

AGENDA

**SAN RAFAEL CITY COUNCIL MEETING – MONDAY, JUNE 5, 2006
(WITH SUPPLEMENTAL INFORMATION FOR COUNCILMEMBERS)
COUNCIL CHAMBER, CITY HALL, 1400 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

Members of the public may speak on Agenda items.

OPEN SESSION – COUNCIL CHAMBER – 7:50 PM

Mayor Boro announced Closed Session items 1.a), 1.b) and 1.c)

CLOSED SESSION – CONFERENCE ROOM 201 – 7:50 PM

1. a) Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Case Name: MHC Financing, et al. v. City of San Rafael, et al.
U.S. District Court, Northern Dist. of CA, Case #C003785
- b) Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Case Name: MHC Financing, et al. v. City of San Rafael, et al. (MHC II)
U.S. District Court, Northern Dist. of CA, Case #C043325
- c) Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(b)(3)(B)
Number of Potential Cases: One

City Attorney Gary Ragghianti announced that no reportable action was taken on items 1.a), 1.b) or 1.c)

Mayor Boro announced Closed Session item 1. d) – 9:50 p.m.

- d) Conference with Labor Negotiators – Government Code Section 54957.6
Negotiators: Ken Nordhoff, Nancy Mackle, Lydia Romero, Donna Williamson, Richard Whitmore

Employee Organization(s): San Rafael Firefighters' Association
San Rafael Fire Chief Officers' Association
San Rafael Police Association
San Rafael Police Mid-Management Association
Association of Confidential Employees
Western Council of Engineers
SEIU Miscellaneous & Supervisory

Mayor Boro announced at 11:13 p.m. that no reportable action was taken on 1.d).

ORAL COMMUNICATIONS OF AN URGENCY NATURE:

8:31 PM

a) Community Choice Power:

Bob Spofford (Sustainable San Rafael) reported that the County of Marin is holding a workshop on Community Choice Aggregation (CCA) specifically for City Managers and Councilmembers on Thursday, June 22, 2006 at 3:30 p.m. and he expressed the hope that San Rafael would be represented as this was a really big issue.

Mayor Boro noted Councilmember Miller was the Council's designated representative on this issue and along with the Interim City Manager, would be reporting to Council.

American Sign Language interpreters and assistive listening devices may be requested by calling (415) 485-3198 (TDD) or (415) 485-3064 (voice) at least 72 hours in advance. Copies of documents are available in accessible formats upon request.

Public transportation is available through Golden Gate Transit, Line 22 or 23. Paratransit is available by calling Whistlestop Wheels at (415) 454-0964.

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

b) **Soccer Complex Lawsuit – meeting of 5/15/06:**

Keith Meloney, President, Contempo Marin Homeowners Association, stated he was accompanied this evening by dedicated residents of the community who shared his sentiments. He indicated they wished to make it clear that no Contempo Marin residents were a party to the demonstration that took place at the City Council meeting of May 15, 2006, nor did they support any behavior that represented any disrespect towards City officials. Mr. Meloney stated they all spoke with one voice when it came to an ongoing commitment of appreciation to the City for the support it continued to show for the residents of their community in their legal affairs.

Jerry Frate stated some residents of Contempo Marin and Captain’s Cove met with the applicant a number of times in an effort to understand his position on the soccer field. He indicated they submitted a number of mitigations to the Planning Commission which he hoped they would act on; however, should they not wish to act on them, these would be presented to the City Council at the appropriate time. Mr. Frate stated they appreciated the opportunity to participate with the Planning staff and tried to do their best in meeting with the applicant on this large project.

c) **Urban Forestry:**

Sandra Sellinger, Marin Releaf, stated that this time last year she had the pleasure of attending the World Environment Day in San Francisco when one of the accords signed by countries across the world was the provision that there would be 35% canopy cover over cities. A climate action team formed by Governor Schwarzenegger to evaluate global warming produced a report listing five action areas, two of which dealt with forestry.

With regard to what the City Council could do, and expressing thanks for signing the Mayors Climate Protection Agreement, Ms. Sellinger suggested the 35% canopy cover could be increased by demanding that new construction have it, not the numbers of trees, rather canopy cover over parking lots and sidewalks. Noting no trees were installed at the Elephant Pharmacy, she stated standards should be set for businesses to maintain and replace trees. Ms. Sellinger noted also that one of this evening’s reports was printed on one side of the paper only and she knew the City could do better.

