

IN THE COUNCIL CHAMBER OF THE CITY OF SAN RAFAEL, TUESDAY, FEBRUARY 20, 2007 AT 8:00 P.M.

Regular Meeting:
San Rafael City Council

Present: Albert J. Boro, Mayor
Paul M. Cohen, Vice-Mayor
Cyr N. Miller, Councilmember

Absent: Barbara Heller, Councilmember
Gary O. Phillips, Councilmember

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, Jim Schutz, Nancy Mackle, Lydia Romero,
 Donna Williamson, Richard Whitmore
 Employee Organization(s): San Rafael Fire Chief Officers' Association
 San Rafael Police Mid-Managers Association
 Western Council of Engineers
 Unrepresented Management, including Elected City Clerk
 and Elected Part-time City Attorney
 Unrepresented Mid-Managers

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

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

8:22 PM

The following new employees were introduced to the City Council by:
Fire Chief John Montenero and Administrative Support Chief, Keith Schoenthal, Fire Department,
and Mark Miller, Parking Services Manager, Management Services Department.

Fire Department:
Ian Madfes, Administrative Analyst

Management Services – Parking Services
Jim Swan, Parking Equipment Technician
Fred Jandura, Parking Equipment Technician

Unable to attend:
Shailvina Sharma, Accounting Assistant II
Monica Johnson, Administrative Assistant III
Gary Wong, Parking Attendant
Jenny Moore, Parking Attendant
Sukhjinder Banwait, Parking Equipment Technician

Mayor Boro welcomed the attendees, presenting them with San Rafael pins, and he provided pins to Mr. Miller for those new employees unable to attend.

ORAL COMMUNICATIONS OF AN URGENCY NATURE:

None.

CONSENT CALENDAR:

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

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
3. Approval of Minutes of Regular Meeting of Monday, February 5, 2007 (CC)	Minutes approved as submitted.

4. Call for Applications to Fill One Unexpired Four-Year Term on the Design Review Board Through the End of June 2010, Due to the Resignation of Anne Laird-Blanton (CC) – File 9-2-39

Approved staff recommendation:

- a) **Called for applications to fill one unexpired four-year term on the Design Review Board, term to expire the end of June, 2010;**
- b) **Set deadline for receipt of applications for Tuesday, March 13, 2007 at 12:00 Noon in the City Clerk’s Office, City Hall, Room 209; and**
- c) **Set date for interviews of applicants at a Special City Council meeting to be held on Monday, March 19, 2007, commencing at 6:00 p.m.**

5. Call for Applications to Fill One Four-Year Term on the Fire Commission Through the End of March 2011, Due to the Expiration of Term of Kathleen Devlin (CC) - File 9-2-5

Approved staff recommendation:

- a) **Called for applications for appointment to fill one four-year term on the Fire Commission, to the end of March, 2011;**
- b) **Set deadline for receipt of applications for Tuesday, March 13, 2007 at 12:00 Noon in the City Clerk’s Office, City Hall, Room 209; and**
- c) **Set date for interviews of applicants at a Special City Council meeting to be held on Monday, March 19, 2007, commencing at 6:30 p.m.**

6. Monthly Investment Report for Month Ending January, 2007 (FN) – File 8-18 x 8-9

Accepted Monthly Investment Report for month ending January, 2007, as presented.

8. Resolution Pertaining to the Compensation and Working Conditions for Unrepresented Mid-Management Employees (July 1, 2006 - June 30, 2009) (MS) – File 7-3

RESOLUTION NO. 12196 – RESOLUTION REPEALING RESOLUTION NO. 11227 AND ADOPTING A NEW RESOLUTION ESTABLISHING THE COMPENSATION AND WORKING CONDITIONS FOR UNREPRESENTED MID-MANAGEMENT EMPLOYEES (“MID-MANAGERS”)
(effective July 1, 2006 through June 30, 2009)

9. Resolution Waiving Competitive Bidding and Authorizing Entering Into a Sole Source Agreement for the Purchase of Two (2) Parking Enforcement Vehicles from Municipal Maintenance Equipment Company in the Amount of \$56,440.00 (MS) – File 4-2-343 x 9-3-87

RESOLUTION NO. 12197 – RESOLUTION APPROVING THE PURCHASE OF TWO PARKING ENFORCEMENT VEHICLES THROUGH A SOLE SOURCE AGREEMENT FROM MUNICIPAL MAINTENANCE EQUIPMENT COMPANY IN THE AMOUNT OF \$56,440.00

