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

TUESDAY, NOVEMBER 10, 2009

CALL TO ORDER

The meeting was called to order by Mayor Leone at 6:02 p.m.

ROLL CALL

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

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Leone announced, by title, that items D1 through D7 would be discussed in Closed Session.

Public Comment: There was no Public Comment on these items.

Council then adjourned to the Conference Room for their Closed Session at 6:04 pm.

The regular meeting reconvened at 7:20 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)
Discussed; no action taken
2. **PUBLIC EMPLOYMENT** pursuant to CGC § 54957
Title: Special legal counsel
Discussed; no action taken
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8
Property: Foot of Locust Street - AP#: 064-086-01, 064-034-01, 065-033-02, 065-013-02, 065-031-01, 065-012-01, 064-031-01, 065-011-01
Negotiating Parties: Bridgeway Marine Corporation

1 City Negotiator: City Manager and City Attorney
2 Under Negotiation: Price and Terms

3 ***Discussed; no action taken***
4

- 5 **4. CONFERENCE WITH LABOR NEGOTIATORS** pursuant to CGC § 54957.6
6 Agency Negotiator: City Manager
7 Employee Organizations: Sausalito Firefighters IAFF Local 1775, Sausalito Police
8 Association
9 ***Discussed; no action taken***

- 10
11 **5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
12 54956.8
13 Property: MLK Properties, 100 Ebbtide Avenue
14 Negotiating Parties: Lynn Churchill; Donovan; Mortan; Scholz; Likas; Fischer;
15 Bruce; Newlin; Sizemore; Cavanaugh; Murray; Sandberg; New Village School;
16 Badell; Daniloff; The Marin School
17 City Negotiator: City Manager and City Attorney
18 Under Negotiation: Price and Terms
19 ***Discussed; no action taken***
20

- 21 **6. CONFERENCE WITH LEGAL COUNSEL**– Existing Litigation CGC §54956.9(a)
22 Name of Case: Zacks v. Sausalito; MCSC Case No. CIV050995
23 ***Discussed; no action taken***
24

- 25 **7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
26 54956.8
27 Property: Cass' Marina, portions of submerged and dry lands of Dunphy Park
28 Negotiating Parties: Cass' Rental Marina Inc.
29 City Negotiator: City Manager and City Attorney
30 Under Negotiation: Price and Terms
31 ***Discussed; no action taken***
32

33 **Public Comment on Closed Session Items:** There was no Public Comment on this item.
34

35 **APPROVAL OF THE AGENDA**
36

37 **Councilmember Pfeifer moved, seconded by Vice Mayor Weiner, to approve the**
38 **agenda as submitted. The motion was unanimously approved by a voice vote.**
39

40 **1. SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**
41

42 There were no Special Presentations.
43

44 **COMMUNICATIONS**
45

46 There were no Communications.
47
48
49

1 **ACTION MINUTES OF PREVIOUS MEETINGS**

2
3 **3A. Approve minutes from the regular City Council meeting of October 20, 2009**

4
5 Vice Mayor Weiner moved, seconded by Councilmember Pfeifer, to approve the
6 minutes of the Regular City Council meeting of October 20, 2009 as submitted. The
7 motion was unanimously approved by a voice vote.

8
9 **CONSENT CALENDAR**

10
11 **Public Comment:** There was no Public Comment on this item.

12
13 Mayor Leone requested clarification on item 4B1, Award of Contract for Maintenance Re-
14 Painting of Old City Hall. Director of Public Works Jonathon Goldman responded to his
15 questions.

16
17 Mayor Leone also requested clarification to item 4B4, Adopt Resolution Establishing 4-way
18 Stop Regulation for the Intersection of Spring Street and Pearl Street Subject to Noticing.
19 Following answers from the Director of Public Works, there was a consensus to increase the
20 noticing area to 300' from the entire alignment of Spring Street and to not place the new
21 signage until 60 days after the noticing took place.

22
23 Vice Mayor Weiner moved, seconded by Councilmember Pfeifer, to approve Consent
24 Calendar Items 4B1 through 4B5, with the recommended changes regarding 4B4 and
25 the noticing. The motion was unanimously approved by a voice vote.

26
27 Consent Calendar item approved was:

- 28
29 1) Adopted Resolution No. 5079 Awarding a Contract for Maintenance Re-Painting of
30 Old City Hall to Jerry Thompson & Sons Painting, Inc. of San Rafael, California for
31 the Lump Sum of \$25,300 under Sausalito Municipal Code Section 3.30.330
- 32 2) Adopted Resolution No. 5080 Approving the Wastewater Collection System
33 Maintenance and Inspection Series Job Descriptions and Revisions to civil
34 Engineer Series Job Description
- 35 3) Received and Filed 1st Quarter FY2010 Treasurer's Report and 1st Quarter FY2010
36 General Fund Financial Report
- 37 4) Adopted Resolution No. 5081 Establishing 4-way Stop Regulation for the
38 Intersection of Spring Street and Pearl Street Subject to Noticing
- 39 5) Received and Filed Actions Taken at the Planning Commission Meetings of
40 October 14 and October 28, 2009

41
42 **PUBLIC HEARINGS**

43
44 There were no Public Hearings.

