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

TUESDAY, JUNE 23, 2009

CALL TO ORDER

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

ROLL CALL

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

ABSENT: None

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Leone announced, by title, that items D1 through D8 would be discussed in Closed Session.

Public Comment: There was no Public Comment on Closed Session items.

Council then adjourned to the Conference Room for their Closed Session at 5:42 pm.

The regular meeting reconvened at 7:12 p.m.

PLEDGE OF ALLEGIANCE

REPORT ON RESULTS OF CLOSED SESSION ITEMS

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to CGC §54957
Title: City Manager
Mayor Leone announced that an amendment to the City Manager's contract would be discussed and final action taken under item 6D1.
2. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6
Designated Agency Negotiator: Mayor Leone, Councilmember Kelly
Unrepresented Employee: City Manager
(same as above)
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to CGC §54957
Title: City Attorney
Mayor Leone announced that an amendment to the City Manager's contract would be discussed and final action taken under item 6D2.

- 1 **4. CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6
2 Designated Agency Negotiator: Mayor Leone, Councilmember Kelly
3 Unrepresented Employee: City Attorney
4 **(same as above)**
5
6 **5. CONFERENCE WITH LABOR NEGOTIATOR** pursuant to CGC § 54957.6
7 Designated Agency Negotiator: City Manager and City Attorney
8 Employees: Sausalito Firefighters IAFF Local 1775, Sausalito Police Association,
9 Management and Unrepresented
10 **Direction given**
11
12 **6. CONFERENCE WITH LEGAL COUNSEL**– Anticipated Litigation CGC
13 §54956.9(c)
14 Initiation of litigation (One potential case)
15 **Direction given**
16
17 **7. CONFERENCE WITH LEGAL COUNSEL**– Anticipated Litigation CGC
18 §54956.9(c)
19 Initiation of litigation (One potential case)
20 **Direction given**
21
22 **8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to CGC §
23 54956.8
24 Property: MLK Properties, 100 Ebbtide Avenue
25 Negotiating Parties: Lillian Sizemore and The Marin School
26 City Negotiator: City Manager and City Attorney
27 Under Negotiation: Price and Terms
28 **Direction given**
29

30 **Public Comment on Closed Session Items:** There were no Public Comments.
31

32 **APPROVAL OF THE AGENDA**
33

34 **Councilmember Kelly moved, seconded by Councilmember Belser, to approve the**
35 **agenda as submitted. The motion was unanimously approved by a voice vote.**
36

37 **SPECIAL PRESENTATIONS / MAYOR'S ANNOUNCEMENTS**
38

39 **1A. Introduction of new employees: Alison Thornberry, Assistant Planner; Nichole**
40 **Houstone, Permit Technician; Andy Davidson, Staff Engineer; Susan Nichols,**
41 **HR Technician**
42

43 Community Development Director Jeremy Graves introduced Permit Technician Nichole
44 Houstone and Assistant Planner Alison Thornberry.
45

46 Director of Public Works Jonathon Goldman introduced Staff Engineer Andy Davidson.
47

48 Assistant to the City Manager/Deputy City Clerk introduced HR Technician Susan Nichols.
49

1 **1B. State of the Library presented by the Library Board President**

2
3 Betsy Stroman, the outgoing Chair of the Board of Library Trustees, gave a brief
4 presentation on the State of the Library. She spoke about the Library use and statistics and
5 also about the many Library support groups provided to the residents of Sausalito.
6

7 **COMMUNICATIONS**

8
9 **Peter Romanowsky** announced to the Council that he was a candidate for the Congress.
10 He also discussed other issues he is involved with, such as the exhibition permits required
11 by the Humane Society.
12

13 **ACTION MINUTES OF PREVIOUS MEETINGS**

14
15 **3A. Approval of minutes from the regular meeting of June 9, 2009**

16 **3B. Approval of minutes from the special meeting of June 16, 2009**

17
18 A brief discussion was held regarding item 7A2 of the June 9 minutes. An issue had been
19 raised as to whether it was the intent of the City Council to hold a public forum or a Special
20 City Council meeting for presentation of the Harbor and Downtown Action Committee report.
21

