

(Mayor Boro absent from meeting)

ACTION AGENDA

AGENDA

**SAN RAFAEL CITY COUNCIL MEETING – MONDAY, NOVEMBER 7, 2005
COUNCIL CHAMBER, CITY HALL, 1400 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

Members of the public may speak on Agenda items.

OPEN SESSION – COUNCIL CHAMBER

None

CLOSED SESSION – CONFERENCE ROOM 201

None

ORAL COMMUNICATIONS OF AN URGENCY NATURE:

8:05 PM

a) San Rafael Yacht Harbor:

Matt Butler, San Rafael Yacht Harbor, stated that on applying for a Tidelands Permit recently to replace pilings he was informed that permits could no longer be issued over the counter, rather it would be necessary to have a meeting of the Tidelands Committee to review the application. Mr. Butler believed that for routine maintenance or minor repairs Scott Schneider, Senior Civil Engineer, should sign off on the application for a permit.

City Manager Rod Gould stated the ordinance would need to be amended as currently, it did not afford the discretion to give someone a permit over the counter for replacement of rotting timbers; however, he believed Mr. Butler's logic bore merit. Mr. Gould indicated he had requested staff to meet and decide whether or not amendments should be proposed to the City Council for consideration.

b) Expansion of Mount Tamalpais Cemetery:

Gayle Mills, Co-Chair, Sun Valley Neighborhood Association, stated she was present to alert the City Council to the status of the Mount Tamalpais Cemetery proposal for expansion and to request that the City of San Rafael study it and take a position.

City Manager Rod Gould stated that as communicated to the City Council a week ago, staff determined that the County's notice on this project was defective in that it did not clearly call out the use of the office expansion. When Community Development Director Bob Brown brought this to the attention of his counterparts at the County, they immediately agreed to reissue the notice, postpone the public hearing and provide more information about the true nature of the project. Mr. Gould stated that staff would take a very close look at it and had offered to meet with Ms. Mills and members of the Sun Valley Neighborhood to share information, try to assess the various impacts and determine what, if anything, the City should do about it. He indicated that staff would also coordinate with the County, which currently has the authority to process the application, and he anticipated providing Council with a fair amount of additional information concerning this project in the coming weeks.

c) Use of Rubber Sidewalks:

Sandra Sellinger, President, Marin ReLeaf, stated that the California Integrated Waste Management Board had offered a grant of \$100,000 to communities to install rubber sidewalks, the deadline for which was approaching. Sharing samples of the different types of surfaces with the City Council, she requested that the City try installation on one block for an extended period of time to ascertain how tree roots reacted. She suggested also that some staff members should inspect a rubber sidewalk installation in San Francisco. Ms. Sellinger indicated this was in response to the uplifting of sidewalks due to tree roots and was suggested by the California Department of Forestry as one possible solution to the problem.

Public Works Director Andrew Preston stated that this was a relatively new product which was displayed at the American Public Works Association Conference last week. He indicated that his

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To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.

major concern related to durability compared to concrete, together with cost, which was approximately 300% - 400% higher than the standard sidewalk cost. Mr. Preston concluded that at present he was reluctant to try this new product pending further testing by other jurisdictions.

Councilmember Cohen indicated that he liked the use of recycled materials and suggested that if grant funding were available it could be worth carrying out a test somewhere in the City if most of the cost could be funded.

Mr. Preston stated staff did consider this; however, because of time constraints and limited staff resources to complete the applications, as well as the amount of jurisdictions applying for the grant for a trial period, a decision was made not to pursue the grant at this time.

CONSENT CALENDAR:

RECOMMENDED ACTION:

ALL MATTERS ON THE CONSENT CALENDAR ARE TO BE APPROVED BY ONE MOTION, UNLESS SEPARATE ACTION IS REQUIRED ON A PARTICULAR ITEM:

APPROVAL OF THE FOLLOWING ACTION:

- 1. Approval of Minutes of Regular Meeting of Monday, October 17, 2005 (CC) Approve as submitted.

Minutes approved as submitted. (Mayor Boro absent from meeting)

- 2. Resolution Requesting the Transfer of \$100,000 Grant Funds for the Roberti- Z'Berg-Harris Grant Program Under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2002 to the County of Marin, for Construction of McInnis Park Skatepark (CS) Adopt Resolution.

ADOPTED RESOLUTION NO. 11851 – RESOLUTION REQUESTING THE TRANSFER OF \$100,000 GRANT FUNDS FOR THE ROBERTI- Z'BERG-HARRIS GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND ACT OF 2002 TO THE COUNTY OF MARIN FOR CONSTRUCTION COSTS OF THE MCINNIS PARK SKATEPARK (Mayor Boro absent from meeting) (Councilmember Miller disqualified due to potential conflict of interest)

- 3. Resolution Requesting the Transfer of \$100,197 Grant Funds for the Per Capita Grant Program Under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2002 to the County of Marin, for Construction of McInnis Park Skatepark (CS) Adopt Resolution.

