



## ACTION AGENDA

**SAN RAFAEL CITY COUNCIL MEETING – MONDAY, APRIL 7, 2008  
(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

None.

### CLOSED SESSION – CONFERENCE ROOM 201 – 7:00 PM

None.

### ORAL COMMUNICATIONS OF AN URGENCY NATURE:

**8:02 PM**

THIS PORTION OF THE MEETING RESERVED FOR PERSONS DESIRING TO ADDRESS THE CITY COUNCIL ON URGENCY MATTERS NOT ON THE AGENDA. PRESENTATIONS ARE GENERALLY LIMITED TO ONE MINUTE. ALL MATTERS REQUIRING A RESPONSE WILL BE REFERRED TO STAFF FOR REPLY IN WRITING AND/OR PLACED ON A FUTURE MEETING AGENDA. PLEASE CONTACT THE CITY CLERK BEFORE MEETING.

#### Tree Advisory Council:

**Steve Patterson, Chair, Federation of San Rafael Neighborhoods, invited Council's consideration of the formation of a Tree Advisory Council. He believed the timing to be perfect, with the formation of the Green Ribbon Committee and Green Teams, and he read a proposed seven-point plan.**

**Sue Spofford, Sustainable San Rafael, supported Mr. Patterson's request to agendize an item to discuss the establishment of a Tree Advisory Council.**

**Sandra Sellinger, Marin Releaf, stated that the sentiments expressed by Mr. Patterson represented the will of constituents to develop a Tree Advisory Council and a comprehensive Tree Ordinance.**

**Mayor Boro reported that San Rafael's 26<sup>th</sup> consecutive year as a Tree City USA would be celebrated on April 16, 2008 at Davidson Middle School. He indicated that the issue raised by Mr. Patterson would be discussed at the City Council meeting of May 19, 2008.**

### CONSENT CALENDAR:

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

1. Approval of Minutes of Special and Regular Meetings of March 17, 2008 (CC)
2. Resolutions Re:  
8 Portofino Road, 4 Portofino Road, and 154 Canal Street;  
Appeal of Three Conditionally Approved Tidelands Permits for Construction / Modification to Existing Docks; APN's: 017-191-28, -29, and -30; Larry Luckham, Appellant;  
File No. AP06-001 (CA)

### RECOMMENDED ACTION:

APPROVAL OF THE FOLLOWING ACTION:

**Minutes approved as submitted.**

**ADOPTED RESOLUTION NO. 12465  
RESOLUTION MAKING CERTAIN FINDINGS OF FACT, DENYING THE APPEAL OF MR. LARRY LUCKHAM FROM THE DECISION OF THE PLANNING COMMISSION WHICH DENIED HIS APPEAL FROM THE DECISION OF THE TIDELANDS FILL COMMITTEE, AND**

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*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.*

**AFFIRMING A CONDITIONALLY APPROVED  
TIDELAND PERMIT FOR DOCK  
CONSTRUCTION AT 8 PORTOFINO ROAD;  
APN: 017-191-28**

**ADOPTED RESOLUTION NO. 12466  
RESOLUTION MAKING CERTAIN FINDINGS  
OF FACT, DENYING THE APPEAL OF MAR.  
LARRY LUCKHAM FROM THE DECISION OF  
THE PLANNING COMMISSION WHICH  
DENIED HIS APPEAL FROM THE DECISION  
OF THE TIDELANDS FILL COMMITTEE, AND  
AFFIRMING A CONDITIONALLY APPROVED  
TIDELANDS PERMIT FOR DOCK  
CONSTRUCTION AT 4 PORTOFINO ROAD;  
APN: 017-191-29**

**ADOPTED RESOLUTION NO. 12467  
RESOLUTION MAKING CERTAIN FINDINGS  
OF FACT, DENYING THE APPEAL OF MR.  
LARRY LUCKHAM FROM THE DECISION OF  
THE PLANNING COMMISSION WHICH  
DENIED HIS APPEAL FROM THE DECISION  
OF THE TIDELANDS FILL COMMITTEE, AND  
AFFIRMING A CONDITIONALLY APPROVED  
TIDELAND PERMIT FOR DOCK  
CONSTRUCTION AT 154 CANAL STREET;  
APN: 017-191-30**

**ADOPTED RESOLUTION NO. 12454  
RESOLUTION AUTHORIZING THE CITY  
MANAGER TO EXECUTE AN AGREEMENT  
TO ACCEPT AND EXPEND A GRANT IN THE  
AMOUNT OF \$140,000 FROM THE  
CALIFORNIA DEPARTMENT OF  
TRANSPORTATION FOR A CANALFRONT  
CONCEPTUAL DESIGN PLAN (P06-005)**

