1 **DRAFT** 2 MINUTES OF THE 3 SAUSALITO CITY COUNCIL 4 **REGULAR MEETING** 5 6 **TUESDAY, FEBRUARY 24, 2009** 7 8 9 **CALL TO ORDER** 10 The meeting was called to order by Mayor Leone at 5:38 p.m. 11 12 13 **ROLL CALL** 14 15 Councilmember Pfeifer, Vice Mayor Weiner (arriving late), Councilmember PRESENT: 16 Belser, Councilmember Kelly, Mayor Leone 17 18 (Councilmember Belser participating from a telephonic location as noted) 19 20 **ABSENT:** None 21 22 ANNOUNCEMENT OF CLOSED SESSION ITEMS 23 24 Mayor Leone announced, by title, that items D1 and D5 would be discussed in Closed 25 Session. 26 27 **Public Comment:** There was no public comment on these items. 28 29 Council then adjourned to the Conference Room for their Closed Session at 5:40 pm. 30 31 The regular meeting reconvened at 7:20 p.m. 32 33 PLEDGE OF ALLEGIANCE 34 35 REPORT ON RESULTS OF CLOSED SESSION ITEMS 36 37 1. CONFERENCE WITH LEGAL COUNSEL- Anticipated Litigation pursuant to subdivision (c) of CGC §54956.9 38 Initiation of litigation (One potential case) 39 40 Direction given 41 2. CONFERENCE WITH LEGAL COUNSEL— Existing litigation pursuant to 42 subdivision (a) of CGC §54956.9 43 44 Name of Case: Rawlings Claim - 245 San Carlos Avenue Direction given 45 46 47 3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to CGC 48 §54956.8 Sausalito City Council Minutes

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1 2 3 4 5	Property: Heath Way Negotiating Parties: Heath Ceramics, Industrial Center Building and Equity Office City Negotiator: City Attorney Under Negotiation: Price and Terms Direction given								
6 7 8 9 10	4.	4. CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to subdivision (a) of CGC §54956.9 Sausalito v. Alta Mira Treatment Program Direction given							
12 13 14 15 16	5.	5. CONFERENCE WITH LEGAL COUNSEL – Worker's Compensation Claim pursuant to California Government Code Section 54956.95 Claimant: Kent Basso; Claim Number 2005115803 Claim Against: City of Sausalito Council voted unanimously to authorize settlement of this case							
18	Public (Commer	nt on Closed Sessi	on Items:					
19 20 21 22 23	Chuck Donald suggested that the Council could speak in general terms a little bit more regarding closed session items. He asked that Closed Sessions be more "open to the public".								
24 25 26	Bob Mitchell agreed with Mr. Donald. Mr. Mitchell noted that having served on the Council he knows that much of what is discussed in Closed Session is not controversial.								
27	APPRO	VAL OF	THE AGENDA						
28 29 30 31	Mayor Leone noted that item 7B3, Sausalito Marine Properties announcements, would addressed prior to 6A. He also noted that item 7B1 would follow what was originally item 6A.								
32 33 34	Mayor Leone moved, seconded by Councilmember Pfeifer, to approve the agenda as noted above. The motion was unanimously approved by a roll call vote:								
35 36 37 38 39		ES: STAIN:	Councilmembers: Councilmembers: Councilmembers: Councilmembers:	None None	, Kelly, and Mayor Leone				
40 41	SPECIAL PRESENTATIONS								
42 43	There were no Special Presentations.								
44 45	COMMUNICATIONS								
46 47	There were no Public Communications.								
48					DRAFT Sausalito City Council Minutes Meeting of February 24, 2009 Page 2 of 12				

ACTION MINU	ITES OF PREVIOUS MEETINGS
3A. Approva	I of minutes from the Special City Council meeting of February 6, 2009
minutes from	er Belser moved, seconded by Vice Mayor Weiner, to approve the the February 6, 2009 special City Council meeting as submitted. The nanimously approved by a roll call vote:
motion was u	naminously approved by a roll call vote.
AYES:	Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone
NOES:	Councilmembers: None
ABSTAIN: ABSENT:	
ADSENI.	Councilinembers. None
3B. Approva 13, 2009	I of minutes from the Special Regular City Council meeting of February
minutes from	per Belser moved, seconded by Vice Mayor Weiner, to approve the the February 13, 2009 special City Council meeting as submitted. The nanimously approved by a roll call vote:
AYES: NOES:	Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone Councilmembers: None
ABSTAIN:	
ABSENT:	Councilmembers: None
3C. Approva	I of minutes from the Special Regular City Council meeting of February
18, 2009	
minutes from	per Belser moved, seconded by Vice Mayor Weiner, to approve the the February 18, 2009 special City Council meeting as submitted. The nanimously approved by a roll call vote:
AYES:	Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone
NOES:	Councilmembers: None
ABSTAIN:	
ABSENT:	Councilmembers: None
CONSENT CA	<u>LENDAR</u>
Public Comm	ent: There was no public comment on this item.
Councilmomb	per Kally moved, accorded by Vice Mayor Weiner, to enpreye Concept
	per Kelly moved, seconded by Vice Mayor Weiner, to approve Consent is 4B1 through 4B6. The motion was unanimously approved by a roll
call vote:	is in an augi. in a monon was an ammodely approved by a for
AYES:	Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone
NOES:	Councilmembers: None
ABSTAIN:	Councilmembers: None
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ACTION MINUTES OF PREVIOUS MEETINGS