45
46 **BUSINESS ITEMS**

1 **6A. Discuss Recommendations on the CityGate Report regarding Consolidation with**
2 **Southern Marin Fire Protection District (Fire Chief Jim Irving / Consultants Dwane Milnes**
3 **& Stewart Gary)**
4

5 Fire Chief Jim Irving introduced Dwane Milnes and Stewart Gary, consultants from CityGate,
6 who were working on the consolidation study.
7

8 Mr. Gary and Mr. Milnes reported on the findings from their report. Highlights were:
9

- 10 • Given size and costs, both agencies are co-dependent on each other
- 11 • A city-only fire agency is not cost-effective
- 12 • At a minimum, the headquarters only cost-sharing and governance structures need
- 13 improvements and should be understood as not being a long-term effective solution.
- 14 • It is most cost-effective for the City to provide fire services in a partnership via either
- 15 a full contract for service or merging the City into the Fire District
- 16 • Given that both parties are operationally co-dependent and can save significant
- 17 headquarters staffing expenses when combined, both should understand that each
- 18 needs to have input on service level decisions and cost containment strategies.
19

20 Mr. Gary and Mr. Miles then went on to describe costs involved in the consolidation. As they
21 neared the conclusion of the report, they noted that the City had two options: 1) to contract
22 for full services with the District, or 2) for an annexation of the City into the District. They
23 concluded by noting that the next steps would be to have both the City Council and Fire
24 District Board receive this report and consider the policy choices available to continue and
25 improve shared fire services. The City Council would then be able to provide policy direction
26 on its preferred approach to financing and shared governance for fire services with the goal
27 to be long-term sustainability.
28

29 Council questions followed.
30

31 **Public Comment:**
32

33 **Peter Manning** of LAFCo was asked to comment. He noted that small districts are merging
34 and even moving forward into larger mergers.
35

36 **Vicki Nichols** thanked the consultants for such a understandable report. She questioned
37 benefit discrepancies between the two organizations, and about how mutual aid would work.
38

39 No further action was taken on this item.
40

41 **6B. Review and Approval of Alten Change Order No. 7 (Project Manager Loren**
42 **Umbertis and Director of Public Works Jonathon Goldman)**
43

44 Project Manager Loren Umbertis presented the staff report on this item. His highlights
45 included: the project was 60% complete based on payments made and 72% complete
46 based on work schedule; completion date now scheduled for first week in April.
47

1 Mr. Umbertis then went on to explain the Change Order request. He noted that the request
2 was due to the changes in the Police Department detention area, and that Council had been
3 made aware of the impending request at an earlier meeting.

4
5 **Public Comment:** There was no Public Comment on this item.
6

7
8 **Vice Mayor Weiner moved, seconded by Councilmember Pfeifer, to adopt Resolution**
9 **No. 5082 approving and authorizing the City Manager to execute Change Order No. 7**
10 **to the contract with Alten Construction Inc. for construction of the Public Safety**
11 **Facilities Project in the amount of \$51,299. The motion was unanimously approved**
12 **by a roll call vote:**

13 **AYES: Councilmembers: Pfeifer, Weiner, Kelly and Mayor Leone**

14 **NOES: Councilmembers: None**

15 **ABSENT: Councilmembers: None**

16 **ABSTAIN: Councilmembers: None**
17
18

19 **6C. Disaster Preparedness-Emergency Operations Program Status Report for the 3rd**
20 **Quarter 2009 (EOM / Sergeant Bill Fraass)**

21
22 Sergeant Bill Fraass presented the staff report on this item. He spoke about the EOC
23 training that had taken place since his last update.

24
25 Sgt. Fraass then described some of the community outreach that had taken place recently.
26 This included:

- 27
28
- 29 • Using "In The Loop" and physically distributing flyers to advise the community of:
30 Sausalito's Emergency Broadcast System; the statewide "Shakeout" drill; the H1N1
31 flu virus and how it could be prepared for and prevented in the work place
 - 32 • Met with the Central Ave and Cloudview Road Disaster Preparedness Groups,
33 providing them with training for disaster
 - 34 • Distributed the "Disaster Preparedness: A Citizen's Guide" to members of the
35 Whiskey Springs Tenant Association, Central Ave Neighborhood Preparedness
36 Group, Cloudview Road Preparedness Group, and the Sausalito Chamber of
37 Commerce

38 Sgt. Fraass then described some of his future plans, which included:

- 39
- 40 • Continued community outreach and education through meetings with the public,
41 press releases, and educational flyers
 - 42 • Monthly tests of the Emergency Broadcast System to ensure the system is
43 functioning properly
 - 44 • Further training for City personnel
 - 45 • Continued efforts in designing/funding/equipping of the Emergency Operations
46 Centers.

47
48 Council questions followed.

1
2 **Public Comment:**

3
4 **Chuck Donald** asked what was going to happen to Fire Station 2 when the PSF Project is
5 complete. He then suggested that that building become a secondary emergency facility.

