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

**TUESDAY, JULY 27, 2010**

**CALL TO ORDER**

The meeting was called to order by Mayor Leone at 5:40 p.m.

**ROLL CALL**

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

**ABSENT:** None

**ANNOUNCEMENT OF CLOSED SESSION ITEMS**

Vice Mayor Pfeifer announced that items D1 through D5 would be discussed in Closed Session.

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

Council adjourned into Closed Session at 5:42 pm.

**The regular meeting reconvened at 7:08 p.m.**

**PLEDGE OF ALLEGIANCE**

**REPORT ON RESULTS OF CLOSED SESSION ITEMS**

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to CGC § 54956.8**  
Property: Bridgeway Marine Property, 225 Locust Street  
Negotiating Parties: Bridgeway Marine Corporation  
City Negotiator: City Manager and City Attorney  
Under Negotiation: Price and Terms  
***Direction given to the negotiating team***
2. **CONFERENCE WITH LEGAL COUNSEL– Existing litigation CGC §54956.9(a)**  
Name of Case: Zacks v. Sausalito; MCSC Case No. CIV050995  
***Direction given to Counsel***
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to CGC § 54956.8**  
Property: 4, 6, 8 Princess Street  
Negotiating Parties: Marin County

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1

1 City Negotiator: City Manager, City Attorney and Administrative Services  
2 Director/Treasurer  
3 Under Negotiation: Price and Terms  
4 ***Direction given to the negotiating team***  
5

6 **4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to CGC §**  
7 **54956.8**

8 Property: Martin Luther King Property, 100 Ebbtide  
9 Negotiating Parties: New Village School  
10 City Negotiator: City Manager and City Attorney  
11 ***Direction given to the negotiating team***  
12

13 **5. CONFERENCE WITH LEGAL COUNSEL– Existing litigation CGC §54956.9(a)**

14 Name of Case: Bruce v. Sausalito; MCSC Case No. CIV 1003704  
15 ***Direction given to Counsel***  
16

17 **Public Comment on Closed Session Items:** There was no Public Comment.  
18

19 **APPROVAL OF THE AGENDA**  
20

21 Mayor Leone announced that with regard to the Special Presentation on the SmartMeters,  
22 PG&E was running late and this item would be heard around 8:30 pm.  
23

24 **Mayor Leone moved, seconded by Councilmember Weiner, to approve the agenda as**  
25 **with the change as noted above. The motion was unanimously approved by a voice**  
26 **vote.**  
27

28 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**  
29

30 **1A. Introduction of newly Public Works Sewer Employees** *(Director of Public Works*  
31 *Jonathon Goldman)*  
32

33 Public Works Director Jonathon Goldman introduced the three newest member of the Public  
34 Works Sewer Division. They were Jose Salgado, Carl Erickson, and Robert Zadnik.  
35 Following each of their introductions, they commented on how they were looking forward to  
36 working for the City.  
37

38 **1B. Presentation from PG&E on SmartMeters with discussions to follows**  
39

40 As noted above, this item would be heard around 8:30 pm, when PG&E arrives.  
41

42 **COMMUNICATIONS**  
43

44 **Bea Seidler and Robin Sweeny** spoke together about the disgraceful nature of the public  
45 restrooms downtown. They expressed concern about the City's liability.  
46

47 **David Tollen** spoke about the "temporary" sewer generator located on the corner of  
48 Bridgeway and Coloma.  
49

1 Mayor Leone called the Director of Public Works forward to clarify some of Mr. Tollen's  
2 questions.

3  
4 **ACTION MINUTES OF PREVIOUS MEETINGS**

5  
6 **Councilmember Weiner moved, seconded by Vice Mayor Pfeifer, to approve the**  
7 **minutes of the regular meeting of July 13, 2010 as corrected. The motion was**  
8 **unanimously approved by a voice vote.**

9  
10 **CONSENT CALENDAR**

11  
12 As a result of Mr. Tollen's questions and because there was an item on the Consent  
13 Calendar for approval of contracts related to the sewer rehab projects in that area, Mayor  
14 Leone requested that staff provide an updated schedule on the replacement of the  
15 generator at Bridgeway and Coloma.

