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

TUESDAY, SEPTEMBER 16, 2008

CALL TO ORDER

The meeting was called to order by Mayor Belser at 5:30 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 D10 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 5:32 p.m.

The regular meeting reconvened at 7:10 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

- 1 4. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision
2 (b) of CGC §54956.9
3 Zack's v. City of Sausalito
4 ***Direction given to the attorney***
5
6 5. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision
7 (b) of CGC §54956.9
8 Styger v. City of Sausalito
9 ***Direction given to the attorney***
10
11 6. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §54956.8
12 Property: MLK Properties, 100 Ebbitide Avenue
13 Negotiating Parties: Pippa Murray, Community Action Marin
14 City Negotiator: City Manager and City Attorney
15 Under Negotiation: Price and Terms
16 ***Direction given to the negotiating team***
17
18 7. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §54956.8
19 Property: Tidelands adjacent to 40 Alexander Avenue
20 Negotiating Parties: Maurice and Elizabeth Myers
21 City Negotiator: City Manager and City Attorney
22 Under Negotiation: Price and Terms
23 ***Direction given to the negotiating team***
24
25 8. **PUBLIC EMPLOYMENT** pursuant to CGC §54957
26 Title: City Manager and City Attorney
27 ***Received information***
28
29 9. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §54956.8
30 Property: Sausalito Cruising Club, Foot of Napa Street
31 Negotiating Parties: Sausalito Cruising Club
32 City Negotiator: City Manager and City Attorney
33 Under Negotiation: Price and Terms
34 ***Direction given to the negotiating team***
35
36 10. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision
37 (b) of CGC §54956.9
38 Name of Case: Claim filed by the Terraces HOA
39 ***Direction given to the attorney***
40
41

42 **APPROVAL OF THE AGENDA**

43
44 **Vice Mayor Albritton moved, seconded by Councilmember Leone, to approve the agenda**
45 **as submitted. The motion was unanimously approved by a voice vote.**
46

47 **SPECIAL PRESENTATIONS**

48
49 **A. Receive update from the Sustainability Commission on their activities/projects**
50

1 Dane Faber, Chair of the Sausalito Sustainability Commission, presented their update to the
2 City Council. He began by first speaking about the Greening Business meeting held at the Bay
3 Model. Mr. Faber was pleased to recognize Cavallo Point and Sunshine Cleaners as two of our
4 "green businesses".
5

6 Mr. Faber went on to update the solar panel project for City Hall; noting that the plans had been
7 submitted and that the project should be completed by the end of October. Mr. Faber also
8 explained the community discount plan for solar energy which is being offered to residents of
9 Sausalito.
10

11 Rich Fortmann, also of the Sustainability Commission, further explained the community discount
12 plan. He also noted that the Commission would be placing door hangers at each residence and
13 that they would use "In the Loop" for further marketing of this program.
14

15 **COMMUNICATIONS**

16
17 **Jeanne Fidler** expressed concern that Council candidates were being allowed to use the "In the
18 Loop" mailing lists for their campaigning.
19

20 **Leda Sanford** advised council that the flower boxes in front of the new café on Bridgeway were
21 blocking the sidewalks. She felt that the café had been allowed to encroach too far onto the
22 sidewalk and wanted to have this checked out.
23

24 **ACTION MINUTES OF PREVIOUS MEETINGS**

25 26 **A. Approval of minutes from the July 15, 2008 regular City Council meeting**

27
28 **Vice Mayor Albritton** moved, seconded by Councilmember Weiner, to approve the
29 minutes of the July 15, 2008 regular City Council meeting as modified. The motion was
30 unanimously approved by a voice vote.
31

32 **B. Approval of minutes from the July 21, 2008 special City Council meeting**

33
34 **Vice Mayor Albritton** moved, seconded by Councilmember Weiner, to approve the
35 minutes of the July 21, 2008 special City Council meeting as submitted. The motion was
36 unanimously approved by a voice vote.
37

38 **C. Approval of minutes from the September 2, 2008 regular City Council meeting**

