

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

TUESDAY, SEPTEMBER 2, 2008

CALL TO ORDER

The meeting was called to order by Mayor Belser at 5:00 p.m.

ROLL CALL

PRESENT: Councilmember Weiner, Councilmember Kelly, Mayor Belser, Vice Mayor Albritton (joining the group as the Closed Session began), Councilmember Leone

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Belser announced that items D1 through D9 would be discussed in Closed Session.

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

Council then adjourned to the Conference Room for their Closed Session at 5:02 p.m.

The regular meeting reconvened at 7:08 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
Direction given to the 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
Direction given to the attorney

3. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC §54956.9
Northern California River Watch v. City of Sausalito
Direction given to the attorney

4. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC §54956.9
Zack’s v. City of Sausalito
Direction given to the attorney

5. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC §54956.9
Styger v. City of Sausalito
Direction given to the attorney

6. **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
Direction given to the attorney

7. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §54956.8
Property: MLK Properties, 100 Ebbitide Avenue
Negotiating Parties: Pippa Murray, Community Action Marin
City Negotiator: City Manager and City Attorney
Under Negotiation: Price and Terms
No discussion held; returning to Closed Session following the regular meeting

8. **PUBLIC EMPLOYMENT** pursuant to CGC §54957
Title: City Manager and City Attorney
No discussion held; returning to Closed Session following the regular meeting

APPROVAL OF THE AGENDA

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

SPECIAL PRESENTATIONS

A. From the Hospitality and Business Development Committee on the “Postcards from Sausalito” Video

Parks and Recreation Director Mike Langford introduced the project, “Postcards from Sausalito”. The video was then presented to the Council.

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

Council offered their congratulations to all who had worked on preparing the video.

B. From Mary O’Mara, of MarinLink, on Homeless Connect

Mary O’Mara, Executive Director of MarinLink, introduced herself. She explained that their organization had worked on two previous Homeless Connect projects, one in San Rafael and one in Novato. She described the great successes of these previous projects and noted how

30
2

they now wished to come to Sausalito in November. Ms O'Mara described some of the services that would be provided.

Public Comment:

Gerry Fait questioned the comment that anchor-outs were being considered "homeless".

Councilmember Leone explained that although the name of the project is "Homeless Connect", the services are being offered to anyone in need.

Council discussion followed, offering suggestions for the event, and noted that they are looking forward to this venue also being a successful event.

COMMUNICATIONS

Gerry Fait requested that Council place the Sausalito Cruising Club on a future agenda in order to address their lack of regulations. Specifically, Ms Fait addressed concern over their CUP being in compliance with State and Local laws.

Vicki Nichols reminded the community that on Thursday, the City of Sausalito would be 115 years old.

ACTION MINUTES OF PREVIOUS MEETINGS

A. Approval of minutes from the June 24, 2008 regular City Council meeting

Vice Mayor Albritton moved, seconded by Councilmember Weiner, to approve the minutes of the June 24, 2008 regular City Council meeting as corrected. The motion was unanimously approved by a voice vote.

B. Approval of minutes from the July 1, 2008 regular City Council meeting

Vice Mayor Albritton moved, seconded by Mayor Belser, to approve the minutes of the July 1, 2008 regular City Council meeting as submitted. The motion was unanimously approved by a voice vote.

C. Approval of minutes from the July 15, 2008 regular City Council meeting

Councilmember Leone requested clarification on the vote involving item 6D of these minutes. Discussion followed without any consensus.

Vice Mayor Albritton moved, seconded by Mayor Belser, to continue the approval of the July 15, 2008 minutes until a verbatim transcript of the motion could be presented to Council. The motion was unanimously approved by a voice vote.

COMMUNICATIONS (revisited)

Elsa Downey, a member of the Sausalito Cruising Club, requested a moment to rebut the comments of Ms Fait.

Ms Downey advised Council that they are currently trying to work out some of the issues that have been raised. She noted that they have had recent meetings with the City.

CONSENT CALENDAR

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

Councilmember Leone requested clarification on item 4B2. The issues were adequately resolved.

Councilmember Leone requested that item 4B5 be removed from the Consent Calendar for further discussion.

Councilmember Kelly requested clarification on item 4B6. Discussion followed and it was suggested that this item be continued.

Vice Mayor Albritton moved, seconded by Councilmember Kelly to approve the Consent Calendar items 4B1 through 4B4 and 4B7 through 4B11, and that item 4B5 would become item 6E1 and item 4B6 would be continued. The motion was unanimously approved by a voice vote.

