

**IN THE COUNCIL CHAMBER OF THE CITY OF SAN RAFAEL, MONDAY, MARCH 6, 2006 AT 8:00 P.M.**

Regular Meeting:  
San Rafael City Council

Present: Albert J. Boro, Mayor  
Gary O. Phillips, Vice-Mayor  
Paul M. Cohen, Councilmember  
Barbara Heller, Councilmember  
Cyr N. Miller, Councilmember

Absent: None

Also Present: Ken Nordhoff, Interim City Manager  
Gus Guinan, Assistant City Attorney  
Jeanne M. Leoncini, City Clerk

**OPEN SESSION – COUNCIL CHAMBER – 6:30 PM**

Mayor Boro announced Closed Session items.

**CLOSED SESSION – CONFERENCE ROOM 201 - 6:30 PM**

1. a) Conference with Real Property Negotiator  
Government Code Section 54956.8  
Property Address: 140 Convent Court, San Rafael  
APN: 015-250-53  
Agency Negotiators: Ken Nordhoff and Scott Schneider  
Negotiating Parties: City of San Rafael and Dr. Marleen Smith  
Under Negotiations: Terms and conditions of possible property exchange, including price and terms of payment.
  
- b) Conference with Labor Negotiators – Government Code Section 54957.6  
Negotiators: Ken Nordhoff, Nancy Mackle, Lydia Romero  
Employee Organization(s): San Rafael Firefighters’ Association  
San Rafael Fire Chief Officers’ Association  
San Rafael Police Association  
San Rafael Police Mid-Management Association  
Confidential Unit  
Western Council of Engineers  
SEIU Miscellaneous & Supervisory

Assistant City Attorney Gus Guinan announced that no reportable action was taken.

**ORAL COMMUNICATIONS OF AN URGENCY NATURE:**

**8:12 PM**

None

**CONSENT CALENDAR:**

Councilmember Cohen moved and Councilmember Heller seconded, to approve the Consent Calendar, as follows:

<b><u>ITEM</u></b>	<b><u>RECOMMENDED ACTION</u></b>
2. Approval of Minutes of Regular Meeting of Tuesday, February 21, 2006 (CC)	<b>Minutes approved as submitted.</b>
4. Resolution Authorizing Interim City Manager to Execute Agreement Between the City of San Rafael and Liebert, Cassidy and Whitmore, LLP, for the Provision of Labor Negotiations Consulting Services (CM) – <u>File 4-3-450 x 7-4 x 9-3-11</u>	<b><u>RESOLUTION NO. 11913 – RESOLUTION APPROVING AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF SAN RAFAEL AND LIEBERT, CASSIDY AND WHITMORE, LLP, FOR LEGAL AND LABOR NEGOTIATIONS CONSULTING SERVICES (Beginning March 6, 2006 and terminating December 31, 2006)</u></b>
5. Resolution Establishing an Expense and Reimbursement Policy (CM) – <u>File 9-3-20 x 7-2</u>	<b><u>RESOLUTION NO. 11914 – RESOLUTION ESTABLISHING AN EXPENSE AND REIMBURSEMENT POLICY</u></b>

6. Resolution Authorizing Temporary Closure of Mission Avenue Between C Street and E Street for the Annual Falkirk Egg Hunt on Falkirk Lawn on April 15, 2006 (CS) – File 11-19 x 9-3-84

**RESOLUTION NO. 11915 – RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF MISSION AVENUE BETWEEN C STREET AND E STREET FOR THE ANNUAL FALKIRK CULTURAL CENTER EGG HUNT (on Saturday, 4/15/06, from 1:00 p.m. – 5:00 p.m.)**

7. SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 1840 – “An Ordinance of the San Rafael City Council Repealing Chapter 4.20 of the City of San Rafael Municipal Code which Established the Fire Department as a Certified Unified Program Agency (CUPA) Responsible for Enforcement of all Applicable Provisions of State Law Relating to the Use and Storage of Hazardous Materials” (FD) – File 9-3-31 x 1-6-4 x 4-13-98

**Approved final adoption of Ordinance No. 1840.**

8. Resolution Authorizing the Interim City Manager to Execute an Agreement with the County of Marin to Transfer the City’s Federally Copyrighted CUPA Data Management Software, Related to the Enforcement of California Hazardous Materials Laws (FD) – File 9-3-31 x 1-6-4 x 4-13-98

**RESOLUTION NO. 11916 – RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE COUNTY OF MARIN TO TRANSFER THE CITY’S FEDERALLY COPYRIGHTED CUPA DATA MANAGEMENT SOFTWARE RELATED TO THE ENFORCEMENT OF CALIFORNIA HAZARDOUS MATERIALS LAWS**

