



CITY OF SAUSALITO
SPECIAL & REGULAR CITY COUNCIL AGENDA
In the COUNCIL CHAMBERS via Zoom at 420 LITHO STREET, SAUSALITO, CA 94965
TUESDAY, DECEMBER 17, 2024
SPECIAL MEETING BEGINS AT 6:00 PM
REGULAR MEETING BEGINS AT 7:00 PM

Members of the public may participate over Zoom:

If you would like to speak on an agenda item, you can access the meeting remotely by joining from a PC, MAC, IPAD, iPhone, or Android device.

Please click this URL to join.

<https://us02web.zoom.us/j/85275894165?pwd=KJKaETkUjibJUh8OI0OeCg9PIE9jn5.1>

PASSCODE: 123456

Or join by phone:

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+1 253 205 0468

Webinar ID: 852 7589 4165

PASSCODE: 123456

Your phone number will appear on the screen unless you first dial *67 before dialing the numbers shown above. If you want to comment during the public comment portion of the agenda, you can use the "Raise Hand" function in Zoom under Reactions or Press *9 if you are calling in. If you do not want to speak during the public comment portion of the agenda, you may also submit email correspondence to cityclerk@sausalito.gov. Emails will be accepted up until 2:00 PM the day of the meeting.

IF STARTING TIMES ARE LISTED FOR EACH AGENDA ITEM THEY SHOULD BE CONSIDERED A GUIDELINE ONLY. THE CITY COUNCIL RESERVES THE RIGHT TO ALTER THE ORDER OF DISCUSSION IN ORDER TO RUN AN EFFECTIVE MEETING. IF YOU WISH TO ASSURE YOURSELF OF HEARING A PARTICULAR DISCUSSION, PLEASE ATTEND THE ENTIRE MEETING. THE CITY VALUES AND INVITES WRITTEN COMMENTS FROM THE PUBLIC ON MATTERS SET FOR CITY COUNCIL CONSIDERATION. IN ORDER TO PROVIDE CITY COUNCIL MEMBERS AMPLE TIME TO REVIEW ALL CORRESPONDENCE, PLEASE SUBMIT CORRESPONDENCE TO STAFF IN ADVANCE OF THE MEETING.

To give everyone an opportunity to be heard and to ensure the presentation of different points of view, the City Council requests that members of the audience who wish to speak, complete a Speakers' Card and when called on: 1) Always address the Chair; 2) State your name; 3) State views succinctly; and 4) Limit presentations to two (2) minutes. However, if there is a large group present to speak on the same issue, the City Council has the discretion to limit speakers to less than two minutes.

I. CALL TO ORDER, ROLL CALL & ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Government Code section 54956.9(d)(1))

Yes In My Backyard v. City of Sausalito, Marin County Superior Court Case No. CIV 2300652

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Government Code Section 54956.8)

Property: 750 Bridgeway, Sausalito, CA

Negotiating Parties: Sausalito Center for the Arts

City Negotiator: Chris Zapata, City Manager, Chad Hess, and Lemmor Bonilla

Under Negotiation: Price and Terms

II. RECONVENE TO OPEN SESSION - 7:00 PM

II.A. Pledge of Allegiance

II.B. Closed Session Announcements (if any)

1. SPECIAL PRESENTATIONS/MAYOR'S ANNOUNCEMENTS

2. ACTION MINUTES OF PREVIOUS MEETING

2.A Adopt the Minutes of the December 3, 2024 City Council Meeting

[Draft City Council Minutes of December 3, 2024](#)

3. CONSENT CALENDAR

REMOVAL OF ITEMS FROM THE CONSENT CALENDAR: Matters listed under the Consent Calendar are considered routine and non-controversial, require no discussion, are expected to have unanimous Council support, and may be enacted by the Council in one motion in the form listed below. There will be no separate discussion of Consent Calendar items. However, before the Council votes on a motion to adopt the Consent Calendar items, Councilmembers, City staff, or members of the public may request that specific items be removed from the Consent Calendar for separate action. In order to request an item be pulled, you must have completed a Speaker's Card and turned it in to the City Clerk. Items will only be removed from the Consent Calendar by a vote of the Council. Items removed from the Consent Calendar will be discussed later on the agenda, when public comment will be heard on any item that was removed from the Consent Calendar.