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:

- 2. Approval of Minutes of Special and Regular Meetings of Monday, May 15, 2006 (CC)

Approve as submitted.

Minutes approved as submitted. (Councilmember Heller absent from meeting)

- 3. Reappointment of Dan Beittel, M.D., to Fill One, Three-Year Term on the Marin Commission on Aging (Term to Expire End of June, 2009) (CC)

Approve staff recommendation.

Approved staff recommendation:

Dan Beittel, M.D. reappointed to a further three-year term on the Marin Commission on Aging, to end of June, 2009. (Councilmember Heller absent from meeting)

- 4. Summary of Legislation Affecting San Rafael (CM)

Approve staff recommendation.

Approved staff recommendation:

AB 2681 – Vehicles. Registration Fees and Fines. Assembly Member Pavley. SUPPORT (Councilmember Heller absent from meeting)

- 5. Resolutions of Appreciation for Four Members of the Community: Paul Chong, Hugo Landecker, Carolyn Lenert and Gene Ness (CM)

Adopt Resolutions(4).

ADOPTED RESOLUTION NO. 11957 – RESOLUTION OF APPRECIATION TO PAUL CHONG, VOLUNTEER WITH THE CITY OF SAN RAFAEL (Councilmember Heller absent from meeting)

ADOPTED RESOLUTION NO. 11958 – RESOLUTION OF APPRECIATION TO HUGO LANDECKER, VOLUNTEER WITH THE CITY OF SAN RAFAEL (Councilmember Heller absent from meeting)

ADOPTED RESOLUTION NO. 11959 – RESOLUTION OF APPRECIATION TO CAROLYN LENERT, VOLUNTEER WITH THE CITY OF SAN RAFAEL (Councilmember Heller absent from meeting)

ADOPTED RESOLUTION NO. 11960 – RESOLUTION OF APPRECIATION TO GENE NESS, VOLUNTEER WITH THE CITY OF SAN RAFAEL (Councilmember Heller absent from meeting)

6. Resolution Authorizing the Mayor to Sign the U.S. Mayors Climate Protection Agreement as Amended at the 74th Annual U.S. Conference of Mayors Meeting (CM) Adopt Resolution.

ADOPTED RESOLUTION NO. 11967 – RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT AS AMENDED AT THE 74TH ANNUAL U.S. CONFERENCE OF MAYORS MEETING (Councilmember Heller absent from meeting)

7. Resolution Authorizing City Manager to Enter into Agreement for Curator Services at Falkirk Cultural Center with Beth Goldberg, from July 1, 2006 through June 30, 2007 (CS) Adopt Resolution.

ADOPTED RESOLUTION NO. 11961 – RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF SAN RAFAEL AND BETH GOLDBERG FOR CURATOR SERVICES AT FALKIRK CULTURAL CENTER (Term shall be from July 1, 2006 to June 30, 2007) (Councilmember Heller absent from meeting)

8. Resolution Approving Use and Acceptance of Federal Justice Assistance Grant Funds in the Amount of \$12,251.00 for Law Enforcement Programs for the Period October 2005 through September 2009 (PD) Adopt Resolution.

ADOPTED RESOLUTION NO. 11962 – RESOLUTION APPROVING USE OF AND ACCEPTANCE OF FEDERAL JUSTICE ASSISTANCE GRANT FUNDS IN THE AMOUNT OF \$12,251.00 FOR LAW ENFORCEMENT PROGRAMS FOR THE PERIOD OCTOBER 2005 THROUGH SEPTEMBER 2009 (Councilmember Heller absent from meeting)

9. Resolution Approving Use of State of California Department of Boating and Waterway Funds in the Amount of \$55,000 for Equipment Purchase by September 30, 2006 (PD) Adopt Resolution.

