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

TUESDAY, MARCH 16, 2010

CALL TO ORDER

The meeting was called to order by Mayor Leone at 5:34 p.m.

ROLL CALL

PRESENT: Councilmember Weiner, Vice Mayor Pfeifer, Councilmember Ford,
Councilmember Kelly (arriving late), Mayor Leone

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

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

Public Comment:

Chuck Donald spoke about the cell leases on the agenda and asked about the process being taken.

Council adjourned into Closed Session at 5:37 pm.

The regular meeting reconvened at 7:10 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **CONFERENCE WITH LEGAL COUNSEL** – Anticipated litigation pursuant to CGC § 54956.9(c)
Initiation of litigation (one potential case)
Gave direction to Counsel

2. **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
Under Negotiation: Price and Terms
Gave direction to Counsel and Staff

- 1
2 **3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
3 54956.8
4 Property: Cell Towers at 300 Spencer Avenue and Highway 101 at Rodeo Avenue
5 Negotiating Parties: Clearwire, AT&T and Verizon
6 City Negotiator: City Manager and City Attorney
7 Under Negotiation: Price and Terms
8 ***Gave direction to staff***
9

10 **Public Comment on Closed Session Items:** There was no Public Comment on this item.
11

12 **APPROVAL OF THE AGENDA**
13

14 **Councilmember Ford moved, seconded by Councilmember Weiner to approve the**
15 **agenda as submitted. The motion was unanimously approved by a voice vote.**
16

17 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**
18

19 **A. Swearing in ceremony for Police Officer Nick White**
20

21 Chief of Police Scott Paulin introduced Police Officer Nick White and performed the
22 ceremonial duties of swearing him in as the newest Police Officer.
23

24 **B. Phil Frank Commemoration**
25

26 Amy Belser lead the tribute to Phil Frank by describing some of his many projects. Susan
27 Frank then added a few words of thanks.
28

29 Mayor Leone read the proclamation, adopted in 2009, which proclaims March 31 as Phil
30 Frank Day.
31

32 Jack Beck concluded the tribute with a few more words and the presentation of two original
33 Phil Frank comic strips. Mayor Leone graciously accepted the gift.
34

35 **COMMUNICATIONS**
36

37 **Nancy Osborn** addressed the Council, requesting a public forum in which the residents of
38 Sausalito could learn more about MEA, and thus make an educated decision for their future
39 energy services.
40

41 **ACTION MINUTES OF PREVIOUS MEETINGS**
42

43 **Councilmember Kelly moved, seconded by Councilmember Weiner to approve the**
44 **minutes of regular meeting of February 23, 2010, the minutes of the regular meeting**
45 **of March 2 (as corrected), and the special meeting of March 9, 2010. The motion was**
46 **unanimously adopted by a voice vote.**
47
48
49

1 **CONSENT CALENDAR**

2
3 **Public Comment:**

4
5 **Dorothy Gibson** requested that item 4B2 regarding the Bruce staircase and encroachment
6 agreement be removed from the Consent Calendar for further discussion.

7
8 **Steve Fraser** also requested that this item be removed for further discussion.

9
10 **Chuck Donald** requested that items 4B5, 4B6, 4B7 and 4B8 regarding the cell tower leases
11 be removed from the Consent Calendar and continued to another meeting for further
12 discussion.

13
14 **Nancy Osborn** also asked that those items be continued for further discussion and
15 clarification.

16
17 **Dick Weisinger** noted that he was in favor of the Bruce stairs.

18
19 City Attorney Mary Wagner advised that staff was recommending clarifying language
20 changes for items 4B5, 4B6, 4B7 and 4B8 regarding the cell tower leases.

21
22 Mayor Leone requested a quick clarification on item 4B1, which was promptly answered.