10. Resolution Authorizing the Mayor to Execute an Agreement Between the City of San Rafael and Lands of Kent at 260 Margarita Drive, APN 016-012-61 and a Portion of the Lands of Pelz at 5 Morgan Lane APN 016-012-63, Regarding Future Proceedings for Annexation of Real Property to the City of San Rafael (PW) – File 5-2-112

RESOLUTION NO. 12198 – RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE LANDS OF KENT – 260 MARGARITA DRIVE, APN 016-012-61 AND A PORTION OF THE LANDS OF PELZ – 5 MORGAN LANE, APN 016-012-63, REGARDING FUTURE PROCEEDINGS FOR ANNEXATION OF REAL PROPERTY TO THE CITY OF SAN RAFAEL

11. Resolution Authorizing the Temporary Closure of City Streets for the Weekly Downtown Farmers' Market Festival on Thursday Evenings from April 5, 2007 - September 27, 2007 (RA) – File 11-19

**RESOLUTION NO. 12199 –
RESOLUTION AUTHORIZING THE
TEMPORARY CLOSURE OF CITY
STREETS FOR THE WEEKLY
DOWNTOWN FARMERS' MARKET
FESTIVAL ON THURSDAY EVENINGS
FROM APRIL 5 – SEPTEMBER 27,
2007**

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

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

7. **FY 2005-2006 ANNUAL FINANCIAL AUDIT REPORT; THE GANN APPROPRIATION LIMIT REPORT, THE SINGLE AUDIT REPORT AND THE MANAGEMENT LETTER/REPORT (FIN) – FILE 8-9 x 8-1 x 9-3-21**

Mayor Boro stated there appeared to be more information in the staff report than was included in the Audit Report and he inquired whether for clarification the Audit report could be updated.

Finance Director Cindy Mosser stated that the fraud policies on page 3 were from prior years and designated as "In Progress." Noting five outstanding Management Comments from prior years, and two new comments, she indicated that none of the prior year's findings were totally complete. With regard to the new fraud incidents, internal controls were immediately addressed.

Expressing concern on this item, Mayor Boro quoted the City Response: "The City concurs that there is a need for policies and procedures. However, this is something that the City will work on as time permits." He indicated that the staff report stated that some of these things were already in place and were being completed. He commented that the status in the Audit Report was not as current as staff's and believed it would be helpful to take the findings on pages 3 through 6 and return to the City Council meeting of March 5, 2007 with an update to be read into the minutes reflecting the current status.

Clarifying, City Manager Ken Nordhoff stated that pages 3 through 6 contained actual findings from the previous audit year even though listed as 2006. He explained this was a restatement of the Management Comments that occurred in the previous year's audit. Their progress was reflected on page 2 with the new incidents listed on page 1. While it might not be possible to request the auditors to restate what was listed on pages 3 through 6, Mr. Nordhoff stated it could be possible to embellish some of the comments in the staff report and have these inserted into the current year responses where appropriate.

While he was aware of the new comments on page 1, Mayor Boro noted others hung over from last year, and he believed more updated information was available for these items. Expressing comfort with the staff report, Mayor Boro indicated he would like the work being done to be reflected in the record.

Ms. Mosser stated she could request the auditors to include an updated status.

Mayor Boro stated he would approve the item this evening in anticipation of an updated status report.

Mr. Nordhoff stated the report would update the items on pages 3 through 6 where appropriate.

Councilmember Miller moved and Councilmember Cohen seconded, to accept the reports and letters, as presented, subject to a status update on previous year's findings in the Management Letter comments.

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

PUBLIC HEARING:

12. **Public Hearing re: 540 FRANCISCO BLVD. WEST (RAB MOTORS); REQUEST FOR A ZONE CHANGE, ENVIRONMENTAL AND DESIGN REVIEW PERMIT, AND USE PERMIT AMENDMENT IN ORDER TO: 1) CHANGE THE ZONING DESIGNATION OF 540 FRANCISCO BLVD. WEST FROM PLANNED DEVELOPMENT (PD 1497) TO FRANCISCO BLVD. WEST COMMERCIAL (FBWC); 2) RECONFIGURE THE LOT TO ADJUST FOR THE AREA REMOVED BY THE HIGHWAY 101 WIDENING PROJECT; AND 3) ESTABLISH A USE PERMIT ALLOWING AN AUTO DEALERSHIP; APNS: 013-051-33 AND A PORTION OF 24, 013-041-53, 56, AND A PORTION OF 50; ROLAND AND BEVERLY BACCI FAMILY TRUST AND SONOMA-MARIN AREA RAIL TRANSIT DISTRICT, OWNER; ANNE MOORE CONSULTING, APPLICANT; FILE NOS.: ZC06-007, ED06-099, AND UP06-048 (CD) – FILE 10-3 x 10-5 x 10-7**

