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

TUESDAY, APRIL 6, 2010

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CALL TO ORDER

The meeting was called to order by Mayor Leone at 6:00 p.m.

ROLL CALL

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

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Leone announced, by title, that items D1 through D5 would be discussed in Closed Session.

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

Mayor Leone announced that due to a scheduling conflict, a member of the public was present that wished to comment on item 4B17, which is scheduled to be heard when the Council reconvenes at 7:00 pm. Mayor Leone called Doug Lloyd to the podium to make his comments.

Doug Lloyd spoke about item 4B17 (Approving a Professional Services Agreement for Design of Certain Storm Drainage Improvements). Mr. Lloyd described the problems of storm water run-off in the area in which he lives. Due to the constant flooding on properties in this area, Mr. Lloyd stressed the importance of approving a storm drain project. He emphasized the importance of approving this item tonight.

Council adjourned into Closed Session at 6:03 pm.

The regular meeting reconvened at 7:07 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **CONFERENCE WITH LEGAL COUNSEL** – Anticipated litigation pursuant to CGC § 54956.9(c)
Initiation of litigation (one potential case)
Discussions held

3A
4-20-10

1 **2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
2 54956.8

3 Property: Foot of Locust Street - AP#: 064-086-01, 064-034-01, 065-033-02,
4 065-013-02, 065-031-01, 065-012-01, 064-031-01, 065-011-01

5 Negotiating Parties: Bridgeway Marine Corporation

6 City Negotiator: City Manager and City Attorney

7 Under Negotiation: Price and Terms

8 ***Discussions held***

9
10 **3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
11 54956.8

12 Property: Turney Street Dock

13 Negotiating Parties: Bridgeway Marine Corporation; S.W.A.G; Sausalito Yacht
14 Club

15 City Negotiator: City Manager and City Attorney

16 Under Negotiation: Price and Terms

17 ***Discussions held***

18
19 **4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC § 54956.8

20 Property: MLK Properties, 100 Ebbtide Avenue

21 Negotiating Parties: Morton, Scholz, Likas/Boyd Cornell, Fischer, Bruce, Newlin, Maisel,
22 Sizemore, Community Action Marin, Ferber, Cavanaugh, Murray, Dapsevicius,
23 Sandberg, New Village School, Lund, Badell, Westerling, Seaman, Sausalito Yacht
24 Club, Donavan, Marin School, Global Wine, Sara, Garcia-Hollmann, Churchill, Peck,
25 Lund

26 City Negotiator: City Manager and City Attorney

27 Under Negotiation: Price and Terms

28 ***Discussions held***

29
30 **5. PUBLIC EMPLOYMENT** pursuant to CGC § 54957

31 Title: Special legal counsel

32 ***Discussions held***

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

35
36 **APPROVAL OF THE AGENDA**

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

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

42
43 Mayor Leone noted the passing of Mary Ann Sears and asked for a moment of silence. He
44 also asked the community for suggestions on how the City could recognize her contributions
45 to the community.

46
47 **1A. Annual presentation from the Sakaide Sister City Committee**

48 Susan Roe began her presentation by noting the cherry trees that were in bloom in Robin
49 Sweeny Park. She added that these trees were planted 21 years ago during a visiting
50 delegation ceremony. Ms Roe also noted that beginning on July 22, the Sister City

1 Committee will be hosting a new visiting delegation. Additional presentations followed from
2 members of the Committee and from some of the students who had participated in last
3 year's trip to Sakaide.

4
5 **1B. Update from PG&E on the status of the project in the downtown area involving**
6 **equipment changes and upgrades**

7
8 PG&E representatives, Josh Townsend and Jason Regan, described the work that had
9 been completed. Mr. Regan noted that due to a permitting process that they are required to
10 go through, a part of the project had been slightly delayed. Mr. Regan concluded by
11 advising that he still expects the project to be completed by May 1.