23
24 **Mayor Leone moved, seconded by Councilmember Weiner, to move items 4B2 (Bruce**
25 **staircase and encroachment agreement) and item 4B5, 4B6, 4B7 and 4B8 (cell tower**
26 **leases) to the Business Items portion of the agenda for further discussions. The**
27 **motion was unanimously approved by a voice vote.**

28
29 **Councilmember Kelly moved, seconded by Councilmember Weiner, to approve**
30 **Consent Calendar Items 4B1, 4B3 and 4B4, noting that the remaining items would be**
31 **moved to the Business portion of the agenda for further discussion as noted above.**
32 **The motion was unanimously approved by a voice vote.**

33
34 Consent Calendar items approved were as follows:

- 35
36 1) Authorized reallocation of \$4,500 from special events funds to the 2010 Hospitality
37 Business Development Committee funds
- 38 2) *Bruce Staircase and Encroachment Agreement (DR/EA 08-011): Authorize*
39 *construction of stairs in the South Street right-of-way and adopt a resolution*
40 *approving an encroachment agreement to allow a new driveway to encroach into*
41 *the Sausalito Blvd right-of-way, an existing staircase to encroach in the Marion*
42 *Avenue right-of-way, and maintenance of landscaping in the Marion Avenue right-*
43 *of-way – moved to Business Items for further discussion*
- 44 3) Adopted a Resolution No. 5119 authorizing the City Manager to approve up to
45 \$20,000 in Change Orders for the Public Safety Facilities Project to accelerate
46 project completion
- 47 4) Adopted Resolution No. 5120 dedicating sanitary sewer fees as the Source of
48 Revenue for Repayment of State revolving fund financing for the City of Sausalito
49 Priority Sewer Projects

- 1 5) *Authorize the City Manager to execute a cell tower lease with Clearwire at 300*
2 *Spencer Avenue – moved to Business Items for further discussion*
3 6) *Authorize the City Manager to execute a cell tower lease with AT&T at Highway*
4 *101 and Rodeo Avenue – moved to Business Items for further discussion*
5 7) *Authorize the City Manager to execute a cell tower lease with AT&T at 300*
6 *Spencer Avenue – moved to Business Items for further discussion*
7 8) *Authorize the City Manager to execute a cell tower lease with Verizon at 300*
8 *Spencer Avenue – moved to Business Items for further discussion*
9

10 **PUBLIC HEARINGS**

11
12 **5A. Appeal of the Planning Commission approval of a Design Review Permit (DR08-**
13 **002) for an addition to one duplex unit located at 600 Locust Street (originally heard**
14 **by Council on 7/21/09) (Associate Planner Lilly Schinsing) (con't from 2-23-10)**

15
16 Associate Planner Lilly Schinsing provided a brief overview of the project and the actions
17 that Council had previously taken. She noted that staff had received a late request to have
18 this item continued.

19
20 Following Council questions, City Attorney Mary Wagner explained the process of why the
21 item was on the agenda and how to continue it.

22
23 **Don Olsen** further clarified the request for the continuance.

24
25 **Robert Beifuss** noted that he would not be in town on April 6.

26
27 **Councilmember Kelly** moved, seconded by Councilmember Weiner to continue the
28 hearing to the City Council meeting of April 20, 2010. The motion was unanimously
29 approved by a voice vote.

30
31 **BUSINESS ITEMS**

32
33 **4B5. Authorize the City Manager to execute a cell tower lease with Clearwire at 300**
34 **Spencer Avenue – moved from Consent Calendar for further discussion**

35
36 **4B6. Authorize the City Manager to execute a cell tower lease with AT&T at Highway**
37 **101 and Rodeo Avenue – moved from Consent Calendar for further discussion**

38
39 **4B7. Authorize the City Manager to execute a cell tower lease with AT&T at 300**
40 **Spencer Avenue – moved from Consent Calendar for further discussion**

41
42 **4B8. Authorize the City Manager to execute a cell tower lease with Verizon at 300**
43 **Spencer Avenue – moved from Consent Calendar for further discussion**

44
45 Administrative Services Director/Treasurer Charles Francis provided the clarification to
46 Council regarding these items and described policy being recommended for processing cell
47 tower leases.

