



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

Approval of minutes from the July 15, 2008 regular City Council meeting (con't from 9/2/08)

RECOMMENDED MOTION:

Approve the July 15, 2008 City Council minutes

SUMMARY and BACKGROUND

On September 2, Council reviewed the July 15, 2008 minutes which had been submitted for approval. During review of this set of minutes, discussion arose on the motion for Business Item 6E (Request of D.J. Puffert for an undergrounding variance at 739 Bridgeway, waiving requirements of Municipal Code Section 18.08.020B requiring utility service laterals to be undergrounded).

Because the questions could not be resolved at that time, Council directed staff to review the tape and return with clarification on the motion.

Attached you will find a verbatim transcript of that portion of the meeting. Council should review this transcript and determine if the motion has been adequately captured in the draft minutes.

STAFF RECOMMENDATIONS

- 1) Following Council review of the verbatim transcript, determine if the motion was appropriately captured.
- 2) If, following review of the transcript, Council determines that the motion was not appropriately captured, correct the minutes accordingly.

Then, move to approve the minutes from the July 15, 2008 regular City Council meeting as corrected.

(Whether or not Council makes any corrections to the motion in question, Council will need to move to approve the minutes **as corrected**, as, on September 2, one correction was noted in this set of minutes.)

Item #: 3A
Meeting Date: 9-16-08
Page #: 1

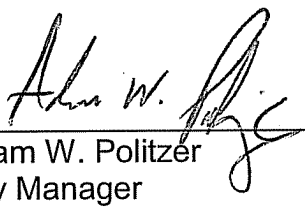
ATTACHMENTS

1. Draft minutes of the July 15, 2008 City Council meeting
2. Verbatim transcript of the motion relating it Business Item 6E.

PREPARED BY:


Debbie Pagliaro

SUBMITTED BY:


Adam W. Politzer
City Manager

Item #: 3A
Meeting Date: 9-16-08
Page #: 2

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

TUESDAY, July 15, 2008

CALL TO ORDER

The meeting was called to order at 5:32 p.m.

ROLL CALL

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

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Belser announced that items D1 through D4 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 5:34 p.m.

The regular meeting reconvened at 7:09 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
Provided guidance to the City Attorney
2. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
US EPA Findings of Violation and Order for Compliance, dated April 10, 2008
Provided guidance to the City Attorney
3. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9
Northern California River Watch v. City of Sausalito
Provided guidance to the City Attorney
4. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8

Item #: 3A
Meeting Date: 9-16-08
Page #: 3

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
No actions taken

APPROVAL OF THE AGENDA

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

SPECIAL PRESENTATIONS

A. Introduction and swearing in of Parking Enforcement Officer Nicholas White

Police Chief Scott Paulin introduced Nick White, the new Parking Enforcement Officer. Chief Paulin then performed the ceremonial swearing-in. Mr. White introduced his family and friends who were present.

B. Presentation and updates from the Sonoma-Marín Area Rail Transit (SMART)

Lillian Hames, representing SMART, began the presentation. She indicated that the SMART Board of Directors would be meeting the following day to adopt an ordinance to place SMART on the November ballot. Ms Hames reported that this transit system would be up and running in 2014 with fourteen stations and 28 trains per day going between Larkspur and Cloverdale. She further noted that four new round trips had been added for the weekends, that there was a new funding and expenditure plan, and that increased funding for the quiet zones had been obtained.

Dianne Steinhauser, representing the SMART Working Group of TAM, also assisted in the PowerPoint presentation.

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

COMMUNICATIONS

There were no public communications.

MINUTES OF THE PREVIOUS MEETINGS

There were no minutes provided.

CONSENT CALENDAR

Public Comment: There was no public comment on these items.

Councilmember Kelly requested item 4B2 be removed and sent back to the Finance Committee for further discussions.

Item #: 3A
Meeting Date: 9-16-08
Page #: 4

Vice Mayor Albritton moved, seconded by Councilmember Weiner, to approve the Consent Calendar items 4B1 and 4B3-4B11. The motion was unanimously approved by a voice vote.

