council to support the program.

25
26 **Mark Trotter** noted that the power business is extremely profitable, especially for those
27 companies who stay the course and do not change. Mr. Trotter felt that the work done by
28 MEA was excellent.

29
30 Dawn Weisz of MEA then answered questions that had been raised during the public
31 comment.

32
33 Council comments followed.

34
35 **Vice Mayor Pfeifer moved, seconded by Councilmember Ford, to opt out of the Marin
36 Clean Energy Program. The motion failed by a roll call vote:**

37 **AYES: Councilmembers: Pfeifer, Ford**
38 **NOES: Councilmembers: Weiner, Kelly and Mayor Leone**
39 **ABSENT: Councilmembers: None**
40 **ABSTAIN: Councilmembers: None**

41
42 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
43 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

44
45
46 **7A. City Manager Reports**

47 **7A1. City Manager Information for Council**

48
49 Acting City Manager Scott Politzer reported on: MCCMC meeting scheduled for January 17;
50 provided statistics on the Drive you Home Program; setting OMIT meeting.

1
2 **7A2. Future Agenda Items**

3
4 There were no Future Agenda Items discussed.
5

6 **7B. City Council Reports**

7
8 **7B1. Appointment to the Planning Commission (fill unexpired term through 5/2011)**

9
10 Mayor Leone nominated Vicki Nichols for the unexpired term on the Planning Commission.
11 Councilmember Kelly nominated Bill Werner.
12

13 Mayor Leone called for the vote:

14
15 Councilmember Weiner: Bill Werner
16 Vice Mayor Pfeifer: Bill Werner
17 Councilmember Ford: Bill Werner
18 Councilmember Kelly: Bill Werner
19 Mayor Leone: Vicki Nichols
20

21 Bill Werner, having received at least three votes was appointed to the Planning Commission
22 for an unexpired term through May, 2011.
23

24 **7B2. Other reports of significance**

25
26 There were no other reports of significance.
27

28 **7B3. Councilmember Committee Reports**

29
30 Vice Mayor Pfeifer reported on the Library Space Utilization meeting and requested staff to
31 set a meeting with the Mayor and two members of the Board of Library Trustees.
32 Discussion followed.
33

34 **ADJOURNMENT**

35
36 There being no further business, the City Council meeting was adjourned at 12:59 am on
37 January 13. The next regularly scheduled meeting will be held on January 26, 2010, with
38 the open meeting due to commence at approximately 7:00 pm.
39
40
41

42 Respectfully submitted,

43
44 Debbie Pagliaro
45 City Clerk
46

47 Approved on:

