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

TUESDAY, JUNE 9, 2009

CALL TO ORDER

The meeting was called to order by Mayor Leone at 6:08 p.m.

ROLL CALL

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

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Leone announced, by title, that items D1 through D3 would be discussed in Closed Session.

Public Comment: There was no Public Comment on Closed Session items.

Council then adjourned to the Conference Room for their Closed Session at 6:10 pm.

The regular meeting reconvened at 7:09 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **CONFERENCE WITH LEGAL COUNSEL**– Anticipated Litigation CGC §54956.9(c)
Initiation of litigation (One potential case)
Direction given
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: MLK Properties, 100 Ebbtide Avenue
Negotiating Parties: The Marin School
City Negotiator: City Manager and City Attorney
Under Negotiation: Price and Terms
Direction given
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to CGC §54957(b)

1 Title: City Manager and City Attorney
2 *Direction given*
3

4 **Public Comment on Closed Session Items:** There were no Public Comments.
5

6 **APPROVAL OF THE AGENDA**
7

8 **Councilmember Belser moved, seconded by Vice Mayor Weiner, to approve the**
9 **agenda as submitted. The motion was unanimously approved by a voice vote.**
10

11 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**
12

13 **A. By Susan Roe on the Sister City Activities**
14

15 Susan Roe, President of the Sister City Program introduced their Board Members. She then
16 read a list of those who would be joining the delegation to Sakaide this summer. Ms Roe
17 thanked those who had provided financial assistance for some of the student delegates.
18 Cathy Stierhoff then presented the finances for the Program. Harry Chapman completed
19 the presentation and advised the Council of the feedback that he has been receiving about
20 the Sister City Program.
21

22 **COMMUNICATIONS**
23

24 **Chuck Donald** again noted that there is no flag flying at City Hall, and would like to see this
25 corrected.
26

27 **Peter Van Meter** requested a public forum be held so the Harbor and Downtown Action
28 Committee could formally release their report. Mr. Van Meter suggested July 11 from 9:00
29 am to noon at the MLK Gym.
30

31 **Bonnie MacGregor** asked Council about the Governor's threats to tap City funds.
32

33 Mayor Leone advised that there would be discussion held on this topic during the budget
34 presentations.
35

36 **ACTION MINUTES OF PREVIOUS MEETINGS**
37

38 **3A. Approval of minutes from the regular meeting of April 21, 2009**

39 **3B. Approval of minutes from the regular meeting of May 5, 2009**

40 **3C. Approval of minutes from the regular meeting of May 26, 2009**
41

42 **Councilmember Belser moved, seconded by Mayor Leone, to approve the minutes of**
43 **the regular meeting of April 21, 2009 as submitted. The motion was unanimously**
44 **approved by a voice vote.**
45

46 **Councilmember Belser moved, seconded by Councilmember Pfeifer to approve the**
47 **minutes of the regular meetings of May 5 and May 26, 2009 as submitted. The motion**
48 **was unanimously approved by a voice vote.**
49

1 **CONSENT CALENDAR**

2
3 **Public Comment:** There was no Public Comment on this item.

4
5 **Councilmember Kelly moved, seconded by Councilmember Belser, to approve**
6 **Consent Calendar items 4B1 through 4B8. The motion was unanimously approved by**
7 **a voice vote.**

8
9 Consent Calendar items approved were as follows:

- 10
11 1) Waived further reading and adopted Ordinance No. 1195, amending Section
12 2.08.100 of the Sausalito Municipal Code authorizing the City Manager to appoint
13 the City Clerk
14 2) Approved waiver of \$2,587 in appeal fees pursuant to Section 1.09.050 of the
15 Municipal Code and directed the City Manager to issue a refund check for \$2,587
16 to Mike Monsef
17 3) Adopted Resolution No. 5032 approving an Encroachment Agreement for an
18 existing elevated parking deck and entry deck in the public right-of-way at 194-196
19 Cazneau Avenue (TM08-002)
20 4) Adopted Resolution No. 5033 denying Conditional Use Permit 07-002 for an
21 exception to the Marinship Specific Plan to allow a total of 120 seats at Fish
22 Restaurant (con't from 5/5/09)
23 5) Approved request to postpone appeal of Planning Commission decision for 46
24 Santa Rosa Avenue (DR 08-034), DeSantis/Murphy
25 6) Received and filed the General Fund Quarterly Financial Report for the 3rd Quarter
26 ended March 31, 2009 and accept the Quarterly City-wide Treasurer's Report as of
27 March 31, 2009
28 7) Approved Purchase Requisition for Dell Computer Corporation and authorized
29 entering into an agreement that will allow the City of Sausalito to lease 20 Dell
30 workstations for 36 months
31 8) Adopted Resolution No. 5034 approving and authorizing the City Manager to issue
32 a Negotiated Purchase Order to Marin Municipal Water District for provision of new
33 water services to the Public Safety Facilities
34

35 **PUBLIC HEARINGS**

36
37 There were no Public Hearings.