1 2	ABS	ENT:	Councilme	mbers:	None				
3	Consent Calendar items approved were as follows:								
4 5	1)			actions t	taken at the February 11, 2009 Planning Commission				
6 7	2)	meeting 2) Approved Professional Services Agreement with Jan Burke for bond accountant							
8	۵)	service		- N- 50	200 and animia and a Oita Managara tan				
9 10	3)				002 authorizing the City Manager to: o. 1 to Funding Agreement 2007-013 by and between the				
11					Marin and the City of Sausalito enabling distribution of				
12					re A allocations, and				
13 14					2008-017 between the Transportation Authority of alito to enable distribution of Measure A funds to offset				
15			sts to overla						
16	4)	Receiv	ed and filed		y status report on the progress of the Public Safety				
17 18	5)		es Project red and filed	minutes	s from the February 5, 2009 Business Advisory				
19	٥,		ittee meetin		s nom the restaury of book business havesty				
20	6)			minutes	s from the January 8, 2009 Sustainability Commission				
21 22	meeting								
23	PUBLIC	PUBLIC HEARINGS							
24 25 26 27 28	Scl	hedule	to add a sta	ate-man	ion amending the Building Division Master Fee indated surcharge for the State Building Standards velopment Director Jeremy Graves)				
29 30	Community Development Director Jeremy Graves presented the staff report on this item. He noted, for the record, that this fee amendment was based on the new law AB 1473 which								
31 32	requires all cities and counties to collect a fee from building permit applicants for submission to the California Building Standards Commission.								
33 34 35	There we	ere no (questions fro	m the Co	Council.				
36 37	Public C	Comme	nt: There	was no	public comment on this item.				
38 39 40 41 42	Councilmember Belser moved, seconded by Councilmember Kelly, to adopt Resolution No. 5003 amending the Building Division Fee Schedule to add a statemandated surcharge for the State Building Standards Commission. The motion was unanimously approved by a roll call vote:								
43 44 45 46			Councilme	embers: embers:	None				
47 48					DRAFT				

ABSENT: Councilmembers: None

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BUSINESS ITEMS

7B3. Other reports of significance – including update on Sausalito Marine Properties (previously noted that this item would be moved prior to 6A)

Mayor Leone reported on the foreclosure sale that took place on February 19, 2009 in San Rafael involving the Sausalito Marine Properties. Mayor Leone further reported that when the City is not the successful bidder in such a situation, the Closed Session vote is not required to be announced publicly. He noted that the winning bid was \$4,140,000 and that the City only went as high as \$4,125,000.

Mayor Leone then opened the meeting up to Public Comment.

Carolyn Ford reminded Council of the large number of persons who had pleaded before Council to purchase the property. She expressed concern that Council did not pursue this vigorously enough and that \$4,000,000 was not sufficient. She felt that the citizen's should be allowed to know how the vote went.

Vicki Nichols also expressed disappointment, but she noted that it was such a short time for Council to come up with money that was not in the budget. Ms Nichols expressed that she thought Council had tried.

Pat Zuch noted that the Council should have the courage to announce the vote that was taken in Closed Session.

Dorothy Gibson also noted disappointment. She expressed concern that this area is a preserve and that Council should still go and get it.

Carol Peltz stressed that the citizen's should know, and wanted elaboration on the actions taken in Closed Session.

Mayor Leone interjected, explaining the Brown Act and how that affects what happens in Closed Sessions. He stated that this was just one chapter and that Council is moving forward. Mayor Leone advised that discretion is still needed in order to move forward.

Ms Peltz continued and stated that Council should consider pursuing the purchase and that there was lots of public support for it.

Peter Van Meter noted that there was ample opportunity in the future; especially with the value of property being so low right now.