22 Peter Van Meter, of the Harbor and Downtown Action Committee explained that the
23 Committee had decided to complete the report and deliver it to the Council (presented to
24 Council on May 26). He noted that at that point, the document was then owned by the City.
25 It was the intent of the Committee to discuss the report in a forum setting at a Special City
26 Council meeting.
27

28 Following additional discussion by the Council, it was agreed that there would be no findings
29 or future actions expected as an outcome of this meeting. Council then set July 11 as
30 Special City Council meeting.
31

32 **Vice Mayor Weiner moved, seconded by Councilmember Kelly, to approve the**
33 **minutes of the regular meeting of June 9, 2009 as submitted. The motion was**
34 **unanimously approved by a voice vote.**
35

36 **Councilmember Kelly moved, seconded by Vice Mayor Weiner to approve the minutes**
37 **of the special meeting of June 16, 2009 as submitted. The motion was approved by a**
38 **voice vote; Councilmember Belser abstaining due to her absence from that meeting.**
39

40 **CONSENT CALENDAR**

41
42 Director of Public Works Jonathon Goldman offered a clarification to item 4B1. He also
43 clarified, for Council, an e-mail that had been received from Rich Fortmann and in which
44 issues had been raised regarding sewer charges; ie: 1) the difference between single family
45 homes vs single family attached dwelling units, and 2) a need for different charges when
46 there are several dwellings on one sewer lateral vs direct connect dwellings.
47

48 **Public Comment:** There was no Public Comment on this item.
49

1 **Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve Consent**
2 **Calendar items 4B1 through 4B5. The motion was unanimously approved by a voice**
3 **vote.**

4
5 Consent Calendar items approved were as follows:

- 6
- 7 1) Waived further reading and adopted Ordinance No. 1196 setting fees for sewer
- 8 services provided by the City effective FY2009-10
- 9 2) Received and filed minutes taken at the Business Advisory Committee meetings of
- 10 April 16 and May 21, 2009
- 11 3) Accepted the monthly Financial Statements through May, 2009
- 12 4) Adopted Resolution No. 5037 authorizing the City Attorney to cooperate with the
- 13 League of California Cities, other cities and counties in litigation challenging the
- 14 constitutionality of any seizure by State Government of the City's street
- 15 maintenance funds.
- 16 5) Adopted Resolution No. 5038 approving the lease agreement by and between City
- 17 of Sausalito and Lillian Sizemore at the MLK properties
- 18

19 **PUBLIC HEARINGS**

20
21 There were no Public Hearings.

22 **BUSINESS ITEMS**

23 **6A. Request from Golden Gate Ferry District to hold discussion on the PUC** 24 **Application for Red and White Ferries**

25
26 Jim Swindler, Deputy General Manager of the Ferry District, presented a brief background
27 on the application of the Red and White Fleet's application before the PUC. Mr. Swindler
28 noted concerns that had not been brought out in a public hearing. He further noted that Red
29 and White was being given an interim approval to run ferries into Sausalito without having
30 had a public hearing. Mr. Swindler advised that President of the Bridge District Board, Al
31 Boro, had sent a letter to the PUC and was requesting that a fair process be held before the
32 PUC.
33
34

35
36 Council questions followed.

37 **Public Comment:**

38
39 **Tom McBride**, attorney for the Red and White Fleet, described the actions being taken
40 before the PUC.
41

42
43 The Red and White Fleet Operations Manager also answered Council's questions regarding
44 the schedules.
45

46 **Tom Escher**, of Red and White Fleet, also answered Council's questions regarding ferry
47 rates.
48

1 **David Miller**, General Counsel for the Golden Gate Bridge District, explained that they were
2 concerned with the process issue and not a competition issue. Mr. Miller noted that the
3 Marin County Board of Supervisors had voted earlier in the day to send a letter in support of
4 an evidence hearing. Mr. Miller stressed that the Bridge District was simply trying to request
5 an evidentiary hearing.

6
7 **Tom McBride** returned to clarify the hearing process.

8
9 **Jonathan Westerling** thought that this sounded like a political win-win situation and
10 encouraged the Council to support new competition.

