

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

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

TUESDAY, OCTOBER 6, 2009

CALL TO ORDER

The meeting was called to order by Mayor Leone at 6:03 p.m.

ROLL CALL

PRESENT: Councilmember Pfeifer, Vice Mayor Weiner, Councilmember Kelly (arriving at 7:42 pm), Mayor Leone

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Leone announced, by title, that items D1 through D4 would be discussed in Closed Session.

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

Council then adjourned to the Conference Room for their Closed Session at 6:05 pm.

The regular meeting reconvened at 7:08 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: 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
City Negotiator: City Manager and City Attorney
Under Negotiation: Price and Terms
Direction given

1 **4. CONFERENCE WITH LEGAL COUNSEL**– Anticipated Litigation CGC
2 §54956.9(c)
3 Initiation of litigation (One potential case)
4 ***Direction given***

5
6 **5. CONFERENCE WITH LABOR NEGOTIATORS** pursuant to CGC § 54957.6
7 Agency Negotiator: City Manager
8 Employee Organizations: Sausalito Firefighters IAFF Local 1775, Sausalito Police
9 Association
10 ***Direction given***

11
12 **Public Comment on Closed Session Items:**

13
14 **Johnston Melbostad** was anxious to find out the direction that Council was taking with
15 regard to item #2. He expressed concern about the future of their marina.

16
17 **Mauro Dosolino** advised that no one was taking care of the marina dock.

18
19 **Zack Astro** also expressed concern and hoped that the City would have their best interest
20 focused more towards the residents of the property than development.

21
22 **APPROVAL OF THE AGENDA**

23
24 **Vice Mayor Weiner** moved, seconded by Councilmember Pfeifer, to approve the
25 agenda as submitted. The motion was unanimously approved by a voice vote.

26
27 **1. SPECIAL PRESENTATIONS / MAYOR’S ANNOUNCEMENTS**

28
29 **1A. Introduction of Recreation Coordinator Erin Stroud** (*Parks and Recreation*
30 *Director Mike Langford*)

31
32 Parks and Recreation Director introduced Erin Stroud, the new Recreation Coordinator. He
33 noted that after only four days of work, she jumped right into her first event, which was the
34 Chili Cook-Off.

35
36 **ACTION MINUTES OF PREVIOUS MEETINGS**

37
38 **3A. Approve minutes from the regular City Council meeting of September 15, 2009**

39
40 Councilmember Pfeifer requested that the September 15 minutes reflect her disapproval of
41 “consensus” with regard to the Mallya project merging with the City-owned park area.

42
43 Mayor Leone suggested that the City Clerk review the tapes and see if this could be
44 incorporated.

45
46 **Mayor Leone** moved, seconded by **Vice Mayor Weiner** moved, to continue approval
47 the minutes of the Regular City Council meeting of September 15, 2009 to October 20.
48 The motion was unanimously approved by a voice vote.

49
DRAFT

1 **CONSENT CALENDAR**

2
3 **Public Comment:**

4
5 **Johnston Melbostad asked about the “surplus property” that was being disposed of**
6 **(item 4B6).**

7
8 Administrative Services Director/Treasurer Charles Francis explained what the surplus
9 property was and the process in which it will be disposed.

10
11 **Councilmember Pfeifer moved, seconded by Vice Mayor Weiner, to approve Consent**
12 **Calendar items 4B1 through 4B6. The motion was unanimously approved by a roll**
13 **call vote:**

14 **AYES: Councilmembers: Pfeifer, Weiner, Mayor Leone**
15 **NOES: Councilmembers: None**
16 **ABSTAIN: Councilmembers: None**
17 **ABSENT: Councilmembers: Kelly**

18
19 Consent Calendar item approved was:

- 20
21 1) Waived further reading and adopted Ordinance No. 1197, an ordinance amending
22 Chapter 3.12, “The Transient Occupancy Tax”, of the Sausalito Municipal Code
23 2) Approved the waiver of \$1,587 in appeal fees pursuant to Section 1.09.050 of the
24 Municipal Code and directed the City Manager to issue a refund check to Robert
25 Beifuss
26 3) Approved the Springbrook software migration and acquisition
27 4) Received and filed minutes from the Sustainability Commission Meeting of July 9,
28 2009
29 5) Adopted Resolution No. 5068 adopting a Sewer Lifeline Rebate Program for the
30 City of Sausalito
31 6) Adopted Resolution No. 5069 declaring certain property surplus and authorize
32 disposal

33
34 **COMMUNICATIONS**

35
36 **Johnston Melbostad** read a letter into the record in which a group of residents wished to
37 introduce a proposal for the use of the docks and adjacent dry storage yard located on
38 Humboldt Street between the ends of Locust and Turney Streets.

