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

TUESDAY, FEBRUARY 26, 2008

CALL TO ORDER

The meeting was called to order at 5:35 p.m.

ROLL CALL

PRESENT: Councilmember Weiner, Councilmember Kelly, Mayor Belser, Vice Mayor Albritton, Councilmember Leone

(Councilmember Kelly arrived at 7:32, after the regular meeting had started)

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Belser announced the items that would be discussed in Closed Session.

Public Comment: There was no public comment on Closed Session items.

Council adjourned to the Conference Room for their Closed Session at 5:37 p.m.

The regular meeting reconvened at 7:00 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
Sausalito v. Alta Mira Treatment Program
Instructions were given to the City Attorney

2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: Sausalito Marine Properties; Foot of Locust Street
Negotiating Parties: Zacks Inc. dba Sausalito Marine
City Negotiator: City Manager and City Attorney
Under Negotiation: Price and Terms
Instructions were given to the City Attorney

DRAFT
Sausalito City Council Minutes

February 26, 2008
Item #: 3A
Meeting Date: 3-25-08
Page No. 1

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3. **CONFERENCE WITH LEGAL COUNSEL** – Anticipated litigation pursuant to subdivision (b) of CGC § 54956.9 (one potential case)
Instructions were given to the City Attorney
 4. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
Notice of Intent to Sue from Northern California River Watch
Instructions were given to the City Attorney
 5. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6
Agency Negotiator: city Manager
Employee Organizations: SEIU 1021
No action taken

16 **APPROVAL OF AGENDA**

17
18 **Vice Mayor Albritton moved, seconded by Councilmember Weiner, to approve the**
19 **agenda as submitted. The motion was unanimously approved by a voice vote.**

20
21 **SPECIAL PRESENTATIONS**

22
23 There were no special presentations.

24
25 **COMMUNICATIONS**

26
27 There were no public communications.

28
29 **MINUTES OF THE PREVIOUS MEETING**

30
31 **Vice Mayor Albritton moved, seconded by Mayor Belser, to approve the minutes of the**
32 **February 12, 2008 Regular City Council Meeting as submitted. The motion was**
33 **unanimously approved by a voice vote.**

34
35 **CONSENT CALENDAR**

36
37 **Public Comment:** There was no public comment on this item.

38
39 **Councilmember Leone moved, seconded by Vice Mayor Albritton, to remove item 4B1**
40 **from the Consent Calendar. The motion was unanimously approved by a voice vote.**
41 Mayor Belser announced that item 4B1 would now become item 5D under Hearings.

42
43 **Vice Mayor Albritton moved, seconded by Councilmember Leone, to approve Consent**
44 **Calendar items #2-8. The motion was unanimously approved by a voice vote.**

45
46 Consent Calendar items approved were as follows:

- 1) Adopt resolution approving encroachment agreement for awnings and planters encroaching into the public right of way at 739 Bridgeway (APN 065-071-27), as recommended for approval by Planning Commission Resolution No 2008-10 – removed from Consent to Hearings item #5D
- 2) Adopted Resolution No. 4935, authorizing membership in ICLEI-Local Governments for Sustainability and committing to participate in the Cities for Climate Protection Campaign
- 3) Waived further reading and adopted Ordinance No. 1189, An Ordinance of the City of Sausalito amending Title 13 of the Sausalito Municipal Code by adding Chapter 13.32, Social Host Accountability
- 4) Approved purchase and authorized the City Manager to execute purchase documents with Ricker Machinery, Inc in order to purchase sewer truck replacement vehicle
- 5) Authorized City Manager to approve payment for emergency storm drain repair work provided by WR Forde on February 1, 2008 at Spring and Bridgeway
- 6) Received and filed notes taken from the January 28 and February 11, 2008 Finance Committee meetings
- 7) Received and filed second quarter Treasurer's Report for October through December, 2007
- 8) Received and filed update on amount expended, to date, on the Public Safety Facilities

PUBLIC HEARINGS

5A. On the appeal filed by Will Revilock of a Planning Commission Denial of an application submitted by Will Revilock for a tentative Map and Subdivision Application (TM 05-047) to subdivide the existing 17,836 sq.ft parcel located at 160 Currey Avenue into two parcels; specifically being appealed are decisions regarding the sewer system and that the lots were not found to be in character with the neighborhood (Associate Planner Brent Schroeder)

Interim Community Development Director Diane Henderson presented the staff report on this item, as Associate Planner Brent Schroeder was absent.

Council questions followed regarding sewer issues and water run-off from the property. City Engineer Todd Teachout was present to answer these questions.

Mayor Belser opened the Public Hearing.

Will Revilock began his presentation by noting that he had, in fact, obtained a geotechnical report and had presented it to the City. Mr. Revilock continued with a history on the project. He indicated that he felt he had met all the requirements necessary in order to subdivide the property. He went on to address the concerns about water run-off, noting that these concerns would not normally be addressed until building permits are pulled. Mr. Revilock also addressed the character concerns. He noted that he has worked with, and addressed the concerns of the neighbors. Mr. Revilock felt strongly that this project would not impact the neighborhood.

Councilmember Kelly arrived and took his seat at the dais at 7:32 pm.

1 Council asked questions of the appellant.
2

3 **PUBLIC COMMENT:**
4

5 **Tom Delebo**, a neighbor spoke about the many developments that had taken place over the
6 last several years; however, none of these projects had requested a subdivision of lots. Mr.
7 Delebo voiced concern about a domino effect and that many new lots and houses could be
8 added if this project were to be approved. He also noted that all the streets in this area are
9 dead-end streets, hampering emergency access. Mr. Delebo requested that the City Council
10 uphold the decision of the Planning Commission and deny the appeal.
11

12 **Rebels Kayton** noted concerns that the development could add to a "fire storm" situation. He
13 stressed that there is too much vegetation and too little access in this area.
14

15 **Karen Ingretson** noted that this area has been an oasis of spacious lots. She felt that any
16 increases in density would be out of character for the area. Ms Ingretson then read a letter
17 into the record which was from her downhill neighbors, Chris and Lisa, as they were unable to
18 attend the hearing tonight.
19

20 **Pat Glagola** expressed his opposition to the tentative subdivision map noting that it was still
21 incomplete. Mr. Glagola also expressed concerns as to the drainage issue. He noted that the
22 lots in this area are very large, averaging 11,380 sq.ft. He was concerned that this project could
23 set a precedent for subdividing, noting that based on this subdivision, at least eleven more
24 houses could be squeezed into the area.
25

26 **Susan Hart** also expressed concern about a "fire storm" situation. She noted how fires have
27 started up on the freeway and could easily spread down the hill. Ms Hart requested that the
28 Council leave the large spacious lots as they are.
29

30 **Joe Masters** indicated that this project would cause him to lose a large open space area behind
31 his house. He also agreed that the lots in this area could not take on any more drainage.
32

33 **Kevin Haus** expressed that he felt the Planning Commission was accurate in making the
34 decision to preserve the unique character of the area. Mr. Haus requested that the Council
35 deny the project because, 1) the project has not been appropriately thought through, and 2) the
36 project creates a precedent to subdivide and ruin the character of the neighborhood.
37

38 On rebuttal, **Mr. Revilock** noted that he was leaving two structures on the property which would
39 not be adding to the drainage, but he would be willing to work with the City on the remodel in
40 order to address any further drainage issues. Mr. Revilock stressed that this property has the
41 opportunity to improve itself. He noted that most properties have their houses located in the
42 middle of the lot; however, this lot happens to work especially well for a subdivision since the
43 house was not in the middle. Mr. Revilock further noted that the second lot was for the future
44 and that he had no real plans for it now.
45

46 Mayor Belser closed the Public Hearing.
47

1 Council discussion followed.

2
3 Vice Mayor Albritton was sympathetic to the applicant, but had real concerns about the
4 drainage.

5
6 Councilmember Leone noted that she stands behind the Planning Commission findings,
7 especially with regard to the drainage and the character of the neighborhood. Councilmember
8 Kelly concurred with Councilmember Leone.

9
10 Councilmember Weiner expressed concern about the steep ravine below the property and felt
11 that this could create a real drainage issue.

12
13 Mayor Belser also expressed concern about the drainage and run-off. She felt that decisions on
14 drainage and run-off were being made even more difficult since there was no current proposal
15 for the second lot. Mayor Belser also felt strongly that fire danger was a real issue.