Consent Calendar items approved were as follows:

- 1) Approved two year term for membership on the Marin County commission on Aging.
- 2) *Adoption of the Investment Policy for FY2008-09 (removed from the Consent Calendar and returned to the Finance Committee for further discussion)*
- 3) Approved printing services agreement by and between the City of Sausalito and with Folger Graphics
- 4) Received and filed recommendations made at the Citizen's Oversight Committee meetings of June 5 and June 19, 2008
- 5) Received and filed minutes from the Sausalito Sustainability Commission meeting of May 1, 2008
- 6) Adopted Resolution No. 4965 authorizing certain City personnel to act in regards to banking services with Bank of Marin and Union Bank
- 7) Adopted Resolution No. 4966 approving the Second Amendment to Lease Agreement by and between the City of Sausalito and Lorna Newlin- MLK
- 8) Approved modification to Second Amendment to Lease Agreement by and between the City and Jean Schulz to correct Effective Date to be August 1, 2008
- 9) Approved request from Michael Rex on behalf of the Sausalito Rotary Club for reimbursement of building permit and related fees totalling \$510 for the renovation of the bus shelter at Bridgeway and Turney
- 10) Approved License Agreement by and between the City and Radio Sausalito
- 11) Adopted Resolution No. 4967 establishing the compensation and employee benefits for members of the Unrepresented Employee Group (Management and Confidential) for Fiscal Year 2008-09

PUBLIC HEARINGS

5A. Waive first reading, read by title only and introduce an ordinance of the City Council of the City of Sausalito Amending Chapter 15.04 of the Sausalito Municipal Code Addressing Traffic Regulations to Add a New Section 15.04.165 – Parking on Private Property (Police Lieutenant Pat Armitage)

Police Lieutenant Patrick Armitage presented the staff report on this item. He noted that this was coming forward because of a request made by Bruce Huff, who has experienced parking problems on private property that he manages. Lt. Armitage assured the Council that there would be no cost to the City to enforce such regulations. It was noted that enforcement would only come about at the request of property or business owners, and that Parking Enforcement Officers would normally handle the calls. Lt. Armitage advised that the bail amount for the citation would be \$53.

Public Comment:

Bruce Huff spoke highly of the program that is in force in the City of Novato. He noted that the property/business owner requests for this type of assistance are usually triggered after noting

Item #: 3A
Meeting Date: 9-16-08
Page #: 5

that a vehicle has not moved couple of days. Mr. Huff advised that Novato rarely gets complaints from those cited. He noted that it is a win-win situation as the vehicle is only cited and not towed, as "towing is draconian". Mr. Huff strongly urged adoption of this ordinance.

Council discussion followed.

Councilmember Kelly moved, seconded by Councilmember Weiner, to waive the first reading and read by title only the introduction of an ordinance of the City Council of the City of Sausalito amending Chapter 15.04 of the Sausalito Municipal Code addressing traffic regulations and to add a new section, 15.04.165, Parking on Private Property. The motion was unanimously approved by a voice vote.

BUSINESS ITEMS

6A. Update on using Radio Sausalito for community emergency notification (Police Lieutenant Pat Armitage)

Police Lieutenant Patrick Armitage presented the update on this item. He noted that the City would be purchasing the emergency alert system; however, Radio Sausalito would be the operator. He also advised that all residents would be able to hear the broadcasts from anywhere in Sausalito.

Jonathan Westerling, owner/operator of Radio Sausalito added that the system would be up and running within a couple of months. He was extremely excited about the benefits this would bring to all Sausalito residents.

Council discussion followed.

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

Council concurred on full support of the program.

6B. Utilization of Consultant Services to respond to EPA Compliance Order – Reports due October 15, 2008 (City Engineer Todd Teachout)

City Engineer Todd Teachout presented the staff report on this item. Mr. Teachout stressed the need to work in concert with the Sausalito Marin City Sanitary District in preparing these responses. He advised that there were several options available to the Council for responding to the EPA Order, and basically any of the options would require the authorization for an appropriation of \$65,000 to fund the first phase response to the EPA order. Mr. Teachout advised that action was needed immediately.

City Attorney Mary Wagner further clarified the different options that had been presented by the City Engineer.

Council discussion followed.