12
13 **COMMUNICATIONS**

14
15 **Dorothy Gibson** suggested placing a bench in Harrison Park in recognition of Mary Ann
16 Sears.

17
18 **Richard Barry Marshall** spoke about a citation he had been issued for peddling. He
19 requested permission from the Council to play his guitar at the Ferry Terminal.

20
21 **ACTION MINUTES OF PREVIOUS MEETINGS**

22
23 **Councilmember Ford moved, seconded by Councilmember Weiner to approve the**
24 **minutes of regular meeting of March 16, 2010 as submitted. The motion was**
25 **unanimously adopted by a voice vote.**

26
27 **CONSENT CALENDAR**

28
29 **Public Comment:**

30
31 **Judy** (no last name given) spoke about item 4B17 (Approving a Professional Services
32 Agreement for Design of Certain Storm Drainage Improvements) as it related to Saghalie
33 Lane and the serious flooding in that area. She asked Council to approve this item.

34
35 With regard to the Consent Calendar, Mayor Leone advised that a separate vote would be
36 taken on item 4B7 (Rescinding Resolution No. 4995 and authorizing up to \$20,000 to retro
37 fit to the Wheelhouse for a temporary parking booth). He also noted that item 4B18c was
38 being removed from the Consent Calendar, and no action being taken tonight.

39
40 Councilmember Kelly advised that he still opposed the \$20,000 expenditure for a temporary
41 parking booth and requested that item 4B7 be separated into two votes.

42
43 **Councilmember Kelly moved, seconded by Councilmember Weiner, to approve**
44 **Consent Calendar Items 4B1 through 4B6 and 4B8 through 4B18a and b. The motion**
45 **was unanimously approved by a voice vote.**

46
47 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**
48 **Resolution No. 5132 rescinding Resolution No. 4995 (a resolution that awarded a**

3A

1 purchase order to B.I.G. Inc. for a parking booth structure). The motion was
2 unanimously approved by a voice vote.
3

4 Councilmember Ford moved, seconded by Vice Mayor Pfeifer, to adopt Resolution
5 No. 5133 authorizing the expenditure of up to \$20,000 to retrofit the *George Shima*
6 Wheelhouse for use as a temporary parking booth. The motion was approved by a
7 roll call vote.

8 AYES: Councilmembers: Weiner, Pfeifer, Ford, Mayor Leone
9 NOES: Councilmembers: Kelly
10 ABSENT: Councilmembers: None
11 ABSTAIN: Councilmembers: None
12

13 Consent Calendar items approved were as follows:
14

- 15 1) Received and filed actions taken at the March 10, 2010 Planning Commission
16 meeting
- 17 2) Received and filed minutes from the February 10, 2010 Sustainability
18 Commission
- 19 3) Received and file minutes from the March 18, 2010 Disaster Preparedness
20 Committee
- 21 4) Adopted Resolution No. 5123 amending Resolution No. 4469 to reduce the
22 membership of the Sausalito Art Commission
- 23 5) Received and filed Strategic Plan Executive Summary Report
- 24 6) Approved proclamation declaring April as Fair Housing Month
- 25 7) *Adopt a resolution rescinding Resolution No. 4995 (that awarded a Purchase*
26 *Order to BIG for a parking booth structure), and authorizing up to \$20,000 to*
27 *retro fit the George Shima Wheelhouse for a temporary parking booth – separate*
28 *vote taken above*
- 29 8) Received update on the 2009/10 Priority Calendar
- 30 9) Adopted Resolution No. 5124 of the City Council of the City of Sausalito
31 approving the First Amendment to Lease of Premises by and between the City of
32 Sausalito and Christopher and Daisy Scholz
- 33 10) Adopted Resolution No. 5125 approving an encroachment Agreement to allow
34 the construction of parking pad, retaining wall, stairs and landscaping within the
35 North Street public right-of-way along the frontage of 515 North Street
- 36 11) Adopted Resolution No. 5126 approving an encroachment agreement to for
37 existing wooden parking decks, concrete retaining walls and driveway apron,
38 stairs and two parking spaces in the public right-of-way at 396/398 Sausalito Blvd
39 (TM/CCP/EA 09-161)
- 40 12) Adopted Resolution No. 5127 authorizing the City Manager to execute a
41 Purchase Agreement for a Voice-Over-Internet Protocol (VOIP) Telephone
42 System from American Telesource Inc. for Shoretel Equipment under a
43 Cooperative Purchasing Agreement
- 44 13) Receivee and filed status report on EPA Order Compliance
- 45 14) Adopted Resolution No. 5128 awarding a contract to John Benward Co. for the
46 Johnson Street & Utility Repair Project
- 47 15) Adopted Resolution No. 5129 authorizing the City Manager to execute an
48 Easement Agreement with property owners at the Filbert Stair Site

