

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

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

TUESDAY, FEBRUARY 23, 2010

CALL TO ORDER

The meeting was called to order by Vice Mayor Pfeifer at 4:55 p.m.

ROLL CALL

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

ABSENT: None

WORKSHOP ON THE FIRE CONSOLIDATION

Present at the Workshop: Councilmember Weiner, Vice Mayor Pfeifer, Councilmember Ford, Councilmember Kelly, Administrative Services Manager/Treasurer Charles Francis, City Attorney Mary Wagner, City Manager Adam Politzer, Fire Chief Jim Irving, Director of Public Works Jonathon Goldman, Peter Banning of LAFCo, Doug Wriston of the Southern Marin Fire District Board and consultants Dwane Milnes and Stewart Gary.

CityGate consultants Dwane Milnes and Stewart Gary gave an overview of where the consolidation of the Sausalito Fire Department and Southern Marin Fire Protection District process stands. They again noted that a city-only fire agency is not cost-effective and showed the different scenarios on staffing and coverage. Their recommendations for merger included Joint Powers Authority options or annexation into the Fire Protection District.

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

Council questions followed.

It was the consensus of the Council that the Fire Consolidation Committee meet and follow up on issues that had been raised this evening, and then bring the "next steps" back to the full Council for further discussion and recommendations.

The workshop concluded at 6:38 pm.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Vice Mayor Pfeifer announced, by title, that items D1 through D3 would be discussed in Closed Session.

1 **Public Comment:** There was no Public Comment on the Closed Session Items
2
3 Council adjourned into Closed Session at 6:40 pm.

4
5 **The regular meeting reconvened at 7:09 p.m.**

6
7 **PLEDGE OF ALLEGIANCE**

8
9 **REPORT ON RESULTS OF CLOSED SESSION ITEMS**

- 10
11 **1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
12 54956.8
13 Property: Cass' Marina, portions of submerged and dry lands of Dunphy Park
14 Negotiating Parties: Cass' Rental Marina Inc.
15 City Negotiator: City Manager and City Attorney
16 Under Negotiation: Price and Terms
17 ***Received an update***

- 18
19 **2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
20 54956.8
21 Property: MLK Properties, 100 Ebbtide Avenue
22 Negotiating Parties: New Village School; Pippa Murray
23 City Negotiator: City Manager and City Attorney
24 Under Negotiation: Price and Terms
25 ***Received an update***

- 26
27 **3. CONFERENCE WITH LEGAL COUNSEL – Existing litigation** pursuant to CGC §
28 54956.9(a)
29 Name of Case: Zacks v. Sausalito; MCSC Case No. CIV050995
30 ***Received an update***

31
32 **Public Comment on Closed Session Items:** There was no Public Comment on this item.

33
34 **APPROVAL OF THE AGENDA**

35
36 **City Attorney Mary Wagner advised Vice Mayor Pfeifer that item 6D, Continued**
37 **discussion on the temporary structure for Parking Lot #1 booth, was being continued**
38 **to March 2, 2010. The change in the agenda was unanimously approved by a voice**
39 **vote (Mayor Leone absent).**

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

42
43 There were no Special Presentations.

44
45 **COMMUNICATIONS**

46
47 **Peter Van Meter** spoke about MEA. He suggested that Council should reconsider their last
48 action.

3A
2

1 **Neil Whitelaw** spoke about a hit and run situation that he had been involved in. He went on
2 to further describe other crosswalk situations that he has witnessed.

3
4 At 7:12 pm during the above communication, Mayor Leone took his seat at the dais.

5
6 **ACTION MINUTES OF PREVIOUS MEETINGS**

7
8 **Mayor Leone moved, seconded by Councilmember Weiner, to approve the minutes of**
9 **the regular City Council meetings of January 12, 2010 as submitted, January 26, 2010**
10 **as clarified and February 2, 2010 as submitted. The motion was unanimously**
11 **approved by a voice vote.**

12
13 **CONSENT CALENDAR**

14
15 **City Attorney Mary Wagner advised that the lease amendment with Pippa Murray, a**
16 **portion of Item 4B3, had been removed from the Consent Calendar and that only the**
17 **New Village School lease amendment would remain as Item 4B3 for approval.**

18
19 **Public Comment:** There was no Public Comment on this item.

