

AGENDA

**SAN RAFAEL CITY COUNCIL MEETING – TUESDAY, SEPTEMBER 17, 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) Conference with Legal Counsel - Existing Litigation, Government Code Section 54956.9(a)
Case Name: Michael McCusker v. City of San Rafael
WCAB Case No. SFO 050043
- b) Conference with Labor Negotiators, All Bargaining Units – Government Code Section 54957.6
Negotiators: Jim Schutz, Leslie Loomis
Employee Organization(s): San Rafael Fire Chief Officers' Association
San Rafael Firefighters' Association
San Rafael Police Mid-Management Association
San Rafael Police Association
Unrepresented Management
Unrepresented Mid- Management
Elected City Clerk and Elected Part-Time City Attorney
Association of Confidential Employees
Western Council of Engineers
SEIU Miscellaneous & Supervisory
SEIU Child Care Unit
- c) Public Employee Performance Evaluation -Government Code Section 54957(b)
Title: City Manager
- d) Conference with Labor Negotiators - Government Code Section 54957.6(a)
Negotiators: Al Boro, Paul Cohen
Unrepresented Management Employee: City Manager

City Attorney Gary Raghianti announced that no reportable action was taken on Items 1.a) or 1.b). Items 1.c) and 1.d) would be included in the subject matter of a report from a sub-committee in connection with Agenda Item #16.

SWEARING-IN:

2. Swearing-in of Christopher Gray, Fire Chief (FD)

City Clerk Jeanne Leoncini administered Oath of Office to Fire Chief Christopher Gray.

ORAL COMMUNICATIONS OF AN URGENCY NATURE:

8:19 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:

3. Call for Applications to Fill Five Vacancies on the ADA Access Advisory Committee through the End of October 2009, Due to the Expiration of Terms of Shari Dehouwer, Robert Gallimore, Ewan McKechnie, Pat Merrill, and Craig Yates (CC)

Approve staff recommendation.

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.

Approved staff recommendation:

- a) Called for applications to fill five, 2-year terms on the ADA Access Advisory Committee, to expire the end of October, 2009;
 - b) Set deadline for receipt of applications for Tuesday, October 9, 2007 at 12:00 Noon in the City Clerk's Office, City Hall, Room 209; and
 - c) Set the date for interviews of applicants at a Special City Council meeting to be held on Monday, October 15, 2007, commencing at 6:00 p.m.
4. Call for Applications to Fill Two Vacancies on the Park and Recreation Commission through the End of October 2011, due to the Expiration of Term of Armando Quintero and Position Vacated by Chandra Murphy (CC) Approve staff recommendation.

Approved staff recommendation:

- a) Called for applications to fill two, 4-year terms on the Park and Recreation Commission, to expire the end of October, 2011;
 - b) Set the deadline for receipt of applications for Tuesday, October 9, 2007 at 12:00 Noon in the City Clerk's Office, City Hall, Room 209; and
 - c) Set the date for interviews of applicants at a Special City Council meeting to be held on Monday, October 15, 2007, commencing at 6:30 p.m.
5. Resolution of Appreciation to Jim Atchison Recognizing Twelve Years of Service as a San Rafael Planning Commissioner (CD) Adopt Resolution.

ADOPTED RESOLUTION NO. 12347 – RESOLUTION OF APPRECIATION TO JIM ATCHISON RECOGNIZING TWELVE YEARS OF SERVICE AS A SAN RAFAEL PLANNING COMMISSIONER

6. Resolution Approving Permit to Allow St. Isabella School to Conduct a Carnival at One Trinity Way on October 12-14, 2007 (CD) Adopt Resolution.