Chris Visher also expressed disappointment that this didn't go through. However, he realized that there is a whole process that the City needs to go through in order to make such purchases.

There being no further public comment, Mayor Leone concluded with some reassuring comments.

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City Engineer Todd Teachout presented the staff report on this item. He went on to give the background on the project and described what had been presented to the Waterfront and Marinship Committee and Transportation Action Committee joint meeting. Mr. Teachout felt the response received from that meeting was a cautious approval. He then concluded by describing the planning process that would take place.

Council questions and comments followed.

Public Comment:

Ken Pedersen noted that there is already a start for such a path. He also noted that BCDC requires a lot of the amenities being mentioned when developing public paths. He felt that a majority of the residents would be interested in a path that leads into the Marinship area.

Kamal Alhad noted that he commutes through Sausalito on bike. He noted that he supports tourism, but that this project would be beneficial to the commuters also.

David Hoffman, Director of Planning of the Marin County Bicycle Coalition noted that their interests are in transportation routes that are direct, and would be willing to help the City.

Barry Peterson noted that he sees both benefits and problems in the Marinship area. He stressed the need for professional assistance in order to develop this plan properly.

Tom Hoover noted that he was against the plan as described. He noted that the transit center seems to be the ferry landing, but the ferry is not bicycle friendly. He stressed that the City should focus on the Bridgeway corridor.

Carolyn Ford expressed concern about the lack of public response. She noted that the public is concerned with the bikes coming from San Francisco and stopping in the downtown area. Ms Ford noted that there is a good system in place from the ferry north. She felt there was a need to look at the City overall. Ms Ford recommended that the Council should ask the County to revise the grant to more clearly comply with what the federal government has laid out.

 Bonnie MacGregor felt that the study should remain open and not be confined to certain areas. She also expressed concern that the Technical Advisory Committee would not have representation from the Transportation Action Committee since they have already worked two years on this project. Ms MacGregor reminded the group that Sausalito has lots of transportation problems. She concluded by reminding the Council that this item is more like a feasibility study and not construction of the project.

Peter Van Meter of the Harbor and Downtown Action Committee welcomed the professional input into these issues.

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Michael Rex noted that a 2006 poll indicated that this type of project would be favored. He also noted that the City's Bicycle Master Plan notes safety issues on Bridgeway. Mr. Rex felt that there could be a need for two paths; one for fast and safe, and one for pedestrians. He also agreed that there was a need for professional help to assist staff.

Adam Krivatsy impressed upon the Council that this was an opportunity for our community. He felt that there was nothing wrong with the recreationists on the weekends. He felt that Alta was an opportunity to provide another resource.

Chuck Donald voiced concern about the timing of the study. He was concerned that the

bicycle path may be pre-empting the Waterfront and Transportation Committee decisions.

Pat Zuch advised the City to take advantage of the grant monies. However, she was concerned that Alta, a Sausalito-based group, was proposing too much "off-the-shelf" stuff. She also felt that the current proposal contained too much "fluff".

Chris Visher felt that the plan addressed the recreation side too strongly. He felt that there was no need for an additional path, as one already exists. Mr. Visher was also concerned about the fiscal impact, and that this may not be the best way to spend the City's time.

Bob Mitchell felt that the grant could be redirected, if the decision were made in a timely manner. He noted that the intent of the grant was to promote *mode* shift and has nothing to do with recreation.

Roberta Malloy indicated to the Council that there was nothing to lose by moving ahead with the plan.

Council comments followed.

Mayor Leone moved, seconded by Councilmember Belser, to have staff return with an amended professional services agreement with Alta Planning and Design, and to adopt the preparation of projects that are non-motorized transportation routes between Sausalito Ferry Landing and Gate 6 Road with the focus on Bridgeway and the railroad right-of-way. The motion passed by a roll call vote:

AYES: Councilmembers: Weiner, Belser, Kelly, and Mayor Leone NOES: Councilmembers: Pfeifer

NOES: Councilmembers: Pfeifer ABSTAIN: Councilmembers: None ABSENT: Councilmembers: None

7B1. Appoint one member and one alternate to the Board of Library Trustees (previously noted that this item would be heard prior to item 6B)

Mayor Leone nominated Elizabeth Terplan for the regular member position and Robert Gieselman for the alternate position.

Councilmember Kelly nominated Robert Gieselman for the regular member position and Elizabeth Terplan for the alternate position.

