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

TUESDAY, JANUARY 13, 2009

CALL TO ORDER

The meeting was called to order by Mayor Leone at 5:02 p.m.

ROLL CALL

PRESENT: Councilmember Pfeifer, Vice Mayor Weiner, Mayor Leone,
Councilmember Kelly

ABSENT: Councilmember Belser

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Leone announced, by title, that items E1 through E6 would be discussed in Closed Session.

Public Comment:

Chuck Donald requested that in the future, all Closed Session items be more fully disclosed, describing in more detail the items listed for the Closed Session.

The Mayor and the City Attorney then re-read the Closed Session items by title and description.

At 5:06 pm, Council moved into the Conference Room to hold interviews for the Library Board of Trustees and then to adjourn to their Closed Session.

The regular meeting reconvened at 7:15 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 LLC MCSC Case No. CIV 074789
Gave direction to the attorney
2. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to subdivision (b) of CGC § 54956.9

1 Donovan v. County of Marin MCSC Case No. CIV 084158

2 ***Gave direction to the attorney***

- 3
4 3. **CONFERENCE WITH LEGAL COUNSEL** – Existing litigation pursuant to
5 subdivision (b) of CGC § 54956.9
6 US EPA Findings of Violation and Order for Compliance, dated April 10, 2008
7 ***Gave direction to the attorney***

- 8
9 4. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
10 54956.8
11 Property: Sausalito Marine Properties; Foot of Locust Street
12 Negotiating Parties: Zacks Inc. dba Sausalito Marine
13 City Negotiator: City Manager and City Attorney
14 Under Negotiation: Price and Terms
15 ***Gave direction to the negotiating team***

- 16
17 5. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
18 54956.8
19 Property: Heath Way
20 Negotiating Parties: Heath Trust, ICB, Equity Office Partners
21 City Negotiator: City Manager and City Attorney
22 Under Negotiation: Price and Terms
23 ***Gave direction to the negotiating team***

- 24
25 6. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
26 54956.8
27 Property: Tidelands adjacent to 40 Alexander Avenue
28 Negotiating Parties: Maurice and Elizabeth Myers
29 City Negotiator: City Manager and City Attorney
30 Under Negotiation: Price and Terms
31 ***Gave direction to the negotiating team***

32
33 **Public Comment on Closed Session Items:** There was no public comment.

34
35 **APPROVAL OF THE AGENDA**

36
37 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the**
38 **agenda as presented. The motion was unanimously approved by a voice vote**
39 **(Councilmember Belser absent).**

40
41 **SPECIAL PRESENTATIONS**

42
43 **1A. Introduction of Associate Planners Heidi Burns and Jocelyn Immacolato by**
44 **Community Development Director Jeremy Graves, and introduction of Bond**
45 **Accountant Jan Burke by Interim Finance Director Laurie Ireland-Ashley**

1 Community Development Director Jeremy Graves introduced Heidi Burns, noting that
2 she had previously worked in the Planning Department. Mr. Graves also gave a brief
3 description of her professional background.

4
5 (Associate Planner Jocelyn Immacolato was not present for the introductions.)

6
7 **1B. Way to Go Sausalito wrap-up presentation by Jessica Roberts of Alta**
8 **Planning**

9
10 Community Development Director Jeremy Graves introduced Dan Dawson from the
11 County of Marin. Mr. Dawson gave a brief background on the Way to Go project. He
12 noted that this was a pilot program to get people to bike and walk more in an attempt to
13 change their travel habits.

14
15 Mr. Dawson described how the residents had been approached about the program. He
16 noted that 844 residents had ordered the kits and that 105 had participated in the
17 different events. Mr. Dawson was pleased with the response from the residents and
18 businesses in Sausalito.

19
20 **COMMUNICATIONS**

21
22 There were no public Communications.

23
24 **ACTION MINUTES OF PREVIOUS MEETINGS**

25
26 **3A. Approval of minutes from the October 21, 2008 regular City Council meeting**

27 **3B. Approval of minutes from the October 31, 2008 special City Council meeting**

28
29 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the**
30 **minutes from the October 21, 2008 regular City Council and the October 31, 2008**
31 **special City Council meeting as submitted. The motion was unanimously**
32 **approved by a voice vote (Councilmember Belser absent; Councilmember Pfeifer**
33 **abstaining).**

34
35 **CONSENT CALENDAR**

36
37 Mayor Leone requested clarification on item 4B4 regarding the purchase of a new dump
38 truck. Public Works Director Jonathon Goldman assured the Mayor that bids had been
39 received and officially opened by the City Clerk's Office.

40
41 **Public Comment:** There was no public comment on this item.

