

IN THE COUNCIL CHAMBER OF THE CITY OF SAN RAFAEL, MONDAY, MAY 21, 2007 AT 8:00 P.M.

Regular Meeting:
San Rafael City Council

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

Absent: None

Also Present: Ken Nordhoff, City Manager
Gary T. Ragghianti, City Attorney
Jeanne M. Leoncini, City Clerk

OPEN SESSION – COUNCIL CHAMBER

None

CLOSED SESSION – CONFERENCE ROOM 201

None

ORAL COMMUNICATIONS OF AN URGENCY NATURE:

Pine Tree at the proposed Loch Lomond Development: - File 100

Sandra Sellinger, Marin Releaf, requested that a Pine tree at the proposed Loch Lomond development be examined with a view to its preservation. She expressed disappointment that such a development was proposed for Loch Lomond.

CONSENT CALENDAR:

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

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
2. Approval of Minutes of Regular City Council Meeting of May 7, 2007 (CC)	Minutes approved as submitted.
3. Report on Annual Filings – Fair Political Practices Commission Form 700, Statement of Economic Interests for Designated Employees, Including Consultants, Geotechnical Review Board, Design Review Board, Park and Recreation Commission and Business Improvement District (CC) – <u>File 9-4-3</u>	Accepted report.
4. Resolution of Appreciation to Dee Velazquez, Code Enforcement Officer, Community Development Department, Employee of the Quarter Ending March, 2007 (CD) – <u>File 102 x 7-4 x 9-3-85</u>	<u>RESOLUTION NO. 12248 – RESOLUTION OF APPRECIATION TO DEE VELAZQUEZ, CODE ENFORCEMENT OFFICER, EMPLOYEE OF THE QUARTER ENDING MARCH, 2007</u>
5. Resolution Authorizing the City Manager to Execute a Fourth Amendment to the Agreement for Professional Planning Services with Paul A. Jensen, A.I.C.P., for Services as Project Planner for “The Village at Loch Lomond Marina” Project, Increasing the Total Budget by an Additional \$33,790.00, from a Total Not to Exceed Budget of \$134,007.50 to \$167,797.50 (CD) – <u>File 4-3-370 x 9-3-85 x 10-2</u>	<u>RESOLUTION NO. 12249 – RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL PLANNING SERVICES WITH PAUL A. JENSEN FOR SERVICES AS PROJECT PLANNER FOR “THE VILLAGE AT LOCH LOMOND MARINA” PROJECT, INCREASING THE BUDGET FOR SERVICES (Agreement Term: March 21, 2005 through December 31, 2007, with a budget not to exceed \$167,797.50)</u>
6. Summary of Legislation Affecting San Rafael (CM) – <u>File 116 x 9-1</u>	<u>Approved staff recommendation: SB 964 – Brown Act amendment regarding communication between staff and City Council – Revised position - NEUTRAL</u>