ADOPTED RESOLUTION NO. 12348 – RESOLUTION APPROVING A PERMIT TO ALLOW ST. ISABELLA'S SCHOOL TO HOLD A CARNIVAL FROM OCTOBER 12, 2007 TO OCTOBER 14, -- 2007, AT ONE TRINITY WAY (APNs: 175-181-25 AND 175-181-27) (ST. ISABELLA PARISH PROPERTY)

7. Resolution Rescinding Resolution No. 11197 Regarding Housing Assistance for Department Directors; and Resolutions Authorizing the Mayor and City Manager to: Adopt Resolutions (3).
- a) Execute Amendment to Employment Agreement with Fire Chief Christopher Gray; and
 - b) Execute a Home Loan Agreement with Fire Chief Christopher Gray (CM)

1) ADOPTED RESOLUTION NO. 12349 – RESOLUTION RESCINDING RESOLUTION NO. 11197 WHICH ESTABLISHED HOUSING ASSISTANCE FOR DEPARTMENT DIRECTORS

2) ADOPTED RESOLUTION NO. 12350 – RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND THE CITY MANAGER TO EXECUTE AN AMENDMENT TO A FIRE CHIEF EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SAN RAFAEL AND CHRISTOPHER GRAY

3) ADOPTED RESOLUTION NO. 12351 – RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND THE CITY MANAGER TO EXECUTE A HOME LOAN AGREEMENT BETWEEN THE CITY OF SAN RAFAEL AND CHRISTOPHER R. GRAY, FIRE CHIEF

8. Monthly Investment Report for August, 2007 (Fin) Accept report.

Accepted Monthly Investment Report for month ending August, 2007, as presented.

9. Resolution Extending the License Agreement Between PG&E and the City of San Rafael for Use of the Parking Area Located at 999 Third Street for an Additional 12-month period (MS) Adopt Resolution.

ADOPTED RESOLUTION NO. 12352– RESOLUTION EXTENDING THE LICENSE AGREEMENT BETWEEN PACIFIC GAS & ELECTRIC COMPANY (PG&E) AND THE CITY OF SAN RAFAEL FOR USE OF THE PARKING AREA LOCATED AT 999 THIRD STREET FOR AN ADDITIONAL 12 MONTH PERIOD (Fourth Amendment to License Agreement, commencing 9/1/2007 and running to 9/1/2008)

10. Resolution Establishing Gambling Wagering Limits in City of San Rafael Card Rooms (PD) Adopt Resolution.

ADOPTED RESOLUTION NO. 12353 – RESOLUTION ESTABLISHING GAMBLING WAGERING LIMITS IN CITY OF SAN RAFAEL CARD ROOMS

11. Report on Bid Opening and Resolution Awarding Contract to Argonaut Constructors for the Street Resurfacing 2006/2007 Las Gallinas Avenue and Civic Center Drive, Project No.11094, Federal Aid Project No. STPL 5043 (21), in the Amount of \$1,054,887.00 (Bid Opening held on September 6, 2007) (PW) Adopt Resolution.

ADOPTED RESOLUTION NO. 12354 – RESOLUTION AWARDING THE CONTRACT FOR STREET RESURFACING 2006/2007, LAS GALLINAS AVENUE AND CIVIC CENTER DRIVE, CITY PROJECT NO. 11094, FEDERAL AID PROJECT NO. STPL 5043 (21), TO ARGONAUT CONSTRUCTORS, IN THE AMOUNT OF \$1,054,887.00 (lowest responsible bidder)

12. Report on Bid Opening and Resolution Awarding Contract to Ghilotti Bros., Inc. for the Medway/Canal Enhancement Project in the City of San Rafael, Medway Road from Francisco Blvd. East to Canal Street, Project No. 10705, Federal Aid Project No. STPLPR 5043 (019), in the Amount of \$1,191,198.00 (Bid Opening on September 6, 2007) (PW) Adopt Resolution.

ADOPTED RESOLUTION NO. 12355 - RESOLUTION AWARDING THE CONTRACT FOR MEDWAY/CANAL ENHANCEMENT PROJECT, PROJECT NO. 10705, FEDERAL AID PROJECT NO. STPLPR 5043 (019), TO GHILOTTI BROS., INC., IN THE AMOUNT OF \$1,191,198.00 (lowest responsible bidder)

SPECIAL PRESENTATIONS:

13. Presentation of Resolution of Appreciation to Jim Atchison Recognizing Twelve Years of Service as a San Rafael Planning Commissioner (CD)

Mayor Boro presented Resolution of Appreciation to Jim Atchison Recognizing Twelve Years of Service as a San Rafael Planning Commissioner

14. Presentation of 2007 League of California Cities Helen Putnam Award of Excellence Grand Prize for Pickleweed Park Community Center and Library Project (CS)

Community Services Director Carlene McCart presented 2007 League of California Cities Helen Putnam Award of Excellence Grand Prize for Pickleweed Park Community Center and Library Project to Mayor Boro and the San Rafael City Council.