Economic Development Coordinator Katie Korzun reported that the relocation of Francisco Boulevard West took the frontage of RAB Motors at 540 Francisco Boulevard West. She indicated that this evening's applications were to memorialize the changes to be made, together with some basic cleanup items.

Ms. Korzun stated that the Use Permit and change of zone were to bring the entire property into one zoning. She explained that over time as the dealership expanded, the new portions that were added on had the new zoning of Francisco Boulevard West, which was designed for this area and added to the old PD (Planned Development). As the project came forward, staff requested the applicant to file a change of zone to make it consistent across the entire property. She indicated that the General Plan designation on the site was Francisco Boulevard West; therefore, the conforming zoning was Francisco Boulevard West, not PD.

In order to follow through on the zoning, Ms. Korzun stated that Francisco Boulevard West requires a Use Permit for each use, and in that use permit, a finding has to be made that the use proposed meets the City's criteria for a high tax generating large development, and one that utilizes the freeway frontage, which this project does.

Ms. Korzun stated that the primary issue before Council was what would happen to the area remaining between the dealership and the new Francisco Boulevard West.

Indicating that the application was reviewed by the Design Review Board, Ms. Korzun reported that at that time, the area remaining between the building and the street showed a drive isle and landscape area with no trees. The Design Review Board approved the application with the addition of six trees; it went on to the Planning Commission and the applicant in response to the condition requesting six trees, presented the Planning Commission with two alternatives: one showing a configuration that had trees off to either end of the property and one having them wrapped around the southerly property line. Ms. Korzun reported that the Planning Commission unanimously selected the option of four trees along the southerly property line, and in a side motion to the applicant, recommended a more *robust* landscape plan be presented to the City Council. She indicated that in response to that, the applicant took a look at the site plan and determined that the previous plans had not shown a large shrub that was located adjacent to building II. They decided to add a tree next to the shrub and vines along the southerly side of building II, and this was the proposal before Council this evening, i.e., that recommended by the Planning Commission with a few additional materials.

Ms. Korzun stated Council's options were to approve the proposed project as recommended by the Planning Commission, refer it back to the Planning Commission directing that changes be made, or deny the project.

Mayor Boro declared the public hearing opened.

Robin Bacci stated she was part-owner of RAB Motors with her parents, Roland and Beverly Bacci, who were in attendance this evening.

Ms. Bacci stated they were proud to be at the final stage of approval to begin rebuilding their business. She thanked Nancy Mackle and Katie Korzun for their patience, insight and recommendations and their assistance in getting to this point. She also expressed her appreciation to the Design Review Board and Planning Commission for their good work and contributions to the project being presented to the City Council this evening.

Confident that they had listened to, considered and incorporated the concerns, needs and recommendations of the City of San Rafael, Ms. Bacci noted the following highlights:

- The City Traffic Engineer, Design Review Board and Planning Commission all understood and unanimously endorsed the circulation and parking improvements so

new vehicle sales and service business could operate efficiently and safely, keeping traffic off of the now narrower Francisco Boulevard West as much as possible.

- The Planning Commission understood the original RAB Motors architectural and landscape design expertly done by EHDD, which had become a hallmark property for San Rafael and Marin County, and a standard for all Mercedes Benz and other luxury dealerships since RAB opened in the mid 1980s.

Ms. Bacci stated they were honored to have original architect, Peter Dodge, working on the project to ensure the design intent continued to be respected and brought forward to current times.

Consistent with the Planning Commission’s unanimous approval of the preferred plans, Ms. Bacci reported that they were adding six new street trees to the front on the building in a way that framed the award-winning structure. She indicated that the new landscaping complemented the many existing and well-maintained trees in the setback areas and preserved site lines to the relocated, free-standing RAB Motors signs, so important for way finding.

Ms. Bacci indicated they were also pleased to have developed plans to implement the Planning Commission’s excellent suggestion, but not requirement, that landscaping be added to screen an older metal structure behind the current building. She stated that their future pre-owned center plan next door to the south would further screen the rear of the building when completed.