**ADOPTED RESOLUTION NO. 12455  
RESOLUTION AUTHORIZING THE MAYOR  
TO SIGN A CONTRACT AMENDMENT WITH  
THE COUNTY OF MARIN COMMUNITY  
DEVELOPMENT AGENCY FOR CHILD CARE  
SERVICES FOR FISCAL YEAR 2007-2008 IN  
THE AMOUNT OF \$15,500**

**ADOPTED RESOLUTION NO. 12456  
RESOLUTION ADOPTING A TEMPORARY,  
SEASONAL, RETIREE, FIXED-TERM SALARY  
AND BENEFIT PLAN AND RESCINDING  
RESOLUTION NO. 12180, WHICH PERTAINS  
TO COMPENSATION FOR PART-TIME,  
TEMPORARY, INTERMITTENT AND  
SEASONAL WORKERS**

**ADOPTED RESOLUTION NO. 12457  
RESOLUTION ACCEPTING GRANTS OF  
EASEMENT FOR PUBLIC ROADWAY AND  
UTILITY PURPOSES FROM MARYANN K.  
SKITARELIC (APN: 009-192-06)**

**ADOPTED RESOLUTION NO. 12458  
RESOLUTION ACCEPTING GRANTS OF  
EASEMENT FOR PUBLIC ROADWAY AND  
UTILITY PURPOSES FROM BON AIR  
SHOPPING CENTER L.P. (APN: 009-192-07)**

3. Resolution Authorizing the City Manager to Execute a Revised Fund Transfer Agreement to Accept and Expend a Grant in the Amount of \$140,000 from the California Department of Transportation for a Canalfront Conceptual Design Plan (P06-005) (CD)
4. Resolution Authorizing the Mayor to Sign a Contract Amendment Between the Marin County Community Development Agency and the City of San Rafael for a Block grant in the Amount of \$15,500 for the 2007-2008 Fiscal Year for Child Care Staff Salaries at Pickleweed Children's Center (CS)
5. Resolution Adopting a Temporary, Seasonal, Retiree, Fixed-Term Salary and Benefit Plan and Rescinding Resolution No. 12180 which Pertains to Compensation for Part-Time, Temporary, Intermittent and Seasonal Workers (MS)
6. Resolution Accepting Grants of Easement for Public Roadway and Utility Purposes from Maryann K. Skitarelic (APN: 009-192-06) (PW)
7. Resolution Accepting Grants of Easement for Public Roadway and Utility Purposes from Bon Air Shopping Center, LP (APN: 009-192-07) (PW)

8. Report on the Status of the Federal Emergency Management's Map Modernization Program and Changes to City's Special Flood Hazard Areas (SFHA) (PW)
9. Resolution Accepting a Proposal from Ghirardelli & Associates, Inc., for Professional Services to Provide Project Administration and Inspection Services for the Fourth Street / West End Village Project – Re-Bid, Project No. 11056, and Authorizing the Mayor to Execute the Agreement in an Amount Not to Exceed \$271,285 (PW)
10. Resolution Accepting a Proposal from Vali Cooper & Associates, Inc., for Professional Services to Provide Construction Management and Project Administration Services for the Fourth Street / West End Village Project – Re-Bid, Project No. 11056, and Authorizing the Mayor to Execute the Agreement in an Amount Not to Exceed \$254,437.50 (PW)
11. Resolution Awarding Contract for the Fourth Street West Rehabilitation / West End Village Project – Rebid, Project No. 11056, to Ghilotti Construction Co. in the Amount of \$3,278,234.65 (Bid Opening Held on March 18, 2008) (PW)
12. Resolution Approving a Loan to Marin Housing in an Amount Not to Exceed Three Hundred and Thirty Three Thousand Dollars (\$333,000) for the Purchase of a Below Market Rate Unit, Approving a Subsidy of up to \$35,000 to Reduce the Resale Price and Making Findings and Approvals Pursuant to the California Redevelopment Law in Connection with the Utilization of Agency Low and Moderate Income Housing Funds Outside the Central San Rafael Redevelopment Project Area (APN: 011-310-11) (RA)
13. Resolution Authorizing Street Closures for the 21<sup>st</sup> Annual May Madness Classic Car Parade on Saturday, May 17, 2008 (RA)
14. Resolution Authorizing Street Closures for the Italian Street Painting Festival on June 14 – 15, 2008 (RA)

Accepted report.