39
40 **Nancy Osborn** announced that the Sausalito Woman’s Club would be holding their
41 Candidates Night at the Spinnaker on October 19, beginning at 7:00 pm.

42
43 **Richard Herd** speaking about the property at the foot of Locust Street, advised that there is
44 a need for transient slips or an area for anchor-outs to come ashore. He also noted that the
45 5 mph markers are missing. Mr. Herd also expressed concern about a large barge
46 anchored outside the channel which could slip and cause harm to their marina during a
47 winter storm.
48

1 **Mauro Dosolini** spoke about a bicycle incident that happened over the weekend. He went
2 on to complain about the conduct of officers involved.

3
4 At 7:38 pm, Vice Mayor Weiner left the Chambers, and returned at 7:40 pm.

5
6 At 7:42 pm, Councilmember Kelly arrived and took his seat at the dais.

7
8 **PUBLIC HEARINGS**

9
10 **5A. Introduction and first reading, by title only, of purchasing policy ordinance**
11 **(Administrative Services Director / Treasurer Charles Francis)**

12
13 Administrative Services Director / Treasurer Charlie Francis presented the staff report, along
14 with a PowerPoint Presentation. He noted some of the reasons for recommending the
15 amendments to the purchasing policy ordinance, which included: the impact on staff's
16 workload, enhanced transparency and accountability, and the fact that the caps had not
17 been changed since 1995.

18
19 Council questions followed.

20
21 **Public Comment:**

22
23 **Chuck Donald** asked about the compliance of such policies. Specifically, he asked if
24 auditors checked into these types of transactions.

25
26 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to wave the first**
27 **reading of, and read by title only, an ordinance amending chapter 3.30 of the**
28 **Sausalito Municipal Code regarding the purchasing of supplies, equipment, services**
29 **and public works contracts. The motion was unanimously approved by a roll call**
30 **vote:**

31 **AYES: Councilmembers: Pfeifer, Weiner, Kelly, Mayor Leone**

32 **NOES: Councilmembers: None**

33 **ABSTAIN: Councilmembers: None**

34 **ABSENT: Councilmembers: None**

35
36 **5B. Introduction and first reading, by title only, of an ordinance amending the Noise**
37 **Ordinance (City Attorney Mary Wagner)**

38
39 City Attorney Mary Wagner presented the staff report, supported by a PowerPoint
40 Presentation. Ms Wagner noted that the proposed changes were to restrict the times in
41 which construction devices could be used in residential areas. She advised that these
42 recommended changes had come due to complaints received about construction work being
43 done on holidays.

44
45 Discussion followed on whether to include an exception which would allow residents to
46 perform work on their own properties during these City Holidays.

47
48 **Public Comment:**

49

1 **Peter Van Meter** endorsed having the construction end by 6:00 pm. He also felt that
2 homeowners should be allowed to work on their own properties during holidays and
3 weekends.
4

5 **Mayor Leone moved, seconded by Councilmember Kelly, to waive the first reading of,**
6 **and read by title only, an ordinance of the City Council of the City of Sausalito**
7 **amending Section 12.16.140 of the Sausalito Municipal Code regarding time**
8 **restrictions on operating construction devices in residential zones; along with an**
9 **amendment that the homeowners may operate equipment themselves on their own**
10 **property on Sundays and Holidays which are officially recognized by the City and**
11 **provided that such operations occur between 9:00 am and 6:00 pm on both Sundays**
12 **and Holidays. The motion was unanimously passed by a roll call vote:**

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

14 **NOES: Councilmembers: None**

15 **ABSTAIN: Councilmembers: None**

16 **ABSENT: Councilmembers: None**
17

18 **BUSINESS ITEMS**

19 20 **6A. Update from Marin Energy Authority** 21

22
23 Mayor Leone began the introduction of this item and described the Marin Energy Authority.
24 He then turned the balance of the presentation over to Dawn Weisz of the Marin Energy
25 Authority.
26

27 Ms Weisz explained that the Authority was formed in 2008 to address climate change by
28 reducing energy related greenhouse gas emissions and securing energy supply, price
29 stability, energy efficiencies and local economic and workforce benefits. She noted that the
30 MEA aims to help Marin County communities meet their AB32 mandates.
31

32 Further explained were the benefits, bid proposals, associated contracts for providing this
33 green energy, and the next steps required before providing energy to the public.
34

35 Council questions followed.
36

37 Mayor Leone then offered PG& E representatives the opportunity to respond.
38

39 Joe Nation spoke about the MEA contract with Shell Energy North America and some of the
40 issues with it. In addition, he spoke about their greenhouse components.
41

42 MEA responded back.
43

44 **Public Comment:** 45

46 **Juliette Anthony** advised that there is currently a rush for renewable energy and that if
47 MEA was going to be purchasing such energy, they had better be doing so now.
48

1 **William Ring** supported Marin Clean Energy. Regardless of the unknown rates, he felt this
2 program would be worth the risk.