16
17 **Vice Mayor Albritton moved, seconded by Councilmember Kelly, to adopt Resolution No.**
18 **4936 denying the appeal of Will Reviolock and upholding the Planning Commission's**
19 **denial of Tentative Map and Subdivision Application No. TM 05-047 for 160 Currey**
20 **Avenue. The motion was unanimously approved by a voice vote.**

21
22
23 **5B. On the appeal filed by William Ziegler on behalf of Ed Fotsch of a Planning**
24 **Commission denial of a variance modification (VAM/DRM 07-002) submitted by Don**
25 **Olsen, on behalf of Ed Fotsch) to allow the exterior stairway to project of an**
26 **additional one foot into the side yard setback for the a structure located at 2**
27 **Alexander Avenue (APN 065-303-05 & 20) (Associate Planner Sierra Russell)**

28
29 City Attorney Mary Wagner clarified for the record that due to the nature of the actions before
30 Council tonight, Councilmembers Kelly and Leone would be able to participate in this hearing.

31
32 Associate Planner Sierra Russell presented the staff report on this appeal.

33
34 Council requested clarifications on the surveys and property lines.

35
36 **Paul Batlin**, Realty Specialist for the National Park Service spoke on behalf of NPS. He
37 indicated that NPS was not happy with the violations that have taken place. He also noted that
38 he had been working with City staff to resolve the problems. Mr. Batlin did indicate that Mr.
39 Fotsch had responded to the encroachments on NPS property and some restoration had taken
40 place. He noted that NPS is simply looking for an equitable resolve and have Mr. Fotsch
41 continue to repair what was required of him.

42
43 Council asked Mr. Batlin was would be a "remedial fix". Mr. Batlin responded by indicating that
44 proper property demarcation and continuing with the re-vegetation would be amicable.

45
46 Mayor Belser opened the Public Hearing.
47

1 **Ed Fotsch** began the appellant/applicant presentation period. Mr. Fotsch gave a little
2 background on the project. He did note that they have continued to plant native seeds and
3 trees on the NPS property and are willing to do more.
4

5 **Joaquin Fritz**, the project builder, continued the presentation. He described the unintentional
6 errors that had taken place during the construction phases.
7

8 **Bill Ziegler**, attorney for Mr. Fotsch, concluded the presentation. Mr. Ziegler stressed that there
9 was no practical way to narrow the stairs that had encroached onto the NPS property, indicating
10 that it would cost in excess of \$100,000 to correct/change them. Mr. Ziegler pointed out that the
11 Planning Commission had approved all modifications that had been brought forward. He noted
12 that seven inspections had taken place and at no time during the inspections had these errors
13 been detected. Mr. Ziegler further pointed out that since the errors had been noted, Mr. Fotsch
14 had spent several hundred thousand dollars to make the appropriate corrections; and that they
15 were currently in compliance with the Planning Commission requirements. He felt that Mr.
16 Fotsch had been adequately penalized to date.
17

18 **PUBLIC COMMENT:**

19
20 **Michael Rex**, spoke on behalf of Mr. and Mrs. Moody who live below the bulk of the project. He
21 highlighted points from his letter that had been included in the Council's packets. Mr. Rex
22 stressed that the applicants had not followed the approvals that had been given on the project.
23 Mr. Rex briefly presented a solution.
24

25 **Ian Moody** asked that the City Council uphold the decision of the Planning Commission.
26

27 **Janeane Moody** also requested that Council uphold the Planning Commission decision and
28 asked that all encroachments be removed.
29

30 **Pat Courtney** supported the project and suggested that the project be finished as it is.
31

32 **Michael Eisen** questioned the viability of the survey and felt that the project had not been
33 presented in an upfront way.
34

35 **Barry Peterson** indicated that a hardship finding could be made now that the GGNRA letter had
36 been presented. He recommended approval of the appeal, in addition to honoring the wishes of
37 the National Park Service.
38

39 **Michael Appetof** requested that the construction come to an end and that the Fotsch's should
40 be allowed to complete the project.
41

42 **Bob Malloy** also requested to see the project completed.
43

44 **Marie McDermott** noted that this project has been a nightmare and has gone on too long.
45

46 On rebuttal, **Mr. Ziegler** responded to Councilmember questions about the stairs. He noted that
47 Mr. Fotsch just wants to finish the project.

1
2 Mayor Belser closed the Public Hearing.

