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

TUESDAY, NOVEMBER 9, 2010

CALL TO ORDER

The meeting was called to order by Mayor Leone at 6:03 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 that items D1 through D6 would be discussed in Closed Session.

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

Council adjourned into Closed Session at 6:04 pm.

The regular meeting reconvened at 7:00 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to CGC §54957
Title: City Manager
Discussed; no action taken
2. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6
Designated Agency Negotiator: Mayor Leone, Councilmember Kelly
Unrepresented Employee: City Manager
Discussed; no action taken
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to CGC §54957
Title: City Attorney
Discussed; no action taken
4. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6
Designated Agency Negotiator: City Council
Unrepresented Employee: City Attorney
Discussed; no action taken

1
2 5. **CONFERENCE WITH LEGAL COUNSEL**– Existing litigation CGC §54956.9(a)
3 Name of Case: Zacks v. Sausalito; MCSC Case No. CIV050995
4 *Direction given to legal counsel*

5
6 6. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
7 54956.8
8 Property: Turney Street Dock
9 Negotiating Parties: Mr. Theo D'oro / TheoYachting
10 City Negotiator: City Manager and City Attorney
11 Under Negotiation: Price and Terms
12 *Direction given to City negotiators*

13
14 **Public Comment on Closed Session Items:** There was no Public Comment.

15
16 **APPROVAL OF THE AGENDA**

17
18 Mayor Leone noted that items 6A - *Discussion on restricting SmartMeters & Gas*
19 *Transmission Line Update*, 6F – *Status Report on the VoIP system* and 4j – *Adopt*
20 *resolution accepting the 2010 Street Repair Program as complete* would be continued to
21 dates uncertain.

22
23 **Councilmember Kelly moved, seconded by Councilmember Weiner, to approve the**
24 **agenda as amended. The motion was unanimously approved by a voice vote.**

25
26 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**

27
28 **1A. Recognition of the new Public Works employee**

29
30 Director of Public Works Jonathon Goldman introduced Eric Abdulla, the new Custodian for
31 the City of Sausalito. Mr. Goldman then described some of Mr. Abdulla's work history. Mr.
32 Abdulla thanked staff and Council for allowing him the opportunity to work for the City; he
33 then introduced a friend who was present.

34
35 While the Council welcomed Mr. Abdulla, Mr. Goldman noted how he has seen a big change
36 in the looks and smell of the City buildings.

37
38 **COMMUNICATIONS**

39
40 **Debbie Randell** spoke about her concerns of second hand smoke in her condominium
41 area. She also brought along a neighbor to support these concerns.

42
43 **ACTION MINUTES OF PREVIOUS MEETINGS**

44
45 **Councilmember Ford moved, seconded by Councilmember Weiner, to approve the**
46 **minutes of regular meeting of October 19, 2010 as submitted. The motion was**
47 **unanimously approved by a voice vote.**

48
49 **CONSENT CALENDAR**

1 Councilmember Kelly requested clarification regarding item 4a – *Adopt resolution affirming*
2 *the duties and membership of the Sausalito Art Commission*. Following Council discussion,
3 it was the consensus of the Council to continue this item.
4

5 Mayor Leone requested clarification regarding item 4e – *Authorize the expenditure from the*
6 *Vehicle Replacement Fund for the purchase of parking division vehicle*, asking that the
7 Police Department return during the mid-year budget discussions with an inventory of police
8 vehicles.
9

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

12 **Councilmember Ford moved, seconded by Councilmember Weiner, to approve**
13 **Consent Calendar items 4b, 4c, 4d, 4e, 4f, 4g, 4h, 4i and 4k as presented and**
14 **continuing items 4a and 4j as noted above. The motion was unanimously approved**
15 **by a voice vote.**
16

17 The Consent Calendar items approved were as follows:

- 18 a) *Adopt Resolution affirming the duties and membership of the Sausalito Art*
19 *Commission – con't to a date uncertain*
- 20 b) Approved request from Planning Commissioner William Werner for excused
21 absences while out of the country from December 20, 2010 through February
22 5, 2011
- 23 c) Adopted Resolution No. 5179 approving the amendment of the Contract with
24 the Marin County Joint Powers Agreement for animal control services
- 25 d) Approved City Manager's recommendation for holiday closures
- 26 e) Authorized the expenditure from the Vehicle Replacement Fund for the
27 purchase of parking division vehicle
- 28 f) Approved Holiday Parking Meter Waiver
- 29 g) Adopted Resolution No. 5180 amending fees administered by the parking
30 division pursuant to SB857
- 31 h) Adopted Resolution No. 5181 declaring the standby generator and load
32 transfer switch equipment associated with the former temporary Police
33 Department facility surplus, and authorizing its disposition by the City Manager
34 in conformance with Government Code Section 37350 et.seq.
- 35 i) Adopted Resolution No. 5182 authorizing the filing of an application for Federal
36 Funding of Gate 6 Road/Bridgeway Intersection Improvements Project
- 37 j) *Adopt resolution accepting the 2010 Street Repair Program as complete –*
38 *con't to a date uncertain*
- 39 k) Adopted Resolution No. 5183 approving the First Amendment to the Lease
40 Agreement by and between the City of Sausalito and Daniel Daniloff
41