**ADOPTED RESOLUTION NO. 12459**  
**RESOLUTION ACCEPTING A PROPOSAL FROM GHIRARDELLI & ASSOCIATES, INC. FOR PROJECT ADMINISTRATION AND INSPECTION SERVICES ON FOURTH STREET / WEST END VILLAGE PROJECT – REBID, PROJECT NO. 11056, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT IN THE AMOUNT OF \$271,285**

**ADOPTED RESOLUTION NO. 12460**  
**RESOLUTION ACCEPTING A PROPOSAL FROM VALI COOPER & ASSOCIATES, INC. FOR CONSTRUCTION MANAGEMENT AND PROJECT ADMINISTRATION SERVICES ON FOURTH STREET / WEST END VILLAGE PROJECT – REBID, PROJECT NO. 11056, AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT IN AN AMOUNT NOT TO EXCEED \$254,437.50**

**ADOPTED RESOLUTION NO. 12461**  
**RESOLUTION AWARDING THE CONTRACT FOR FOURTH STREET WEST REHABILITATION / WEST END VILLAGE PROJECT – REBID, PROJECT NO. 11056, TO GHILOTTI CONSTRUCTION CO., IN THE AMOUNT OF \$3,278,234.65**

**ADOPTED RESOLUTION NO. 12462**  
**RESOLUTION APPROVING A LOAN TO MARIN HOUSING IN AN AMOUNT NOT TO EXCEED THREE HUNDRED AND THIRTY THREE THOUSAND DOLLARS (\$333,000) FOR THE PURCHASE OF A BELOW MARKET RATE UNIT, APPROVING A SUBSIDY OF UP TO \$35,000 TO REDUCE THE RESALE PRICE AND MAKING FINDINGS AND APPROVALS PURSUANT TO THE CALIFORNIA REDEVELOPMENT LAW IN CONNECTION WITH THE UTILIZATION OF AGENCY LOW AND MODERATE INCOME HOUSING FUNDS OUTSIDE THE CENTRAL SAN RAFAEL REDEVELOPMENT PROJECT AREA (APN: 011-310-11)**

**ADOPTED RESOLUTION NO. 12463**  
**RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF CITY STREETS FOR THE 21<sup>ST</sup> ANNUAL GREG BORRELLI'S MAY MADNESS CLASSIC CAR PARADE ON MAY 17, 2008**

**ADOPTED RESOLUTION NO. 12464**  
**RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF CITY STREETS FOR THE YOUTH IN ARTS ITALIAN STREET PAINTING FESTIVAL 2008 ON JUNE 14 – 15, 2008**

**COUNCIL CONSIDERATION:**

**OLD BUSINESS:**

15. Consideration of Appointments to the Climate Change Action Plan Green Ribbon Committee and Green Teams (CD)

**Council appointed the members of the Climate Change Action Plan Green Ribbon Committee and Green Teams.**

**NEW BUSINESS:**

16. Consideration of Resolution Regarding the Light Brown Apple Moth and Direct Staff to Issue a Letter to the Governor Relaying Concerns with proposed Aerial Spraying and Supporting a Series of Bills Aimed to Improve the Public Process in Advance of Pest Eradication (MS)

**ADOPTED RESOLUTION NO. 12468 – RESOLUTION OPPOSING THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE AERIAL SPRAY PROGRAM TO ERADICATE THE LIGHT BROWN APPLE MOTH**

**Staff directed to prepare a letter from Mayor Boro to Governor Schwarzenegger supporting the proposed legislation.**

**COUNCILMEMBER REPORTS:** (Including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

17. **League of California Cities – Policy Committee – Transportation, Communications and Public Works:**  
Councilmember Heller reported on the League of California Cities Policy Committee on Transportation, Communications and Public Works meeting on April 2, 2008 in Ontario, California.

**Marin County Transit District Board:**

Councilmember Heller provided an update on the Marin County Transit District's bus and shuttle services. She indicated that the Marin County Transit District is interviewing for a General Manager this month.

**Single-Payer Health Care:**

Councilmember Greg Brockbank stated he would like the opportunity to make a presentation on the issue of single-payer healthcare at a future Council meeting.

Mayor Boro suggested that perhaps this could take the form of an information item at a Special Study Session.

**Report on Meetings Attended:**

Councilmember Connolly reported having made presentations to the Federation of San Rafael Neighborhoods and Mont Marin Homeowners Association, and participating in the Green Ribbon Committee and Green Teams interviews.

**Marinwood Community Services District (CSD):**

Mayor Boro reported that he, City Manager Nordhoff and Fire Chief Gray met with Marinwood CSD last week. Since the contract expires in June, 2009, both Fire Chiefs would evaluate options to eventually be presented to the City Council.

**An Inconvenient Ride:**

Mayor Boro reported that San Rafael would host six high school students from Seattle bicycling across country and stopping in cities having signed the U.S. Mayors Climate Protection Agreement. They are scheduled to be at San Rafael High School at 2:00 p.m. on Thursday, April 17, 2008.

**ADJOURNMENT: 9:07 PM**