3
4 Mayor Belser asked the City Attorney for clarification on what was before the Council tonight.
5 City Attorney Mary Wagner advised that Council was only reviewing the variance for the stairs.

6
7 Council discussion followed.

8
9 Mayor Belser stressed that only the stairs were at issue and that nothing else that may have
10 been raised during the public comments was relevant. Then, based on the statements from the
11 Park Service, Mayor Belser indicated that she saw no advantage to removing the stairs.

12
13 Councilmember Leone expressed concerns with the findings of the Planning Commission. He
14 also noted that he would like to see conditions A-F of the NPS letters incorporated into any
15 conditions set by the Council.

16
17 Councilmember Kelly indicated that he would like to see some form of punishment assessed;
18 however, he admitted that punishment would prolong construction. Therefore, Councilmember
19 Kelly noted that he would support the variance and admonish the applicant to get the job done.

20
21 Vice Mayor Albritton asked the applicant how long he thought it would take to complete the
22 project. Mr. Fotsch indicated that it would take about another nine months or less, after the
23 building permit is issued. Staff added that the permit was close to being approved. Based on
24 those responses, Vice Mayor Albritton recommended that an additional condition be added
25 indicating that the project must be completed within nine months of the issuance of the permit.

26
27 Councilmember Weiner expressed concern that there is no monetary recourse for failure to
28 meet time limits on projects; however, he would support the variance.

29
30 **Vice Mayor Albritton moved, seconded by Mayor Belser, to adopt Resolution No. 4937**
31 **granting the appeal and approving the variance modifications for Application No.**
32 **VAM/DRM 07-002 to allow an additional one foot projection into the side yard setback in**
33 **order to avoid impacts to the adjacent Golden Gate National Recreation Area property**
34 **owned by the National Park Service. Additionally, conditions be added that would**
35 **reduce the time to complete the project to nine months, and that the Park Service**
36 **conditions set forth in their October letter be honored, including a re-vegetation plan that**
37 **is acceptable to the Park Service. The motion was approved by voice vote;**
38 **Councilmember Leone voting "no".**

39
40 **5C. On the appeal filed by Michael Rex, on behalf of Matsuno Patrick of an approval for a**
41 **Design Review Application (DR07-027) submitted by David Kalb on behalf of Pierre**
42 **and Cecilia Vacherand to remodel an existing single-family house located at 75**
43 **Cloud View Road (APN 065-191-25) to add 640 sq.ft of additional floor area to the**
44 **existing home and relocation and minor reduction of existing building coverage and**
45 **impervious surface**
46
47

1 Interim Community Development Director Diane Henderson noted that she had spoken with the
2 applicant's architect and believed that the applicant may be withdrawing the application. She
3 recommended that Council continue this item to March 25.

4
5 **PUBLIC COMMENT:** There was no public comment on this item.

6
7 **Vice Mayor Albritton moved, seconded by Councilmember Kelly to continue the appeal to**
8 **March 25, 2008. The motion was unanimously approved by voice vote.**

9
10 **5D. Adopt resolution approving encroachment agreement for awnings and planters**
11 **encroaching into the public right of way at 739 Bridgeway (APN 065-071-27), as**
12 **recommended for approval by Planning Commission Resolution No 2008-10**
13 **(previously listed as agenda item 4B1 on the Consent Calendar)**

14
15 At the request of Councilmember Leone, this item had been removed from the Consent
16 Calendar for further discussions.

17
18 Councilmember Leone indicated that with regard to the placement of tables on the sidewalk, he
19 would prefer to have specific measurements spelled out in the encroachment permit, instead of
20 indicating "minimums". He was also concerned about the removal of property from the
21 sidewalks during after-hours so that sidewalk cleaning could be accomplished a little easier.

22
23 Associate Planner Sierra Russell responded to Councilmember Leone's concerns. She agreed
24 that wording in the encroachment permit could be added to address specific measurements.
25 However, with regard to the sidewalks being totally cleared, she noted that the planter boxes
26 would "fixed" and thus a permanent fixture.