42 **PUBLIC HEARINGS**

43 **BUSINESS ITEMS**

44 **6A. PG&E Update on SmartMeters and status of gas line transmissions in Sausalito** 45 **(con't from 10/5) (continue to 11/23)**

46 As noted above, this item was continued to a date uncertain.
47
48
49

1
2 **6B. Public Safety Facilities Project: Approve Change Order No.17 to Contract with**
3 **Alten Construction; Approve Amendment No. 7 to PSA with Glass Architects;**
4 **Approve Amendment No. 3 to PSA with Swinerton; Acceptance of PSF project and**
5 **Thanks to Alten, Glass Architects and Swinerton Management & Consulting for their**
6 **Services (Director of Public Works Jonathon Goldman)**
7

8 Director of Public Works Jonathon Goldman presented the staff report on this item. He
9 noted that Alten, Glass and Swinerton worked diligently with staff to come to an equitable
10 resolve on all of the outstanding change orders. Mr. Goldman recommended approval of all
11 change orders and accept the project as complete.
12

13 Council questions followed.
14

15 Following Council questions, Project Manager Loren Umbertis also added highlights
16 regarding the change order requests.
17

18 Council thanked Mr. Umbertis for an exceptionally well-done job, and gave him a standing
19 ovation.
20

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

23 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**
24 **Resolution No. 5184 approving and authorizing the City Manager to execute Change**
25 **Order No. 16 to the contract with Alten Construction Inc. for Sausalito Public Safety**
26 **Facilities Project New Construction dated October 9, 2008, accepting the project and**
27 **thanking Alten Construction, Inc. for its good service to the people of Sausalito and**
28 **Southern Marin County. The motion was unanimously approved by a roll call vote:**

29 **AYES: Councilmembers: Ford, Kelly, Pfeifer, Weiner and Mayor Leone**
30 **NOES: Councilmembers: None**
31 **ABSTAIN: Councilmembers: None**
32 **ABSENT: Councilmembers: None**
33

34 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**
35 **Resolution No. 5185 approving and authorizing the City Manager to execute**
36 **Amendment No. 7 to the agreement with Glass Architects for design services for**
37 **completion of the Public Safety Facilities Project and thanking Glass Architects for its**
38 **good service to the people of Sausalito and Southern Marin County. The motion was**
39 **unanimously approved by a roll call vote:**

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

45 **Councilmember Kelly moved, seconded by Councilmember Weiner, to adopt**
46 **Resolution No. 5186 approving and authorizing the City Manager to execute**
47 **Amendment No. 3 to the CMAA Standard Form of Agreement between the City of**
48 **Sausalito as owner and Swinerton Management & Consulting as construction**
49 **manager dated July 1st, 2005, and thanking Swinerton Management & Consulting for**

1 its good service to the people of Sausalito and Southern Marin County. The motion
2 was unanimously approved by a roll call vote:

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

7
8 **6C. Update on parking equipment (Director of Public Works Jonathon Goldman)**
9

10 Director of Public Works Jonathon Goldman presented the staff report on this item. He
11 noted that despite the best efforts of Aparc and city staff, the system was not yet ready for
12 acceptance. Mr. Goldman advised Council that Aparc has been, and continues to be, open
13 and objective in working with the City to resolve the operational issues in order to satisfy the
14 City's bid requirements. Mr. Goldman then introduced Robert Ziola of Aparc.

15
16 Mr. Ziola described how they, Aparc, and their vendors are working with the City to resolve
17 the outstanding issues. He advised Council that they anticipated completion by the end of
18 the year.

19
20 Council questions followed.

21
22 **Public Comment:** There was no Public Comment on this item.

23
24 **6D. Preview of the June 30, 2010 Comprehensive annual Financial Report**
25 **(Administrative Services Director Charlie Francis)**
26

27 Administrative Services Director Charlie Francis presented the staff report on this item
28 through a PowerPoint Presentation. He spoke about the City's stable financial position,
29 noting that the City has forty-six funds to deal with. Mr. Francis stressed the work of the
30 auditors, the City's ability to continue paying bills, and that there are healthy reserves.