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There being no further nominations, the vote to appoint was as follows:

4 Councilmember Pfeifer:
5 Vice Mayor Weiner:
6 Councilmember Belser:
7 Councilmember Kelly:

Terplan / Gieselman Gieselman / Terplan Gieselman / Terplan Gieselman / Terplan

Mayor Leone:

Terplan / Gieselman

Robert Gieselman, having received the required three votes, was appointed to the regular term on the Board of Library Trustees with his term expiring in July, 2011. Elizabeth Terplan, having received the required three votes, was appointed to the alternate position on the Board of Library Trustees.

6B. Sausalito Emergency Operations/Disaster Preparedness Quarterly Update (Sergeant Bill Fraass)

Police Sergeant Bill Fraass presented the staff report on this item. Sgt. Fraass provided information on the status of training, the Emergency Operations Plan, and equipping the Emergency Operations Center (at both City Hall and the new EOC which will be housed in the new Fire Station). He further advised Council on community outreach and future plans.

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

6C. Status Report and Review of Public Participation Options on the Housing Element Update (Associate Planner Heidi Burns)

Associate Planner Heidi Burns presented the staff report on this item. To further update the Council on the status of the Housing Element, she presented a PowerPoint presentation.

Council questions followed.

Public Comment:

Pat Zuch noted that the last time that the Housing Element was presented to Council and the community, the community was blind-sighted by some of the proposals. Ms Zuch hoped that staff would do a better job of communicating this time.

Fritz Warren admitted that he had served on the last Housing Element Committee, and was embarrassed over some of the things that had happened. When asked by the Mayor if he would consider serving again, he replied positively.

Council comments followed.

It was the consensus of the Council that the new Committee will be faced with challenges in order to get residents to open up their neighborhoods to possible low income housing. Council also concurred that Option 1 should be pursued so that more workshops are held in

48 order to educate the community.

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The Mayor concluded that the City has an obligation to move forward.

Mayor Leone recommended that staff return to Council with the "next steps" and begin advertising for the new Committee.

At 10:28 pm, Mayor Leone adjourned the meeting for a five minute break.

The meeting was reconvened at 10:33 pm.

6D. Review of membership and procedures of the Business Advisory Committee (Community Development Director Jeremy Graves)

Community Development Director Jeremy Graves presented the staff report on this item. He explained the reasoning behind amending the membership and procedures of the Business Advisory Committee.

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

Mayor Leone suggested the Committee also comply with all the requirements of attendance, term limits, serving at the pleasure of the City Council and Conflict of Interest Codes.

Council discussion followed regarding attendance regulations and Conflict of Interest Codes.

Mayor Leone clarified that Section 5 should be amended to include 2.58,060 regarding attendance, and 2.58.100 regarding removal of office.

It was the consensus of the Council to not include this Committee in the Conflict of Interest Code requirements.

Mayor Leone moved, seconded by Councilmember Pfeifer, to adopt Resolution No. 5004 amending Resolution No. 4296 regarding the membership and procedures of the Business Advisory Committee, with additions to Section 5 to include "the committee members shall serve in accordance with Sections 2.58.090, 2.58.060 and 2.58.100". The motion was unanimously approved by a roll call vote:

AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone

Councilmembers: None NOES: ABSTAIN: Councilmembers: None Councilmembers: None ABSENT:

6E. Authorize utilization of consultant services to respond to EPA Compliance Order - actions required by April 15, 2009 (Public Works Director Jonathon Goldman)

Because of the lateness of the meeting, and because there were people present to speak on the next item, Public Works Director Jonathon Goldman suggested that this item should be held until after item 6F.

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1 Mayor Leone moved, seconded by Councilmember Pfeifer, to move item 6F ahead of 2 item 6E. The motion was unanimously approved by a roll call vote: 3 4 AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone 5 Councilmembers: None NOES: 6 ABSTAIN: Councilmembers: None 7 ABSENT: Councilmembers: None 8 9 F. Discussion and direction regarding Preliminary Proposal for Supplemental Environmental Project A, Sewer Enhancement Project, under agreement 10 between the City of Sausalito and Northern California River Watch dated 11 December 3, 2008 (Public Works Director Jonathon Goldman) 12 13 14 Public Works Director Jonathon Goldman presented the staff report on this item. 15 16 **Public Comment:** 17 18 Katie Beacock, President of the Marin Association of Realtors, offered comments on the draft sewer enhancement project. She noted that in previous meetings before the City 19 20 Council, they had suggested more effective and environmentally friendly alternatives to the "point of sale retrofit triggers". She noted that the draft before the Council tonight still has 21 22 not addressed their concerns and offered further suggestions. 23 24 Council questions followed. 25 26 Councilmember Kelly moved, seconded by Vice Mayor Weiner, to direct staff to transmit the Preliminary Draft Report on or before February 27, 2009 to Northern 27 California River Watch for review and reasonable approval. The motion was 28 29 unanimously approved by a roll call vote: 30 31 AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone 32 NOES: Councilmembers: None 33 ABSTAIN: Councilmembers: None 34 ABSENT: Councilmembers: None 35 36 6E. Authorize utilization of consultant services to respond to EPA Compliance Order - actions required by April 15, 2009 (Public Works Director Jonathon Goldman) 37 38 39 Returning to this item, Public Works Director Jonathon Goldman presented the staff report on this item. 40 41 42 Council questions followed. 43 44