11
12 **Tom Escher** returned to explain that he simply wants to serve Sausalito and stressed to the
13 Council to let private enterprise prevail.

14
15 Council comments followed.

16
17 It was the consensus of the Council to request that the PUC call for an early hearing and
18 directed staff to send the appropriate letters.

19
20 **6B. Quarterly report on Emergency Preparedness and adoption of the Emergency**
21 **Operations Plan (Emergency Services Manager Bill Fraass)**

22
23 Sergeant Bill Fraass of the Sausalito Police Department presented a synopsis and update
24 on the City's emergency preparedness. He described the training that has taken place, the
25 plans and equipment being upgraded for the current EOC, the community outreach and
26 meetings, and also on the plans for outfitting the future EOC in the new Fire Building.

27
28 **Jonathan Westerling** described how his radio station has partnered with the City in order to
29 provide a local Emergency Broadcast System. He then presented an audio test that runs on
30 his station.

31
32 Council questions followed.

33
34 **Public Comment:**

35
36 **Peter Van Meter** explained that his wife has been a driving force for emergency
37 preparedness and that she has been working with Bill Fraass on this current project. He
38 offered kudos to Sergeant Fraass for the great work he has done.

39
40 **6C. Status Report on Planning Division Application Fees (Community Development**
41 **Director Jeremy Graves)**

42
43 Community Development Director Jeremy Graves presented a very brief update on the
44 status of his department's time and materials fees. He noted that changes in the finance
45 accounting software will make this project easier to implement when that project is complete.
46 However, he noted that staff will be returning, prior to that, to recommend appeal fee
47 changes, along with other fees needing to be upgraded.

48
49 **Public Comment:** There was no Public Comment on this item.

3A
5

1
2
3 Council questions/comments followed.

4
5 Staff noted that Council needed to return to item 6B in order to take final action.

6
7 **6B. Quarterly report on Emergency Preparedness and adoption of the Emergency**
8 **Operations Plan**

9
10 Councilmember Belser moved, seconded by Councilmember Pfeifer, to adopt the
11 Emergency Operations Plan. The motion was unanimously approved by a voice vote.

12
13 **6D Amendment to Contracts:**

14 **1) City Manager Employment Contract**

15 **2) City Attorney Professional Services Contract** *(Administrative Services*
16 *Director / Treasurer C Francis)*

17
18 Administrative Services Director/Treasurer Charles Francis presented the staff report on the
19 City Manager Employment Contract, noting that Council had authorized an eight percent
20 increase.

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

23
24 Council comments and praises followed.

25
26 Councilmember Kelly moved, seconded by Councilmember Belser, to approve the
27 Second Amendment to Employment Agreement for the City Manager. The motion
28 was unanimously approved by a voice vote.

29
30 Administrative Services Director/Treasurer Charles Francis continued with the presentation
31 of the staff report on the City Attorney Professional/Consulting Services Agreement.

32
33 Mayor Leone clarified some of the changes to the contract that had been discussed.

34
35 Councilmember Kelly moved, seconded by Vice Mayor Weiner, to approve the First
36 Amendment to Professional/Consulting Services Agreement for the City Attorney.
37 The motion was unanimously approved by a voice vote.

38
39 **6E. Budget Overview and Adoption** *(Administrative Services Director / Treasurer*
40 *Charles Francis)*

41
42 Administrative Services Director/Treasurer Charles Francis presented the final overview of
43 the budget.

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

46
47 Councilmember Kelly moved, seconded by Councilmember Belser, to adopt
48 Resolution No. 5039 establishing the appropriations limit for FY2009-10 pursuant to

1 **Article XIII B of the California Constitution. The motion was unanimously approved by**
2 **a voice vote.**

3
4 **Councilmember Kelly moved, seconded by Councilmember Belser, to adopt**
5 **Resolution No. 5040 establishing the authorized staffing levels and salary ranges for**
6 **all permanent and temporary positions for FY2009-10. The motion was unanimously**
7 **approved by a voice vote.**

8
9 At this point, City Manager Adam Politzer recognized Charlie Francis for a fantastic job he
10 had done in the production and presentations of the budget. He also recognized Charlie's
11 team of workers, the Management Team and the Finance Committee for their dedication in
12 pulling the budget together.