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

Item #: 3A
Meeting Date: 9-16-08
Page #: 6

Councilmember Kelly moved, seconded by Vice Mayor Albritton, to authorize an appropriation not to exceed \$65,000 to fund the relationship with RMC. The motion was unanimously approved by a voice vote.

Councilmember Kelly moved, seconded by Mayor Belser, to delegate to the sewer subcommittee the authority to negotiate either an addendum or some other device which gives the City the ability to join with the SMCSO and, possible TAM, with the understanding that the City have direct participation and review of the materials that will be submitted for the various reports.

Councilmember Leone requested an amendment to the motion in order to clarify that either the City enter into an addendum with the District's proposal or that the City enter into something itself.

Councilmember Kelly and Mayor Belser accepted the amendment.

The motion was unanimously approved by a voice vote.

6C. Approve revisions to the Planning and Building Fees (Community Development Director Jeremy Graves)

Community Development Director Jeremy Graves presented the staff report on this item. He reported that staff had recently surveyed planning fees in Marin County. He further reported that they were still in the process of evaluating the building fees and code enforcement fees. Mr. Graves suggested setting September 2 as the date in which to review and accept comments on a new fee structure.

Mr. Graves noted that following this meeting, his department would notify developers, architects and builders regarding the proposed fee schedule and the ensuing public hearing date.

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

Vice Mayor Albritton moved, seconded by Councilmember Kelly, to direct staff to set a public hearing on September 2, 2008 for amendment of the fee schedule for planning fees, building fees, and code enforcement fines. The motion was unanimously approved by a voice vote.

Councilmember Leone voiced concern about the current code enforcement language.

6D. Accept final accounting report from the 2008 Tour of California (Parks and Recreation Director Mike Langford)

Parks and Recreation Director Mike Langford, Jeff Scharosch and Cheryl Popp presented a PowerPoint presentation along with a line-item final accounting report for the 2008 Tour of California. Thanks to special donors, there was no cost incurred by the City for this event.

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

Item #: 3A
Meeting Date: 9-16-08
Page #: 7

Council thanked the group for the wonderful presentation. They also expressed their gratitude for all the hard work of everyone involved in making the event so very successful.

6E. Request of D.J. Puffert for an undergrounding variance at 739 Bridgeway, waiving requirements of Municipal Code Section 18.08.020B requiring utility service laterals to be undergrounded (City Engineer Todd Teachout)

City Engineer Todd Teachout presented the staff report on this item. He noted that the applicant, DJ Puffert was present to answer any questions specific to the project.

DJ Puffert explained that he was simply upgrading the electrical service for his new business. He noted that completion of the project was about three weeks out. Mr. Puffert added that he had replaced all of the electrical wiring inside, in addition to all of the plumbing.

Public Comment:

Mike Monsef gave a historical background on electrical issues in that area.

Alice Merrill stressed that the Council should follow the guidelines of the ordinance.

Riley Hurd, attorney for Mr. Puffert, presented his interpretation of the City's undergrounding guidelines and ordinance.

Councilmember Kelly moved, seconded by Councilmember Weiner, to grant the exception to the Underground Ordinance, and subject the property to the requirements of the guidelines for future underground utility districts. The motion was unanimously approved by a voice vote.

CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL DISCUSSIONS AND COUNCILMEMBER REPORTS

7A. City Council Appointments

7A1. Appointments to the Planning Commission

- a. One (1) position for an unexpired term to extend through May 2010
- b. One (1) position for regular term to extend through May 2011

Due to the number of changes on the Planning Commission, Mayor Belser recommended that Janelle Kellman remain on the Commission until the end of September, and make that appointment after the summer break. Therefore, the appointment for the regular term expiring in May 2011 would be continued.

Mayor Belser then nominated Dierdre Cox for the unexpired term extending through May, 2010.

Vice Mayor Albritton moved, seconded by Councilmember Kelly to appoint Dierdre Cox by acclamation. The motion was unanimously approved by a voice vote.

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

Item #: 3A
Meeting Date: 9-16-08
Page #: 8

7A2. Appointments to the Historic Landmarks Board

a. Appoint two (2) positions for unexpired terms to extend through July 2009

Nominations:

Mayor Belser nominated Bradford Paul and Amy Chramosta.
Councilmember Leone nominated Tom Hoover.
Councilmember Weiner nominated Steve Willis.
Vice Mayor Albritton nominated Linda Pfeifer.