42
43 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve**
44 **Consent Calendar items 4B1 through 4B4. The motion was unanimously**
45 **approved by a voice vote (Councilmember Belser absent).**

46
47 Consent Calendar items approved were as follows:
48

- 1) Received and filed minutes taken at the October 2, 2008 and November 6, 2008 Sustainability Commission meeting
- 2) Accepted the resignation of Susan Roe from the Parks and Recreation Commission
- 3) Received and filed financial statements for October and November, 2008
- 4) Adopted Resolution No. 4989, awarding the contract for the purchase of one (1) new 2009 Ford F550 3/4 yard dump truck

PUBLIC HEARINGS

There were no Public Hearings.

BUSINESS ITEMS

6A. Receive and file:

- 1) Quarterly Financial Report ending 9/30/08, and**
- 2) Quarterly Treasurer's Report ending 9/30/08**

Interim Finance Director Laurie Ireland-Ashley presented the staff report on this item, noting that the City's budget was within the expectations for this time of year. She also described the City's investment portfolio.

Council questions followed.

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

It was the consensus of the City Council to accept the financial and treasurer's report for the period ending September 30, 2008.

6B. Acceptance of the annual audit report

Interim Finance Director Laurie Ireland-Ashley presented the staff report on this item, highlighting the General Fund Balance Details.

Council questions followed.

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

City Manager Adam Politzer took this opportunity to say farewell to Laurie, who had performed an outstanding job as the Interim Finance Director. Mr. Politzer then introduced Charlie Francis who would be taking on the job of Interim Finance Director.

Mayor Leone moved, seconded by Councilmember Kelly, to accept the annual audit report. The motion was unanimously approved by a voice vote (Councilmember Belser absent).

6C. 1) Receive budget status and update from Swinerton Management and Consulting on the Public Safety Facilities project;

- 1 **2) Award of Professional Services Contract to AEW Engineering Inc. for**
2 **environmental Consulting Services for the Public Safety Facilities Project**
3 **3) Approval of the 5th Amendment with Glass Architects and Authorize the**
4 **City Manager to execute**

5
6 Budget Status

7
8 John Baker of Swinerton Management and Consulting presented the budget update on
9 the Public Safety Facilities project.

10
11 Loren Umbertis, also of Swinerton Management and Consulting, presented an update on
12 the underground tanks that had been discovered on the Fire site. He noted the costs to
13 remove the tanks could include \$55,000 for removal and testing; \$125,000 for a change
14 order from Alten (which included \$40,000 for excavation work, \$45,000 for delay costs,
15 \$30,000 for the off-haul). Mr. Umbertis stressed that these were approximations, and
16 that they were still negotiating with Alten.

17
18 Mr. Umbertis also explained that there could be additional change orders coming in soon
19 which would include \$11,500 for street light fixtures; \$30,000 for temporary shoring; and
20 possible costs incurred for changes in the interior design of the fire bay and relocation of
21 the fire pole.

22
23 **Public Comment:** There was no Public Comment on this item.

24
25 Council questions followed.

26
27 Further discussion followed on the temporary shoring and on a neighboring property
28 fence issue.

29
30 **It was the consensus of the Council to accept the budget presented.**

31
32 Award of Professional Services Contract

33
34 Mr. Umbertis continued with the presentation of the report on the award of contract with
35 AEW Engineering.

36
37 Council discussion followed on the costs associated with the contract.

38
39 **Public Comment:** There was no Public Comment on this item.

40
41 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt**
42 **Resolution No. 4990, awarding a Professional Services Agreement to and**
43 **authorizing the City Manager to execute a Professional Services Agreement with**
44 **AEW Engineering, Inc. for environmental consulting services associated with the**
45 **Public Safety Facilities Project, and at a cost not to exceed \$26,000. The motion**
46 **was unanimously approved by a voice vote (Councilmember Belser absent).**

47
48 Approval of 5th Amendment with Glass Architects

1
2 Mr. Umbertis then continued with a discussion on the fifth amendment to the Glass
3 Architects' agreement. Mr. Umbertis noted that the reason for this amendment was due
4 to the fact that Glass Architects had undertaken the printing responsibilities for several
5 items. These printing costs were simply reimbursement of costs incurred.

6
7 **Public Comment:** There was no Public Comment on this item.

8
9 Councilmember Kelly noted that Section 11.4.1 of the Agreement now needs to note that
10 printing services will be a reimbursable expense.

11
12 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the fifth**
13 **amendment to the Standard Form of Agreement between City and Architect and**
14 **authorize the City Manager to execute the fifth amendment on behalf of the City;**
15 **and to amend Section 11.4.1 of the Agreement to include printing as a**
16 **reimbursable cost.**

17
18 **The motion was unanimously approved by a roll call vote:**

19 **AYES: Kelly, Pfeifer, Weiner, Mayor Leone**

20 **NOES: None**

21 **ABSENT: Belser**

22
23 **6D. Award of Professional Services Contract to Alta Planning for preparation of**
24 **NMTPP Bridgeway Path Plan – Ferry Landing to Gate 6 Road**

25
26 City Engineer Todd Teachout presented the staff report on this item. He noted that the
27 City had already been awarded a grant of \$100,000 to proceed with the planning phase
28 of a multi-use pathway between the Ferry Landing and Gate 6 Road. He also noted that
29 the project had been approved by the Transportation Action Committee.