27
28 **Vice Mayor Albritton moved, seconded by Councilmember Weiner, to adopt Resolution**
29 **No. 4938 approving an encroachment agreement for awnings and planters encroaching**
30 **into the public right of way at 739 Bridgeway (APN 065-071-27), with the encroachment**
31 **agreement condition regarding placement of tables be amended to give the specific**
32 **measurements in which to place the tables and chairs. The motion was unanimously**
33 **approved by a voice vote.**

34
35 **BUSINESS ITEMS**

36
37 **6A. Receive update on the mid-year budget, and adopt resolution approving mid-year**
38 **2007-2008 budget modifications (Finance Director Louise Ho)**

39
40 Finance Director Louise Ho presented the highlights of the mid-year budget.

41
42 **PUBLIC COMMENT:** There was no public comment on this item.

43
44 Council commended Ms Ho for her work on the budget.
45

1 Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt Resolution
2 No. 4939 adopting the mid-year 2007-08 budget modifications. The motion was
3 unanimously approved by a voice vote.
4

5 **6B. Adopt resolution granting a variance pursuant to the Floodplain Management**
6 **Ordinance for property located at 60 Varda Landing Road (City Engineer Todd**
7 **Teachout)**
8

9 City Engineer Todd Teachout presented the staff report for this item.

10
11 **John Anshen**, the applicant, spoke very briefly about his project and admitted to his error in
12 applying for the appropriate permits in a timely manner.

13
14 **PUBLIC COMMENT**

15 Council discussion followed.

16
17
18 **Councilmember Kelly moved, seconded by Councilmember Leone, to adopt Resolution**
19 **No. 4940 granting a variance pursuant to the Floodplain Management Ordinance for 60**
20 **Varda Landing Road (APN: 063-010-12). The motion was unanimously approved by a**
21 **voice vote.**
22

23 **6C. Provide staff direction following discussion on wet weather conveyance and**
24 **treatment evaluation (City Engineer Todd Teachout)**
25

26 City Engineer Todd Teachout presented the staff report for this item.

27
28 Councilmember Albritton suggested that the City Engineer meet with the Sewer Committee in
29 order to obtain the appropriate directions needed.

30
31 It was the consensus of the City Council that the large tanks being recommended were not
32 feasible.

33
34 **PUBLIC COMMENT:**

35
36 **Vicki Nichols** urged the committee to give further directions and not just accept the report.
37

38 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL DISCUSSIONS**
39 **AND COUNCILMEMBER REPORTS**
40

41 **7A. City Manager Reports**

42
43 **1. City Manager Information for Council**

44
45 City Manager Adam Politzer spoke on the successful Amgen event; he reported that he was
46 close to hiring a new Community Development Director (applicant still in personnel
47 backgrounds); he also gave "kudos" to the Finance Director for all the work she is doing.

1
2 **2. Future Agenda Items**
3

4 City Manager Adam Politzer advised that the March 4 agenda would be drafted on Wednesday.
5

6 Councilmember Leone noted that the Historic Guidelines, listed for December, 2008, would fall
7 too late in the goals/objectives, and would like to see this moved forward on the list. He also
8 wanted to know when the Condo Conversions would be heard. He was advised that this item
9 was tentatively scheduled for April 1.
10

11 Michael Rex asked when the Transportation Action Committee could give a presentation on the
12 streetcars. Mr. Rex was advised that his item would be heard on March 4.
13

14 **B. City Council Reports**
15

16 **1. Councilmember Reports**
17

18 Michael Rex noted that there had been a TAM meeting on Thursday regarding the transit study.
19 He noted that Supervisor McGlashan had been successful in getting streetcars inserted into the
20 study. Mr. Rex noted that there would be a possible cost of \$5,000 to the City of Sausalito for
21 funding this inclusion.
22

23 Vice Mayor Albritton reported on: TAM; the Bicycle Pedestrian Advisory committee and the stair
24 project funding; Business Advisory meeting; and the Marin County Transit Committee.
25

26 Councilmember Kelly reported on: Public Safety Building meeting; and on OMIT.
27

28 Councilmember Weiner reminded the Council that the Emergency Preparedness Block Party
29 event would be held on April 5.
30

31 Councilmember Leone reported on the Community Choice Aggregation.
32

33 Mayor Belser reported on: Get Ready Marin; and MCCMC.
34

35 **Adjournment**
36

37 The meeting adjourned at 11:55 pm. The next City Council Regular meeting is scheduled for
38 March 4, 2008, with the open session due to commence at approximately 7:00 pm.
39
40

41 Respectfully submitted:
42

43 Debbie Pagliaro
44 Deputy City Clerk
45

46 Approved on:
47