Public Comment:

Vicki Nichols wanted the Council to know that she supported the nomination of Bradford Paul.

Mayor Belser called for a vote:

Councilmember Weiner: Bradford Paul and Steve Willis
Councilmember Kelly: Bradford Paul and Amy Chramosta
Councilmember Leone: Bradford Paul and Tom Hoover
Vice Mayor Albritton: Bradford Paul and Amy Chramosta
Mayor Belser: Bradford Paul and Amy Chramosta

Having received the most votes, Bradford Paul and Amy Chramosta were appointed to the Historic Landmarks Board with terms that will expire in July, 2009.

7B. City Manager Reports

7B1. City Manager Information for Council

City Manager Adam Politzer reported on the following: Fourth of July weekend events; meetings with Jared Huffman; meeting with Steve Kasierski on shuttles; Tour of California conference call – noting that Sausalito would be hosting Stage 3; Dale Vaughn in a part-time status; Dale working on recruitments including Public Works Director, Associate and Assistant Planners, Recreation Supervisor, and eventually moving into the Civil Engineer II recruitment; announced that the Public Safety Facilities demolition had begun; scheduling special meetings; attended the Sausalito Yacht Club national regatta for women's sailing; Saturday's Avon Walk.

7B2. Future Agenda Items

No discussion was held.

7C. City Council Reports

7C1. Other reports of significance

Mayor Belser reported on: Change of Command at the Bay Model; appointing a voting delegate for the September annual conference; and noting the upcoming discussions to change GGNRA to Golden Gate National Parks.

Councilmember Kelly reported on: eight contractors had pre-qualified for the PSF bid; noted that one of the disqualified contractors was appealing; bid packages out on Monday with four weeks to submit; bids were to be opened and reviewed, with ratification at the September 2 Council meeting.

Vice Mayor Albritton reported on: several sewer meetings that had taken place today.

Councilmember Leone reported on: moving some items on the Pending Agenda List; a need to agendize website policies in September; report needed on the fireworks funding, preferably sometime in September; Homeless Connect; appointments for Sustainability Commission in September; Coastal Cleanup Day – September 20; and activating the Housing Element Ad Hoc Committee. .

Councilmember Weiner reported on: Sister City student exchange; meeting with the Chamber of Commerce Executive Board regarding shuttles; Disaster Committee; upcoming meeting with Blazing Saddles; and the parking of busses on Humboldt.

7C2. Other Reports

There were no other reports.

ADJOURNMENT

The meeting adjourned at 11:00 pm. The next regularly scheduled City Council meeting is set for September 2, 2008, with the open session due to commence at approximately 7:00 pm.

Respectfully submitted,

Debbie Pagliaro
Deputy City Clerk

Approved on:

Item #: 3A
Meeting Date: 9-16-08
Page #: 10

Verbatim Transcript
Prepared for the Motion Portion of Item 6E
July 15, 2008 City Council Meeting

Item 6E – Request of D.J. Puffert for an undergrounding variance at 739 Bridgeway, waiving requirement of Municipal Code Section 18.08.020B requiring utility service laterals to be undergrounded

Verbatim transcription begins after the presentation of D.J. Puffert

Leone: In the variance language, which doesn't directly . . . in the guidelines apply to a commercial facility . . . one . . . the . . . in all cases where . . . what it reads is "in all cases where a variance is approved, applicant shall agree to participate in future undergrounding", in this case, the district. Would that be something that you would be willing to comply with at this point in time? Basically saying, if you have . . . if there's undergrounding that comes . . . if service, in your case is undergrounded in either the rear or in the front of the property, given the strange makeup of where you are because you have service in the back, but, ideally probably undergrounding would take place at the street, is that something you could comply with?

Puffert: Most definitely

Leone: You and the building owner, I guess; if you can speak for them.

Puffert: Yes I can speak for them and yes we would. As you know, we put in a fire suppression system in there and a total sprinkler system, so we cut into the sidewalk and into the street. We did expose three lines, or three chases that the pulled the phone cables, the cable system cables, and the electrical power lines for the streetlights. Those are not . . . those are designated lines that can't be used to underground to. So when I was referring to go . . . going underground, I'd have to go as far as Humboldt to do that in the front. I think that in the future, our situation is going to change and PG&E will bring more power to that side of the street, and I certainly would do that.

Leone: Would . . . if that's potential and given that you have . . . I do not know where you are today, but . . . that you have the floor open to a certain extent, I don't know if it still is, would it be . . . would you be able to run the necessary conduit for that to not . . . not to connect to it, but to just the actual . . . empty conduit to the front of the building or is that . . . would that also be problematic?

Puffert: The floor was open when you were there. It no longer is. We work fast. But there is a chase underneath that particular floor, but it goes to the area where the fireplace is. And from that point on it's approximately two and one-half feet of concrete down. When the slide occurred, they poured a base there to keep the ground level of the springs down, and that is almost impossible to go through. We researched coming up through the wall and over, and that doesn't conform to code.

Leone: You'd be faced with a similar issue if you tried to just even . . . I'm talking about connecting in the future. To run that connection now, you're saying you'd be basically in the same situation because you . . . it would be a very costly thing to do.

Puffert: I was addressing the floor issue that you asked about.

Leone: Ok

Puffert: Because we did take into consideration. . . We got John McCoe from Don Olsen's office to crawl around in the 1892 attic of the building up above with the electrician, and it would be possible to come up straight from the street and go over.

Leone: Ok

Belser: Thank you DJ. Ok. Yes, ok, I think we'll close the public hearing.

Kelly: Let me start; let me put a nail on this coffin. Um, I spent some time getting some background from Todd and from Kenneth Henry and confirming what I . . . what little I know I might add, but something that I do know about is, is running a conduit and electrical lights. Um, and then I did make a site visit myself. I spent, probably the better part of a half hour out there touring around with DJ and looking at the situation. First of all, the pole that . . . it services this unit has a transformer on it, and that's not going away. So all that is going to be accomplished in this particular thing is one power line, which comes over and services his unit would go down the thing into a raceway, which would have to be concrete, and come over and pop up someplace in his building and attach to the new panel. In the meantime, the cost to do that. . . he would have come across the City's property, Gene Hiller's property . . . whether you run it as a conduit directly underneath the buildings or . . . it's just . . . it's like an impossible kind of thing. And the space to work, you saw it Jonathan, the space to work back there, there's no space. You cannot get machinery back there. I don't know how they'd get a drilling rig back there . . . they'd have to lower it with a helicopter. And then the hill would come down

Belser: Exactly, that's the problem.

Kelly: So it's one of those situations that I think . . . that cries out for the phrase "Don't let the perfect be the enemy of the good". What he's doing is bringing the power . . . and it's distributed poorly throughout that system, and it's old and antiquated and so on, into a completely updated situation, where he's going to be replacing the main breaker, having the sub-panel, and then doing an re-arrangement of the meters in the thing, so it's really . . . we'd get a benefit out of this, and we live to fight another day, it's going to take a concerted effort, and undergrounding effort or something with PG&E involved to get that situation solved back there. And going across the street is untenable . . . you interrupt the whole city for days and weeks and months. So I think that this is cries out for an exception if that's what we want to call it, or a variance, whatever is the appropriate methodology.

Leone: Just to clarify, to make sure that I was asking the right question. . . so basically, and you guys please correct me, not DJ, so the . . .that. . . what DJ put forward is, in the future if there is service along the street, on the same side of the street, then it would come up through the building and down somehow rather than under the ground, in front of the building.

Kelly: Yeh. You know what, you could run . . . Kenneth says that as long as you put it in two inches of concrete, it will work. But it has to have a raceway and two inches of concrete, so you'd just probably run it up somewhere and tack it on the side of the wall.

Leone: Right, I'm just seeing if it is a possibility.

Kelly: If he's willing to do that, that's fine.

Belser in the background saying "it would be hidden".

Leone: Well, that's sort of what I'm asking. Is. . .in the variances that are applied for residential properties, it basically says you are committed if power

Kelly: if there's a district

Leone: that you will go along with it

Kelly: full participant

Leone: Your vote is already yes. So that would be something that I would think that we should consider. And I have talked to DJ about this a little bit the other day so

Kelly: motion?