16  
17 **Public Comment:** There was no Public Comment on this item.

18  
19 **Mayor Leone moved, seconded by Councilmember Ford, to approve Consent**  
20 **Calendar items 4a, 4b and 4d-4l; noting that item 4c would require a separate vote and**  
21 **his recusal. The motion was unanimously approved by a voice vote.**

22  
23 Consent Calendar items approved were as follows:

- 24 a) Approved destruction of records  
25 b) Adopted Resolution No. 5165 authorizing the City Manager to execute easement  
26 agreements for Filbert Street stairs.  
27 c) *Adopt resolution terminating City work on Third Street and Bulkley Utility*  
28 *Underground District Projects, and directing staff with respect to funds accepted as*  
29 *deposits (pulled for a separate vote)*  
30 d) Adopted Resolution No. 5166 accepting design changes for sewer rehab projects at  
31 Gate 5 Rd, Spinnaker/Anchor and Prospect, and approving amendment #5 to the  
32 Professional Services Agreement with West Yost Associates  
33 e) Approved request for waiver of fees regarding ICB Artists Association Sign Permit  
34 Application (SP10-149)  
35 f) Received and filed minutes from the June 9, 2010 meeting of the Sausalito  
36 Sustainability Commission  
37 g) Approved Lease Agreement with Dell Computer Corporation to leverage pricing  
38 structures established by the county of Marin  
39 h) Adopted Resolution No. 5167 approving the Fourth Amendment to Lease of  
40 Premises by and between the City of Sausalito and the New Village School  
41 i) Accepted resignation of Denina Fredrickson from the Historic Landmarks Board  
42 j) Received and filed Quarterly Treasurers Report  
43 k) Received and filed Quarterly Financial Report  
44 l) Received and filed Auditors Memorandum of Internal Controls for the fiscal year  
45 ending June 30, 2009

46  
47 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**  
48 **Resolution No. 5168 terminating City work on Third Street and Bulkley Utility**  
49 **Underground District Projects, and directing staff with respect to funds accepted as**

1 deposits The motion was unanimously approved by a roll call vote (Vice Mayor Pfeifer  
2 calling for the vote):

3 **AYES: Councilmembers: Weiner, Pfeifer, Ford, Kelly**  
4 **NOES: Councilmembers: None**  
5 **ABSENT: Councilmembers: None**  
6 **ABSTAIN: Councilmembers: None**  
7 **RECUSED: Councilmembers: Mayor Leone**

8  
9 **PUBLIC HEARINGS**

10  
11 There were no Public Hearings.

12  
13 **BUSINESS ITEMS**

14  
15 **6A. Update on the Public Safety Facilities including adoption of a resolution**  
16 **approving Alten Change Order No. 16; and receive and file Project Financial Status**  
17 **Report (Project Manager Loren Umbertis and Director of Public Works Jonathon Goldman)**  
18

19 Project Manager Loren Umbertis presented the Change Order for approval.

20  
21 Mr. Umbertis then went on to advice that August 3<sup>rd</sup> was now the Substantial Completion  
22 date for the Police building. He continued, that the Punch List continues at the Fire Station.  
23 Mr. Umbertis then noted that the VOIP telephone system was due to be installed at the end  
24 of August, with the furniture move-in date about August 23. He felt that the facilities would  
25 probably be ready for an Open House at the end of August or first of September.

26  
27 **Public Comment:**

28  
29 **Peter Van Meter** recommended that the Police Department retain an "older" telephone for  
30 use when the power goes down.

31  
32 Mr. Umbertis reminded the group that there were multiple redundancies built into this project  
33 in order to avoid such issues when the power goes down.