In addition to getting RAB Motors whole again, Ms. Bacci stated they were working on the design for a new pre-owned center at 550 Francisco Blvd. West, just south of the current building. She indicated they were planning an interim pre-owned sales center at the corner of Francisco Blvd. West and Rice Drive and were working very hard at pursuing a new franchise for permanent use at the same corner of Francisco Blvd. West and Rice Drive. Indicating they had done the very best for RAB Motors and the City of San Rafael, Ms. Bacci stated that it had been the style of her father, Roland Bacci, for over fifty years owning and operating the business in San Rafael. She then introduced architect, Peter Dodge.

Peter Dodge, architect, stated that the original concept of the building was that it addressed the freeway and was not only a building symbolic of the product being sold, “painted bent metal,” but also it was designed as a proscenium arch as though the showroom were a theater and the performance the fine cars inside. He indicated that its entire concept was its address to the street; therefore, this latest landscape plan attempted to preserve this by putting the trees to the side rather than in front. He noted one of the Planning Commissioners was especially critical of the metal building that could be seen from Francisco Blvd. West and the freeway, and he (Planning Commissioner) believed something should be done about it. Mr. Dodge indicated that RAB Motors’ plan was to plant a vine so that its metallic surface would be disguised.

Referring to a plan displayed in the Council Chambers, Mr. Dodge identified four trees that were added to the front. He noted quite a bit of existing landscaping that had been there from the beginning was now well established.

Mayor Boro commented he had noticed that in the mornings as people were queuing for service they did so on the internal road, due to the narrowness of Francisco Boulevard West.

Mr. Dodge stated that the previous queuing space was gone.

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

Councilmember Cohen commented that the building remained beautiful and he appreciated all the hard work done by all to get the project to this point, making it easy for the City Council.

a) The title of the Ordinance was read:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AN AMENDMENT TO THE ZONING MAP (ZC06-007) TO RECLASSIFY CERTAIN REAL PROPERTY FROM PLANNED DEVELOPMENT (PD-1497) DISTRICT TO FRANCISCO BOULEVARD WEST COMMERCIAL (FBWC) DISTRICT AT 540 FRANCISCO BLVD. WEST (APN 013-051-33)”

Councilmember Cohen moved and Councilmember Miller seconded, to dispense with the reading of the ordinance in its entirety and refer to it by title only, and pass **Charter Ordinance No. 1848** to print by the following vote, to wit:

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

- b) Councilmember Cohen moved and Councilmember Miller seconded, to adopt the Resolution.

RESOLUTION NO. 12200 - RESOLUTION APPROVING A USE PERMIT AND AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT TO OPERATE AN AUTO DEALERSHIP AND RECONFIGURE THE DEALERSHIP LOT LOCATED AT 540 FRANCISCO BLVD. WEST (APNS: 013-051-33 & portion of 24, 013-041-53, 56 and a portion of 50)

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

Expressing thanks to the Bacci family for all they do in San Rafael, Mayor Boro indicated he looked forward to seeing the new additions.

CITY MANAGER’S REPORT:

- 13. None.

COUNCILMEMBER REPORTS:

- 14. a) **Global Warming: - File 271 x 13-1 x 9-1 (verbal)**
 Councilmember Cohen announced that a meeting was scheduled for Thursday, February 22, 2007 at Marin County concerning Community Choice Aggregation evaluating the issue of power purchasing. He reported having had a meeting with Sustainable San Rafael and conversations concerning Global Warming and San Rafael’s contribution to the issue of Greenhouse Gases. He indicated he would be seeking a meeting with City Manager Nordhoff and Councilmember Miller to pursue these issues for subsequent discussion with the City Council.
- b) **Boy Scouts of America: - File 9-1 (verbal)**
 Councilmember Miller reported that on Saturday, February 17, 2007, he and Chief of Police Matt Odetto joined 2,000 others at Pickleweed Park in celebrating diversity with Boy Scouts of America. As well as foods, artifacts and native dress from countries such as Croatia, he indicated the event featured dancing and demonstrated how great it was to have youth gathered together in an attempt to improve the world.

There being no further business, Mayor Boro adjourned the City Council meeting at 8:45 p.m.

 JEANNE M. LEONCINI, City Clerk

APPROVED THIS _____ DAY OF _____, 2007

 MAYOR OF THE CITY OF SAN RAFAEL