3.A Adopt a Resolution Certifying the Results of the General Municipal Election Held on November 5, 2024, declaring the result and such other matters as provided by Law

[Staff Report](#)

[Attachment 1 - Resolution](#)

[Attachment 2 - Exhibit A to Resolution - Certified Results](#)

3.B Authorize the City Manager to Execute an Amended Professional Services Agreement with Robert Brown in the Amount of \$13,065 (For a Total Not to Exceed Contract Amount of \$108,280)

[Staff Report](#)

[Attachment 1 - Draft Objective Design and Development Standards \(dated 10-14-24\)](#)

[Attachment 2 - Draft Professional Services Agreement Amendment](#)

[Attachment 3 - ODDS Contract Extension Proposal \(Exhibit A\)](#)

3.C Adopt a Resolution Authorizing the City Manager to execute a Maintenance and Operations Agreement with the Sausalito Marin City Sanitary District to support the cost of one Full Time Equivalent position and service truck in an amount estimated to be up to \$268,720 annually plus variable costs for equipment, materials and engineering services from Sewer Enterprise Funds

[Staff Report](#)

[Attachment 1 - Resolution](#)

[Attachment 2 - Agreement](#)

3.D Receive and File the City of Sausalito Bicycle Parking Program Report from the 2024 Season

[Staff Report](#)

- 3.E Approve the Updated Agreement with the County of Marin for Public Safety Dispatch Services in the Amount of \$350,725 from the General Fund**
[Staff Report](#)
[Attachment 1 - Updated Public Safety Dispatch Services Agreement](#)
[Attachment 2 - First amendment to the Public Safety Dispatch Agreement \(2021\)](#)
- 3.F Receive and File a report related to parking prohibitions under California Assembly Bill 413**
[Attachment 1 - Bill Text - AB-413](#)
[Staff Report](#)
[Attachment 2 - Draft Schedule](#)
- 3.G Consider and Approve Amended and Restated Lease Agreement with Sausalito Center for the Arts for 750 Bridgeway**
[Staff Report](#)
[Attachment 1 - Amended & Restated SCA Lease 750 Bridgeway](#)

4. PUBLIC HEARING ITEMS - NONE

5. BUSINESS ITEMS

- 5.A Adopt a Resolution Authorizing the City Manager to Execute the Memorandum of Understanding between the City of Sausalito and with the Sausalito Marin City Sanitary District to transfer sewer collection services**
[Staff Report](#)
[Attachment 1 - Draft Memo of Understanding](#)
- 5.B Presentation to Outgoing Councilmember Janelle Kellman by Chris Zapata, City Manager**
- 5.C Presentation to Outgoing Mayor Ian Sobieski by Chris Zapata, City Manager**
- 5.D Oath of Office for Councilmembers Elect Melissa Blaustein, Ian Sobieski, and Steven Woodside**
- 5.E City Council Selection of Mayor**
[Public Comments - Sonja Hansen](#)
[Public Comments Received After Deadline and Meeting](#)
- 5.F City Council Selection of Vice Mayor**
- 5.G Consider Revising the 2025 City Council Calendar to Cancel the Regular Meeting of August 19, 2025; and Call for 2025 Special Meetings on January 11 at 8:30 am, and February 25 at 7:00 pm**
[Staff Report](#)
[Attachment 1 - City Holidays and League of CA City Event Dates](#)

6. COMMUNICATIONS

PUBLIC COMMUNICATIONS: This is the time for the City Council to hear from citizens regarding matters that are not on the agenda. Except in very limited situations, state law precludes the Council from taking action on or engaging in discussions concerning items of business that are not on the agenda. However, the Council may briefly respond to statements made or questions posed by a member of the public, ask clarifying questions, make a brief announcement, or make a brief report on his or her own activities. The Council may also refer matters not on the agenda to City staff or direct that the subject be agendaized for a future meeting. Please make sure you have completed a Speakers' Card and turn it in to the City Clerk.

7. COUNCILMEMBER COMMITTEE REPORTS

8. CITY MANAGER REPORTS & OTHER COUNCIL BUSINESS

8A. City Manager Information for Council

8B. Future Agenda Items
[Future Agenda Items](#)

8C. PUBLIC COMMENT on Items 8A-8B

9. ADJOURNMENT

The next regularly scheduled City Council meeting will be held January 7, 2025, with the open session due to commence at approximately 7:00 PM.

