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**\*\*DRAFT\*\***  
**MINUTES OF THE**  
**SAUSALITO CITY COUNCIL**  
**ADJOURNED REGULAR MEETING**  
  
**TUESDAY, NOVEMBER 25, 2008**

**CALL TO ORDER**

The meeting was called to order by Mayor Belser at 6:00 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 D6 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 6:02 p.m.

**The regular meeting reconvened at 7:03 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  
Zacks Inc. v. Sausalito  
*Direction given to the 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  
*Direction given to the negotiating team*

- 1           **3. CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to  
2           subdivision (b) of CGC § 54956.9  
3           Sausalito v. Alta Mira Treatment Program  
4           *Direction given to the attorney*  
5  
6           **4. CONFERENCE WITH LABOR NEGOTIATORS** pursuant to CGC § 54957.6  
7           Agency Negotiator: City Manager  
8           Employee Organization: Sausalito Firefighters IAFF Local 1775  
9           *Direction given to the negotiating team*  
10  
11           **5. CONFERENCE WITH LEGAL COUNSEL** – Anticipated litigation/initiation of  
12           litigation pursuant to subdivision (c) of CGC § 54956.9 (one potential case)  
13           *Direction given to the attorney*  
14  
15           **6. CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to  
16           subdivision (b) of CGC § 54956.9  
17           US EPA Findings of Violation and Order for Compliance, dated April 10, 2008  
18           *(This item was not discussed)*  
19

20 **Public Comment on Closed Session Items:** There was no public comment.  
21

## 22 **APPROVAL OF THE AGENDA**

23  
24 **Vice Mayor Albritton moved, seconded by Councilmember Kelly, to approve the**  
25 **agenda, with the exception at item 6A would be continued to a date yet to be**  
26 **determined. The motion was unanimously approved by a voice vote.**  
27

## 28 **SPECIAL PRESENTATIONS**

### 29 30 **A. Presentation by the Parks and Recreation Commission on their** 31 **accomplishments**

32  
33 Parks and Recreation Commission Chair John Lerner gave a brief overview on some of  
34 the 2008 statistics for the department. Some of these statistics included 338 classes  
35 being offered with 1,373 participants. Additionally, there were 16 special events held in  
36 Sausalito with approximately 34,717 participants.  
37

38 Mr. Lerner provided a very long list of accomplishments that had been achieved during  
39 the year.  
40

41 Mr. Lerner also discussed some of the goals for the upcoming year. Mr. Lerner thanked  
42 the staff for continuing to move forward.  
43

### 44 **B. Presentation by Henry Gardner of ABAG**

45  
46 Henry Gardner of ABAG described what ABAG is all about and what they do. Mr.  
47 Gardner presented a PowerPoint presentation to further describe these activities. Mr.

1 Gardner also noted that ABAG is the oldest council in the state. He further advised that  
2 all nine counties are represented, along with 101 cities.

3  
4 Council questions and comments followed.

5  
6 **COMMUNICATIONS**

7  
8 There were no Communications.

9  
10 **ACTION MINUTES OF PREVIOUS MEETINGS**

11  
12 **3A. Approval of minutes from the October 7, 2008 regular City Council meeting**  
13 **(con't from 11/18/08)**

14  
15 Councilmember Leone moved, seconded by Councilmember Kelly to continue the  
16 minutes of October 7 to their meeting of December 2, as the minutes had not been  
17 placed in their packets. The motion was unanimously approved by a voice vote.

18  
19 **CONSENT CALENDAR**

20  
21 Councilmember Leone requested that item 4B6, Approval of Amgen Tour City  
22 Participation Agreement, be removed from the Consent Calendar and become item 6C1.

23  
24 **Public Comment:** There was no public comment on this item.

25  
26 **Vice Mayor Albritton moved, seconded by Councilmember Weiner, to approve**  
27 **Consent Calendar items 4B1 through 4B5. The motion was unanimously**  
28 **approved by a voice vote.**

29  
30 Consent Calendar items approved were as follows:

- 31  
32 1) Received and filed noted accomplishments from the Strategic Planning  
33 Session of November 21, 2008 (*documentation not available until Monday*)  
34 2) Waived further reading and adopted Ordinance No. 1193, an Ordinance of the  
35 City Council of the City of Sausalito Approving the Marin Energy Authority Joint  
36 Powers Agreement and Authorizing the Implementation of a Community  
37 Choice Aggregation Program  
38 3) Approved Bond Accountant position  
39 4) Approved a temporary parking management plan with the Sausalito Yacht Club  
40 5) Approved Holiday Parking Meter Waiver  
41 6) *Approval of Amgen Tour City Participation Agreement (moved to Item 6C1)*  
42

43  
44 **PUBLIC HEARINGS**

45  
46 **5A. On the Amendment of the Fee Schedule for Planning Fees, Building Fees and**  
47 **Code Enforcement Fees**