34  
35 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**  
36 **Resolution No. 5169 approving and authorizing the City Manager to Execute Change**  
37 **Order #16 to the contract with Alten Construction Inc. for Sausalito Public Safety**  
38 **Facilities Project New Construction dated October 9, 2008. The motion was**  
39 **unanimously approved by a roll call vote:**

40 **AYES: Councilmembers: Weiner, Pfeifer, Ford, Kelly and Mayor Leone**  
41 **NOES: Councilmembers: None**  
42 **ABSENT: Councilmembers: None**  
43 **ABSTAIN: Councilmembers: None**  
44

45 Administrative Services Director/Treasurer Charles Francis then presented the financial  
46 status report on the Public Safety Facilities Bond monies. Mr. Francis noted that the project  
47 has come in under budget, with funds available to return to the tax payers.

48  
49 **Public Comment:**

1  
2 **Peter Van Meter** commended Mr. Francis for the work he has done on the project. He felt  
3 that it was outstanding!

4  
5 **Vicki Nichols** also noted that Mike Kelly was an instrumental part of the project.

6  
7 Mayor Leone thanked the entire Bond Oversight Committee for a job well done.

8  
9 **6B. Status Report on the Plaza Vina del Mar Accessibility Improvements (Community**  
10 **Development Director Jeremy Graves and Director of Public Works Jonathon Goldman)**

11  
12 Community Development Director Jeremy Graves began the presentation on the update for  
13 the access to Plaza Vina del Mar. He reviewed the project alternatives which had been  
14 brought out at the last meeting when this item was discussed. Mr. Graves noted that the  
15 alternatives included: Ramp with a Path; Viewing Plaza with a Ramp; No landing; and Park  
16 Closure. Mr. Graves then presented an overview of the strategies involved with the project  
17 and the next steps that would be required.

18  
19 Council questions followed.

20  
21 **Public Comment:**

22  
23 **Peter Van Meter** noted that he was pleased that the City would be going through a thorough  
24 legal review.

25  
26 Council comments and rebuttals followed.

27  
28 **Councilmember Ford moved, seconded by Vice Mayor Pfeifer, to have staff get the**  
29 **high level legal and historical questions answered, and obtain cost estimates for the**  
30 **first three options on the list (ramp with path, viewing plaza with ramp, no landing),**  
31 **and bring that back to Council.**

32  
33 Discussion on the motion followed.

34  
35 The motion was then restated: **Councilmember Ford moved to ask staff to take the first**  
36 **three options (ramp with path, viewing plaza with ramp, no landing) and answer, as**  
37 **best they can, the legal questions, the historical questions particularly about the**  
38 **ramp, and the cost estimates for those three options, and bring it back to City Council**  
39 **for review and decision.**

40  
41 Council discussion continued.

42  
43 **Councilmember Ford then amended the motion to include that an historical architect**  
44 **look at the platform and the park, and staff get cost estimates and legal answers**  
45 **regarding the ADA and Ordinance No. 1128.**

46  
47 Council questions, comments and rebuttals followed.

48  
49 **Councilmember Ford withdrew her amendment.**

1  
2 Councilmember Weiner called for the vote.

3  
4 Mayor Leone requested a roll call vote:

5 AYES: Councilmembers: Pfeifer, Ford

6 NOES: Councilmembers: Weiner, Kelly and Mayor Leone

7 ABSENT: Councilmembers: None

8 ABSTAIN: Councilmembers: None

9  
10 Councilmember Kelly moved to have Council approve the No Landing project  
11 alternative with a default provision that if it cannot be accomplished either for legal or  
12 historic reasons that they revert to the Ramp with Path as the alternative if the No  
13 Landing proves infeasible; and that Council is approving an application with staff to  
14 do the historical and legal work necessary to provide the CEQA material for the  
15 application to move through Historic Landmarks and Planning Commission.

16  
17 Mayor Leone suggested amending the motion to have the project come back to  
18 Council with the results of the analysis to know if the Landing/No Landing option is  
19 legal before the application is submitted. Councilmember Kelly accepted this as an  
20 amendment. Councilmember Weiner seconded the motion.