20
21 **Councilmember Ford moved, seconded by Councilmember Kelly, to approve Consent**
22 **Calendar Items 4B1 through 4B3 as amended. The motion was unanimously**
23 **approved by a voice vote.**

24
25 Consent Calendar item approved was:

- 26
27 1) Received and filed actions taken at the February 3, 2010 Planning Commission
28 meeting
29 2) Adopted Resolution No. 5109 rescinding Resolution No. 5085 and authorizing
30 invitation for bids for City Hall doors and windows retrofit project with MLK gym.
31 3) Adopted Resolution No. 5110 approving the third amendment to Lease of
32 Premises by and between the City of Sausalito and New Village School

33
34 **PUBLIC HEARINGS**

35
36 **5A. Appeal of the Planning Commission approval of a Design Review Permit (DR08-**
37 **002) for an addition to one duplex unit located at 600 Locust Street (originally heard**
38 **by Council on 7/21/09) (Associate Planner Lilly Schinsing)**

39
40 Associate Planner Lilly Schinsing presented the staff report on this item along with a
41 PowerPoint Presentation. She proceeded with giving the background on the entire project,
42 beginning in January, 2008 when it was before the Planning Commission. Ms Schinsing
43 advised that Council had first heard the appeal on July 21, 2009 and remanded the project
44 back to the Planning Commission in order to address the privacy issue.

45
46 Council disclosed their Ex Parte communications with respect to this project.

47
48 Mayor Leone opened the Public Hearing.

1 **Robert Beifuss**, the appellant, expressed his concern about the size and the negative
2 impact that this project would have on the neighborhood. He emphasized that the project
3 was too large, and the fact that the loss of sunlight and privacy on his property would be a
4 great impact. Mr. Beifuss then presented photos which portrayed his concerns. Mr. Beifuss
5 also explained that the trees were too big for the area and wanted to know whose
6 responsibility it would be to take care of them.

7
8 **Kim Stoddard**, also speaking on behalf of the appellant, read a February 22 letter into the
9 record from Betty Leaskou.

10
11 **John McCoy**, the architect representing the applicant, described the revised plans and
12 noted the changes that had been made to address the appellants concerns on privacy.

13
14 **James Lascot**, arborist for the architect and representing the applicant, described the
15 adequateness of the Loquat trees and other issues that Mr. Beifuss had raised earlier.

16
17 **Public Comment:**

18
19 **Kim Welborn** also expressed concern about the size and impact of this project. She noted
20 that all homes in the area are just a little over 1,000 square feet. She felt that all the
21 neighbors were against this remodel.

22
23 **Karen Scholz-Grace** noted that she opposes the project because of the view blockage.

24
25 **John Boldes** noted that he, and other residents, had come to agreements with Ms Akraboff.
26 He further advised that he had only been concerned about the safety issue – whether
27 clearance along the curb would be sufficient. Mr. Boldes advised that he has been satisfied
28 with the changes and feels that the safety issue no longer exists.

29
30 **Alan Shirek** advised that he supports the applicant. He further noted that there have been
31 other changes in the neighborhood and that all these changes are improving the area.

32
33 **Shelby Cox** also supported the project. She noted that she is looking forward to a fresh
34 new look and improving the property value in the area.

35
36 **Chris Welborn** expressed opposition to the project due to the size and impact on their view.
37 He felt that he has vested rights over the applicant because he had received his approved
38 permits first. Mr. Welborn then read another letter of opposition into the record.

39
40 Mayor Leone closed the Public Hearing.

41
42 Robert Beifuss returned to the podium for his rebuttals and highlighted issues regarding the
43 recommended Loquat tree. Mr. Beifuss stressed that the remodel project needs to stay
44 within the footprint of the existing building.

45
46 Kim Stoddard continued the rebuttals by showing Council other remodel jobs in that area
47 that had stayed within their existing footprints.

48

1 James Lascot returned for his rebuttal, noting that the recommended tree can be trained to
2 be a hedge. He also explained that he is recommending an ornamental Loquat, not a fruit
3 bearing Loquat.

4
5 John McCoy also returned to address the size and height issues.

6
7 Vanya Akkraboff completed the rebuttals. She noted that she had made concessions all
8 along the way.

9
10 Council comments and discussion followed.

11
12 Mayor Leone reiterated the issues of this project which boiled down to a view issue for two
13 neighbors and a privacy issue of another property owner. Based on this, Mayor Leone
14 recommended that this item be continued to March 16 in order to give additional time for
15 negotiations between these parties. Mayor Leone stressed that there must be compromise.

16
17 **Mayor Leone moved, seconded by Councilmember Ford, to continue the public**
18 **hearing to March 16, 2010. The motion was approved by a roll call vote:**

19 **AYES: Councilmembers: Weiner, Ford, Kelly and Mayor Leone**
20 **NOES: Councilmembers: Pfeifer**
21 **ABSENT: Councilmembers: None**
22 **ABSTAIN: Councilmembers: None**

23
24 At 9:35 pm, Mayor Leone called for a break in order to clear the room.

25
26 Mayor Leone called the meeting to order at 9:45 pm.

27
28 **Mayor Leone moved, seconded by Councilmember Kelly to moved item 6C, Proposal**
29 **by Ritter Center of Marin to display two Art Houses in Sausalito as part of their**
30 **County-wide fundraising and awareness campaign, to be heard next. The motion was**
31 **unanimously approved by a voice vote.**

32
33 **6C. Proposal by Ritter Center of Marin to display two Art Houses in Sausalito as part**
34 **of their County-wide fundraising and awareness campaign (Parks and Recreation**
35 **Director Mike Langford)**

36
37 Parks and Recreation Director Mike Langford presented the staff report on this item. He
38 described their fundraising project for ending homelessness in Marin. Mr. Langford noted
39 that the Ritter Center staff had requested placing these Art Houses in Robin Sweeny Park
40 and at the Bank of America Plaza; however, staff was recommending Dunphy Park in place
41 of the Bank of America Plaza.

42
43 Mr. Langford then introduced Diane Linn, Executive Director of the Ritter Center. Ms Linn
44 further described the Art House projects and who was involved.

45
46 **Public Comment:** There was no Public Comment on this item.

47
48 Council questions and comments followed.

1 Vice Mayor Pfeifer moved, seconded by Councilmember Kelly, to adopt Resolution
2 No. 5111, authorizing execution of a License Agreement for use of City Property
3 (Bank of America Plaza and Robin Sweeny Park) by Ritter Center for temporary Art
4 Installations (Art Houses of Marin). The motion was unanimously approved by a
5 voice vote.

6
7 **5B. Introduction, read by title only and waive further reading, of an ordinance**
8 **amending Section 17.08 of the Sausalito Municipal Code to address excavations**
9 **within ten (10) feet laterally of high priority subsurface installations (Director of Public**
10 **Works Jonathon Goldman)**

11
12 Director of Public Works Jonathon Goldman presented the staff report on this item. He
13 noted that staff had received follow up comments from Underground Service Alert North and
14 AT&T, which warranted revisions and returning for a new introduction of the ordinance.

15
16 **Public Comment:** There was no Public Comment on this item.

17
18 **Mayor Leone moved, seconded by Councilmember Weiner, to waive first reading and**
19 **reading by title only, an ordinance of the City Council of the City of Sausalito**
20 **amending Chapter 17.08 of the Sausalito Municipal Code to address excavations**
21 **within ten (10) feet laterally of high priority subsurface installations, and continue this**
22 **item to the regular meeting of March 2, 2010 for the second reading and adoption.**
23 **The motion was unanimously approved by a voice vote.**

24
25 **BUSINESS ITEMS**

26
27 **6A. Community Development Quarterly Report (Community Development Director**
28 **Jeremy Graves)**

29
30 Community Development Director Jeremy Graves presented his quarterly update by
31 highlighting the many activities taking place in his department, some of which included
32 adoption of the Construction Time Limit Ordinance, initiating the Housing Element
33 Committee meetings, contracting with Contra Costa County for building inspection
34 administration for the public safety facilities, continuing review of the Historic Design
35 Guidelines and many others. Mr. Graves went on to present upcoming project priorities.

36
37 Council questions followed.

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

40
41 **6B. Status Updated on the Sausalito Public Safety Facilities Project**

- 42 1) **Review and approval of Alten Change Order Request #10**
43 2) **Award of Contract to AA&T Communications for installation of low voltage**
44 **cabling system at Sausalito Public Safety Facilities**
45 3) **Award Contract to furnish and install photovoltaic system at new fire station**
46 **to Cupertino Electric Inc of San Jose, California for the lump sum of \$134,937**
47 **(Project Manager Loren Umbertis and Director of Public Works Jonathon Goldman)**
48

1 Project Manager Loren Umbertis began this report, noting that Change Orders approved to
2 date totaled \$701,398. He also noted that the completion schedule may be delayed up to
3 one month, anticipating completion in May.

