

AGENDA

**SAN RAFAEL CITY COUNCIL MEETING – TUESDAY, SEPTEMBER 4, 2007
(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 – 7:00 PM

Mayor Boro announced Closed Session items.

CLOSED SESSION – CONFERENCE ROOM 201 – 7:00 PM

- 1. a) Public Employee Performance Evaluation (Government Code Section 54957(b)
Title: City Manager
- 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.
U.S. District Court, Northern Dist. Of CA, Case # C003785
- c) 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
- d) Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(b)(3)(B)
Number of Cases: One

City Attorney Gary Ragghianti announced that no reportable action was taken.

ORAL COMMUNICATIONS OF AN URGENCY NATURE:

8:12 PM

None

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 City Council Meeting of July 16, 2007 (CC) Approve as submitted.

Minutes approved as submitted.

- 3. Resolution Authorizing the City Manager to Enter into an Agreement with HF&H Consultants, LLC, to Perform a Review of Marin Sanitary Service's 2008 Rate Application (CM) Adopt Resolution.

ADOPTED RESOLUTION NO. 12341 – RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HF & H CONSULTANTS, LLC TO PERFORM A REVIEW OF MARIN SANITARY SERVICE'S 2008 RATE APPLICATION (Commencing September 5, 2007 and ending June 30, 2008)

- 4. Resolution Authorizing Sole Source Purchase of Three 3/4-Ton Chevrolet Silverado Pickup Trucks for Fire Department Command Vehicles, from San Rafael Chevrolet, at a Total Sum of \$121,446.27 (FD) Adopt Resolution.

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.

ADOPTED RESOLUTION NO. 12342 – RESOLUTION WAIVING THE BIDDING REQUIREMENT AND APPROVING AND AUTHORIZING THE FIRE CHIEF TO PURCHASE THREE CHEVROLET SILVERADO PICKUP TRUCKS FROM SAN RAFAEL CHEVROLET FOR THE TOTAL SUM OF \$121,446.27

5. Resolution of Appreciation for Retiring Fire Chief John Montenero (FD) Adopt Resolution.

ADOPTED RESOLUTION NO. 12343 – RESOLUTION OF APPRECIATION FOR RETIRING FIRE CHIEF JOHN MONTENERO

6. Resolution Approving the Purchase of One Marked Police Vehicle from Folsom Lake Ford in the Amount of \$25,778.57, as Part of the California Multiple Award Schedule Contracts Program, which is Exempt from the Bid Process (PD) Adopt Resolution.

ADOPTED RESOLUTION NO. 12344 – RESOLUTION APPROVING THE PURCHASE OF ONE MARKED POLICE VEHICLE FROM FOLSOM LAKE FORD IN THE AMOUNT OF \$25,778.57, AS PART OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACTS PROGRAM WHICH IS EXEMPT FROM BID PROCESS

7. Report on the Informal Bid Process for 2006/2007 (PW) Accept report.

Accepted report.

8. Resolution Authorizing Temporary Street Closure to Honor the 30th Anniversary of the Mill Valley Film Festival, Showing the West Coast Premier of Sean Penn's Newest Film, "Into the Wild," on Thursday, September 13, 2007 (RA) Removed from agenda.

Removed from agenda.

9. Resolution Authorizing Temporary Time Change of 4:30 - 10:00 p.m. for the Downtown Farmers' Market Street Closure on Thursday, September 13, 2007 (RA) Adopt Resolution.

ADOPTED RESOLUTION NO. 12345 – RESOLUTION AUTHORIZING THE TEMPORARY TIME CHANGE OF 4:30 – 10:00 PM FOR THE DOWNTOWN FARMERS' MARKET STREET CLOSURE ON THURSDAY, SEPTEMBER 13, 2007

SPECIAL PRESENTATIONS:

10. Presentation of Resolution of Appreciation to Retiring Fire Chief John Montenero (FD)

Mayor Boro presented Resolution of Appreciation to Retiring Fire Chief John Montenero. Chuck Daniels, Chairman, Fire Commission, congratulated and thanked Fire Chief Montenero for his great work for the City of San Rafael Fire Department.

APPEAL HEARING:

11. Consideration of Appeals Filed by Equity Lifestyle Properties, Inc./ MHC Operating Limited Partnership (Collectively "MHC"), Owners of the Contempo Marin Mobilehome Park ("Park"), and the Contempo Marin Homeowners Association, Challenging the Arbitrator's Decision in Regard to MHC's Petition for a Rent Increase for the Park (CA)

Explanation: Appeal Hearing continued to a future date at the request of both appellants.

COUNCIL CONSIDERATION:

NEW BUSINESS:

12. Consideration of Resolution Establishing a New Critical Facilities Committee (CM)

ADOPTED RESOLUTION NO. 12346 – RESOLUTION AUTHORIZING THE CITY MANAGER TO COMMENCE THE APPLICATION PROCESS IN ORDER TO ESTABLISH A SAN RAFAEL CRITICAL FACILITIES COMMITTEE

COUNCILMEMBER REPORTS:

13. **Project Homeless Connect:**
Councilmember Miller presented a report on Project Homeless connect in San Francisco. Mayor Boro outlined details of the proposed Project to be implemented in Marin County; San Rafael would be the initial host as it rotated throughout the County.

Bay Bridge Closure:

Mayor Boro complimented Fire Chief Montenero, Chief of Police Odetto, Public Works Director Andy Preston and City Traffic Engineer Nader Mansourian on their collaborative work over the weekend ensuring service would be provided to the City in the event of backups due to the Bay Bridge closure, which fortunately, did not materialize.

Proposed Construction in San Rafael:

Mayor Boro suggested a plan be implemented with CalTrans to deal with anticipated day to day traffic jams in San Rafael.

Sun Valley Park:

Responding to Councilmember Cohen's inquiry as to the reason for a new bathroom in Sun Valley Park being out of service, Public Works Director Andy Preston stated that a pressure tank was required, which would be installed within the next few weeks.

ADJOURNED: 9:30 PM in memory of Dr. Dan Beittel who passed away recently.