48
49 **Public Comment:**

1
2 **Chuck Donald** appreciated the recommended change in the process for these cell leases.

3
4 **Nancy Osborn** agreed with Chuck Donald.

5
6 Mayor Leone reaffirmed the new process for cell leases, noting that a letter of intent will go
7 out to the cell companies first; the Planning Commission would then review the land use
8 application; and then both the lease and the land use application would return to the City
9 Council for final action.

10
11 **Councilmember Kelly** moved, seconded by **Councilmember Weiner**, to accept the new
12 procedure for processing cell tower leases as described above. The motion was
13 unanimously approved by a voice vote.

14
15 **4B2. Bruce Staircase and Encroachment Agreement (DR/EA 08-011): Authorize**
16 **construction of stairs in the South Street right-of-way and adopt a resolution**
17 **approving an encroachment agreement to allow a new driveway to encroach into the**
18 **Sausalito Blvd right-of-way, an existing staircase to encroach in the Marion Avenue**
19 **right-of-way, and maintenance of landscaping in the Marion Avenue right-of-way –**
20 **moved from Consent Calendar for further discussion**

21
22 Associate Planner Lilly Schinsing presented the staff report on this item, noting that there
23 were three parts to the project. She further described each, which included: 1) the new
24 driveway encroachment into the Sausalito Boulevard right-of-way; 2) an existing entry
25 staircase encroachment into the Marion Avenue right-of-way; and 3) maintenance of
26 landscaping into the Marion Avenue right-of-way.

27
28 **Public Comment:**

29
30 **Dorothy Gibson** spoke about the public stairs and pathways in this area and the
31 importance of some of them.

32
33 **Charlotte Mastrangelo** agreed with Dorothy Gibson and wanted to see the Marion to
34 Sausalito Blvd. stairs developed before the new building plans are approved.

35
36 **Stephen Fraser**, attorney for Paula Bruce, noted that this project has taken five years, six
37 planners and three Planning Directors. Mr. Fraser asked the Council to consider
38 conditioning the approval of the lot split so that before the building permit is issued for the
39 new property, a bond to build the stairs would be in place. He also inquired into why Ms
40 Bruce must remove the stairs, some of the patio and chairs, since the Planning Commission
41 has required a fence be built to separate the Bruce property from the Marion Street right-of-
42 way. Mr. Fraser further explained that Ms Bruce is facing financial hardships and noted that
43 such conditions would certainly help.

44
45 Mayor Leone explained to Mr. Fraser that he would have to return to the Planning
46 Commission for such changes in conditions.

47
48 **Disck Weisinger** again noted that he is in favor of the South Street stairs.

3A
5

1 **Maeve Metzger** requested a clarification on which stairs were being discussed.

2
3 Council discussion followed.

4
5 **Vice Mayor Pfeifer moved, seconded by Councilmember Ford, to submit construction**
6 **drawings, obtain a building permit, and install poured-in-place stairs in the**
7 **unimproved portion of the Marion Avenue right-of-way between Sausalito Boulevard**
8 **and north of the curb of Marion Avenue (where the pavement ends) prior to**
9 **recordation of the Parcel Map.**

10
11 Discussion on the motion followed. The motion was corrected as follows:

12
13 **Vice Mayor Pfeifer moved, seconded by Councilmember Ford, to adopt Resolution**
14 **No. 5121, denying the encroachment agreement for the installation of stairs in the**
15 **South Street right-of-way between Edwards and Marion and requiring the applicant to**
16 **install the staircase in the unimproved portion of the Marion Avenue right-of-way**
17 **between Sausalito Boulevard and north of the curb of Marion Avenue (where the**
18 **pavement ends) prior to recordation of the Parcel Map, or submit an in-lieu fee**
19 **comparable to the cost of the design, all associated permitting fees and installation of**
20 **stairs in the unimproved portion of the Marion Avenue right-of-way between Sausalito**
21 **Boulevard and north of the curb of Marion Avenue. The motion was approved by a**
22 **roll call vote:**