38
39 **BUSINESS ITEMS**

40
41 **6A. Status Update on Proposed Sewer Fee Increase (Director of Public Works Jonathon**
42 **Goldman)**

43
44 Director of Public Works Jonathon Goldman presented a PowerPoint presentation to update
45 the public on the proposed sewer charges.

46
47 Council questions followed.

48
49 **Public Comment:**

1
2 **Peter Sealey**, claimed that the City Council had neglected to properly deal with the old
3 sewer systems. He noted that it was the City's responsibility to keep up with the problems of
4 the aging system. Mr. Sealey requested a public apology from the Council for failure to do
5 so.

6
7 **6B. Procedures regarding the Filling of a City Council Vacancy (City Attorney Mary**
8 **Wagner)**

9
10 Councilmember Belser advised the public that she would be recusing herself from these
11 discussions and stepped down from the dais.

12
13 Mayor Leone reminded the public that Council could not take action on this item tonight.

14
15 City Attorney Mary Wagner presented the staff report on this item. She first presented the
16 regulations as spelled out in the California Government Code. She then advised that
17 discussion could follow on addressing adoption of an ordinance which would set policy for
18 appointments and/or procedures to follow for filling Council vacancies occurring in the
19 future.

20
21 Council questions followed.

22
23 **Public Comment:**

24
25 **Carolyn Ford** thanked Amy for her services to the City and recommended that a special
26 election be held. She felt that the Council would not have any problem with conducting
27 business with only four members during the interim period.

28
29 **Bob Mitchell** suggested that Council move carefully, as there was no urgency. He also
30 suggested scheduling the election for November. Mr. Mitchell further suggested that once
31 the fifth Councilmember is seated, then Council could re-visit such an ordinance.

32
33 **John Flavin** also supported the previous comments.

34
35 **Chuck Donald** also supported a November election. He felt that it would give those with
36 political agendas the time to "vet" candidates.

37
38 **Kayla Kahn** also agreed with all those before her. She urged Council to call for an election.
39 Ms Kahn then asked how many meetings would be taking place with only four members
40 present.

41
42 **Bonnie MacGregor** also agreed with holding an election.

43
44 **Peter Van Meter** totally agreed with Carolyn Ford and Bob Mitchell.

45
46 **John Ferrell** agreed. He felt that filling the vacancy by appointment would not work in
47 Sausalito. Mr. Ferrell also felt that there would not be a need for an interim appointment.
48

1 **Chris Visher** also supported an election. He also agreed that there would not be a need for
2 an interim appointment.

3
4 **Carol Peltz** relayed a story in which she was serving on the Council when an appointment
5 to fill a vacancy occurred. Ms Peltz also recommended moving forward with an election.
6

7 **Nancy Osborn** advised the Council that the Woman's Club was already planning a
8 Candidates Night.
9

10 **Don Presson** also stood up to thank Amy for her services.
11

12 **Mauro Dosolini** supported an election. He felt that the price to pay for such an election was
13 not that much in order to support democracy.
14

15 **Tom Hoover** "ditto'd" the above. He fully supported that an election was the right way to go.
16

17 **Robin Sweeny** also recommended going for the November election. She felt that it would
18 take too long for an appointed interim position to get up to speed.
19

20 Council comments followed.
21

22 It was the consensus of the Council to move forward with the Government Code options to
23 fill the vacancy. It was noted that they would take formal action at their meeting of July 7,
24 2009.
25

26 At 8:22 pm, Councilmember Belser returned to the dais.
27

28 **6C. Budget Hearing (Administrative Services Director/Treasurer Charles Francis)**
29

30 Mayor Leone began the budget discussions by addressing the issue regarding the
31 Governor's attempts to appropriate monies from local cities. He noted that the budget does
32 not reflect possible "take backs".
33

34 Administrative Services Director/Treasurer Charles Francis presented the budget review
35 through a PowerPoint presentation. He noted that total expenditures were only up by
36 approximately 9.4%, but only due to investing in our infrastructure. Mr. Francis then
37 proceeded through all of the revenue funds.
38

39 Council questions followed on the Special Revenue Funds.
40

41 **Public Comment:**
42

43 **Peter Van Meter** asked Council to consider a small allocation to fund a study to include the
44 Harbor and Downtown Action Committee recommendation for a bulkhead at the Sausalito
45 Yacht Harbor, along with the already allocated bulkhead project. Mr. Van Meter also
46 questioned such a large expenditure for the VoiP. He also supported the supplemental
47 expenditure for the Parks and Recreation capital plan.
48

1 **Mike Monsef** voiced concern about how the TOT appropriations are being listed. He
2 wanted to make sure that the \$30,000 is spent for promotional purposes.

3
4 **Bonnie MacGregor** asked if there were still monies being considered for the CNG fueling
5 station.