30
31 Council discussion followed on the project area that was to be covered in the study.

32
33 **Public Comment:**

34
35 **Vicki Nichols**, a member of the Waterfront and Marinship Committee expressed
36 concern that this project had not been reviewed by their Committee.

37
38 City Engineer Todd Teachout reminded the group that this proposal was for a planning
39 study and would not incorporate construction or design.

40
41 **Bonnie MacGregor**, Chair of the Transportation Action Committee, had reviewed the
42 proposals and reiterated that this project was not for construction, that it was to see if
43 such a project would be feasible.

44
45 **Bob Mitchell** expressed concern about delegating the review of this project to Imagine
46 Sausalito. He felt that this was simply a way to develop the Marinship. He stressed that
47 pathways in these areas already exist. Mr. Mitchell further stressed that it is Council
48 who should be making these decisions. Mr. Mitchell concluded by saying that he does

1 not want tourists in the Marinship and that Council needs to consider the effects on
2 residents.

3
4 **Pat Zuch** was surprised to hear of this proposal. She was concerned that this would
5 make the Marinship a "warm and fuzzy" place. She urged the Council to put this project
6 on hold until the entire Marinship area and its issues are addressed.

7
8 **Michael Rex**, a member of the Transportation Action Committee, encouraged the
9 Council to proceed with the study. He noted that this was not the time to debate about
10 what should or should not be happening in the Marinship. He noted that this project
11 would help determine whether to enhance pedestrian accessways throughout town. Mr.
12 Rex further noted that this path project had been on the CIP for many years. Mr. Rex
13 felt that the public has spoken on this and that they do want a path along the waterfront.

14
15 **Nancy Osborn** felt that this was not the right time and that the community was not ready
16 for a firm to come in and make these decisions.

17
18 **Bonnie MacGregor** returned to the microphone to indicate that the Transportation
19 Action Committee has been working for two years. She expressed concern over all the
20 comments being said that the residents are not aware of this. Ms MacGregor again
21 stressed that this was not a construction project. She felt that the results of the study
22 would supply the technical information necessary to move ahead. Ms MacGregor noted
23 that all of this is to improve the town, not enhance the tourists.

24
25 **Dorothy Gibson** noted that she has been on the Transportation Action Committee and
26 that she has attended a few of the other Action Committee meetings. She expressed
27 that she shared mixed feelings with all those who spoke before her.

28
29 **Pat Zuch** suggested to the Council that if they chose to go forward with this item, then
30 they need to give direction to consultants and advise them of the Marinship Specific
31 Plan.

32
33 **Michael Rex** stressed that the outcome of this study would help to facilitate those
34 committees who are currently looking at the Marinship area.

35
36 Mr. Teachout concluded that the grant money is only for the planning stage. He also
37 noted that the goal of NMTTP (Non Motorized Transportation Pilot Program) is to stress
38 shifting of transportation modes.

39
40 Mayor Leone closed the public comment and Council comments followed.

41
42 Mayor Leone suggested sending the proposal back to a joint meeting with the Waterfront
43 and Marinship Committee and the Transportation Action Committee where Alta Planning
44 and Design could make a presentation.

45
46 Following Council discussion, City Attorney Mary Wagner surmised the following:
47

1 Mayor Leone advised that the Committee Assignments would be phased in. Following
2 the appointments being made this evening, the balance of the assignments would
3 remain status quo, until officially assigned.

4
5 Mayor Leone then assigned the following:

6
7 Leone: Business Advisory Committee; Finance; Hospitality (interim only); RBRA; JPA
8 Oversight

9 Kelly: Finance; Library Board; S MEMPS; Fire Consolidation Committee; Public Safety
10 Facilities Committee

11 Weiner: alternate on Marin County Transit and Transportation Authority of Marin

12 Pfeifer: Housing Element Committee; CARB; RBRA alternate; Sewer Ad Hoc
13 Committee

14
15 **7B2. Other reports of significance**

16
17 There were no Other reports of significance

18
19 **7B3. Other Reports**

20
21 Vice Mayor Weiner reported on: the New Year's Eve "We'll Drive You Home" program;
22 and some bicycle meetings he had been involved with.

23
24 Mayor Leone reported on the WAM meeting.

25
26 **ADJOURNMENT**

27
28 There being no further business, at 11:04 pm Councilmember Kelly moved, seconded by
29 Vice Mayor Weiner, to adjourn the meeting. The next regularly scheduled meeting will
30 be held on January 27, 2009, with the open meeting due to commence at approximately
31 7:00 pm.

32
33 Respectfully submitted,

34
35
36 Debbie Pagliaro
37 Deputy City Clerk

38 Approved on:
39