Leone: Well the other clarification I would want to put, and this is something

Belser in the background, "you should have made it".

Leone: that I think that you are considering anyway again is . . . you should have just made it, you shouldn't have asked for it. . . I don't know what you call it, but the service line height that's coming into that building in the back. . .not. . . yeh, it's your building, but I think you're planning on adjusting that height, I think that we should, from a safety point. . . and trimming some branches so that it's just a safety point of view, I think that

Kelly: I would just say that we direct staff to do that because Kenneth Henry can do it.

Leone: Right, right. But I think that's something he's going to be doing anyway and I think that should be part of this.

Kelly: (I'll make that part of the motion). *So I'll move that we approve either a variance or an exception whatever's appropriate.* . . . Mary, do you want it to be a variance or an exception.

Leone: It should be an exception, I guess.

Belser: that's what's in the code.

Kelly: *to the undergrounding ordinance*

Wagner: Yes

Albritton: I'll move to approve the request exception.

Belser: I will too . . . ok,

Weiner: *I'll second*

Albritton: subject to the requirement of the guidelines, which I will read into the record

Kelly in the background . . . *and that he does agree to participate in*

Albritton: *The applicant shall agree to participate in a future underground utility district in conformance with the General Plan for utility undergrounding.*

Leone: and Mary, would that be an appropriate thing to have as a deed restriction? Because if the property changes hands over time, you don't want . . . I mean how would you I'm not saying it is, I just, we're trying to make sure these things don't get lost in the shuffle of time, since it may be some time before this takes place.

Kelly: Ok, well, it would happen when someone formed a district and they went to each person and said "are you in or are you out" and let's say the owner of this property at the time, says "No I'm out", we'd go, wait a minute there's an ordinance, but how would you find out _____

Leone: Right, I mean

Albritton: It's obviously in our perfect permanent property records that we maintain for the city.

Wagner: In this instance. . . because it's the. . . it's not the owner that's applying for the exception. I would suggest to you that, that it's not going to run with the land and that it be in the files of the City, the permit files and then if there are undergrounding files that are kept separately that I not aware of, that it's in there.

Leone: Well should the. . . should the exit question. . . then should the owner be applying for the exception along with the applicant.

Albritton: the owner absolutely has to give his authorization for any application for permits, and there must be some owner's authorization for the permits for the construction and occupancy that's going next.

Wagner: That's accurate. If they can speak for the property owner, and the property owner is willing to make it a deed restriction, we can do that.

Albritton: Oh, I don't think I wasn't going that far. I was talking about authorization, not deed restriction.

Leone: I'm not trying to create cost, I'm just trying to make sure that there's a way that this doesn't get lost over this long stretch of time until the utilities are undergrounded in . . . along Bridgeway.

Albritton: I would not. . . I'm only saying this for example and not because I need it in the motion. But the exception could be recorded against the property. It may be a benefit to the property owner

Kelly: benefit?

Albritton: Exception, the exception itself.

Kelly: Would be a benefit to the property owner, how would that

Albritton: that he's excepted

Belser: Well, it would be recorded on the property, I would think. You said it won't run with the

Albritton: then I think I'll leave it out of my motion to

Kelly: It would come up every time there's a transfer to the property, it would pop up and explain it and the Title Company would have to

Belser: Would you clarify your motion did you make it or did Mike make it.

Albritton: I just. . .I moved

Kelly: I made it, he amended it.

Albritton: I substitute

Belser: Are you un-amending it Paul

Albritton: No, no, I'd never include it in the recording, I just said that we would grant the exception with the required I read it into the record that the applicant

Belser: Fine. We have motion and second.

Kelly: Is everyone clear what the motion is?

Leone: Not really

Belser: It's quite simple

Wagner: *The motion on the floor is to grant the exception and to include a requirement that there be participation in future undergrounding utility districts in conformance with . . . and I don't have the last part written down.*

Belser: *the guidelines*

Leone: *the General Plan for utility undergrounding in the City of Sausalito.*

Belser: is everybody clear?

Leone: and the applicant is the owner. . .is the owner on the application, so it would run the

Belser: all in favor?

All AYES.