PUBLIC HEARING:

15. Consideration of an Ordinance Adding New Chapter 8.19 to the San Rafael Municipal Code Entitled "Social Host Ordinance" (PD)

Passed Ordinance No. 1861 to print – "AN ORDINANCE OF THE CITY OF SAN RAFAEL ADDING NEW CHAPTER 8.19 TO THE SAN RAFAEL MUNICIPAL CODE ENTITLED 'SOCIAL HOST ORDINANCE'"

COUNCIL CONSIDERATION:

OLD BUSINESS:

16. Consideration of City Manager's Compensation and Receipt of Recommendation from Subcommittee Concerning Same (CA)

Subsequent to a report from sub-committee member Councilmember Cohen, Council directed that City Manager Ken Nordhoff receive a \$350.00 per month increase in compensation (2.4% annual increase in salary) and that \$2,000 be added annually to his existing 457 Deferred Compensation Plan.

CITY MANAGER'S REPORT:

17. None.

COUNCILMEMBER REPORTS:

18. a) **Water Transit Authority:**
Mayor Boro reported that the Water Transit Authority through an act of the Legislature had been disbanded, to be replaced with a Water Transit Emergency Authority. He noted the cities of Vallejo and Alameda had issues with regard to their boats, etc. Golden Gate ferries would remain independent.
- b) **Critical Facilities Committee:**
Mayor Boro and Councilmember Phillips, as a sub-committee, to conduct the initial screening of applications to form the new Critical Facilities Committee.

c) Marin Builders Association:

Councilmembers Miller and Phillips to present a proclamation at the Marin Builders Association Dinner on Thursday, September 20th on behalf of Mayor Boro.

d) Marin Commission on Aging:

Mayor Boro reported that Sue Beittel indicated she would be interested in completing the term of her deceased husband, Dr. Dan Beittel, on the Marin Commission on Aging.

e) League of California Cities Annual Conference – September 5 – 8, 2007:

Having attended the League of California Cities Annual Conference in Sacramento, Councilmember Heller reported that:

San Rafael was the recipient of the Helen Putman Award of Excellence Grand Prize for Pickleweed Park Community Center and Library.

The Granicus webcasting technology system was of special interest and should be investigated in terms of benefit and affordability.

Sir Ken Robinson, Ph.D., gave an address on “Leading a Culture of Innovation” which was excellent.

The League Grassroots Network Program was retained.

ACA 8 – Eminent Domain Reform – failed to gain the necessary two-thirds vote in the Assembly. It would probably be before the voters in June or November, 2008.

Excess ERAF failed – would be introduced again next year.

Evans (AB 1542) – Mobile Home Rent Control issue – failed by one vote - would probably return next year.

Residential Care Facilities – The League would like to have legislation requiring 300-foot distance separation for all new residential care facilities.

Water Use would be the biggest issue in the next generation. State plans to take huge amounts of land out of play along Highway 99 in the valley flood plains, forcing any additional population growth into the cities along the ocean corridor.

f) Marin Telecommunications Agency (MTA):

Councilmember Heller reported that she attended the MTA meeting on Saturday, September 15, 2007, on behalf of Councilmember Miller. Barbara Thornton, San Anselmo Town Councilmember, was hired as interim manager.

g) Marin County Transit District:

Having attended the Marin County Transit District meeting today, Councilmember Heller clarified that the three shuttles replaced regular bus routes because of low ridership. Taxi services for the Social Transportation and Public Transit Programs were evaluated and four ADA compliant vehicles were being ordered. Marin County Transit would be working with the Program throughout the County putting these into operation.

h) Countywide Transportation Agency:

Mayor Boro reported that Councilmember Heller would represent him and the City of San Rafael at the Countywide Transportation Agency meeting in two weeks.

ADJOURNED: 9:55 PM