23 **AYES: Councilmembers: Weiner, Pfeifer, Ford, Kelly, Mayor Leone**
24 **NOES: Councilmembers: None**
25 **ABSENT: Councilmembers: None**
26 **ABSTAIN: Councilmembers: None**
27

28 **6A. Study and Analysis of the City of Sausalito's CalPERS Pension Plans**

29 *(Administrative Services Director/Treasurer Charles Francis)*

30
31 Administrative Services Director/Treasurer Charles Francis presented the staff report on this
32 item and then introduced John Bartel, who provided the CalPERS Actuarial issues along
33 with a PowerPoint presentation.

34
35 **Public Comment:**

36
37 **Paul Carroll**, the SEIU representative, commented on some of the options that had been
38 laid out.

39
40 Mr. Francis concluded with describing the "next steps".

41
42 Due to the lateness of the evening, Mayor Leone announced that Item 6C, the Rental Bike
43 Parking item, would be continued to April 6, 2010.

44
45 Mayor Leone then called for a break at 10:45 pm.

46
47 **6B. Presentation from Parking Access Revenue Control Systems Equipment Bidders**
48 **and Award of Contract for procurement and installation (Director of Public Works**
49 **Jonathon Goldman)**

3A
6

1
2 Director of Public Works Jonathon Goldman presented the staff report on this item along
3 with a PowerPoint presentation. He noted that prior to staff making a recommendation on
4 the vendor, he would need a five minute break with the City's consultant to evaluate the
5 results of the demonstrations. Mr. Goldman then presented representatives of VenTeck and
6 APARC who presented demonstrations of their equipment.

7
8 Council asked questions during each demonstration.

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

11
12 Mayor Leone moved on to item 7A1 so that staff and the consultant could review the
13 demonstrations and make a vendor recommendation.

14
15 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
16 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

17
18
19 **7A. City Manager Reports**

20 **7A1. City Manager Information for Council**

21
22 City Manager Adam Politzer reported on: the upcoming March MCCMC meeting; Sausalito
23 hosting MCCMC in April; selecting May 17 for the joint Planning Commission/City Council
24 meeting; and holding April 19 for the Council retreat.

25
26 Director of Public Works Jonathon Goldman announced that they were able to make a
27 recommendation.

28
29 Mayor Leone returned to item **6B**.

30
31 Mr. Goldman noted that he and the City's consultant, Walker Parking, were recommending
32 that the bid be awarded to APARC.

33
34 Council discussion followed.

35
36 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**
37 **Resolution No. 5122 awarding a contract for replacement of Parking and Revenue**
38 **Control Systems (PARCS) equipment in City Parking Lots 1, 2, 3 and 4, to APARC and**
39 **authorizing the City Manager to execute said contract. The motion was unanimously**
40 **approved by a roll call vote:**

41 **AYES: Councilmembers: Weiner, Pfeifer, Ford, Kelly, Mayor Leone**

42 **NOES: Councilmembers: None**

43 **ABSENT: Councilmembers: None**

44 **ABSTAIN: Councilmembers: None**

45
46 **7A2. Future Agenda Items**

47
48 There were no Future Agenda Items.

49
50 **7B. City Council Reports**

1 **7B1. Mayor's Appointments for Council Liaisons and Committees**

2
3 There were no new appointments made.

4
5 **7B2. Other reports of significance**

6
7 There were no other reports of significance.

8
9 **7B3. Councilmember Committee Reports**

10
11 There were no Councilmember Committee Reports.

12
13 **ADJOURNMENT**

14
15 There being no further business, the City Council meeting was adjourned at 12:45 am on
16 March 17. The next regularly scheduled meeting will be held on April 6, 2010, with the open
17 meeting due to commence at approximately 7:00 pm.

18
19
20
21 Respectfully submitted,

22
23 Debbie Pagliaro
24 City Clerk

25
26 Approved on:
27
28