9. Resolution Authorizing the Interim City Manager to Execute a First Amendment to the Agreement for Professional Services with Richard Schmidt for Administrative Investigation Services (PD) – File 4-3-451 x 4-17-5 x 9-3-30

**RESOLUTION 11917 – RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH RICHARD SCHMIDT FOR ADMINISTRATIVE INVESTIGATION SERVICES (Through 6/30/07)**

10. Resolution Approving Use of State of California Office of Traffic Grant Funds in the Amount of \$24,916.00 for “Click it or Ticket” Seatbelt Compliance Enforcement Campaign, February through August, 2006 (PD) – File 9-3-30

**RESOLUTION NO. 11918 – RESOLUTION APPROVING USE OF STATE OF CALIFORNIA OFFICE OF TRAFFIC GRANT FUNDS IN THE AMOUNT OF \$24,916 FOR “CLICK IT OR TICKET” SEATBELT COMPLIANCE ENFORCEMENT CAMPAIGN FEBRUARY THROUGH AUGUST, 2006**

11. Resolution Approving Summary Vacation of Existing 5’ wide Public Utilities Easement on the Easterly Line of Lot 1, as Shown in Book 5 of Survey Map at Page 48, Entitled “Record of Survey, Map of Portion of Reversion to Acreage Map and Portion of Bellam Subdivision No. 1” (PW) – File 2-12

**RESOLUTION NO. 11919 – RESOLUTION APPROVING SUMMARY VACATION OF AN EXISTING 5’ PUBLIC UTILITIES EASEMENT ON THE EASTERLY LINE OF LOT 1, AS SHOWN IN BOOK 5 OF SURVEY AT PAGE 48, ENTITLED “RECORD OF SURVEY, MAP OF PORTION OF REVERSION TO ACREAGE MAP AND PORTION OF BELLAM SUBDIVISION, No. 1”**

12. Resolution Authorizing the Temporary Closure of City Streets for the Weekly Downtown Farmers’ Market Festival on Thursday Evenings from April 6 to September 28, 2006 (RA) – File 11-19

**RESOLUTION NO. 11920 – RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF CITY STREETS FOR THE WEEKLY DOWNTOWN FARMERS’ MARKET FESTIVAL ON THURSDAY EVENINGS FROM APRIL 6 – SEPTEMBER 28, 2006**

- 13. Resolution Authorizing Temporary Street Closures for 19<sup>th</sup> Annual May Madness Classic Car Parade on May 20, 2006 (RA) – File 11-19

**RESOLUTION NO. 11921 –  
RESOLUTION AUTHORIZING THE  
TEMPORARY CLOSURE OF CITY  
STREETS FOR THE 19<sup>TH</sup> ANNUAL  
GREG BORRELLI’S MAY MADNESS  
CLASSIC CAR PARADE ON MAY 20,  
2006**
- 14. Resolution Authorizing Temporary Street Closures for the Italian Street Painting Festival 2006 on June 10 and 11, 2006 (RA) – File 11-19

**RESOLUTION NO. 11922 –  
RESOLUTION AUTHORIZING THE  
TEMPORARY CLOSURE OF CITY  
STREETS FOR THE YOUTH IN ARTS  
ITALIAN STREET PAINTING  
FESTIVAL 2006 ON JUNE 10-11, 2006**

**AYES:** COUNCILMEMBERS: Cohen, Heller, Miller, Phillips and Mayor Boro  
**NOES:** COUNCILMEMBERS: None  
**ABSENT:** COUNCILMEMBERS: None  
**ABSTAINING:** COUNCILMEMBERS: Heller and Miller (from items #2 and #7, due to absence from meeting of February 21, 2006)

The following item was removed from the Consent Calendar for discussion, at the request of Councilmember Cohen:

3. **SUMMARY OF LEGISLATION AFFECTING SAN RAFAEL (CM) – FILE 116 x 9-1**

Councilmember Cohen believed this item merited more than Consent Calendar consideration and he wished to voice his personal strong support. He explained the item concerned Proposition 42 which was passed by the voters some years ago to put the sales tax on gasoline towards transportation. He noted gas tax now goes to transportation; however, voters voted to put sales tax on gasoline towards transportation funding. Councilmember Cohen stated that the legislators and the last two Administrations had found a way to take this money for General Fund purposes, continuing the infrastructure decline. They had kept bad faith with the voters, and although the Governor in his current budget proposed to fully fund Proposition 42 monies, there was no guarantee it would continue without some protection to close the back door.

