

IN THE COUNCIL CHAMBER OF THE CITY OF SAN RAFAEL, TUESDAY, JANUARY 16, 2007 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
Gus Guinan, Assistant City Attorney
Jeanne M. Leoncini, City Clerk

OPEN SESSION – COUNCIL CHAMBER – 6:00 PM

Mayor Boro announced Closed Session items.

CLOSED SESSION – CONFERENCE ROOM 201 - 6:00 PM – File 1-4-1a

1. a) Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Case Name: John R. Jones v. City of San Rafael
WCAB Case No.: SFO-0451543
- b) Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Case Name: Ajib, Wajih v. City of San Rafael, et al.
Marin County Superior Court Case No. CIV052663
- c) Conference with Legal Counsel - Existing Litigation
Government Code Section 54956.9(a)
Case Name: St. Vincent's/CYO v. City of San Rafael, et al.
Marin County Superior Court Case # CV045400
- d) Conference with Labor Negotiators – Government Code Section 54957.6
Negotiators: Ken Nordhoff, Jim Schutz, 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

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

2. INTRODUCTION OF NEW EMPLOYEES: - FILE 7-4

8:18 PM

The following new employees were introduced to the City Council by:
Ken Nordhoff, City Manager's Office, Bob Brown, Community Development Department,
David Dodd, Library, and Andy Preston, Public Works Department.

City Manager's Office:

Sylvia Gonzalez, Administrative Assistant III
(unable to attend)
Jim Schutz, Assistant City Manager

Library:

William Calhoun,
Teen/Electronic Services Librarian

Community Development Dept.:

Sarjit Dhaliwal, Associate Planner
Bob Geno, Building Inspector I
Mindy Nguyen, Planning Technician
Caron Parker, Associate Planner

Public Works:

Suvra Chakrabarti, Associate Engineer, Traffic
Art Gibney, Operations and Maint. Manager
Chris Robarge, Street Maintenance Worker II
(not in attendance)
Becky Simon, Associate Engineer, Traffic
John Tzafopoulos, Street Maintenance Worker II
(not in attendance)

Welcoming all to the City of San Rafael family, Mayor Boro noted that Carlene McCart, Community Services Director, would be conducting a tour of City facilities for new employees.

Mayor Boro congratulated Library Director David Dodd on his election to the Executive Committee of the California Library Association.

ORAL COMMUNICATIONS OF AN URGENCY NATURE:

None

CONSENT CALENDAR:

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

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
3. Approval of Minutes of Regular Meeting of Monday, December 18, 2006 (CC)	Minutes approved as submitted.
4. Call for Applications for Appointments to Fill Two 2-year Youth Terms on the Bicycle and Pedestrian Advisory Committee, Due to Expiration of Terms of Isabelle Cohen and Daniel Swain (Terms to Expire End of October, 2008) (CC) - <u>File 9-2-55</u>	<u>Approved staff recommendation:</u> a) Called for applications for appointments to the Bicycle and Pedestrian Advisory Committee, to fill two, 2-year terms, with terms to expire the end of October, 2008; b) Set deadline for receipt of applications on Tuesday, February 6, 2007 at 12:00 Noon in the City Clerk's Office, City Hall, Room 209.
5. Resolution Authorizing Renewal of Agreement with CSG Consulting to Perform Plan Review Services for Building Permits, from January 1, 2007 to January 1, 2008 (CD) - <u>File 4-3-446 x 9-3-85</u>	<u>Item removed from agenda at request of staff.</u>
6. Resolution Authorizing a Grant Agreement with the Association of Bay Area Governments for a Design and Engineering Feasibility Study for the San Rafael Canalfront Conceptual Design Plan (CD) - <u>File 111 x 9-3-85</u>	<u>RESOLUTION NO. 12179 – RESOLUTION AUTHORIZING PLANNING GRANT AGREEMENT WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS FOR THE CANALFRONT CONCEPTUAL DESIGN PLAN (P06-005) (COMMENCING ON JANUARY 16, 2007 AND ENDING ON JUNE 30, 2010 FOR A GRANT OF \$20,000)</u>
7. <u>SECOND READING AND FINAL ADOPTION OF ORDINANCE NO. 1847</u> – “An Ordinance of the City Council of the City of San Rafael Approving an Amendment to the Development Standards for the “Shamrock Center” Planned Development (PD 1715), Adding Permitted and Conditionally Permitted Uses Within the General Commercial (GC) Zone as Uses Allowed Within the Planned Development, on Property Located at 647-655 Irwin Street (Apns: 013-032-01, 013-032-02, 013-032-04, 013-032-05, 013-032-06, 013-021-38)” (CD) - <u>File 10-3</u>	Approved final adoption of Ordinance No. 1847.
8. Monthly Investment Report for Month Ending November, 2006 (FN) - <u>File 8-18 x 8-9</u>	Accepted Monthly Investment Report for month ending November, 2006, as presented.
9. Monthly Investment Report for Month Ending December, 2006 (FN) - <u>File 8-18 x 8-9</u>	Accepted Monthly Investment Report for month ending December, 2006, as presented.
10. Resolution Amending Resolution No. 11771 which Pertains to the Compensation for Part-Time, Temporary, Intermittent and Seasonal Workers (MS) - <u>File 7-8-6</u>	<u>RESOLUTION NO. 12180 – RESOLUTION AMENDING RESOLUTION NUMBER 11771 WHICH PERTAINS TO COMPENSATION FOR PART-TIME, TEMPORARY, INTERMITTENT AND SEASONAL WORKERS</u>

- 11. Resolution Authorizing Renewal of Agreement with MSB/Data Ticket for up to one year of Citation Services to City of San Rafael Parking Services Division (MS) - File 4-3-397 x 9-3-87
- 12. Resolution Approving a Loan to Marin Housing in an Amount not to Exceed Three Hundred and Fifty Thousand Dollars (\$350,000) for the Purchase of a Below Market Rate Unit 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 179-471-14) (RA) - File 229 x (SRRA) R-173 x R-103
- 13. Resolution Authorizing Execution of Agreement with Godbe Research to Perform the 2007 City of San Rafael Public Opinion Survey (CM) - File 4-3-435 x 4-17-201 x 9-3-11

RESOLUTION NO. 12181 – RESOLUTION AUTHORIZING RENEWAL OF CONTRACT FOR PARKING CITATION SERVICES FOR UP TO ONE YEAR WITH MSB/DATA TICKET, INC.

RESOLUTION NO. 12182– RESOLUTION APPROVING A LOAN TO MARIN HOUSING IN AN AMOUNT NOT TO EXCEED THREE HUNDRED AND FIFTY THOUSAND DOLLARS (\$350,000) FOR THE PURCHASE OF A BELOW MARKET RATE UNIT 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 179-471-14)

RESOLUTION NO. 12183 – RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH GODBE RESEARCH TO PERFORM THE 2007 PUBLIC OPINION SURVEY IN AN AMOUNT NOT TO EXCEED \$26,000

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

Councilmember Cohen requested that the record reflect the correct spelling of his daughter’s name, Isabelle Cohen – which ends in ‘e’ rather than ‘a’.

PUBLIC HEARING:

- 14. **PUBLIC HEARING - CONSIDERATION OF RESOLUTION SETTING MAXIMUM RATES AND FEES FOR MARIN SANITARY SERVICE REFUSE AND RECYCLABLE MATERIAL COLLECTION AND DISPOSAL SERVICES, TO BE EFFECTIVE RETROACTIVELY TO JANUARY 1, 2007 (MS) - FILE 4-3-32 VII x 13-2**

Mayor Boro declared the public hearing opened.

Economic Development Coordinator Stephanie Lovette reported that the City’s agreement with Marin Sanitary Service uses a revenue based methodology to set annual rates. A detailed review takes place every three years, with a summary review in the off years. She indicated that the 2007 rates were based on a detailed review and the recommended rate increase for San Rafael was 5.8%. Noting some changes in 2006 in terms of commercial and residential rates, Ms. Lovette stated staff’s recommendation was 5.8% across the board.

Explaining that only 1.4% of the rate increase was actually due to increased operating costs on the company side, Ms. Lovette stated that the majority of the remainder related to a 2.8% increase due to an increase in disposal fees at Redwood Landfill. Noting the staff report indicated Marin Sanitary Service was still in the midst of negotiations, she reported that the negotiations were now completed and the rate would be \$51 per ton for refuse. The remaining 3.9% related to depreciation and interest to implement the dual stream recycling and to purchase new trucks.

Ms. Lovette stated the original proposal was 10.1%; however, having been reviewed by consultants, Hilton, Farnkopf & Hobson, this was reduced to 8.1%, which Marin Sanitary Service agreed to. San Rafael’s rates were reduced by an additional 2.1% to reflect a credit against the one time adjustment in 2006 for the inclusion of the properties formerly served by Las Gallinas Valley Sanitary District.

Councilmember Phillips confirmed with Ms. Lovette that the new landfill rate was \$51 per ton.

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

Reporting that the new dual stream equipment was much easier to use, Councilmember Cohen stated that while Marin County had an outstanding rate of diversion, this would help San Rafael to increase the rate. He appreciated the company's continuing to look for the best methods and technology to encourage people to participate.

Mayor Boro requested clarification that the rates were now consistent for north and south of the hill for both residential and commercial.

Indicating that an extensive amount of work had been done in the rate setting process for 2006, Mr. Nordhoff explained that residential, multi-family and commercial rates were merged and blended into levels that were consistent both throughout San Rafael and with what was in the market place for various services. He noted the rates before Council this evening did not require any additional modifications between formerly Las Gallinas Valley Sanitary District and the remainder of the City.

Referring to page 1 of the staff report, under Recommendation, Mr. Nordhoff noted the date should read: "retroactively to January 1, 2007, not 2006."

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

RESOLUTION NO. 12184 – RESOLUTION SETTING MAXIMUM RATES AND FEES FOR MARIN SANITARY SERVICE REFUSE AND RECYCLABLE MATERIAL COLLECTION AND DISPOSAL SERVICES, TO BE EFFECTIVE RETROACTIVELY TO JANUARY 1, 2007

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

COUNCIL CONSIDERATION:

NEW BUSINESS:

15. ELECTION OF VICE-MAYOR FOR YEAR 2007 (CC) - File 9-1

Councilmember Miller placed in nomination the name of Councilmember Cohen to serve as Vice-Mayor of the City of San Rafael for the year 2007. Councilmember Heller seconded the motion, and Councilmember Cohen was elected Vice-Mayor for year 2007.

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

16. CONSIDERATION OF CITY COUNCIL APPOINTMENTS TO COMMITTEES (CC) - File 9-1

City/School Liaison Committee: Councilmember Phillips confirmed for Councilmember Cohen that he wished to continue his participation with this committee.

With regard to the formation of a Design Review Process Committee, City Manager Ken Nordhoff stated staff had not as yet taken any formal action.

Central Marin Sanitation Agency: Councilmember Cohen stated it appeared to him that this was not an appointment of the City Council, rather the San Rafael Sanitation District.

Mr. Nordhoff stated this had probably been on the list for some time under the pretence that those serving as the District representatives were somewhat de facto serving as the Central Marin Sanitation Agency representatives.

Councilmember Cohen stated he believed that serving on the Central Marin Sanitation Agency was representing the San Rafael Sanitation District, not the City of San Rafael.

Mr. Nordhoff suggested clarifying that this was not a direct City Council appointment.

Marin County Hazardous and Solid Waste Joint Powers Authority (JPA) Board and Executive Committee and Marin County Waste Management Advisory Committee re: AB 939:

Councilmember Heller stated she believed she was the representative on the Marin County Waste Management Advisory Committee re: AB 939; however, she requested clarification on

the representative to the Marin County Hazardous and Solid Waste JPA Board and Executive Committee.

Reporting that he serves at a staff level as part of the Household Hazardous Waste JPA committee, Mr. Nordhoff explained that traditionally, a staff person and alternate are appointed by the City Council. As the representative, he clarified that he could not delegate the position. Mr. Nordhoff requested that the City Council Appointments list be amended to reflect this.

In amending this list, Mayor Boro requested that a differentiation be made to reflect City Council appointments as opposed to Agencies councilmembers serve on where not appointed by the City Council. Mr. Nordhoff stated the list would be restructured, incorporating changes provided this evening.

Councilmember Heller moved and Councilmember Cohen seconded, to accept the report as amended:

Marin County Hazardous and Solid Waste JPA Executive Committee: Ken Nordhoff, Barbara Heller (Alt.).

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

CITY MANAGER’S REPORT:

17. None.

COUNCILMEMBER REPORTS:

18. **Transportation, Communications and Public Works Policy Committee of the League of California Cities: - File 9-11-1**

Reporting on the meeting of January 12, 2007, Councilmember Heller stated that in a presentation on the California High Speed Rail Authority by Quentin Kopp, he indicated that a \$103 million proposal was submitted to be included in the state budget, to continue the program work of the Authority to hire additional staff for the high speed rail should a \$9.95 billion bond, scheduled for the November 2008 ballot, pass. She indicated that the Policy Committee took a support position on the \$103 million.

Councilmember Heller reported that Will Kempton, Director of Caltrans, presented an update on the budget, which had increased by \$1 billion to approximately \$12.8 billion. She indicated that Mr. Kempton’s background was in local public works and noted his public comments that he was changing the attitudes of the 22,000 Caltrans employees regarding cooperation with local governments.

Councilmember Heller also noted an interesting presentation on the Echo 911 system which she believed had a long way to go before being ready for the public.

There being no further business, Mayor Boro adjourned the City Council meeting at 8:46 p.m.

JEANNE M. LEONCINI, City Clerk

APPROVED THIS _____ DAY OF _____, 2007

MAYOR OF THE CITY OF SAN RAFAEL