LEAD DEPARTMENT

Administration Department
City Hall, Main floor
420 Litho Street
Sausalito, CA 94965
(415) 289-4199
admin@sausalito.gov

CITY COUNCIL

Ian Sobieski, Mayor
Joan Cox, Vice Mayor
Melissa Blaustein, Councilmember
Jill James Hoffman, Councilmember
Janelle Kellman, Councilmember

STAFF

Chris Zapata, City Manager
Sergio Rudin, City Attorney
Walfred Solorzano, City Clerk
Brandon Phipps, Community & Economic Development Director
Kevin McGowan, Public Works Director/City Engineer
Tabitha Abbot, City Librarian/Director of Communications
Chad Hess, Finance Director
Kathy Nikitas, Human Resources Manager
Stacie Gregory, Chief of Police
Chris Tubbs, Fire Chief

LEVINE ACT PUBLIC PARTY/APPLICANT DISCLOSURE OBLIGATIONS:

Pursuant to California requirements under the Levine Act, applicants, parties, and their agents who have made campaign contributions totaling more than \$250 (aggregated) to a City Council Member over the past 12 months, must publicly disclose that fact for the official record of that agenda item. Disclosures must include the amount of the campaign contribution aggregated, and the name(s) of the campaign contributor(s) and City Council member(s). The disclosure may be made either in writing to the Clerk prior to the agenda item consideration, or by verbal disclosure at the time of the agenda item consideration.

The foregoing statements do not constitute legal advice, nor recitation of all legal requirements and obligations of parties/applicants and their agents. Parties and agents are urged to consult with their own legal counsel regarding the requirements of the law.

DECLARATION OF POSTING

This Notice is posted in accordance with Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the city website. Under penalty of perjury, this Agenda was posted to the public within 72 hours prior to the meeting.

Disability Access In compliance with the Americans with Disabilities Act (28 C.F.R. 35.102- 35.104, ADA Title 11), if you need special assistance to participate in a City of Sausalito meeting, such as assistive listening devices, materials in large print or Braille, real time captioning, a translator, a sign language interpreter or other accommodations, please call, email or visit the Lead Department (see contact information on previous page) at least 72 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. Please contact the Lead Department for questions about accessibility of the meeting space, including the location of the nearest bus stop and accessible curbside parking to the meeting space.

How to obtain City Council Agendas

Posted Agendas : Agendas are posted 72 hours (regular meetings) and 24 hours (special meetings) prior to the City Council meeting at the entrance to the City Hall. **Agendas on the web:** www.sausalito.gov/city-government/city-calendar and click on the calendar link for that meeting. **Lead Department Office:** Agendas are available at the Department Office's (see Lead Department information above), City Hall at 420 Litho Street, Sausalito. **City Council Meetings:** Agendas are also available for the public at every City Council meeting.

How to obtain City Council Agenda Packet Materials

Lead Department Office: A copy of the complete agenda packet is available for review at least 72 hours (regular meetings) and 24 hours (special meetings) in advance of the City Council meeting at the Lead Department Office's (see Lead Department information above). Materials related to an item on this agenda which are submitted to the City Council after distribution of the packet are available for review in the Lead Department Office during normal business hours. Such documents are also available on the City's website, subject to Staff's ability to post the documents before the meeting. **Staff Reports on the Web:** www.sausalito.gov/city-government/city-calendar and click on the calendar link for that meeting.

At City Council Meetings: A complete agenda packet is available for review at each City Council meeting.

How to Stay Current Subscribe to the *Sausalito Currents*, City's e-mail distribution service for City news, announcements about upcoming public meetings including Council and Board/Commission meetings, forums, a variety of special events, and occasional news flashes on important issues affecting Sausalito, like road closures and weather alerts. You can also follow official City of Sausalito messages and postings on **Facebook, Nextdoor, Twitter and Nixle**. To subscribe or follow, visit www.sausalito.gov



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

December 16, 2024

Melissa Blaustein
Councilmember, City of Sausalito

Re: Your Request for Advice
Our File No. A-24-138

Dear Ms. Blaustein:

This letter responds to your request for advice regarding Section 84308 (“the Levine Act”) of the Political Reform Act (the “Act”).¹

Please note that we are only providing advice under Section 84308 of the Act and not under other general conflict of interest prohibitions such as common law conflicts of interest or any local contribution limits.

Also note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case, or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

Does Section 84308 of the Act prohibit you, as a member of the Sausalito City Council, from voting to approve a lease for the Sausalito Center for the Arts (“SCA”), even though the nonprofit’s uncompensated board members contributed a cumulative \$450 to your reelection campaign?