Together with voting for this, Councilmember Cohen indicated he would like to see the City do something public in support of it, such as a Press Release or letter from Mayor Boro to the local newspaper, etc., as he believed it deserved some attention.

Lydia Romero, Assistant to the City Manager, stated that the Marin Independent Journal could be requested to run a Marin Voice piece from the City Council regarding Proposition 42. She indicated there was a campaign underway to collect signatures which was seeking volunteers.

Councilmember Heller stated she was in possession of some of these petitions and explained that the group putting it together would appreciate everyone signing up because signatures were going for approximately \$3.00 each, making it an in-kind contribution at this point.

Mayor Boro invited Lydia Romero to draft an opinion piece and Councilmember Heller to provide petitions.

Councilmember Cohen moved and Councilmember Phillips seconded, to approve the staff recommendation.

**Approved staff recommendation:**  
**Transportation Funding Act of 2006. Ballot Initiative – SUPPORT**

**AYES:** COUNCILMEMBERS: Cohen, Heller, Miller, Phillips and Mayor Boro  
**NOES:** COUNCILMEMBERS: None  
**ABSENT:** COUNCILMEMBERS: None

The following item was removed from the Consent Calendar for discussion, at the request of Mayor Boro:

15. **RESOLUTION AUTHORIZING TEMPORARY CLOSURE OF DOWNTOWN CITY STREETS IN CONNECTION WITH THE CARRERA DE SAN RAFAEL ON SATURDAY, SEPTEMBER 9, 2006 FROM 7:30 A.M. TO 5:00 P.M. (RA) – FILE 11-19**

Mayor Boro stated he removed this item from the Consent Calendar in order to obtain a brief overview on the return of bicycle racing to downtown San Rafael.

Economic Development Director Nancy Mackle stated Wil Matthews, who was accompanied this evening by members of his powerful committee, Brian Auger, Haden Ongaro and Ron Bolds, would make a presentation.

Wil Matthews, San Rafael, stated that since the last time he addressed the City Council he had proudly become a San Rafael homeowner and business owner; therefore, he had a vested interest in bringing a good event to San Rafael to help the community, be of interest to residents and a benefit to merchants.

Explaining that just a few members of Grupo Carrera (a California not for profit corporation) were in attendance this evening, Mr. Matthews stated that Eric Rosendahl, Greater Bay Bank, and Scott Phillips, Phillips Law Firm, were also on the committee. He indicated that the resources these people brought to bear were exactly what he could not provide in the past, and they now were looking forward to a much brighter future for the bike race, with more ability to help merchants leverage off of the event and drive store traffic. Mr. Matthews believed that if 5,000 or more people could be enticed to downtown San Rafael, it should be "fish in a barrel" for the merchants, especially since they would be on the sidewalks and not in the street.

Mayor Boro stated that when he read about the event he was pleased that a bike race was returning. Comparing this to the recent successful bike race to Southern California, he stated it would be different and thrilling seeing the cyclists circling around repeatedly, which was quite a spectacle and a great family event. He was glad that bicycle racing had returned to San Rafael, with sponsors, and he looked forward to it.

Mr. Matthews stated they still needed sponsors and agreed it was a great spectator event.

Councilmember Cohen moved and Councilmember Heller seconded, to adopt the Resolution.

**RESOLUTION NO. 11923 – RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF CITY STREETS FOR THE CARRERA DE SAN RAFAEL ON SATURDAY, SEPTEMBER 9, 2006 FROM 7:30 A.M. – 5:00 P.M.**

**AYES: COUNCILMEMBERS: Cohen, Heller, Miller, Phillips and Mayor Boro**  
**NOES: COUNCILMEMBERS: None**  
**ABSENT: COUNCILMEMBERS: None**

**COUNCIL CONSIDERATION:**

**NEW BUSINESS:**

**16. RECOMMENDATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROPOSALS FUNDING YEAR 2006-2007 (RA) – FILE 147**

Economic Development Coordinator Katie Korzun stated this was the seventh year the City has done Community Development Block Grant (CDBG) proposals and this year there was less money than ever before – 10% down from last year and 16% from the previous year – which was actually good news in comparison to what may be ahead. Noting discussion at the federal level that there could be a 27% cut again next year, she explained that the County, and particularly Roy Bateman, were looking at the overall County program to ascertain what would happen should there be a reduction of that magnitude and plan accordingly. Ms. Korzun stated that City staff would participate in those discussions.

Ms. Korzun reported that an allocation of \$53,000, after administrative and other costs, was received this year. Indicating that she and Mr. Bateman took a look at projects in a slightly different way this year, she explained that previously they tried to fund an entire project; however, there were insufficient funds this year to do that. Projects were coming in bigger and bigger - one time fixes - and as prices rose and funds decreased, there was some trouble covering them. Ms. Korzun stated they, therefore, put together a variety of funding sources – Redevelopment Agency, County Rehabilitation Loan Program and CDBG – to generate funds to cover entire projects, albeit, none exclusively CDBG.

Ms. Korzun listed the projects they proposed to fund this year:

Countywide Housing Programs: Fair Housing Program and Residential Rehabilitation Loan Program. Noting the Rehabilitation Loan Program was one of the major leveraging sources, Ms. Korzun explained that the City provides administration money to them and in return they provide loan money to the City. The City receives more back in loan money than it gives in administration costs which turned out to be a good trade as far as the City was concerned.

Local Housing Projects: Buckelew D Street House, Lifehouse Laurel Place, Mill Street Shelter.

She explained that Mill Street Shelter had been trying to replace the roof for a number of years and while they would get a roof, it would be paid for by the state; therefore, this application was for a heating and ventilation system.

Explaining that there was a little money left over for Big Brothers Big Sisters rehabilitation, Ms. Korzun stated that Big Brothers Big Sisters was looking for funds from all the allocation areas in the County; however, as there were insufficient funds to go around, the City was able to fund them in the amount of \$19,000, which at least would provide a new roof.

Ms. Korzun noted the other large allocation was the City's projects for ADA (Americans with Disabilities), \$300,000, and indicating that they hoped to continue this in the future, she stated this would be their first draw on any future funds.

Complimenting Katie Korzun and Roy Bateman, Councilmember Miller stated they had taken whatever money was available and directed it to the best benefit of the public. He believed that working in cooperation with each other and with each applicant, paid off, which was exemplary of how local government should work, with employees going far beyond the standard. Councilmember Miller stated this took a lot of work and thought and the package was excellent.

Councilmember Miller moved and Councilmember Heller seconded, to adopt the Resolution.

**RESOLUTION NO. 11924 – RESOLUTION RECOMMENDING COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FUNDING FOR THE YEAR 2006-07 TO THE MARIN COUNTY BOARD OF SUPERVISORS**

**AYES: COUNCILMEMBERS: Cohen, Heller, Miller, Phillips and Mayor Boro**  
**NOES: COUNCILMEMBERS: None**  
**ABSENT: COUNCILMEMBERS: None**

**COUNCILMEMBER REPORTS:**

**17. Governor’s Infrastructure Plan and Bond Proposals: - File 9-1**

Councilmember Cohen reported that he had attended a briefing given by the Office of the Governor in San Francisco on Friday last concerning the Governor’s Infrastructure Plan and Bond Proposals. Although the plan was ambitious, he expressed dissatisfaction with the level of detail presented in the discussion. Councilmember Cohen noted the deadline set by the Secretary of State for obtaining a deal to place something on the ballot for June was Friday, March 10, 2006. Having spoken with Senator Perata over the weekend concerning this issue, Councilmember Cohen reported that Senator Perata was working hard to get something done in the range of \$30 billion; however, it was not as clear on the Assembly side in terms of the priorities.

In terms of what was being proposed in the Legislature, Councilmember Cohen reported that something on the order of \$13 billion, as proposed by Senator Perata, would include some money for levees and primarily, transportation; another \$3 billion for transit improvements; approximately \$2 billion for hospital seismic retrofits for community hospitals; and \$9 billion - \$10 billion school construction bond, with the remainder for either some water and parkland dedication or based on the Governor’s comments, the levee repair portion could be bumped from \$3 billion to \$6 billion. He confirmed for Councilmember Heller that something approaching \$1 billion was included for transit oriented development, i.e., housing close to transit.

Councilmember Cohen favored this being placed on the June ballot, as in November, it could get caught up in the politics of the Governor’s race.

**Dil Kazzaz – Redwood Village Grading: - File 100 x 5-1-347**

Interim City Manager Ken Nordhoff reported that Mr. Kazzaz received an offer on Friday last from Signature Properties for his consideration. He expressed the hope that Mr. Kazzaz would take advantage of this very generous solution.

There being no further business, Mayor Boro adjourned the City Council meeting at 8:34 p.m.

\_\_\_\_\_  
 JEANNE M. LEONCINI, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

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 MAYOR OF THE CITY OF SAN RAFAEL