ADOPTED RESOLUTION NO. 11852 – RESOLUTION REQUESTING THE TRANSFER OF \$100,197 GRANT FUNDS FROM THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND ACT OF 2002 TO THE COUNTY OF MARIN FOR CONSTRUCTION COSTS OF THE MCINNIS PARK SKATEPARK (Mayor Boro absent from meeting) (Councilmember Miller disqualified due to potential conflict of interest)

- 4. Resolution to Amend the Rental Agreement Between the City of San Rafael and Goodman Marketing for the Use of the Falkirk Cultural Center for Administrative Office Space (CS) Adopt Resolution.

ADOPTED RESOLUTION NO. 11847 - RESOLUTION TO AMEND THE RENTAL AGREEMENT BETWEEN THE CITY OF SAN RAFAEL AND GOODMAN MARKETING FOR THE USE OF THE FALKIRK CULTURAL CENTER FOR ADMINISTRATIVE OFFICE SPACE (Mayor Boro absent from meeting)

- 5. Resolution To Quit Claim 4 Ft. Wide Sanitary Sewer Easement To CalTrans on A.P.N. 13-051-05 on Francisco Blvd. West (PW) Adopt Resolution.

ADOPTED RESOLUTION NO. 11848 – RESOLUTION TO QUIT CLAIM 4 FOOT WIDE SANITARY SEWER EASEMENT TO CALTRANS ON APN 13-051-05 ON FRANCISCO BOULEVARD WEST (Mayor Boro absent from meeting)

- 6. Resolution Accepting the Scope of Services and Authorizing the Public Works Director to Enter Into an Agreement with Kimley-Horn and Associates, Inc. for Professional Engineering Services in an Amount not to Exceed \$72,000 to Design and Study the Effectiveness of Traffic Calming and Safe Routes to Schools for Bahia Vista and Vallecito Elementary Schools (PW) Adopt Resolution.

ADOPTED RESOLUTION NO. 11849 – RESOLUTION ACCEPTING THE SCOPE OF SERVICES AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$72,000 TO DESIGN AND STUDY THE EFFECTIVENESS OF TRAFFIC CALMING, AND SAFE ROUTES TO SCHOOLS FOR BAHIA VISTA AND VALLECITO ELEMENTARY SCHOOLS (Mayor Boro absent from meeting)

7. Resolution Authorizing the Director of Public Works to Enter into an Agreement for Professional Services with Kimley-Horn and Associates, Inc. to Design Signal Improvements for the Intersections of Fifth and Irwin and Fifth and Lincoln, in an Amount not to Exceed \$16,445 (PW) Adopt Resolution.

ADOPTED RESOLUTION NO. 11850– RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO DESIGN SIGNAL IMPROVEMENTS FOR THE INTERSECTIONS OF FIFTH AVENUE AND LINCOLN AVENUE, AND FIFTH AVENUE AND IRWIN STREET, IN AN AMOUNT NOT TO EXCEED \$16,445 (Mayor Boro absent from meeting)

SPECIAL PRESENTATION:

8. Police Automated External Defibrillator (AED) Demonstration (PD)

Police Sergeant Jonathan Bean demonstrated the new Automated External Defibrillator (AED) equipment that is now in all patrol cars for rapid response to cardiac emergencies. (Mayor Boro absent from meeting)

PUBLIC HEARING:

9. Consideration of Municipal Code Text and Zoning Map Amendments – Amendments to Various Sections of the San Rafael Municipal Code (CD)

Public Hearing continued to meeting of 11/21/05 at request of staff. (Mayor Boro absent from meeting)

CITY MANAGER’S REPORT:

10. City Manager Rod Gould stated that in approximately 24 hours election results would show whether or not San Rafael voters had chosen a modest tax increase over the prospect of deep reductions in essential City services. He thanked the City Council for their leadership on this matter over the past year together with his colleagues on staff, and he looked forward to a victory party on Tuesday evening.

Mr. Gould stated that he and the department directors would meet on Wednesday morning to assess the outcome of the election. Should the Measure fail, staff would begin to immediately develop decision packages to bring to the City Council in December for decision-making in early January to slow spending and reduce services and staffing. If, on the other hand, the Measure was successful, staff would begin to develop decision packages for the City Council to strengthen and stabilize San Rafael’s finances and its services.

COUNCILMEMBER REPORTS:

11. a) **Marin Telecommunications Agency (MTA):**
Councilmember Miller reported that negotiations between the MTA and COMCAST were going in an extremely positive direction, especially in terms of the financial contribution of COMCAST to the strengthening of pay, as well as the strengthening of the I-Net, probably the most important item on the agenda. Other major items included the very positive Favored Nation area which still had to be worked out.

Councilmember Miller stated that the next MTA meeting with COMCAST would take place in the latter part of November and as soon as the agreement wording was available, the MTA would hold public hearings, with anticipated finalization in January 2006.

Councilmember Heller inquired whether this had to be voted on by the 9 cities and the County for finalization. Councilmember Miller stated that the authority was through the JPA.

Councilmember Cohen thanked Councilmember Miller for his efforts to achieve such a good result.

b) **Pickleweed Expansion:**

Noting approximately \$6 million had been raised thus far for the Pickleweed Center Expansion, Councilmember Miller announced that the launching of the community portion of the fundraising campaign would take place at the Parade of Lights on Friday, November 25, 2005. He indicated that this would include a mass mailing and he complimented Dave Donery, Pickleweed Supervisor, on purchasing the domain www.friendsofsanrafael.org

ADJOURNMENT: 8:50 PM