- 1 16) Adopted Resolution No. 5130 Finding Priority Sewer Rehabilitation Projects 1A
2 and 1B Categorically Exempt from the California Environmental Quality Act and
3 Directing the Filing of a Notice of Exemption
4 17) Adopted Resolution No. 5131 Appropriating Funds for and Authorizing the City
5 Manger to Approve a Professional Services Agreement with West Yost
6 Associates for Design of Certain Storm Drainage Improvements Identified as
7 Urgent during Winter 2009-2010
8 18) Adopted policies to: a) retain the current reduced rents at MLK; b) to
9 acknowledge the conversion of MLK leases to month-to-month terms at lease-
10 end dates;
11 c) to authorize the City Manager to administratively execute the leases at MNLK
12 as long as the leases are consistent with the Municipal Code and within rent
13 ranges designated for each class of facility (item 4B18c was removed from the
14 agenda)
15

16 **PUBLIC HEARINGS**

17
18 **5A. On the vacation of a public sewer easement on private property at 100 Prospect**
19 **Avenue (APN 065-191-48) (Director of Public Works Jonathon Goldman)**

20
21 Director of Public Works Jonathon Goldman presented a brief staff report, restating
22 discussion held at the previous City Council meetings.
23

24 **Public Comment:** There was no Public Comment on this item.
25

26 **Councilmember Ford moved, seconded by Councilmember Kelly to adopt Resolution**
27 **No. 5134 approving the vacation of the public sewer easement on private property at**
28 **100 Prospect Avenue. The motion was unanimously approved by a voice vote.**
29

30 **BUSINESS ITEMS**

31
32 **6A. Update on the downtown bicycle parking plan for 2010 (Chief of Police Scott**
33 **Paulin)**
34

35 Before proceeding with this item, Mayor Leone advised those present that public comment
36 would only be taken on the proposed bicycle parking plan this evening.
37

38 Chief of Police Scott Paulin then presented the staff report along with a PowerPoint
39 Presentation on this item. He described those areas recommended by staff for the
40 proposed bike parking for this summer. He noted it was the intent to remove the bike racks
41 from the viewing deck area of the ferry landing and reconfigure the southwest corner of
42 Parking Lot #1 to provide bike parking, in addition to continuing to use the official parking
43 space area and the open space in front of Bank of America to park bicycles. Chief Paulin
44 noted that the plan was to reduce the number of racks in the area of the Bank of America.
45

46 Council questions followed.
47

48 **Public Comment:**
49

1 **Jacques Ullman** appreciated staff's attempt to deal with this problem. He noted that
2 although the proposal may not be the greatest, he stressed that the City must accommodate
3 bikes. He warned Council that a solution needs to be established wherein cars, pedestrians
4 and bikes work well together. Mr. Ullman also reminded Council to maintain an open
5 perspective when dealing with some of the issues; ie: removing a hedge in the parking lot
6 may actually improve issues in the bigger picture. Mr. Ullman did express concern about
7 spending \$8,000 for a temporary fix.