39
40 **Vice Mayor Albritton** moved, seconded by Councilmember Kelly, to approve the minutes
41 of the September 2, 2008 regular City Council meeting as submitted. The motion was
42 unanimously approved by a voice vote.
43

44 **D. Approval of minutes from the September 8, 2008 special City Council meeting**

45
46 **Councilmember Leone** moved, seconded by Vice Mayor Albritton, to approve the minutes
47 of the September 8, 2008 special City Council meeting as submitted. The motion was
48 unanimously approved by a voice vote.
49
50

1
2 **CONSENT CALENDAR**
3

4 **Public Comment:** There was no public comment on this item.
5

6 **Councilmember Kelly moved, seconded by Vice Mayor Albritton to approve Consent**
7 **Calendar items 4B1 through 4B5 as submitted. The motion was unanimously approved**
8 **by a voice vote.**
9

10 Consent Calendar items approved were as follows:
11

- 12 1) Received and filed draft minutes from the Sausalito Sustainability Commission
- 13 meeting of August 7, 2008
- 14 2) Received and filed recommendations made at the OMIT Committee meeting of
- 15 September 3, 2008
- 16 3) Received and filed minutes from the Parks and Recreation Commission meeting of
- 17 July 23, 2008
- 18 4) Received and filed minutes from the Hospitality Business Development Committee
- 19 meeting Of July 24, 2008
- 20 5) Adopted Resolution No. 4973 authorizing the City Engineer to execute an Agreement
- 21 with Caltrans for Non Motorized Transportation Pilot Program Funds – Bridgeway
- 22 Path Specific Plan Project – NMTPL-5098(009)
23

24 **PUBLIC HEARINGS**
25

26 **A. Public Hearing on Planning Fees, Building Fees and Code Enforcement Fees (con't**
27 **to 9/16)**
28

29 Community Development Director Jeremy Graves advised the Council that additional time was
30 needed in order to obtain the appropriate information. He advised Council continue this public
31 hearing to a date uncertain.
32

33 **Councilmember Kelly moved, seconded by Councilmember Weiner, to continue the**
34 **Public Hearing on planning fees, building fees and code enforcement fees to a date**
35 **uncertain. The motion was unanimously approved by a voice vote.**
36

37 **BUSINESS ITEMS**
38

39 **6A. EPA Compliance Order regarding Sewer Systems Operations – Oral Briefing and**
40 **Status Report**
41

42 City Engineer Todd Teachout briefed the Council on the status of the EPA Compliance Order.
43

44 Steve Cleary of RMC was also present to update the Council. He advised the Council on the
45 plan for preparing the response to the EPA. He noted that the content of the response would
46 include: spill response; collection system maintenance and management; collection system
47 condition assessment; and collaboration among member agencies. Mr. Cleary went on to
48 advise of the next steps which included the final response being submitted to the EPA by
49 October 15.
50

1 Bob Simmons of the Sausalito Marin City Sanitary District also spoke some on the flow
2 equalization basin and possible locations. Mr. Simmons also spoke about their relationship with
3 TCSD and the life of the SMCSO plant facilities. Mr. Simmons also spoke, in detail, about the
4 recent sewer spill at Main Street.

5
6 Council discussion followed.

7
8 **Public Comment:**

9
10 **David Lay** expressed concern about some of the older residences in Sausalito which allow their
11 roof and driveway rainwater run-off to go directly into the sewer system instead of the storm
12 drain system.

13
14 **Norm Wohlschlaeger**, President of the Sausalito-Marin City Sanitary District invited the public
15 to attend their open meetings which are held in City Hall on the first Monday of every month.

16
17 **6B. Receive and file second quarter Police Department statistical report (Police Chief**
18 **Scott Paulin)**

19
20 Police Chief Scott Paulin presented the second quarter Police Department statistical report to
21 the City Council. As noted in the PowerPoint Presentation, the statistics were fairly even with
22 the prior year.

23
24 Council discussion followed.

25
26 **Public Comment:** There was no public comment on this item.

27
28 **6C. Receive and file fourth quarter Treasurer's Report – April-June, 2008 (Administrative**
29 **Services Director Louise Ho)**

30
31 Administrative Services Director Louise Ho presented the fourth quarter Treasurer's Report.
32 She especially highlighted several of the Cash Balance by Fund accounts.

33
34 **Public Comment:** There was no public comment on this item.

35
36 Mayor Belser, noting that this was the last City Council meeting that Ms Ho would be attending,
37 thanked her for her five years of service to the City. City Manager Adam Politzer also added his
38 thanks for all the work that she had done over the years.

39
40 Ms Ho responded back by thanking everyone in return.

41
42 **6D. Review Conflict of Interest Code and adopt resolution approving changes (City**
43 **Attorney Mary Wagner)**

44
45 City Attorney Mary Wagner presented the staff report on this item. She noted that this item had
46 been heard by Council at their September 2 meeting, and was returning tonight in order to
47 address concerns that had been raised by Council.

1 Council discussion followed on whether some of the various boards and commissions should or
2 should not be included in the Conflict of Interest of Code. No changes were recommended at
3 this time.

4
5 **Public Comment:**

6
7 **David Lay** voiced concern about some of the decision making that takes place.

8
9 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt Resolution**
10 **No. 4974 amending the City's Conflict of Interest Code. The motion was unanimously**
11 **approved by a voice vote.**

12
13 **7 - CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
14 **DISCUSSIONS AND COUNCILMEMBER REPORTS** *(Estimated time: 50 minutes)*

15
16 **7A. City Council Appointments**

17 **7A1. Planning Commission Appointment – Appoint one (1) position for a term to extend**
18 **through May 2011**

19
20 Mayor Belser nominated Stafford Keegin to a term extending through May, 2011.

21
22 There being no other nominations, Stafford Keegin was appointed by acclamation.

23
24 **7B. City Manager Reports**

25 **7B1. City Manager Information for Council**

26
27 City Manager Adam Politzer reported on the following: steps being taken to obtain an interim
28 Finance Director and then the permanent Finance Director; recruitment status of the Public
29 Works Director, Assistant Planner, Associate Planner, Civil Engineer II, Recreation Supervisor
30 and HR Technician; the League Conference; the SMFD meeting; Spirit of Marin Luncheon;
31 setting September 23 at 9:00 am for a Special City Council meeting; and on the Governor
32 vetoing the State budget.

33
34 **7B2. Future Agenda Items**

35
36 Council discussed holding their joint City Council – Planning Commission meeting on October
37 25 from 9:00 am to 12 noon. Other items discussed were the bicycle issues and the vacancy on
38 the Sustainability Commission.

39
40 **7C. City Council Reports**

41 **7C1. Other reports of significance**

42
43 There were no Other reports of significance

44
45 **7C2. Other Reports**

46
47 Vice Mayor Albritton reported on: dinner with Mark Leno; Robin Sweeny Park and South View
48 Park sand cleanliness; Park Service meeting invitation for re-routing bike traffic from the bridge
49 into Sausalito; Marin County Transit District meeting; Business Advisory Committee meeting.

1 Councilmember Leone reported on: also received complaints about the park cleanliness;
2 Sustainability Commission and Green Building Code; Coastal Cleanup on Saturday; meeting
3 with local representatives on the Homeless Connect project (scheduled for November 17 at the
4 Bay Model)

5
6 Councilmember Weiner reported on: the Muir Woods shuttle issues

7
8 Councilmember Kelly reported on: the Waterfront Revitalization meeting held in Washington

9
10 Mayor Belser reported on: the Marinship and Waterfront Committee meeting; legislative
11 committee; Green Business meeting; Merchants meeting; Marin Forum

12
13 **ADJOURNMENT**

14
15 The meeting adjourned at 10:50 p.m. The next regularly scheduled City council meeting is set
16 for October 2, 2008, with the open session due to commence at approximately 7:00 p.m.

17
18 Respectfully submitted,

19
20
21 Debbie Pagliaro
22 Deputy City Clerk

23 Approved on:
24
25
26