3
4 **Peter Van Meter** suggested that MEA should look locally for energy, since there is wind
5 generation available throughout Marin.

6
7 **Chuck Donald** was also in favor of MEA and in favor of Sausalito being a part of the JPA.
8 He noted how impressed he was with MEA's resources.

9
10 **Nancy Osborn** expressed concern that the residents of Sausalito do not know much about
11 this subject. She felt that with the holidays approaching, there was not much time for the
12 residents to be educated before Sausalito needs to make the decision to stay in the JPA.

13
14 **John Ferrell** expressed concern that this would set up a bureaucracy for a very small field.
15 He felt that the Council should be very careful in their decision making as this is a very
16 complicated subject. Mr. Ferrell asked what the cost would be to the consumer for opting
17 out of the MEA.

18
19 **Supervisor Charles McGlashan** concluded the MEA presentation and implored the Council
20 to stay in the JPA, even if a majority of the residents were to decide to opt out of the
21 program.

22
23 **Nancy Osborn** suggested that the Council hold a forum to help answer a lot of these
24 questions.

25
26 There was no further discussion on this item.

27
28 At 10:35 pm, Mayor Leone called for a ten minute break.

29
30 Due to the late hour, **Mayor Leone moved, seconded by Councilmember Kelly, to**
31 **continue item 6C - Proposition 1A securitization program, to October 20, 2009. The**
32 **motion was unanimously approved by a voice vote.**

33
34 **6B. Public Safety Facilities Update:**

35 **1. Review and approval of Amendment No. 2 for Swinerton Management &**
36 **Consulting**

37 **2. Review and approval of Alten Change Order No. 6 and Review and Approval**
38 **of SMC Amendment No. 3 for Extension of Services**

39 **3. Review and approval of an agreement for Professional Services with**
40 **NETCOR to provide design and bid documents for cabling infrastructure**

41 **4. Discussion and direction for planter/art space**

42 *(Director of Public Works Jonathon Goldman / Project Manager Loren Umbertis)*

43
44 Project Manager Loren Umbertis began the update by advising that the Police building is
45 running about two weeks ahead of schedule on the exterior framing. He noted that the Fire
46 building was about three weeks ahead of schedule on the interior framing. Mr. Umbertis
47 also noted that the project budget was on track.

48
DRAFT

1 Director of Public Works Jonathon Goldman presented the staff report for item 6B1. He
2 noted that staff had requested this amendment because 1) Swinerton had provided
3 additional time in management of the re-bidding of the project; 2) Swinerton is willing to
4 provide additional management services during the completion of the project; 3) and that
5 they would be providing additional assistance in coordination of the furniture, fixture and
6 equipment procurement activities, move-in management, data cabling coordination and
7 other services associated with moving into the building which could not be accomplished by
8 City Staff.

9
10 **Public Comment:** There was no Public Comment on this item.

11
12 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt Resolution**
13 **No. 5070 approving and authorizing the City Manager to execute Amendment No. 2 to**
14 **the CMAA Standard Form of Agreement between the City of Sausalito as Owner and**
15 **Swinerton Management & Consulting as Construction Manager dated July 1, 2005.**
16 **The motion was unanimously approved by a roll call vote:**

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

21
22 Director of Public Works Jonathon Goldman briefly presented the staff report for item 6B2.
23 He noted that this item was being presented to Council as an outcome of the item just
24 approved, and briefly described Change Order #6 and Amendment #3.

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

27
28 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to adopt Resolution**
29 **No. 5071 approving and authorizing the City Manager to execute (1) Change Order No.**
30 **6 to the contract with Alten Construction Inc. for Sausalito Public Safety Facilities**
31 **Project New Construction dated October 9, 2008 and (2) Amendment No. 3 to the**
32 **CMAA Standard Form of Agreement between the City of Sausalito as Owner and**
33 **Swinerton Management & Consulting as Construction Manager dated July 1, 2005.**
34 **The motion was unanimously approved by a roll call vote:**

35 **AYES: Councilmembers: Pfeifer, Weiner, Kelly, Mayor Leone**
36 **NOES: Councilmembers: None**
37 **ABSTAIN: Councilmembers: None**
38 **ABSENT: Councilmembers: None**

39
40 Project Manager Loren Umbertis and Director of Public Works Jonathon Goldman both
41 presented the staff report for item 6B3, describing the need for executing an agreement with
42 NETCOR. They advised that this agreement would provide for the design and bid
43 documents for the cabling infrastructure which could not be taken on by City Staff.