6
7 No further action was taken on this item.

8
9 **6D. Authorization to Invite Bids for Portion Priority I Sewer Repair Projects – Status**
10 **Report on other Sewer Repair Project Development (City Engineer Todd Teachout)**

11
12 City Engineer Todd Teachout presented a brief staff report on this item. He reminded the
13 Council of those projects included in the Priority I Sewer Repair Projects. Mr. Teachout then
14 advised that what was before Council were three projects in need of immediate attention
15 and requiring the invitation of construction bids.

16
17 Council questions followed.

18
19 **Public Comment:** There was no Public Comment on this item.

20
21 **Councilmember Pfeifer moved, seconded by Vice Mayor Weiner, to authorize staff to**
22 **advertise and invite bids for sewer repair projects. The motion was unanimously**
23 **approved by a voice vote.**

24
25 **6E. Phase Out of City Acquisition of Bottled Water (City Attorney Mary Wagner)**

26
27 City Attorney Mary Wagner presented the staff report on this item. She noted that the item
28 was being brought forward at the request of the Legislative Committee. Ms Wagner advised
29 that the City of Mill Valley and the City and County of San Francisco had already adopted
30 similar policies on the use of bottled water.

31
32 Ms Wagner noted that the legislation before the Council this evening would require that by
33 January 1, 2010, no more single use bottle waters could be paid for by City funds. She
34 noted that the use of the larger bottles would be eliminated by July 1, 2010. However, Ms
35 Wagner advised that City sponsored special events would be exempted.

36
37 **Public Comment:** There was no Public Comment on this item.

38
39 **Mayor Leone moved, seconded by Councilmember Pfeifer, to adopt Resolution No.**
40 **5083 authorizing the phase out of bottled water purchases by the City. The motion**
41 **was unanimously approved by a voice vote.**

42
43 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
44 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

45
46
47 **7A. City Manager Reports**

48 **7A1. City Manager Information for Council**

1 City Manager Adam Politzer reported on: David Weatherford, the new Intern for the City
2 Manager; MCCMC meeting in Novato on December 3; Council Team Building on December
3 11; MEA workshop flyer; request to approve a \$500 sponsorship for the MEA workshops;
4 Southern Marin Toy Drive; and the Holiday Party on December 18.

5
6 Discussion on the \$500 sponsorship followed. It was the consensus of the Council to
7 authorize the expenditure of \$500 to assist with the public outreach.

8
9 **7A2. Future Agenda Items**

10
11 Councilmember Kelly brought up discussion on continuing the Peet's hearing on their
12 application until there was a full Council.

13
14 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to continue the public**
15 **hearing on the Peet's Coffee application from November 17 to January 12, 2010. The**
16 **motion failed to pass by a roll call vote:**

17 **AYES: Councilmembers: Kelly, Weiner**
18 **NOES: Councilmembers: Mayor Leone, Pfeifer**
19 **ABSENT: Councilmembers: None**
20 **ABSTAIN: Councilmembers: None**

21
22 **Public Comment:**

23
24 **Vicki Nichols** reminded Council that she had previously requested that an inventory be
25 done of the buildings in the Marinship, and thus, requested that this be added to their future
26 agenda items schedule. Mayor Leone agreed that his needed to be added to the list.

27
28 **7B. City Council Reports**

29 **7B1. Appointments to the Housing Element Committee and/or Business Advisory**
30 **Committee**

31
32 Housing Element Committee:

33 Mayor Leone nominated Steve Flahive and Chris Visher for the Housing Element
34 Committee.

35
36 There being no other nominations, Steven Flahive and Chris Visher were appointed, by
37 acclamation, to the Housing Element Committee. One position remains vacant.

38
39 Business Advisory Committee:

40 Mayor Leone nominated Eckart Noack for the Business Advisory Committee.

41
42 There being no other nominations, Eckart Noack was appointed, by acclamation, to the
43 Business Advisory Committee for a three year term ending March 31, 2012.

44
45 **7B2. Review of the Business Advisory Board Terms of Office**

46
47 Following discussion on the appropriate protocol to follow in order to clarify the terms of
48 office for the Business Advisory Commission, it was the consensus of the Council to have
49 staff return with a resolution.

1
2 **7B3. Other reports of significance**

3
4 There were no other reports of significance.

5
6 **7B4. Councilmember Committee Reports**

7
8 Mayor Leone asked the City Manager to obtain the appropriate contact information for the
9 MCCMC Legislative Committee; he reminded Councilmembers that there is a need to find
10 volunteers for all the openings on the various Boards and Commissions; and addressed
11 issues regarding the Joint Powers Oversight Committee.

12
13 **ADJOURNMENT**

14
15 There being no further business, the City Council meeting was adjourned at 10:32 pm. The
16 next regularly scheduled meeting will be held on November 17, 2009, with the open meeting
17 due to commence at approximately 7:00 pm.

18
19
20
21 Respectfully submitted,

22
23 Debbie Pagliaro
24 City Clerk

25
26 Approved on:

3A
8