Consent Calendar items approved were as follows:

- 1) Received and filed recommendations made at the Citizen's Oversight Committee meeting of August 14, 2008
- 2) Received and filed recommendations made at the Finance Committee meetings of July 30, 2008 and August 21, 2008
- 3) Received and filed recommendations made at the OMIT Committee meeting of July 28, 2008
- 4) Received and filed draft minutes of the Sausalito Sustainability Commission meeting of June 5, 2008
- 5) *Approve the City of Sausalito Investment Policy for FY2008-09 (removed from the Consent Calendar and became Business Item 6E1)*
- 6) *Conduct biennial review of Conflict of Interest Code and adopt resolution amending the Code for 2008 (continued)*
- 7) Waived further reading and adopted Ordinance No. 1192, 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
- 8) Received and filed update on suggested improvements to City Hall
- 9) Approved amendment to Swinerton Management & Consulting agreement with the City of Sausalito
- 10) Adopted Resolution No. 4968 approving an encroachment agreement for various improvements including driveway, deck, walkway, retaining wall, and landscaping at 74 Spencer Avenue (DR/EA 08-005)
- 11) Adopted Resolution No. 4969 opposing fiscally irresponsible State budget decisions that would "borrow" local government, redevelopment and transportation funds

PUBLIC HEARINGS

A. Public Hearing on Planning Fees, Building Fees and Code Enforcement Fees (con't to 9/16)

Councilmember Leone moved, seconded by Councilmember Kelly, to continue the Public Hearing on planning fees, building fees and code enforcement fees to September 16, 2008. The motion was unanimously approved by a voice vote.

BUSINESS ITEMS

6A. Notice of Award for general contractor for the new construction of the Public Safety Facilities (Loren Umbertis, Swinerton Management & Consulting)

John Baker of Swinerton Management and Consulting presented the background on this item. He noted that Council would not be awarding the bid for the construction on the Public Safety Facilities tonight due to a protest that had been received from Jeff Luchetti Construction based on the piling system.

City Attorney Mary Wagner added that based on the review of the specific section involving the piling system, there was some ambiguity and that it was now being recommended that all bids be rejected. She further advised that the Public Safety Facilities Committee had reviewed a possible new timeline and that it was anticipated that the bid award could be approved by Council at a special meeting in late September.

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

Vice Mayor Albritton moved, seconded by Mayor Belser, to accept the staff recommendation to reject all bids and further clarify the bid documents. The motion was unanimously approved by a voice vote.

6B. Award of MLK slide contract (City Engineer Todd Teachout)

City Engineer Todd Teachout presented the staff report on this item. Mr. Teachout clarified Staff Recommendation #'s 3 and 4, and advised that when actual costs are determined, he would return to Council with those specific cost breakdowns.

Public Comment:

Dennis Screamin of the Terraces Homeowners Association praised staff for all the work that they had done over the last few months. He admitted that the homeowners association does have concerns over possible increases in costs.

Adam Krivatsy suggested that the additional testing and supervision could, in fact, be done for \$10,000.

Council discussion followed.

Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt Resolution No. 4972 1) authorizing the City Manager to execute a contract with Northwest

Demolition, Inc., low bidder at \$135,900.26, for MLK Park Landslide Correction Improvements, July 2008 conditioned upon the execution of a cost sharing agreement with the Terraces HOA; 2) authorizing appropriation and construction funding of \$169,875 with the City payment in an amount not to exceed 64.3% or \$109,229.00; 3) authorizing the City Manager to amend its agreement with Alan Horeis, Structural Engineer to fund Structural engineering Services (Construction Inspection) in an amount not to exceed \$6,000 with the City payment in an amount not to exceed 64.3% or \$3,858.00; and 4) authorizing the City Manager to amend its agreement with Michelucci and Associates to fund Geotechnical Engineering Services (Construction Inspection) in an amount not to exceed \$6,000 with the City payment in an amount not to exceed 64.3% or \$3,858.00.

Councilmember Leone requested an amendment to the motion that any changes to these contract return to Council.

Councilmember Kelly and Councilmember Weiner accepted the amendment.

The motion was unanimously approved by a voice vote.

6C. Rejection of bids for Schoonmaker Bus Shelter (City Engineer Todd Teachout)

City Engineer Todd Teachout presented the staff report on this item. He noted that the bid opening was held on July 1 with five bids received, and that all bids were over the City's and the Lions Club's budgets. He advised that the Lions Club had requested that the City reject these bids.