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

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Councilmember Kelly moved, seconded by Councilmember Belser, to adopt 46

Resolution No. 5005 approving the Third Amendment to the Professional/Consulting 47

Services Agreement by and between the City, Sausalito Marin City Sanitary District

and RMC Water and Environment to perform pump station assessments and certification work and authorizing the City Manager to execute the amendments on behalf of the City and appropriating the necessary funds. The motion was unanimously approved by a roll call vote:

2 3

AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone

NOES: Councilmembers: None
ABSTAIN: Councilmembers: None
ABSENT: Councilmembers: None

 Councilmember Kelly moved, seconded by Councilmember Pfeifer, to adopt Resolution No. 5006 approving the Third Amendment to the Professional Services Agreement with West Yost Associates to prepare sewer condition assessment reports and authorizing the City Manager to execute the amendment on behalf of the City and appropriating the necessary funds. The motion was unanimously approved by a roll call vote:

AYES: Councilmembers: Pfeifer, Weiner, Belser, Kelly, and Mayor Leone

NOES: Councilmembers: None ABSTAIN: Councilmembers: None ABSENT: Councilmembers: None

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

7A. City Manager Reports

7A1. City Manager Information for Council

City Manager Adam Politzer reported on: sewer spill responsiveness (turning this report back over to Public Works Director Jonathon Goldman who provided an update on the Sausalito-Marin City Sanitary District spill); new spill coming from the East Bay; Sewer Ad Hoc meeting on Thursday; Mayor Leone and Leslie Alden obtaining Mayor Gavin Newsom for the MCCMC meeting; next City Council meeting initial report on Tour of California; the use of Council Chambers on May 19 for special State Election – thus needing to move City Council meeting to May 26; retirement party for Parking Enforcement Officer Sharon McTernan; Southern Marin Fire District giving Jim Irving the recognition and title of Interim Fire Chief; and on the upcoming Fire Consolidation meeting.

7A2. Future Agenda Items

 Councilmember Pfeifer indicated that she would like to see a discussion on the moratorium of storage containers/facilities in the Marinship; local ordinance on bicycling in Sausalito to clarify riding single file and obeying the traffic rules and regulations, and updating the fines for failure to comply; and finally discussion on a dry boat storage facility that was evicted for valet parking in violation of the Marinship Specific Plan.

Mayor Leone indicated that he would like to have a discussion on setting policy for Closed Session reporting.

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1 2	Public Comment: There was no Public Comment on this item.
3 4	7B. City Council Reports
5	7B1. Appoint one member and one alternate to the Board of Library Trustees (see earlier discussion – this item followed item 6A)
6 7	(see earlier discussion – this item followed item on)
8 9	7B2. Council Committee Assignments
10 11	In continuing his appointments, Mayor Leone appointed:
12 13 14	Councilmember Pfeifer as an alternate to the Police and Fire Ad Hoc Committee and the Bond Oversight Committee (removing himself)
15 16	Vice Mayor Weiner to the Business Advisory Committee (Mayor Leone also remaining)
17 18 19	Councilmember Kelly to Community Development Block Grant Committee (removing himself)
20 21	Mayor Leone noted that the ABAG representative and the Bicycle/Pedestrian Committee were also still open and would be addressed later.
22 23	7B3. Other reports of significance - including update on Sausalito Marine Properties
24 25	(see earlier discussion – first item under Business Items)
26 27	7B4. Councilmember Committee Reports
28 29	Councilmember Pfeifer reported on the Tour de Cuisine.
30 31	Vice Mayor Weiner gave an update on the tour bike situation.
32 33	ADJOURNMENT
34	There being no further business, the City Council meeting was adjourned at 11:50 pm. The
35 36	next regularly scheduled meeting will be held on March 10, 2009, with the open meeting due to commence at approximately 7:00 pm.
37 38 39	Respectfully submitted,
40 41	Debbie Pagliaro
42	Deputy City Clerk
43	Approved on:

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