13
14 Council also commented on the changes and outcome of this project.

15
16 **Councilmember Kelly moved, seconded by councilmember Belser, to adopt**
17 **Resolution No. 5041 approving the budget for the 2009-10 Fiscal Year. The motion**
18 **was unanimously approved by a voice vote.**

19
20 Mayor Leone called for a five minute break at 10:05 pm.

21
22 The Council meeting reconvened at 10:11 pm.

23
24 **6F. Receive Oral Report on the Operations of a 4-member Council (City Attorney Mary**
25 **Wagner)**

26
27 City Attorney Mary Wagner presented a brief report on how the City Council would operate
28 with only four members on the "board". She noted that the "board" is still considered to be
29 five members; thus, a quorum still equals three. However, Ms Wagner noted that the
30 outcome of a vote would depend on what action is being taken. In other words, for the
31 normal course of work, a majority of the board would prevail on the action. She also
32 advised that a 2-2 vote would constitute an "inaction".

33
34 At this time, Ms Wagner suggested holding a Special City Council meeting on Thursday,
35 July 2 in order to take action on how to fill the seat being vacated by Councilmember
36 Belser's resignation. She suggested holding the meeting at 6:00 pm.

37
38 **Public Comment:** There was no Public Comment on this action.

39
40 Council questions arose regarding the cost of holding a special election.

41
42 **CITY MANAGER REPORTS, CITY COUNCIL APPOINTMENTS, COUNCIL**
43 **DISCUSSIONS AND COUNCILMEMBER REPORTS**

44
45
46 **7A. City Manager Reports**

47 **7A1. City Manager Information for Council**

48
49 City Manager Adam Politzer reported on: the MCCMC meeting on the 24th; an upcoming
50 meeting with the County regarding the enhancement of economic development; and

1 announcing that the next Council meeting on the 30th would be to celebrate with
2 Councilmember Belser.

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

5
6 Councilmember Pfeifer requested time for Closed Session Guidelines. Mayor Leone noted
7 that that would be on the July 7 agenda.

8
9 Councilmember Pfeifer asked for a public hearing for the bike racks. City Manager Adam
10 Politzer advised that Council had requested the Chief to return at the end of June with a
11 status update, and that this was scheduled for the June 30 agenda.

12
13 Councilmember Pfeifer also suggested setting a date for the ferry boat situation. City
14 Manager Adam Politzer advised that Council had given direction earlier in the evening to
15 request that the PUC schedule a hearing, not Sausalito.

16
17 Councilmember Kelly suggested a need for a status update on the Fire Consolidation.

18
19 **7B. City Council Reports**

20 **7B2. Other reports of significance**

21
22 There were no additional reports of significance.

23
24 **7B3. Councilmember Committee Reports**

25
26 Mayor Leone suggested that Council look over the list of committees that were being held
27 by Councilmember Belser and that if there was an interest in filling any to advise him. The
28 Mayor also advised that all Councilmembers need to assist in recruiting for the open
29 positions on the Business Advisory Board.

30
31 Councilmember Belser reported on the Legislative Committee discussions.

32
33 Councilmember Pfeifer reported on the sewer meeting and some related legislative actions.

34
35 **7B1. Appoint one members to the Citizen's Oversight Committee**

36
37 Mayor Leone nominated Bert Damner to the Citizen's Oversight Committee.

38
39 There were no other nominations from the dais.

40
41 There being no other nominations, Mr. Damner was, by acclamation, unanimously
42 appointed to the Citizen's Oversight Committee.

43
44 **ADJOURNMENT**

45
46 There being no further business, the City Council meeting was adjourned at 10:37 pm. The
47 next regularly scheduled meeting will be held on July 7, 2009, with the open meeting due to
48 commence at approximately 7:00 pm.

49 Respectfully submitted,

DRAFT
Sausalito City Council Minutes
Meeting of June 23, 2009
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3 Approved on:

Debbie Pagliaro
Deputy City Clerk