4
5 Mr. Umbertis then went on to describe the bid award for the low voltage cabling system.

6
7 **Public Comment:** There was no Public Comment on this item.

8
9 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**
10 **Resolution No. 5112, approving and authorizing the City Manager to execute Change**
11 **Order #10 to the contract with Alten Construction Inc. for construction of the**
12 **Sausalito Public Safety Facilities Project New Construction dated October 9, 2008 and**
13 **in the amount of \$62,219. The motion was unanimously approved by a roll call vote:**

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

18
19 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**
20 **Resolution No. 5113, awarding a contract to furnish and install low-voltage cabling at**
21 **the PSF Project to AA&T Communications, Inc. of Santa Rosa, California for the lump**
22 **sum of \$42,998. The motion was unanimously approved by a voice vote.**

23
24 Director of Public Works Jonathon Goldman presented the staff report for balance of the
25 report on the Public Safety Facilities. He described the process for which they had received
26 eight bids for the installation of a photovoltaic system at the new Fire Station facility.

27
28 Council questions followed.

29
30 **Public Comment:** There was no Public Comment on this item.

31
32 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**
33 **Resolution No. 5114, awarding a contract to furnish and install a photovoltaic system**
34 **at the new Fire Station to Cupertino Electric Inc. of San Jose, California for the lump**
35 **sum of \$134,937. The motion was unanimously approved by a voice vote.**

36
37 **6D. Continued discussion on the temporary structure for Parking Lot #1 booth (con't**
38 **from 2/2/10) (Sergeant Kurtis Skoog)**

39
40 As noted above, this item was continued to March 2, 2010.

41
42 **6E. Intent to Vacate the Public Sewer Easement at 100 Prospect Avenue (APN 065-**
43 **191-48) and adopt resolution setting the date and time for the public hearing (con't**
44 **from 2/2/10) (Director of Public Works Jonathon Goldman)**

45
46 Director of Public Works Jonathon Goldman presented the staff report on this item, noting
47 that staff was recommending the vacation of this easement at 100 Prospect Avenue. Based
48 on questions raised at the previous meeting on this item, Mr. Goldman advised the Council
49 that vacation of this easement would not affect the net parcel size.

1 Council comments and questions followed on some of the summary points raised.

2
3 **Public Comment:** There were no Public Comments on this item.

4
5 **Mayor Leone moved, seconded by Councilmember Kelly, to adopt Resolution No.**
6 **5115, declaring the City's intention to vacate the public sewer easement on private**
7 **property at 100 Prospect Avenue, APN 065-191-48 and setting the date for and time of**
8 **the public hearing for April 6 and that there be two recitals added to the resolution to**
9 **address that there is no affect to the net parcel size and that the benefit to the parcel**
10 **owner is the same that would be conveyed by the encroachment agreement. The**
11 **motion was unanimously approved by a voice vote.**

12
13 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
14 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

15
16
17 **7A. City Manager Reports**

18 **7A1. City Manager Information for Council**

19
20 City Manager Adam Politzer reported on: MCCMC meeting; Sausalito's hosting of the
21 MCCMC meeting in April; rescheduling of the joint Planning Commission/City Council
22 meeting; and the upcoming Strategic Planning Session.

23
24 **7A2. Future Agenda Items**

25
26 Councilmember Ford requested that the following items be planned for discussion on future
27 agendas: pension actuarial; Design Review Board; and an overall downtown plan.

28
29 Vice Mayor Pfeifer requested discussions on: Imagine Sausalito committee wrap-ups;
30 campaign reform; and Council etiquette during elections.

31
32 Mayor Leone suggested that a process for declaring a public nuisance be addressed at the
33 next meeting.

34
35 **7B. City Council Reports**

36
37 **7B1. Mayor's Appointments for Council Liaisons and Committees**

38
39 There were no new appointments made.

40
41 **7B2. Other reports of significance**

42
43 There were no other reports of significance.

44
45 **7B3. Councilmember Committee Reports**

46
47 There were no Council Committee Reports.

48
49 **ADJOURNMENT**

1 There being no further business, the City Council meeting was adjourned at 11:35 pm. The
2 next regularly scheduled meeting will be held on March 2, 2010, with the open meeting due
3 to commence at approximately 7:00 pm.

4
5
6
7
8
9
10
11
12
13
14

Approved on:

Respectfully submitted,

Debbie Pagliaro
City Clerk