44
45 **Public Comment:** There was no Public Comment on this item.

46
47 **Councilmember Kelly moved, seconded by Councilmember Pfeifer, to adopt**
48 **Resolution No. 5072 approving and authorizing the City Manager to execute an**
49 **agreement for professional services with NETCOR to provide design and bid**

1 documents for cabling infrastructure for the Public Safety Facilities Project. The
2 motion was unanimously approved by a roll call vote:

3 **AYES: Councilmembers: Pfeifer, Weiner, Kelly, Mayor Leone**

4 **NOES: Councilmembers: None**

5 **ABSTAIN: Councilmembers: None**

6 **ABSENT: Councilmembers: None**

7
8 Director of Public Works Director Jonathon Goldman, with the assistance of Project
9 Manager Loren Umbertis, presented the final report for the Public Safety Facilities item.
10 They described what it would take to place an infrastructure to include electricity, water and
11 drainage for a future planter/art space area.

12
13 **Public Comment:**

14
15 **Vicki Nichols** recommended that something flush to the ground be designed. As a
16 temporary filler, she agreed with the large architectural planter concept.

17
18 **John Ferrell**, with regard to the whole project, asked that a simplified Gantt chart be placed
19 on the website for the public to review.

20
21 It was the consensus of the Council to have staff prepare an appropriate resolution,
22 documenting the recommendations for the infrastructure, and bring it back to Council for
23 approval at their next meeting.

24
25 **6C. Proposition 1A securitization program (Administrative Services Director / Treasurer**
26 **Charles Francis)**

27
28 As noted earlier in the evening, this item was continued to October 20, 2009.

29
30 **6D. Options for achieving compliance in parks and playgrounds (Parks and**
31 **Recreation Director Mike Langford)**

32
33 Parks and Recreation Director Mike Langford presented the staff report via a PowerPoint
34 Presentation. He showed the parks needing the most work in order for them to be safe and
35 ADA compliant. In addition, Mr. Langford showed renditions of what these parks would look
36 like with new, modernized play equipment in them.

37
38 **Public Comment:**

39
40 **Chuck Donald** asked where the City stood on the extension of Dunphy Park with regard to
41 the Mallya project.

42
43 **Nancy Osborn** hoped that there would be alternate suggestions, as she did not particularly
44 like the examples of the new play equipment. She also voiced concern about working on
45 so many parks, as she did not feel there were enough children in town to use all these
46 parks.

47
48 **Buddy DeBruyn** noted that there are tons of kids in Sausalito now.

49
DRAFT

Sausalito City Council Minutes

Meeting of October 6, 2009

Page 8 of 10

1 Council comments followed.

2
3 It was the consensus of the Council to:

- 4 • Direct the Parks & Rec Staff to conduct community outreach meetings
- 5 • Incorporate community concerns and ideas into plans
- 6 • Authorize Staff to solicit bids for replacement play equipment and related
- 7 improvements at Cazneau, Cloudview, Langendorf, and Southview Parks
- 8 • Return to the Parks and Recreation Commission for approval
- 9 • Return to City Council for approval
- 10 • Continue design work on Harrison and Robin Sweeny parks

11
12 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
13 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

14
15
16 **7A. City Manager Reports**

17 **7A1. City Manager Information for Council**

18
19 City Manager Adam Politzer reported on: the Mallya project; MCCMC on October 28; All
20 Hands Meeting on October 8; Holiday Potluck on October 29; Halloween Council table;
21 Celebrate Sausalito on November 7; need for special City Council meetings in November
22 and possible December for MLK tour and the Public Safety Facilities FF&E; codification
23 progress; and the pension reform article in the IJ.

24
25 **7A2. Future Agenda Items**

26
27 Mayor Leone suggested adding a special meeting for mass interviewing in order to fill more
28 of the vacancies of the various boards and commissions.

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

31 **7B1. Appointment to the Disaster Committee**

32
33 No appointments were made to the Disaster Committee.

34
35 **7B2. Other reports of significance**

36
37 There were no other reports of significance.

38
39 **7B3. Councilmember Committee Reports**

40
41 There were no Councilmember Reports given.

42
43 **ADJOURNMENT**

44
45 There being no further business, the City Council meeting was adjourned at 12:42 pm. The
46 next regularly scheduled meeting will be held on October 20, 2009, with the open meeting
47 due to commence at approximately 7:00 pm.

1
2
3
4
5
6

Approved on:

Respectfully submitted,

Debbie Pagliaro
City Clerk