6
7 Mayor Leone explained that this item had been pulled from the budget for several reasons.

8
9 Ms MacGregor continued, asking if the "steps" project was still in the budget.

10
11 **Chuck Donald** noted that the City had not had a good financial system in the past. He
12 appreciated the current process, as seen in the recent presentations.

13
14 Council comments followed.

15
16 At 10:00 pm, Councilmember Belser left the meeting while Mayor Leone called for a ten
17 minute break.

18
19 At 10:10 pm. Mayor Leone reconvened the meeting.

20
21 **6D 2008 Pavement Management Program Update (City Engineer Todd Teachout)**

22
23 City Engineer Todd Teachout presented the staff report on this item along with a PowerPoint
24 presentation.

25
26 At 10:16 pm, Councilmember Belser rejoined the meeting through a telephonic connection.

27
28 Council discussion followed, especially on the calculations for the condition index.

29
30 **Public Comment:**

31
32 **Peter Van Meter** expressed concern about the work that will be required because of the
33 results of the Study.

34
35 **Mayor Leone moved, seconded by Vice Mayor Weiner, to accept the 2008 Pavement**
36 **Management Program Update. The motion was unanimously approved by a roll call**
37 **vote:**

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

39 **NOES: Councilmembers: None**

40 **ABSTAIN: Councilmembers: None**

41 **ABSENT: Councilmembers: None**

42
43 Due to the lateness of the evening, **Mayor Leone moved, seconded by Councilmember**
44 **Kelly, to continue items 6E (Adopt Resolution Accepting Report Regarding Parking**
45 **and Revenue Control Systems (PARCS) Equipment in Lots 1 and 3 from Walker**
46 **Parking Consultants and Approve Amendment No. 1 to the Professional Consulting**
47 **Services Agreement for Integrated Site Improvement Planning Associated with Lots**
48 **1-4) and 6G (Status update on Boards and Commissions) to the meeting of June 16,**
49 **2009. The motion was unanimously approved by a roll call vote:**

1 **AYES:** Councilmembers: Pfeifer, Weiner, Belser, Kelly and Mayor Leone
2 **NOES:** Councilmembers: None
3 **ABSTAIN:** Councilmembers: None
4 **ABSENT:** Councilmembers: None

5
6 **6F. Adopt Resolution Approving Change Order No. 3 to Contract with Alten**
7 **Construction Inc. for Sausalito Public Safety Facilities Project and Change**
8 **Order No. 1 to CEL/Geosphere Geotechnical Special Inspections Agreement**
9 **(Director of Public Works Jonathon Goldman)**

10
11 Project Manager Loren Umbertis began with an update on the Public Safety Facilities
12 Project. He supported his update with a PowerPoint presentation to show how the
13 construction is progressing.

14
15 Mr. Umbertis then described the Change Orders and the specific situations that required the
16 Change Orders.

17
18 Council questions followed.

19
20 **Public Comment:**

21
22 **Vicki Nichols** praised the progress on the project.

23
24 **Councilmember Kelly** moved, seconded by Councilmember Pfeifer, to adopt
25 **Resolution No. 5035** approving and authorizing the City Manager to execute: (1)
26 **Change Order No. 3** to the contract with Alten construction Inc. for Sausalito Public
27 **Safety Facilities Project New Construction** dated October 9, 2008; and (2) **Change**
28 **Order No. 1** to the contract with CEL/Geosphere Consultants Inc. for **Geotechnical**
29 **Inspections for Sausalito Public Safety Facilities Project Construction** dated October
30 **21, 2008.** The motion was unanimously approved by a roll call vote:

31 **AYES:** Councilmembers: Pfeifer, Weiner, Belser, Kelly and Mayor Leone
32 **NOES:** Councilmembers: None
33 **ABSTAIN:** Councilmembers: None
34 **ABSENT:** Councilmembers: None

35
36 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
37 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

38
39
40 **7A. City Manager Reports**

41 **7A1. City Manager Information for Council**

42
43 City Manager Adam Politzer reported on: Sergeant Embley's memorial services; MCCMC;
44 4th of July and the Council involvement in the parade; PG&E scheduled outage being moved
45 to Tuesday, June 16; BizX meeting and their discussions on outdoor dining.

46
47 **7A2. Future Agenda Items**

48
49 Discussion pursued on scheduling the public meeting for the Harbor and Downtown Action
50 Committee report release on July 11.

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7B. City Council Reports
7B1. Other reports of significance

There were no additional reports of significance.

7B2. Councilmember Committee Reports

There were no Councilmember Committee Reports.

ADJOURNMENT

There being no further business, the City Council meeting was adjourned at 12:01 a.m, June 10, 2009. The next regularly scheduled meeting will be held on June 23, 2009, with the open meeting due to commence at approximately 7:00 pm.

Respectfully submitted,

Debbie Pagliaro
Deputy City Clerk

Approved on: