

IN THE COUNCIL CHAMBER OF THE CITY OF SAN RAFAEL, MONDAY, DECEMBER 4, 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, City Manager
Gary T. Ragghianti, City Attorney
Jeanne M. Leoncini, City Clerk

OPEN SESSION – COUNCIL CHAMBER – 7:00 PM

Mayor Boro announced Closed Session item.

CLOSED SESSION – CONFERENCE ROOM 201 - 7:00 PM – File 1-4-1a

1. Conference with Labor Negotiators – Government Code Section 54957.6
 Negotiators: Ken Nordhoff, Nancy Mackle, Lydia Romero,
 Donna Williamson, Richard Whitmore
 Employee Organization(s): San Rafael Fire Chief Officers’ Association
 San Rafael Police Mid-Management Association
 Western Council of Engineers
 SEIU Miscellaneous & Supervisory

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

ORAL COMMUNICATIONS OF AN URGENCY NATURE:

8:05 PM

Canal Neighborhood Business / Police: - File 9-1 x 9-3-30

Amanda Beltran, through interpreter Olivia Beltran, stated she was an immigrant from El Salvador and had lived in the Canal area for fifteen years. She indicated that she and her family were experiencing problems with the San Rafael Police with regard to their Pupuseria business, and wanted to find a solution. She submitted copy of a letter from State Senator Carole Migden’s office to San Rafael Code Enforcement Manager Lynda LeVeque, to the City Clerk for distribution to the City Council, and expressed gratitude for having the opportunity of doing business in the Canal area.

Noting letters had been received, Mayor Boro requested that City Manager Nordhoff work with Chief of Police Odetto and Ms. Beltran to address the issues and concerns related to the ordinance currently in place.

CONSENT CALENDAR:

None.

Councilmember Miller moved and Councilmember Phillips seconded, to approve the Consent Calendar, as follows:

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
2. Approval of Minutes of Special Joint Redevelopment Agency/City Council Meeting of June 5, and Special and Regular Meetings of Monday, November 20, 2006 (CC)	Minutes approved as submitted.
3. <u>Paramedic Services Special Tax – Measure P:</u> (CC) – <u>File 9-4 x 9-12-1 x 9-3-31 x 9-3-16</u>	a) <u>RESOLUTION NO. 12159 – RESOLUTION DECLARING CANVASS OF RETURNS AND RESULTS OF CONSOLIDATED SPECIAL MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2006, RE: MEASURE P – PARAMEDIC SERVICES SPECIAL TAX ON RESIDENTIAL UNITS AND ON NON-RESIDENTIAL STRUCTURES, AND APPROPRIATIONS LIMIT INCREASE (Residential – up to a maximum of \$85.00, on an annual</u>
a) Resolution Declaring Canvass of Returns and Results of Consolidated Special Municipal Election Held on November 7, 2006, Re: Measure P - Paramedic Services Special Tax on Residential Units and Non-Residential Structures and Appropriations Limit Increase	

basis). (Non-residential – up to a maximum of \$.11 per square-foot, on an annual basis).

b) ORDINANCE NO. 1846 – “An Ordinance of the City Council of the City of San Rafael Amending Sections 3.28.040 and 3.28.050 of Chapter 3.28 of the San Rafael Municipal Code, to Increase the Maximum Special Paramedic Tax Rate on Residential Units and on Non-Residential Structures and to Increase the City’s Appropriations Limit in Connection Therewith”

b) **Accepted Ordinance No. 1846 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 3.28.040 AND 3.28.050 OF CHAPTER 3.28 OF THE SAN RAFAEL MUNICIPAL CODE, TO INCREASE THE MAXIMUM SPECIAL PARAMEDIC TAX RATE ON RESIDENTIAL UNITS AND ON NON-RESIDENTIAL STRUCTURES AND TO INCREASE THE CITY’S APPROPRIATIONS LIMIT IN CONNECTION THEREWITH”**

4. Resolution Authorizing the City Manager to Execute a Professional Services Contract with Stuart Blakesley, an Independent Contractor, for Fire Inspection and Plan Check Services (CD) – File 4-3-462 x 9-3-85

RESOLUTION NO. 12160 – RESOLUTION AUTHORIZING AN AGREEMENT WITH STUART BLAKESLEY TO PROVIDE FIRE PREVENTION PLAN CHECK AND EXAMINATION SERVICES (Term: Three (3) months commencing on December 5, 2006 and ending on March 5, 2007. Upon mutual agreement of both parties, and subject to approval of City Manager, may be extended six (6) additional months)

5. SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 1844 – “An Ordinance of the City Council of the City of San Rafael Amending Various Sections of the San Rafael Municipal Code to Remove References to the Fire Marshal, Deputy Fire Marshal, and Fire Prevention Bureau Inspectors, to be Consistent with the Recent Amendments of Chapters 4.04 and 4.08 of the San Rafael Municipal Code in Connection with the Fire Department Phase II Reorganization” (CD/FD) – File 9-3-85 x 9-3-31 x 1-6-1 x 1-6-4

Approved final adoption of Ordinance No. 1844.

6. Resolution Authorizing Volunteer Program Coordinator to Enter Into an Agreement with State of California, California Coastal Commission for Whale Tail Grant (CM) – File 235 x 13-1

RESOLUTION NO. 12161 – RESOLUTION AUTHORIZING SUBMISSION OF A GRANT PROPOSAL AND AGREEMENT WITH THE CALIFORNIA COASTAL COMMISSION FOR A WHALE TAIL GRANT IN AMOUNT OF \$38,000 (to improve the health of the ocean and bays along the California Coastline).

7. Resolution Approving and Authorizing the City Manager to Execute a Promissory Note Between the City and the Superior Court of California / County of Marin for the Repayment of Court Revenues (FIN) – File 8-5 x 9-3-21

RESOLUTION NO. 12162 – RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROMISSORY NOTE BETWEEN THE CITY AND THE SUPERIOR COURT OF CALIFORNIA / COUNTY OF MARIN FOR THE REPAYMENT OF COURT REVENUES

8. Resolution Authorizing the City Manager to Execute a Joint Powers Agreement with the Novato Fire Protection District for Third Party Billing Services for the San Rafael Fire Department’s Paramedic Ambulance Program (FD) – File 4-13-119 x 9-3-31

RESOLUTION NO. 12163 – RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT POWERS AGREEMENT WITH THE NOVATO FIRE PROTECTION DISTRICT FOR THIRD PARTY BILLING SERVICES FOR THE SAN RAFAEL FIRE

**DEPARTMENT'S PARAMEDIC
AMBULANCE PROGRAM (3 year
agreement commencing January 1,
2007 and ending on December 31,
2009, subject to extension by
agreement of City Manager and District
Fire Chief.)**

- 9. Resolution of Appreciation to Jim McElrath, Fire Captain, Employee of the Quarter Ending September 30, 2006 (FD) - File 102 x 9-3-31

**RESOLUTION NO. 12164 –
RESOLUTION OF APPRECIATION TO
JIM MCELRATH, FIRE CAPTAIN,
EMPLOYEE OF THE QUARTER
ENDING SEPTEMBER 30, 2006**

- 10. SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 1845 – “An Ordinance of the City Council of the City of San Rafael Amending Chapter 7.04 of the San Rafael Municipal Code Regarding Emergency Services, to Revise the Applicable Definitions and the Powers of the Director of Emergency Services” (MS) – File 13-11 x 9-3-11 x 9-3-31

Approved final adoption of Ordinance No. 1845.

- 11. Resolution of Appreciation to Ideale Gambera, Volunteer in Policing for the San Rafael Police Department (PD) – File 102 x 9-3-30

**RESOLUTION NO. 12165 –
RESOLUTION OF APPRECIATION TO
IDEALE GAMBERA, VOLUNTEER IN
POLICING FOR THE SAN RAFAEL
POLICE DEPARTMENT**

AYES:	COUNCILMEMBERS:	Cohen, Heller, Miller, Phillips and Mayor Boro
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAINING:	COUNCILMEMBERS:	Cohen (<u>from Minutes of Special Meeting of 11/20/06 only, due to absence from meeting</u>)

SPECIAL PRESENTATIONS:

- 12. **PRESENTATION OF RESOLUTION OF APPRECIATION TO JIM MCELRATH, FIRE CAPTAIN, EMPLOYEE OF THE QUARTER ENDING SEPTEMBER 30, 2006 (FD) – FILE 102 x 9-3-31**

Mayor Boro explained that each quarter City employees select an Employee of the Quarter and at a presentation in City Hall, the recipient receives a star and a \$100 bill, and is subsequently presented with a Resolution of Appreciation at a City Council meeting.

Reporting that Jim McElrath, Fire Captain, was the Employee of the Quarter ending September 30, 2006, Mayor Boro stated that Jim has worked for the San Rafael Fire Department for thirty-two years and has been a Captain for the past twenty-seven years. Indicating the Resolution of Appreciation addressed the many accomplishments of Captain McElrath, particularly his many hours as a fire investigator and his work on the Mapping Project, Mayor Boro noted he was a “go to” guy and very deserving of the Employee of the Quarter award.

Explaining that the Employee of the Year would be announced at the State of the City Dinner in March, 2007, Mayor Boro stated that individual would receive \$500 and he wished Captain McElrath good luck.

Thanking everyone, Fire Captain McElrath stated this was an award shared by many and he was very honored to work for the City of San Rafael. He thanked Mayor Boro, the City Council and City Manager for providing an environment that was conducive to achieving more and indicated he was planning on pushing the great Mapping Project to its limits for the benefit of all citizens of San Rafael.

- 13. **SWEARING-IN OF CHIEF OF POLICE, MATTHEW C. ODETTO (PD) – FILE 9-3-30**

City Clerk Jeanne Leoncini administered the Oath of Office to Chief of Police, Matthew C. Odetto.

Noting both public safety organizations in the City were being honored this evening, Mayor Boro stated these were the heart and soul of every city. Indicating San Rafael was very proud of its Fire and Police Departments, he expressed pleasure that Matt Odetto was joining San Rafael as Chief of Police.

Mayor Boro explained that Matt Odetto began his career in the Marin County Sheriff's Department in 1981. In 2000, he was appointed Acting Chief of Police in Tiburon and permanent in 2001, and San Rafael was now fortunate to have him as Chief of Police.

On behalf of the City Council and the community of San Rafael, Mayor Boro congratulated Matt Odetto and indicated that a series of "Meet the Police Chief" events would take place next week as follows:

- Monday, December 11 - San Rafael Community Center;
- Tuesday, December 12 - Terra Linda Recreation Center; and
- Wednesday, December 13, - Pickleweed Park Community Center.

Mayor Boro invited Chief Odetto's wife Carla, daughter Shelby, and son Christopher to join the City Council at the podium to present Chief Odetto with his badges and Identification Card.

Stating it was an honor and expressing thanks to Mayor Boro and the City Council, Chief of Police Matthew Odetto also thanked all those in attendance from the Marin County Sheriff's Office, Town of Tiburon, City of San Rafael and his mom Dorothy, and family.

Mayor Boro acknowledged the presence of retired District Attorney, Paula Kamena, Marin County Sheriff, Robert Doyle and former San Rafael Chief of Police, Michael Cronin, together with Chief Odetto's many friends. He announced that a reception would follow immediately in the City Hall lobby.

COUNCILMEMBER REPORTS:

14. None.

There being no further business, Mayor Boro adjourned the City Council meeting at 8:20 p.m. to a reception in City Hall lobby.

JEANNE M. LEONCINI, City Clerk

APPROVED THIS _____ DAY OF _____, 2006

MAYOR OF THE CITY OF SAN RAFAEL