8
9 **David Hoffman** of the Marin County Bike Coalition supported the new plan. He suggested
10 when removing the three bicycle loops in the area of the viewing deck at the ferry landing,
11 that they be placed in another needed area, such as in the area of popular coffee shops.

12
13 **Peter Van Meter** also supported Jacques Ullman's comments. He realizes that there is a
14 need for a temporary fix. Mr. Van Meter encouraged the Council to continue with this
15 project for the upcoming season.

16
17 **John Nichols** asked about the staffing to assist with the bicycles boarding on to the ferry
18 boats. He asked if there was going to be an "ambassador" again this year to assist in the
19 loading. Mr. Nichols noted that that position had been highly effective last year.

20
21 **Jeff Sears** of Blazing Saddles thought this was a great plan. He also noted that he is in
22 negotiations with Paradise Bay in order to park about 100 bikes in that area. Mr. Sears also
23 thought that a reservation system with the ferry boats might help alleviate some of the load
24 problems.

25
26 Council comments followed.

27
28 Although the staff report noted that no action was required,

29
30 **Councilmember Ford** moved, seconded by Vice Mayor Pfeifer, to put all bike racks in
31 **Parking Lot #1 and the official parking space area, and if overflow parking is still**
32 **needed then go to the Bank of America area.**

33
34 Discussion on the motion followed.

35
36 **The motion failed following a roll call vote:**

37 **AYES: Councilmembers: Pfeifer, Ford,**
38 **NOES: Councilmembers: Weiner, Kelly, Mayor Leone**
39 **ABSENT: Councilmembers: None**
40 **ABSTAIN: Councilmembers: None**

41
42 **6B. Public Safety Facilities Update, including adoption of resolutions for:**

- 43 **1. Approval of Change Order No. 12 to contract with Alten Construction**
44 **2. Approval of Change Order No. 1 to contract with Smith-Emery**
45 **3. Approval of Change Order No. 2 to Contract with CEL/Geosphere**
46 **4. Approval of rejection of bids and direction to re-bid Furnish and Install**
47 **Security and Access Control Systems**

48 **(Project Manager Loren Umbertis and Director of Public Works Jonathon Goldman)**
49

1
2 Project Manager Loren Umbertis noted the specifics being discussed and the actions
3 required this evening.

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

6
7 **Councilmember Kelly moved, seconded by Mayor Leone, to 1) adopt Resolution No.**
8 **5135 authorizing the City Manager to execute Change Order No. 12 to the contract**
9 **with Alten Construction Inc. for Sausalito Public Safety Facilities Project New**
10 **Construction dated October 9, 2008; 2) adopt Resolution No. 5136 approving and**
11 **authorizing the City Manager to execute Change Order No. 1 to the contract with**
12 **Smith-Emery Company for special inspections for the Sausalito Public Safety**
13 **Facilities Project; 3) adopt Resolution No. 5137 approving and authorizing the City**
14 **Manager to execute Change Order No. 2 to the contract with CEL/Geosphere**
15 **Consultants, Inc. for geotechnical inspections for the Sausalito Public Safety**
16 **Facilities Project; and 4) adopt Resolution No. 5138 rejecting bids opened March 16th,**
17 **2010 to furnish and install security and access control systems for the Public Safety**
18 **Facilities Project and directing staff to revise the bid documents and re-bid. The**
19 **motion was unanimously approved by a voice vote.**

20
21 **6C. Council discussion on which vendor shall provide energy services (MEA or**
22 **PG&E) to all City of Sausalito facilities (City Manager Adam Politzer) **CONTINUED**
23 **TO 4/20/10****

24
25 Mayor Leone advised that this item had been continued to April 20, 2010.

26
27 **6C. Disaster Preparedness-Emergency Operations Program Status Report**
28 **(EOM/Sergeant Bill Fraass)**

29
30 Sergeant Bill Fraass presented highlights of the Disaster Preparedness and Emergency
31 Operations Programs. He noted the real events and training that had taken place over the
32 last six months.