ADOPTED RESOLUTION NO. 11963 – RESOLUTION APPROVING USE OF STATE OF CALIFORNIA DEPARTMENT OF BOATING AND WATERWAY FUNDS IN THE AMOUNT OF \$55,000 FOR EQUIPMENT PURCHASE BY SEPTEMBER 30, 2006 AND AUTHORIZING THE MAYOR TO EXECUTE CONTRACT (Councilmember Heller absent from meeting)

10. Report on Bid Opening and Resolution Awarding Contract for Kerner Boulevard Pump Station Renovation, Project No. 10729, to Valentine Corporation in the Amount of \$790,369.00 (Bid Opening Held on Tuesday, May 30, 2006) (PW) Adopt Resolution.

ADOPTED RESOLUTION NO. 11964 – RESOLUTION AWARDED CONTRACT FOR KERNER BOULEVARD PUMP STATION RENOVATION TO VALENTINE CORPORATION IN THE AMOUNT OF \$790,369.00 (lowest responsible bidder) (Councilmember Heller absent from meeting)

11. Resolution Rescinding Resolution No. 11933 and Approving Parcel Map Entitled “Parcel Map, Lands of the State of California (DN 2574 OR 47)” and Authorizing the City Clerk to Execute the Map on Behalf of the City Council (PW) Adopt Resolution.

ADOPTED RESOLUTION NO. 11965 – RESOLUTION RESCINDING RESOLUTION NO. 11933 AND APPROVING PARCEL MAP ENTITLED “PARCEL MAP, LANDS OF THE STATE OF CALIFORNIA (DN 2574 OR 47)” AND AUTHORIZING THE CITY CLERK TO EXECUTE THE MAP ON BEHALF OF THE CITY COUNCIL (Councilmember Heller absent from meeting)

12. Resolution Rescinding Resolution No. 11934 and Approving Parcel Map Entitled “Parcel Map, Lands of the State of California (DN 2283 OR 117, 2001-00820223, 2002-0118173, 2003-0036693)” and Authorizing the City Clerk to Execute the Map on Behalf of the City Council (PW) Adopt Resolution.

ADOPTED RESOLUTION NO. 11966 – RESOLUTION RESCINDING RESOLUTION NO. 11934 AND APPROVING PARCEL MAP ENTITLED “PARCEL MAP, LANDS OF THE STATE OF CALIFORNIA (DN 2283 OR 117, 2001-00820223, 2002-0118173, 2003-0036693)” AND AUTHORIZING THE CITY CLERK TO EXECUTE THE MAP ON BEHALF OF THE CITY COUNCIL (Councilmember Heller absent from meeting)

SPECIAL PRESENTATIONS:

13. Presentation of Resolutions of Appreciation to Four Members of the Community: Paul Chong, Hugo Landecker, Carolyn Lenert and Gene Ness (CM)

**Mayor Boro presented Resolutions of Appreciation to Paul Chong, Hugo Landecker, Carolyn Lenert and Gene Ness, volunteers with the City of San Rafael.
(Councilmember Heller absent from meeting)**

14. Introduction of New Employees: Mark Miller, Parking Services Manager and Steven Rathbone, Emergency Services Planning Coordinator (MS)

**Interim Assistant City Manager Nancy Mackle introduced Mark Miller, Parking Services Manager and Steven Rathbone, Emergency Services Planning Coordinator.
(Councilmember Heller absent from meeting)**

PUBLIC HEARING:

15. 1203-1211 Lincoln Avenue (Corner of Lincoln Avenue and Mission Avenue)
Public Comment on the Draft Environmental Impact Report for the Demolition of an Existing Apartment Complex and Single-family Home to Allow for Development of 36 Residential Condominium Units (CD)

Council accepted public comments, directed staff to prepare the final Environmental Impact Report and respond to the comments received this evening, together with additional written comments that may be received during the 45-day public review period which closes on Friday, June 30, 2006.

COUNCILMEMBER REPORTS:

16. a) **City Employees:**
Observing City employees from a number of departments working at Pickleweed this morning, Councilmember Miller commented that the way they sustain the development of the City and serve the citizens was truly remarkable.
- b) **Marin Economic Commission:**
Having attended a Marin Economic Commission meeting, Councilmember Phillips stated it amazed him that it took approximately six months to arrive at a definition of what a contract employee should be doing for the Commission.

ADJOURNMENT: 9:50 p.m. to Closed Session 1. d).