1 Community Development Director Jeremy Graves presented the staff report on this item.  
2 He noted that staff had surveyed the planning application fees charged in other Marin  
3 jurisdictions. Mr. Graves also noted that this item was coming to Council as a response  
4 to the Strategic Planning Session held in April.  
5

6 Mr. Graves then advised Council that it was their recommendation to return to a time  
7 and materials system as was used by the department in previous years. When  
8 questioned about the billing problems that had arisen during that time, Mr. Graves  
9 indicated that he would be willing to work with the Finance Director to prepare a policy  
10 and procedures manual to assist in billing appropriately and for obtaining additional  
11 deposits.  
12

13 **Mayor Belser opened the Public Hearing.**

14  
15 **Peter Van Meter** objected to the proposed fee schedule. He felt that this type of fee  
16 structure would take the budgeting of a project out of the control of the applicant.  
17

18 **There being no further public comment, Mayor Belser closed the Public Hearing.**

19  
20 Council comments and questions followed.  
21

22 Vice Mayor Albritton read into the record a letter from Michael Rex, which had been  
23 received after the distribution of the packet.  
24

25 Mayor Belser noted that the previous time and materials program had not been properly  
26 administered.  
27

28 Councilmember Kelly noted that seven of the ten Marin cities are currently using a time  
29 and materials process.  
30

31 Councilmember Leone advised that he would prefer to adopt a complete solution which  
32 would also include procedures, training, and administration of the program, along with a  
33 process that would link with billing and accounting for the Finance Department. He also  
34 stated that he would like to revisit the appeal fees that had jumped tremendously in  
35 previous years.  
36

37 Councilmember Kelly and Vice Mayor Albritton suggested approval of the time and  
38 materials fees, and at the same time have Community Development prepare a policies  
39 and procedures program for Finance Committee approval, and bringing that proposal  
40 back to Council for approval on Consent.  
41

42 Discussion followed on the appeal fees.  
43

44 **Vice Mayor Albritton moved, seconded by Councilmember Kelly to approve**  
45 **Resolution No. 4984 amending the Planning Division fees of the 2008-09 Revised**  
46 **and Restated Master Fee Schedule and incorporating the recommended changes**  
47 **to "Sign Permit – Planning Commission Review" to Time--\$1,000 minimum**  
48 **deposit, and altering the "Appeal – Planning Commission Decisions" to a \$2,500**

1 deposit for applicants and a \$1,000 fee for all others, and that the program be  
2 presented to the Finance Committee before implementation, and that the  
3 Community Development Department return in six months with an update. The  
4 motion was unanimously approved by a voice vote.

5  
6 **BUSINESS ITEMS**

7  
8 **6A. Receive Art Festival Report**

9  
10 Mayor Belser noted that this item would be continued until all parties could be present.

11  
12 **6B. Imagine Sausalito Action Committee Reports**

13  
14 Community Development Director Jeremy Graves introduced the following members of  
15 the Action Committees:

16  
17 **Adam Kravatsy** of the Transportation Action Committee, who gave an update on their  
18 activities.

19  
20 **Peter Van Meter** of the Harbor and Downtown Action Committee, who gave an update  
21 on their activities.

22  
23 **Chris Gallagher** of the Waterfront and Marinship Steering Committee, who gave an  
24 update on their activities.

25  
26 **Public Comment:**

27  
28 **Jeanne Fiedler**, with regard to the comments of the Harbor and Downtown Action  
29 Committee, reminded the Council of their action to properly use the name of  
30 "*Richardson's Bay*".

31  
32 Vice Mayor Albritton wrapped up this report with an historical prospective. In moving  
33 forward, he suggested the formation of a Public Works Action Committee in order to  
34 keep the Public Works Department advised of any possible or impending projects that  
35 come forward from these Action Committees.

36  
37 **6C. Approve Agreement with the Chamber of Commerce regarding the ATOC**

38 **6C1 Approval of Amgen Tour City Participation Agreement**

39  
40 Jeff Scharousch reported on the partnership with the Chamber and the City for the fourth  
41 annual tour.

42  
43 Unfortunately, Mr. Scharousch noted that, to date, the Chamber had not voted on the  
44 approval of the agreement due to scheduling conflicts.

45  
46 With regard to the Participation Agreement, City Attorney Mary Wagner presented this  
47 portion of the report.

1 Mr. Scharousch described some of the costs associated with the Tour and then  
2 described some of the events that would generate revenues.

3  
4 Council questions and comments followed.

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

7  
8 **Vice Mayor Albritton moved, seconded by Councilmember Weiner to approve the**  
9 **Amgen Tour of California City Participation Agreement by and between the City of**  
10 **Sausalito and AEG Cycling. The motion was unanimously approved by a voice**  
11 **vote.**

12  
13 **Councilmember Kelly moved, seconded by Vice Mayor Albritton to approve the**  
14 **Agreement by and between the City of Sausalito and the Sausalito Chamber of**  
15 **Commerce regarding the 2009 Amgen Tour of California. The motion was**  
16 **unanimously approved by a voice vote.**

17  
18 **6D. Sewer Items:**

19 **1) Receive status report on SMCSO Wet Weather Flow Storage Project;**

20 **2) Approve contract amendment with RMC for**

21 **a) Flow Meter installation**

22 **b) Approval of Change Order with RMC for EPA Response Plan Prep**  
23 **costs**

24  
25 City Engineer Todd Teachout presented the staff report on this item. He then introduced  
26 Bob Simmons of the Sausalito-Marin City Sanitary District.