Public Comment:

Jim DeLano, representing the Lions Club gave a brief background on the design of the project. Design aside, Mr. DeLano stressed that they want to build a serviceable shelter.

Councilmember Kelly moved, seconded by Councilmember Weiner, to reject all bids for the Schoonmaker Bus Shelter foundation and grading phase. The motion was unanimously approved by a voice vote.

6D. Adopt resolution approving the Sausalito Bike Master Plan – 2008 Update (City Engineer Todd Teachout)

City Engineer Todd Teachout presented the staff report on this item. In addition, he supported the staff report with a PowerPoint Presentation explaining the changes.

Public Comment:

Nancy Osborne voiced concern about the Rodeo Avenue path being included in this Master Plan.

Mr. Teachout explained that the Rodeo Avenue route is a "pie in the sky" project for future funding sources, especially for safety and facilities fundings.

Council discussion followed.

Councilmember Leone requested clarification in wording for a specific area in and around the marshland restoration project.

Councilmember Leone moved, seconded by Mayor Belser, to adopt Resolution No. 4970 adopting the Sausalito Bicycle Master Plan, 2008 update with modified language to the Mono Street Gap. The motion was unanimously approved by a voice vote.

6E. Adopt resolution approving final FY2007-08 budget amendment

Administrative Services Director Louise Ho presented the staff report on this item. She supported her report with a PowerPoint Presentation explaining where the surplus funds had been found.

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

Council discussion followed on where best to place these surplus funds.

Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt Resolution No. 4971 amending the FY2007-08 budget, transferring \$250,000 from the General Fund to the General Capital Improvement Fund, designate \$250,000 as the General Fund budget stabilization reserve, and transfer any remaining surplus from the General Fund to the Disaster Assistance Fund. The motion was unanimously approved by a voice vote.

6E1. Approve the City of Sausalito Investment Policy for FY2008-09 (formerly item 4B5 on the Consent Calendar)

Administrative Services Manager Louise Ho explained that the City's Investment Policy is based on the State guidelines, with the Finance Committee approaching it even more cautiously.

Councilmember Leone expressed concern about being too conservative and losing out on yields.

6F. Designation of 2008 Sausalito Art Festival Parking Revenue

Council discussion was held on the intent of the revenues being placed under a parking budget item and getting "lost".

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

Councilmember Kelly moved, seconded by Mayor Belser to designate the 2008 Sausalito Art Festival Parking Revenue for shuttles or Recreation Park Improvement Projects. The motion was unanimously approved by a voice vote.

6E1. Approve the City of Sausalito Investment Policy for FY2008-09

Mayor Belser, having realized that they had failed to approve an appropriate motion on the item, re-opened the discussion on the Investment Policy.

Councilmember Kelly moved, seconded by Vice Mayor Albritton to adopt the Investment Policy for FY2008-09. The motion was unanimously approved by a voice vote.

7 - CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL DISCUSSIONS AND COUNCILMEMBER REPORTS *(Estimated time: 50 minutes)*

7A. City Manager Reports
7A1. City Manager Information for Council

City Manager Adam Politzer reported on the following: State budget; successful Art Festival; Parks and Rec's successful month ending with the Jazz and Blues events and now Arias in the Park; recruitment of the Public Works Director, Recreation Supervisor, and Assistant Planner; sewage spill at 215 Main Street; Chief Paulin's return; League of California Cities Conference; began meetings with line-level employees; Council Candidate Orientation Night; fire at the Casa Madrona/Poggio's; fire committee meeting now every two months instead of quarterly.

7A2. Future Agenda Items

No was no discussion on future agenda items.

7C. City Council Reports
7C1. Other reports of significance

There were no other reports of significance

7C2. Other Reports

Councilmember Weiner reported on: the fire and resulting traffic issues; the bicycle crisis and Blazing Saddles issues.

Councilmember Leone reported on: solar energy program article in the IJ; MTA issues; Marin Clean Energy; Art Commission; and the Fire Committee and their RFP.

Vice Mayor Albritton reported on: the Business Advisory meeting; the Hospitality and Business Development Committee meeting; Marin Transit; RBRA; and the several sewer meetings held.

ADJOURNMENT

The meeting adjourned at 10:42 p.m. Council adjourned to the Conference Room at this time to continue their discussions on the above listed Closed Session items.

The next regularly scheduled City council meeting is set for September 16, 2008, with the open session due to commence at approximately 7:00 p.m.

Respectfully submitted,

Debbie Pagliaro
Deputy City Clerk

Approved on:

30
8