31
32 **Public Comment:** There was no Public Comment on this item.

33
34 Council questions/comments followed.

35
36 **6E. Introduction and first reading of fire code ordinance; introduction of fire fee**
37 **schedule; schedule public hearing (Community Development Director Jeremy Graves**
38 **and Fire Prevention Officer Fred Hilliard)**
39

40 Fred Hilliard of the Southern Marin Fire Department presented the staff report on this item.
41 He described the process that he had gone through in order to present the Fire Code
42 Ordinance that was before Council. Mr. Hilliard then described the recommended changes
43 being presented.

44
45 Council questions followed.

46
47 **Public Comment:** There was no Public Comment on this item.

48
49 Council comments followed.

1
2 Councilmember Kelly moved, seconded by Councilmember Weiner, to introduce
3 Ordinance 1203, reading by title only, an ordinance amending Chapter 8.40 of the
4 Sausalito Municipal Code regarding Fire Codes and setting a public hearing on
5 December 7, 2010 for adoption of the ordinance. The motion was unanimously
6 approved by a roll call vote:

7 **AYES:** Councilmembers: Ford, Kelly, Pfeifer, Weiner and Mayor Leone
8 **NOES:** Councilmembers: None
9 **ABSTAIN:** Councilmembers: None
10 **ABSENT:** Councilmembers: None

11
12 At 10:20, Mayor Leone called for a five minute break.

13
14 **6F. Status Report on VoIP system (Information Technology Manager Rhett Redelings-**
15 **MacDermott)**

16
17 As noted above, this item was continued to a date uncertain.

18
19 **6G. Approval of Change Order No. 1 to John Benward Company, Inc.; approval of**
20 **funding adjustments between sewer and street; approval of Amendment No. 1 to PSA**
21 **with Riedinger Consulting; acceptance of Johnson Street Sewer Replacement and**
22 **Pavement Improvements and Thanks to Benward and Riedinger for their services**
23 **(City Engineer Todd Teachout)**

24
25 City Engineer Todd Teachout presented an abbreviated staff report on this item. He noted
26 the outstanding job done by both the contractor and the project management team on this
27 job.

28
29 Council questions followed.

30
31 **Public Comment:** There was no Public Comment on this item.

32
33 **Vice Mayor Pfeifer moved, seconded by Councilmember Kelly, to adopt Resolution**
34 **No. 5187 accepting the constructed improvements, authorizing the reappropriation of**
35 **funds proportional to costs of work performed, approval of change order for**
36 **construction management services provided, thanking John Benward Company and**
37 **Riedinger Consulting for their service, and authorizing the City Engineer to issue a**
38 **Notice of Acceptance. The motion was unanimously approved by a roll call vote:**

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

43
44 **6H. Police Department Quarterly Report (Acting Police Chief John Rohrbacher)**

45
46 Acting Police Chief John Rohrbacher presented his report on this item. He began his report
47 by relaying a recent story on the use of their "homeless funds". Chief Rohrbacher advised
48 that there had been very little change from the prior year with regards to their statistics.

1 Council questions followed.
2

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

5 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
6 **DISCUSSIONS AND COUNCILMEMBER REPORTS**
7

8
9 **7A. City Manager Information for Council**
10

11 City Manager Adam Politzer reported on: the Chamber invitation to thank the Ice House &
12 Kiosk volunteers; Veteran's Day event in Marin City; MCCMC; and the Police Chief
13 recruitment.
14

15 **7B. Council Committee Reports**
16

17 Vice Mayor Pfeifer reported on the meeting held at the County regarding SB375 and
18 housing elements. She then turned to Councilmember Kelly, who also attended this
19 meeting, for additional comments on this meeting.
20

21 Councilmember Kelly added additional comments about the meeting. Councilmember Kelly
22 also reported on the TAM meeting, and suggested the need for a public meeting in which to
23 educate the community on the status of affordable housing.
24

25 **7C. Future Agenda Items**
26

27 Mayor Leone noted that now that the election is over, the Council needs to begin working
28 together.
29

30 Councilmember Ford left the dais at 10:58 pm.
31

32 Mayor Leone continued with his comments by suggesting that a strategic planning session
33 be held in order to work on this issue.
34

35 **7E. Other reports of significance**
36

37 There were no Other Reports of Significance.
38

39 **ADJOURNMENT**
40

41 There being no further business, the City Council meeting adjourned at 11:03 pm. The next
42 regularly scheduled meeting will be held on November 23, 2010, with the open meeting due
43 to commence at approximately 7:00 pm.
44

45 Respectfully submitted,
46

47 Debbie Pagliaro
48 City Clerk
49

49 Approved on:

