

**IN THE COUNCIL CHAMBER OF THE CITY OF SAN RAFAEL, MONDAY, MAY 1, 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 – 8:23 PM (held at conclusion of City Council meeting)**

Mayor Boro announced Closed Session item.

**CLOSED SESSION – CONFERENCE ROOM 201 - 8:24 PM – File 1-4-1.a  
(held at conclusion of City Council meeting)**

1. a) Conference with Labor Negotiators – Government Code Section 54957.6  
Negotiators: Ken Nordhoff, Nancy Mackle, Lydia Romero, Donna Williamson,  
Roger Crawford  
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

**Mayor Boro announced at 10:01 p.m. that no reportable action was taken.**

**ORAL COMMUNICATIONS OF AN URGENCY NATURE:****8:00 PM****a) Energy Vulnerability: - File 13-1 x 9-1**

Steve Wohlrab, Planning Committee, Leadership Institute for Ecology and the Economy, noted the country's growing "addiction to oil" and a quote from the head of Chevron: "the era of cheap oil is over." He stated it was a fallacy to believe gas prices would go down and stay down and he could not understate the impact this would have on a city such as San Rafael. Unless efforts were made to mitigate the problem the impact would be potentially devastating, i.e. serious disruption to normal lifestyles.

Being part of the planning committee for the Leadership Institute for Ecology and the Economy, Mr. Wohlrab indicated they were helping to put on an Energy Vulnerability summit for the entire North Bay region for elected and appointed officials to take place on Friday, May 19, 2006 at Petaluma Community Center. He was aware Marin County had been a leader and San Rafael had been involved in climate protection issues and was pleased to note that Ann Hancock, Sonoma County Climate Protection Campaign, would attend this meeting. Also in attendance would be Professor Richard Heinberg, expert, and author of several books on this topic, together with Julian Darley, founder and director of the Post Carbon Institute, and an author also.

Noting San Francisco had just passed a resolution regarding peak oil and the impact it would have on the city, Mr. Wohlrab stated that all around the world people were beginning to wake up to this serious issue. He indicated their sponsors included PG&E, Whole Foods and very generous citizens such as Jonathan Frieman. He invited the City Council to attend the Energy Vulnerability summit; however, should this not be possible, he suggested they send appropriate department heads or staff members.

**b) Re-localization: - File 13-1 x 9-1**

Thanking Mr. Wohlrab, Jonathan Frieman expressed concern about peak oil, global warming and future dependence on oil. With regard to re-localization efforts, he indicated that food grown locally promotes security, and suggested extra measures could be taken to conserve water, together with seriously entertaining the idea of stopping growth.

Mr. Frieman suggested that the City Council begin to consider what a lack of easily accessible oil would mean - state of emergency that could continue for a long time - and he encouraged them to attend the May 19, 2006 meeting in Petaluma.

**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 Special Joint Redevelopment Agency/City Council Meeting of June 7, 2005 and Regular Meeting of Monday, April 17, 2006 (CC)	<b>Minutes approved as submitted.</b>
3. Report on Fair Political Practices Commission (FPPC) Annual Filings (CC) – <u>File 9-4-3</u>	<b>Accepted report.</b>
4. Resolution Waiving Payment of Fees for the Building Permit Application for 1103 Lincoln Avenue (CD) – <u>File 9-10-2 x 10-2</u>	<b><u>RESOLUTION NO. 11943 – RESOLUTION WAIVING PAYMENT OF FEES FOR BUILDING PERMIT B0508-007 FOR 1103 LINCOLN AVENUE IN AMOUNT OF \$5,001.70</u></b>
5. Summary of Legislation Affecting San Rafael: (CM) – <u>File 116 x 9-1</u>	<p data-bbox="943 1024 1403 1056"><b><u>Approved staff recommendation:</u></b></p> <p data-bbox="943 1091 1442 1155"><b>AB 2511 – Land Use. Housing. Assembly Member Jones. <u>OPPOSE</u></b></p> <p data-bbox="943 1190 1393 1325"><b>SB 246 - Board of Professional Engineers and Land Surveyors: Engineers. Senator Figueroa. <u>SUPPORT</u></b></p> <p data-bbox="943 1360 1438 1454"><b>AB 2987 – Cable and Video Service. Speaker Nunez and Assembly Member Levine - <u>OPPOSE</u></b></p>
6. Appointment of Ken Nordhoff, Interim City Manager, as a MERA (Marin Emergency Radio Authority) Director, and Lydia Romero, Assistant to the City Manager, as Alternate (CM) – <u>File 4-13-102</u>	<b>Interim City Manager Ken Nordhoff appointed as a MERA Director and Assistant to the City Manager, Lydia Romero, appointed as an Alternate Director.</b>
7. Resolution Authorizing Execution of Contract for Consultant Services with Bob Murray and Associates for Executive Recruitment for Chief of Police (CM) – <u>File 4-10-352 x 9-3-30</u>	<b><u>RESOLUTION NO. 11944 – RESOLUTION AUTHORIZING EXECUTION OF CONTRACT FOR CONSULTANT SERVICES WITH BOB MURRAY AND ASSOCIATES FOR EXECUTIVE RECRUITMENT FOR CHIEF OF POLICE (COMMENCING ON MAY 1, 2006 AND ENDING ON DECEMBER 31, 2006)</u></b>
8. Resolution Accepting a Proposal from Harris and Associates for Professional Engineering Design Services for the Preparation of Plans, Specifications, and Contract Documents for Fourth Street West Rehabilitation/West End Village Project in an Amount not to Exceed \$438,299 (PW) – <u>File 4-3-452 x 9-3-40</u>	<b><u>RESOLUTION NO. 11945 – RESOLUTION ACCEPTING A PROPOSAL FROM HARRIS &amp; ASSOCIATES FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THE FOURTH STREET WEST REHABILITATION / WEST END VILLAGE PROJECT IN AN AMOUNT NOT TO EXCEED \$438,299 AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT</u></b>

- 9. Resolution Accepting Grant of Easement for Construction and Maintenance of Storm Drain from Marin Academy (APN 011-195-03) (PW) – File 2-4-33

RESOLUTION NO. 11946 –  
**RESOLUTION ACCEPTING GRANT OF EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF STORM DRAIN FROM MARIN ACADEMY (APN 011-195-03)**
- 10. Resolution Approving Amendment to the Subdivision Improvement Agreement for Subdivision Entitled “Parcel Map – Lands of Rainoldi” to Correct the Completion Date and to Provide for Alternative Security for the Improvements (PW) – File 5-1-351

RESOLUTION NO. 11947 –  
**RESOLUTION APPROVING AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR SUBDIVISION ENTITLED “PARCEL MAP – LANDS OF RAINOLDI”, TO CORRECT THE COMPLETION DATE AND TO PROVIDE FOR ALTERNATIVE SECURITY FOR THE IMPROVEMENTS**
- 11. Resolution Authorizing Street Closures for the 24<sup>th</sup> Annual Great Race Finish Celebration on Saturday, July 8, 2006 from 7:00 a.m.– 6:00 p.m. on Fourth Street from Lincoln Avenue to A Street, Including parts of Cijos & Lootens, and 1:30 p.m. – 5:00 p.m. on Fourth Street from A Street to C Street, Including Julia Street and parts of A Street and B Street (RA) – File 11-19 x (SRRA) R-181 x R-140 #8

RESOLUTION NO. 11948 –  
**RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 24<sup>TH</sup> ANNUAL GREAT RACE FINISH CELEBRATION ON SATURDAY, JULY 8, 2006 FROM 7:00 A.M. – 6:00 P.M. ON FOURTH STREET FROM LINCOLN AVENUE TO A STREET, INCLUDING PARTS OF CIJOS & LOOTENS, AND 1:30 P.M. – 5:00 P.M. ON FOURTH STREET FROM A STREET TO C STREET, INCLUDING JULIA STREET AND PARTS OF A STREET AND B STREET**
- 12. Resolution Authorizing Approval of a Summer Sidewalk Sale Pilot Program in the West End Village (RA) – File 140 x (SRRA) R-140 #8

RESOLUTION NO. 11949 –  
**RESOLUTION AUTHORIZING A SUMMER SALE SIDEWALK PILOT PROGRAM FOR THE WEST END VILLAGE**

**AYES:** COUNCILMEMBERS: Cohen, Heller, Miller, Phillips and Mayor Boro  
**NOES:** COUNCILMEMBERS: None  
**ABSENT:** COUNCILMEMBERS: None  
**ABSTAINING:** COUNCILMEMBERS: Miller (from minutes of 4/17/05 only, due to absence from meeting)

**PUBLIC HEARING:**

13. **Public Hearing:**

**CONSIDERATION OF RESOLUTION LEVYING AN ANNUAL ASSESSMENT FOR THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2006-2007 (RA) – FILE 224 x 183**

Mayor Boro declared the public hearing opened.

Economic Development Director Nancy Mackle stated this was an annual assessment for the Downtown Business Improvement District (BID). She indicated that levying this fee raises much needed funds for the downtown; such fees go back to the downtown and are used for promotion of the downtown as an area in two ways - major events such as the upcoming May Madness Classic Car Parade on May 20<sup>th</sup> and area advertising and promotion. Ms. Mackle stated that the BID augments these funds they assess themselves with contributions from the Redevelopment Agency, parking lot income and sponsorship income they raise.

Ms. Mackle reported that all of the efforts of the BID are managed by an extremely talented and dedicated director, Joanne Webster, who makes it all come together.

Indicating that the recommended action tonight was to approve the resolution levying the assessments for fiscal year 2006-2007, Ms. Mackle stated that should there be questions, she

and Ms. Webster were available.

There being no comment from the audience, Mayor Boro closed the public hearing.

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

**RESOLUTION NO. 11950 – RESOLUTION LEVYING AN ANNUAL ASSESSMENT FOR THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2006-07**

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

**COUNCIL CONSIDERATION:**

**OLD BUSINESS:**

14. **RESOLUTION ADOPTING AMENDMENT TO CITY OF SAN RAFAEL BUDGET FOR FISCAL YEAR 2005-2006 (MS) – FILE 8-5**

Finance Manager Cindy Mosser reported that in February 2006, the Management Services Department brought forth changes to the fiscal year 2005-2006 budget for Council approval. The budget adopted in June 2005 projected a deficit in excess of \$3.4 million and the February 2006 revised projected deficit was in excess of \$3.3 million; however, the budget remained in balance with the use of reserves. Ms. Mosser stated staff wished to bring forth other changes to the budget since February 2006 for Council consideration and noted that most of these major expenditure changes were presented to the City Council at the April 17, 2006 Study Session.

Ms. Mosser stated that some of the highlights of the General Fund revenue changes included:

- ❖ Excess Educational Revenue Augmentation Fund (Excess ERAF) increase of \$298,000 based on the County of Marin Auditor-Controller's estimate received in February;
- ❖ Business License Tax and Transient Occupancy Tax increases (\$146,000 total) based on collections through March 2006.

Explaining some of the expenditures affecting the General Fund, Ms. Mosser noted they included two projects from the April 2006 Study Session:

- ❖ The Library HVAC and Window Replacement Project cost is estimated to be \$815,000, with funding available from the following sources:
  - Use of remaining library funds from the Davidson bequest (\$315,000);
  - Public Works would reallocate appropriations in the amount of \$250,000;
  - \$250,000 of the \$298,000 Excess ERAF.
- ❖ City Hall Roof Project is estimated to be \$472,000. Portion (\$320,000) to be covered by the Facility Maintenance Fund, utilizing amounts set aside for Miscellaneous Facility Repairs for fiscal years 2005-2006 and 2006-2007. General Fund reserves would cover the balance of \$152,000.
- ❖ The 2005-2006 Winter Storms cost was estimated to be \$883,000. President Bush signed a federal major disaster declaration in February 2006 authorizing the Federal Emergency Management Agency (FEMA) to provide federal assistance. Staff estimates that FEMA and the State Office of Emergency Services reimbursement would be approximately \$795,000, the remaining \$88,000 to be transferred from the Liability Fund.

Ms. Mosser reported that the Fiscal Year 2006-2007 budget would be presented in greater detail to the City Council at the May 15, 2006 meeting. Staff's projections indicate that after the project considerations, the General Fund would have approximately \$1 million available for policy considerations by the City Council; however, this would not include Marinwood. Ms. Mosser indicated that a number of different options could be considered, including department budget restorations, community expectations for restoration of lost services, infrastructure maintenance, or rebuilding of reserves.

Ms. Mosser thanked Management Services staff Van Bach, Accounting Supervisor, and Accountants Carl Tregner and Sherry Mason for their assistance in generating this report.

Since Marinwood was not included and appeared to be approaching resolution, Councilmember Phillips inquired whether the agreement would be factored in at that point in time. Interim City

Manager Ken Nordhoff stated he hoped to have a more finite answer on the negotiations at the City Council meeting of May 15; therefore, it would be factored into the available funds.

Councilmember Heller inquired as to the current amount of Reserves.

Ms. Mosser stated that the Emergency Cash Flow totaled \$2,086,000, with total Reserves of \$3.4 million.

Mayor Boro confirmed this to be 4.52% of the 10% goal and was something that needed to be considered in allocating the balance of the *hopeful* surplus.

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

**RESOLUTION NO. 11951 – RESOLUTION AMENDING THE 2005-2006 BUDGET**

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

**COUNCILMEMBER REPORTS:**

- 15. a) **PSP (Project Selection Process): - File 115 (2020) PSP x 9-1**  
 Interim City Manager Ken Nordhoff stated that he and several members of staff had been working for quite a few months in an effort to achieve closure on the Project Selection Process (PSP) - traffic allocation process related to the General Plan. A dozen applications had been received, and as it was becoming a much more complex universe from which to understand all the traffic impacts and various public benefits or tax generation issues, Mr. Nordhoff indicated he had invited Mayor Boro to consider appointing a sub-committee to assist staff work through a lot of the issues prior to going before the Planning Commission and City Council in the next three or four months.  
  
 Mayor Boro reported that Councilmember Cohen had agreed to work with him on a sub-committee.
- b) **Telecommunication Measure: - File 9-1 x 4-13-101**  
 Councilmember Heller reported that several Mayors and Councilmembers met with Congresswoman Lynn Woolsey recently and discussed with her the Federal Telecommunication Measure which is before Congress, urging her support. She noted that Lydia Romero, Assistant to the City Manager, put this very nice event together.
- c) **Ground Breaking for the Highway 101 Widening Project: - File 9-1 x 11-16**  
 Mayor Boro reported that the formal ground breaking for the Highway 101 widening project takes place tomorrow, Tuesday, May 2, 2006 at 2:00 p.m. on Francisco Boulevard West in front of the Beverages & More store.

There being no further business, Mayor Boro adjourned the City Council meeting at 8:23 p.m. to Closed Session.

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 JEANNE M. LEONCINI, City Clerk

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

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 MAYOR OF THE CITY OF SAN RAFAEL