CONCLUSION

No. Because non-compensated nonprofit officers’ contributions are not aggregated under Section 82015.5, and because non-compensated officers do not qualify as “agents” under Section 84308, you may vote on the approval of SCA’s lease despite having accepted contributions totaling more than \$250 from SCA board members.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

FACTS AS PRESENTED BY REQUESTER

You are an elected member of the Sausalito City Council, having won reelection in the recent November 2024 election. At its December 17, 2024 meeting, the City Council will vote on the approval of a lease for the Sausalito Center for the Arts (SCA), a local nonprofit organization dedicated to programming for the arts and currently housed in a city-owned building. SCA's board of directors (the "Board") is comprised of local community members, three of whom donated a cumulative \$450 to your recent reelection campaign—one contribution of \$250 and two contributions in the amount of \$100. All of SCA's board members are uncompensated. You ask whether Section 84308 permits you to vote on SCA's lease, given that you have accepted over \$250 in cumulative campaign contributions from Board members in the preceding 12 months.

ANALYSIS

One of the Act's findings and declarations is that "public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests *or the financial interests of persons who have supported them.*" (Section 81001(b), emphasis added.) To this end, the Act's "pay to play" restrictions, contained in Section 84308, aim to ensure that state and local government officers are not biased by significant campaign contributions from contributors who might appear before them in a proceeding involving a license, permit, or entitlement for use (an "entitlement for use proceeding").²

Relevant here, Section 84308 places two restrictions on officers. First, officers are prohibited from soliciting, directing, or accepting contributions of more than \$250 from a party, participant, or their agent while an entitlement for use proceeding is pending before the officer's agency, and for 12 months thereafter. (Section 84308(b).)³ Second, if an officer has received such a contribution in the preceding 12 months, the officer must disclose this fact on the record and recuse themselves from the proceeding. (Section 84308(c).)⁴

As an elected member of the Sausalito City Council, you are an "officer" within the meaning of Section 84308. (Section 84308(a)(4).) Likewise, a lease is a form of contract and therefore falls squarely within the definition of a "license, permit, or other entitlement for use"

² Recently enacted legislation—SB 1181 and SB 1243—amends Section 84308 in significant ways, including: raising the contribution threshold from \$250 to \$500; defining the terms "pending," and "license, permit, or other entitlement for use"; specifying that contributions from agents are not aggregated with those of parties; and extending the period during which a disqualifying contribution may be returned from 14 to 30 days. These changes take effect on January 1, 2025.

³ Section 84308(d)(2) provides that an officer who is involved in a contribution in the 12 months following the final decision in violation of subdivision (b) may cure the violation by returning the contribution or excess amount within 14 days—but only if the officer did not knowingly or willfully accept, solicit or direct the prohibited contribution.

⁴ Section 84308(d)(1) provides that an officer may participate in the proceeding if the contribution is returned within 30 days of when the officer knew or should have known about the contribution and the proceeding.

under Section 84308. (Regulation 18438.2(a)(3).) Meanwhile, “party” is defined as “any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.” Here, SCA is the subject of a decision concerning a lease and is thus a “party.” Finally, a decision is “pending” for purposes of Section 84308 if it is “placed on the agenda for discussion or decision at a public meeting of the body.” (Regulation 18438.2(b)(1)(A).) SCA’s lease is on the agenda for the City Council’s December 17, 2024 meeting; therefore, it is “pending.”

The operative question is whether the \$450 worth of cumulative contributions from the Board members are disqualifying under Section 84308. When determining whether a party has contributed more than \$250 to an officer during a 12-month period, contributions made by the party are ordinarily aggregated with the contributions of individuals and entities specified in Section 82015.5, including the party’s agent(s). (Regulation 18438.5(a).) However, a person is only an “agent” of a party to a pending entitlement for use proceeding if that person receives compensation. (Regulation 18438.3(a).) Moreover, Regulation 18438.5(a)(3) expressly provides that the aggregation requirements of Section 82015.5 do not apply to “an uncompensated officer of a nonprofit organization.”

Here, SCA is a nonprofit organization and its Board is uncompensated. SCA’s Board members are not “agents,” and contributions from Board members need not be aggregated. Therefore, Section 84308 does not prohibit you from participating in the upcoming City Council vote on SCA’s lease, despite the fact that you have received greater than \$250 in cumulative contributions from its Board members in the past 12 months.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Dave Bainbridge
General Counsel

A handwritten signature in black ink, appearing to read 'T. Lewis', with a stylized flourish at the end.

By: Toren Lewis
Counsel, Legal Division

TL:aja