21  
22 When asked for clarification on the motion, Councilmember Kelly repeated: **Staff would**  
23 **move down parallel paths studying the No Landing/Ramp with Path alternatives,**  
24 **providing the CEQA, historical basis and the legal basis, or both, and come back with**  
25 **a recommendation as to which, both in terms of ease, cost and legal and historic**  
26 **questions, would be most feasible.**

27  
28 Mayor Leone requested a roll call vote:

29 AYES: Councilmembers: Weiner, Kelly and Mayor Leone

30 NOES: Councilmembers: Pfeifer, Ford

31 ABSENT: Councilmembers: None

32 ABSTAIN: Councilmembers: None

33  
34 As representatives from PG&E had arrived, Mayor Leone returned to item 1B.

35  
36 **1B. Presentation from PG&E on SmartMeters with discussions to follows**

37  
38 City Attorney Mary Wagner introduced the SmartMeter presentation with a background on  
39 the investigations of these meters.

40  
41 PG&E representative Joshua Townsend took a moment to introduce the new Account  
42 Manager for Sausalito, Joe Horack.

43  
44 Mr. Townsend then went on to explain that PG&E has been opening up "Answering  
45 Centers" specific for questions related to SmartMeters. Mr. Townsend then introduced Andy  
46 Tang who was present to describe the program and answer any questions.

47  
48 Andy Tang explained that he had joined PG&E five years ago during the energy crisis. He  
49 then went on to describe, using a PowerPoint Presentation, the SmartMeter program, how

1 the system works, and the benefits of the program. Mr. Tang then went on to address some  
2 of the more common customer concerns.

3  
4 **Public Comment:**

5  
6 **Peter Van Meter** voiced concern about not beginning the fight against these meters much  
7 earlier. He expressed concern about the privacy issues and the way the meters operate.

8  
9 **Vicki Nichols** agreed with Peter Van Meter. She also relayed a story about a neighbor who  
10 had been bullied by PG&E when she asked that the meter not be installed. Ms Nichols then  
11 inquired into the financial relationships between PG&E and the meter suppliers. She also  
12 addressed concern about the EMF issues.

13  
14 **Jim Bitter** asked about living units that were solar powered and what rates they were being  
15 paid.

16  
17 **Christine Goodson** expressed outrage also. She agreed with the comments of Vicki  
18 Nichols and Peter Van Meter. Ms Goodson was also highly concerned about the EMF  
19 issues.

20  
21 **Jonathon Westerling** commented that the meter installers are actually contractors who  
22 have just been trained on their installation. He queried whether these meters could be  
23 "hacked" due to their wireless communications. Mr. Westerling then went on to suggested  
24 options to Council for PG&E, ie: side-by-side meter installations.

25  
26 Mr. Tang responded to the questions and concerns that had been raised.

27  
28 Michael Herz, also a PG&E representative, spoke on the EMF issues.

29  
30 Council questions and comments followed.

31  
32 **Vice Mayor Pfeifer moved, seconded by Mayor Leone, to send a letter to PG&E**  
33 **demanding that they suspend installation of the SmartMeters pending the CPUC**  
34 **report, that Council join in on the City and County of San Francisco petition to the**  
35 **CPUC, and that they send a letter to the CPUC noting such. By a voice vote, the**  
36 **motion failed.**

37  
38 **By consensus, Council agreed to send a letter to PG&E demanding that they suspend**  
39 **installation of the SmartMeters pending the CPUC report, and that they send a letters**  
40 **to the CPUC and the Board of Supervisors of San Francisco supporting the petition**  
41 **filing.**

42  
43 At 10:35 pm, the Mayor called for a five minute break.

44  
45 **6C. Community Development Department Quarterly Report (con't from 7/13)**  
46 **(Community Development Director Jeremy Graves)**

47  
48 Community Development Director Jeremy Graves presented the Department's Quarterly  
49 Report; presenting highlights of the departments, a summary of the Planning Commission,

1 Historic Landmarks Board and Business Advisory Board meetings. Mr. Graves also showed  
2 where they stood with code enforcement and concluded with describing their upcoming  
3 special projects.

4  
5 Council questions followed.

6  
7 **6D. Housing Element Committee Status Report**

8  
9 By consensus, this item was continued to a date uncertain.