33
34 **Public Comment:**

35
36 **Peter Van Meter** congratulated Sergeant Fraass on his efforts. He suggested that the
37 CERT group be involved with the staff training when the City has another table-top training
38 exercise, that.

39
40 Mayor Leone suggested hearing Item 6E prior to 6D.

41
42 **6E. Housing Element Update (Community Development Director Jeremy Graves)**

43
44 Community Development Director Jeremy Graves presented an update on the Housing
45 Element Work Program.

46
47 **Public Comment:**

1 **Joan Cox**, speaking as a member of the Housing Element Committee, suggested that if the
2 Committee cannot get more members appointed, then Council might reduce the
3 membership in order to meet the quorum issues.

4
5 Council comments followed.

6
7 At 9:55 pm, Mayor Leone called for a five minute break.

8
9 **6D. Discussion on the Response to the Grand Jury Report on Marin Energy**
10 **Authority – con't from 3/2/10 (City Attorney Mary Wagner)**

11
12 City Attorney Mary Wagner presented the revised responses for the Grand Jury Report on
13 Marin Energy Authority. She presented each Grand Jury finding and recommendation
14 separately.

15
16 **Public Comment:**

17
18 **Peter Van Meter** spoke about his concerns with the findings.

19
20 Council then reviewed and discussed each finding/recommendation and the response
21 separately in order to reach consensus for each.

22
23 At 10:55 pm, Councilmember Weiner stepped away from the dais; returning at 10:57 pm.

24
25 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
26 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

27
28
29 **7A. City Manager Reports**

30 **7A1. City Manager Information for Council**

31
32 City Manager Adam Politzer reported on: May 17 at the Joint Planning Commission/City
33 Council meeting beginning at 5:30 pm; the April 19 Council retreat being cancelled and
34 rescheduled for May 24; Volunteer Recognition Event on April 22 at 6:00 pm; SEA hosting
35 the forum with MEA and PG&E; and finally the MCCMC meeting in Sausalito on April 28.

36
37 **7B1. Mayor's Appointments for Council Liaisons and Committees**

38
39 **Appointments to the Sustainability Commission**

40 Mayor Leone nominated the three incumbents – Ray Gergus, Monica Towers, Alix Spiveck
41 – to serve a second term on the Sustainability Commission. There being no other
42 nominations, Ray Gergus, Monica Towers, and Alix Spiveck were re-appointed to the
43 Sustainability Commission with their terms expiring in February, 2013.

44
45 **Mayor's Liaison Appointments**

46 Mayor Leone advised that he would be taking himself off of the MERA Board and appointed
47 Councilmember Ford to fill the position.

48
49 Mayor Leone appointed Councilmember Kelly to the Housing Element Committee

50
DRAFT

Sausalito City Council Minutes

Meeting of April 6, 2010

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3A

1 Mayor Leone appointed Vice Mayor Pfeifer to the TAM Board and Councilmember Weiner
2 as the alternate.

3
4
5 **7A2. Future Agenda Items**

6
7 Vice Mayor Pfeifer asked for clarification on the Art Festival status and if it was planned for a
8 future City Council meeting.

9
10 Councilmember Ford requested a future agenda item to discuss the Design Review Board;
11 what it was, why it was disbanded and a general history of it. She also requested an overall
12 bicycle plan.

13
14 **7B. City Council Reports**
15 **7B2. Other reports of significance**

16
17 There were no other reports of significance.

18
19 **7B3. Councilmember Committee Reports**

20
21 There were no Councilmember Committee Reports.

22
23 **ADJOURNMENT**

24
25 There being no further business, the City Council meeting adjourned at 11:35 pm. The next
26 regularly scheduled meeting will be held on April 20, 2010, with the open meeting due to
27 commence at approximately 7:00 pm.

28
29
30
31 Respectfully submitted,

32
33 Debbie Pagliaro
34 City Clerk

35
36 Approved on:
37
38