27  
28 Bob Simmons presented an update on the Sausalito-Marin City Sanitary District Wet  
29 Weather Flow Storage Project. He noted that some of the sites being considered for the  
30 tank are: Waldo Point Harbor Parking area, Coloma and Gate 5 Road (area of Joe Ray  
31 Autobody), Clipper Yacht Harbor (two sites), Sausalito Yacht Harbor, TCSD Corp Yard,  
32 and Marinship Park. He noted the several of the property owners are showing a strong  
33 willingness to participate. Mr. Simmons further noted that the District would be having  
34 meetings in January when they would begin ranking the sites.

35  
36 Steve Cleary of RMC described the costs based on soils analysis and geotechnical  
37 conclusions.

38  
39 City Engineer Todd Teachout continued with presenting the staff report on the EPA  
40 response. He noted that staff was asking for an amendment with RMC so that they can  
41 assist in the preparation of a plan to install flow meters. He further noted that SMCSO  
42 had already agreed to this amendment and that they were willing to continue on with the  
43 existing partnership.

44  
45 **Public Comment:** There was no public comment on this item.

46  
47 **Councilmember Kelly moved, seconded by Councilmember Leone, to authorize**  
48 **the City Manager to execute an agreement amendment with Sausalito Marin City**

1 Sanitary District and RMC in an amount not to exceed \$63,754 to install flow  
2 meters, and authorize the appropriation of \$15,000 for the additional Plan costs.  
3 The motion was unanimously approved by a voice vote.  
4

5 **6E. Discussion on the Hotel/Motel Condominium Conversion Ordinance**  
6

7 City Attorney Mary Wagner presented the staff report on this item, describing the  
8 changes made to the draft ordinance, including those that had been incorporated  
9 following meetings with the OMIT Committee.  
10

11 There were no Council questions/comments.  
12

13 **Public Comment:** There was no public comment on this item.  
14

15 It was the consensus of the Council to forward the draft ordinance to the Planning  
16 Commission for their review and approval.  
17

18 **6F. Update on the Construction Time Limits Ordinance**  
19

20 City Attorney Mary Wagner presented the staff report on this item, comparing several  
21 different ordinances from other agencies.  
22

23 Council discussion followed giving additional direction. It was then the consensus of the  
24 Council that the solution would be to use a combination of the ordinances from  
25 Belvedere and Atherton.  
26

27 Council further recommended that the City Attorney and Community Development  
28 Director meet, then proceed to the Code Committee and return to Council in January.  
29 Specific directions were presented to the City Attorney in order to proceed on that  
30 course.  
31

32 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**  
33 **DISCUSSIONS AND COUNCILMEMBER REPORTS**  
34  
35

36 **7A. City Manager Reports**

37 **7A1. City Manager Information for Council**  
38

39 City Manager Adam Politzer reported on the following: Strategic Planning Retreat;  
40 Team Building on December 8; update on the recruitment for Finance Director; noted  
41 that the new Associate Planner starts on Monday and the HR Technician begins on  
42 December 15; MCCMC on December 4; Chamber recognition event; emergency  
43 preparedness button on the web site; toy drive for Southern Marin families; Rotary  
44 Club's Senior Thanksgiving luncheon; New Mayors and Councilmembers Academy;  
45 December 2 meeting; future scheduling of Council meetings; and the holiday party.  
46

47 **7A2. Future Agenda Items**  
48

49 There was no discussion on future agenda items.

1  
2 **7B. City Council Reports**  
3 **7B1. Other reports of significance**

4  
5 There were no Other reports of significance  
6

7 **7B2. Other Reports**  
8

9 Vice Mayor Albritton reported on: the great ABAG presentation given; Business  
10 Advisory meeting; TAM; Alta Mira negotiating committee; RBRA; and that the  
11 emergency telephone response line is in at Radio Sausalito.  
12

13 Councilmember Kelly reported on: the Public Safety Facilities project and tank removal  
14 update.  
15

16 Councilmember Leone reported on: Fire sub-committee; Planning Commission/Historic  
17 Landmarks Board joint meeting; and the Arts Commission.  
18

19 **ADJOURNMENT**

20  
21 There being no further business, the City Council meeting adjourned at 11:37 pm. The  
22 next regularly scheduled meeting will be held on December 2, with the open meeting  
23 due to commence at approximately 7:00 pm.  
24

25 Respectfully submitted,  
26

27  
28 Debbie Pagliaro  
29 Deputy City Clerk

30 Approved on:  
31