10  
11 **6E. Presentation of the Police Department Quarterly Statistics (Police Captain John**  
12 **Rohrbacher)**

13  
14 Captain John Rohrbacher of the Sausalito Police Department presented the staff report on  
15 their quarterly statistics. In addition, he noted that the Department was negotiating a  
16 \$65,000 grant for pedestrian/bicycle safety projects. Captain Rohrbacher completed his  
17 report by describing their Community Policing Program and complimented the officers in  
18 their diverse projects that have been well received by the community.

19  
20 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**  
21 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

22  
23  
24 **7A. City Manager Information for Council**

25  
26 City Manager Adam Politzer reported on: some of the Sister City activities that have been  
27 taking place; scheduling a Strategic Planning Session; and noting that he would be taking  
28 vacation time during the week of August 2 and August 16.

29  
30 **7B. Council Committee Reports**

31  
32 **Vice Mayor Pfeifer** reported on: the HEC update included in the packet; TAM Board  
33 meeting; resigning from TAM beginning in September.

34  
35 **Councilmember Ford** reported on: Sausalito-Marin City Sanitary District Board meeting on  
36 the fee increase.

37  
38 **7C. Appointment to the Planning Commission**

39  
40 Mayor Leone nominated Richard Graef for the remaining vacancy on the Planning  
41 Commission.

42  
43 Councilmember Kelly nominated Susan Cleveland-Knowles.

44  
45 There being no further nominations from the dais, Mayor Leone called for a vote:

46  
47 Councilmember Weiner: Susan Cleveland-Knowles

48 Vice Mayor Pfeifer: Richard Graef

49 Councilmember Ford: Richard Graef

50 Councilmember Kelly: Susan Cleveland-Knowles

1 Mayor Leone: Richard Graef

2  
3 Richard Graef, having received at least three votes, was appointed to the Planning  
4 Commission with the term expiring in May, 2013

5  
6 **7D. Appointments to the Historic Landmarks Board**

7  
8 **Public Comment:**

9  
10 **Vicki Nichols** highly recommended that Council carefully review the biographies of the  
11 candidates before they make their selections, as there were several highly qualified  
12 candidates in the pool.

13  
14 For the two terms expiring in July, 2011, Mayor Leone nominated Vicki Nichols and David  
15 Hodgson.

16  
17 Vice Mayor Pfeifer nominated John Flavin.

18  
19 There being no further nominations from the dais, Mayor Leone called for a vote:

20  
21 Councilmember Weiner: Vicki Nichols and David Hodgson

22 Vice Mayor Pfeifer: Vicki Nichols and John Flavin

23 Councilmember Ford: Vicki Nichols and John Flavin

24 Councilmember Kelly: Vicki Nichols and John Flavin

25 Mayor Leone: Vicki Nichols and David Hodgson

26  
27 Vicki Nichols and John Flavin, having received at least three votes, were appointed to the  
28 Historic Landmarks Board with their terms expiring in July, 2011

29  
30 For the three terms expiring in July, 2012, Mayor Leone nominated Morgan Pierce, Carolyn  
31 Kiernat and Peter Supino.

32  
33 There being no other nominations, Morgan Pierce, Carolyn Kiernat and Peter Supino were,  
34 by acclamation, appointed to the Historic Landmarks Board with their terms expiring in July,  
35 2012.

36  
37 **7E. Future Agenda Items**

38  
39 **Vice Mayor Pfeifer** requested the following Future Agenda Items: moratorium on storage  
40 containers in the Marinship; quarterly performance objectives; renaming the OMIT  
41 Committee.

42  
43 **Councilmember Ford** requested the following Future Agenda Items: policy to have  
44 significant actions of the various Boards and Commission placed in In the Loop; policy on  
45 non-profit agencies inviting Council to their events (Gifting/Tickets).

46  
47 **7F. Other reports of significance**

48  
49 There were no other reports of significance.

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**ADJOURNMENT**

There being no further business, the City Council meeting adjourned at 12:00 midnight. The next regularly scheduled meeting will be held on September 14, 2010, with the open meeting due to commence at approximately 7:00 pm.

Respectfully submitted,  
  
Debbie Pagliaro  
City Clerk

Approved on:

3A  
10