7. Resolutions of Appreciation to Two Individual City Volunteers and Five Rotary Clubs Based in San Rafael: (CM) – File 102
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| <p>Gilda Golden Rotary Club of San Rafael
 Leona Delloca Rotary Club of Mission San Rafael
 Terra Linda Rotary Club
 San Rafael Harbor Rotary Club
 Rotary Club of Marin Evening</p> | <p>1) <u>RESOLUTION NO. 12250</u> –
 RESOLUTION OF APPRECIATION TO GILDA GOLDEN, VOLUNTEER WITH THE CITY OF SAN RAFAEL</p> <p>2) <u>RESOLUTION NO. 12251</u> –
 RESOLUTION OF APPRECIATION TO LEONA DELLOCA, VOLUNTEER WITH THE CITY OF SAN RAFAEL</p> <p>3) <u>RESOLUTION NO. 12252</u> –
 RESOLUTION OF APPRECIATION TO ROTARY CLUB OF SAN RAFAEL</p> <p>4) <u>RESOLUTION NO. 12253</u> –
 RESOLUTION OF APPRECIATION TO ROTARY CLUB OF MISSION SAN RAFAEL</p> <p>5) <u>RESOLUTION NO. 12254</u> –
 RESOLUTION OF APPRECIATION TO TERRA LINDA ROTARY CLUB</p> <p>6) <u>RESOLUTION NO. 12255</u> –
 RESOLUTION OF APPRECIATION TO SAN RAFAEL HARBOR ROTARY CLUB</p> <p>7) <u>RESOLUTION NO. 12256</u> –
 RESOLUTION OF APPRECIATION TO ROTARY CLUB OF MARIN EVENING</p> |
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8. Resolution Authorizing the Signing of an Agreement Between the City of San Rafael and the San Rafael Goldenaires Senior Citizens Club (CS) – File 4-10-149 x 9-3-65
- RESOLUTION NO. 12257** –
RESOLUTION AUTHORIZING THE SIGNING OF THE AGREEMENT BETWEEN THE CITY OF SAN RAFAEL AND THE SAN RAFAEL GOLDENAIRES SENIOR CITIZENS CLUB (FIVE YEAR AGREEMENT FROM MARCH 5, 2007 TO MARCH 5, 2012)
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9. Monthly Investment Report for April, 2007 (Fin) – File 8-18 x 8-9
- Accepted Monthly Investment Report for month ending April, 2007, as presented.**
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10. Resolution of Appreciation to Robert Barnett for Eight Years of Service on the Board of Library Trustees (Lib) – File 102 x 9-3-61
- RESOLUTION NO. 12258**–
RESOLUTION OF APPRECIATION TO ROBERT BARNETT FOR EIGHT YEARS OF SERVICE ON THE BOARD OF LIBRARY TRUSTEES
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11. Resolution Approving the Purchase of Five Replacement Vehicles, Four of Which Have Been Deferred from the F/Y 2005-2006 Vehicle Replacement List (PW) – File 4-2-345 x 9-3-80 x 9-3-40
- RESOLUTION NO. 12259** –
RESOLUTION APPROVING THE PURCHASE OF FIVE REPLACEMENT VEHICLES FOR THE PUBLIC WORKS DEPARTMENT PURSUANT TO THE FY 06-07 VEHICLE REPLACEMENT SCHEDULE (ONE FORD ESCAPE HYBRID AND ONE FORD F250 DUMP TRUCK FROM FOLSOM LAKE FORD TOTALING \$47,215.59, AND THREE FORD F350 SD DUMP TRUCKS FROM HENRY CURTIS FORD TOTALING \$102,275.79)

12. Resolution Approving and Authorizing the Mayor or Vice-Mayor to Execute a Lease Assignment from Trans Bay Cable LLC to Pittsburg Power Company for the Lease of a Portion of the San Rafael Bay Held by the City of San Rafael as Granted Lands from the State of California for the Purpose of the Construction, Installation, Operation, Maintenance and Use of a Submarine High Voltage Direct Current Transmission Line (RA) – File 2-10

**RESOLUTION NO. 12260 –
RESOLUTION APPROVING AND
AUTHORIZING THE MAYOR OR
VICE-MAYOR TO EXECUTE A LEASE
ASSIGNMENT FROM TRANS BAY
CABLE LLC TO PITTSBURG POWER
COMPANY FOR THE LEASE OF A
PORTION OF THE SAN RAFAEL BAY
HELD BY THE CITY OF SAN RAFAEL
AS GRANTED LANDS FROM THE
STATE OF CALIFORNIA FOR THE
PURPOSE OF THE CONSTRUCTION,
INSTALLATION, OPERATION,
MAINTENANCE AND USE OF A
SUBMARINE HIGH VOLTAGE
DIRECT CURRENT TRANSMISSION
LINE**

14. Resolution of Appreciation to Joe and Sue Carlomagno for their Work on the Italian Street Painting Festival (RA) – File 102

**RESOLUTION NO. 12261 –
RESOLUTION OF APPRECIATION TO
JOE AND SUE CARLOMAGNO FOR
THEIR WORK ON THE ITALIAN
STREET PAINTING FESTIVAL**

15. Resolution Authorizing Closure of Downtown City Streets in Connection with the Carrera de San Rafael on Saturday, July 7, 2007 from 12:00 Noon to 10:00 p.m. (RA) – File 11-19

**RESOLUTION NO. 12262 –
RESOLUTION AUTHORIZING THE
TEMPORARY CLOSURE OF CITY
STREETS FOR THE CARRERA DE
SAN RAFAEL ON SATURDAY, JULY
7, 2007**

AYES: COUNCILMEMBERS: Cohen, Heller, Miller, Phillips and Mayor Boro
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAINING: COUNCILMEMBERS: Phillips (from item #2 only, due to absence from meeting of May 7, 2007)

The following item was removed from the agenda for discussion:

13. **RESOLUTION APPROVING THE 2007-08 ANNUAL REPORT OF THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT AND DECLARING COUNCIL'S INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2007-08 AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR JUNE 18, 2007 TO CONSIDER LEVYING THE ASSESSMENT (RA) – FILE 224 x 183**

City Manager Ken Nordhoff explained that the first hearing on the Loch Lomond Marina project was scheduled for a special meeting on June 20, 2007; however, the City Attorney's office informed staff last week that at that meeting, public testimony was to be considered on an ordinance, and ordinances could only be considered at regularly scheduled meetings. Therefore, the Loch Lomond hearing was being scheduled for June 18, 2007 and staff was requesting that the public hearing for the Downtown Parking and Business Improvement District be scheduled for the special meeting on June 20, 2007.

Councilmember Cohen moved and Councilmember Heller seconded, to adopt the Resolution, as amended, to indicate that the public hearing would be scheduled for June 20, 2007.

RESOLUTION NO. 12263 – RESOLUTION APPROVING THE 2007-08 ANNUAL REPORT OF THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT AND DECLARING COUNCIL'S INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2007-08 AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR JUNE 20, 2007, TO CONSIDER LEVYING THE ASSESSMENT

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

PUBLIC HEARING:

19. **Public Hearing – CONSIDERATION OF AN ORDINANCE ADOPTING AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRAL SAN RAFAEL REDEVELOPMENT PROJECT AREA PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D) (RA) – FILE 140 x (SRRA) R-140 XIX**

Mayor Boro declared the public hearing opened.

Economic Development Coordinator Stephanie Lovette explained that this public hearing was to consider an ordinance amending the Redevelopment Plan to take advantage of a two-year extension for the plan effectiveness and also for a tax increment receipt limit. She indicated this was an opportunity given by the state legislature due to the payments made to the Educational Revenue Augmentation Fund (ERAF). Ms. Lovette stated that Lee Rosenthal, Agency Counsel, was present and he or she could answer questions.

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

The title of the ordinance was read:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ADOPTING AN AMENDMENT TO THE THIRD AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE CENTRAL SAN RAFAEL REDEVELOPMENT PROJECT AREA PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D), AND AMENDING RELATED ORDINANCES IN CONNECTION THEREWITH”

Councilmember Miller moved and Councilmember Heller seconded, to dispense with the reading of the ordinance in its entirety and refer to it by title only, and pass **Charter Ordinance No. 1850** to print by the following vote, to wit:

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

INTRODUCTION OF NEW EMPLOYEES: 7-4

1. The following new employees were introduced to the City Council by Bob Brown, Community Development Director.

Megan Wintermute, Administrative Assistant 1, Community Development	Kraig Tambornini, Associate Planner, Community Development
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SPECIAL PRESENTATIONS:

16. **PRESENTATION OF RESOLUTION OF APPRECIATION TO DEE VELAZQUEZ, CODE ENFORCEMENT OFFICER, COMMUNITY DEVELOPMENT DEPARTMENT, EMPLOYEE OF THE QUARTER ENDING MARCH, 2007 (CD) – FILE 102 x 7-4 x 9-3-85**

For the benefit of the audience Mayor Boro explained that each quarter employees elect an Employee of the Quarter, the recipient of which would compete with three other employees for Employee of the Year. The recipient for the quarter ended March, 2007 was Dee Velazquez, Code Enforcement Officer. Dee had received a one hundred dollar bill in appreciation for her great work and she would compete for the \$500 Employee of the Year award at the end of the year.

Reporting that Dee had worked for the City of San Rafael’s Code Enforcement Division since 2003, Mayor Boro recalled that when Dee was first recognized in the lobby at City Hall recently, it was noted that although her job in Code Enforcement was extremely difficult and sometimes became confrontational, she appeared to be able to deliver the message in a way that was received and understood with minimal impact.

Noting the Resolution of Appreciation spoke to the many things Dee had done and the different groups she had worked with, Mayor Boro reported that it also stated she was always friendly and courteous to the public; she patiently listened to each caller vent and then courteously explained the code. She was very dedicated to her job, her enthusiasm was amazing, she actively promoted good relations with others, continually offering to assist co-workers with inspections and other office related functions and never stated she was “too busy” or “that’s not my job.” Offering congratulations to Dee Velazquez, Mayor Boro stated she was a great employee.

17. **PRESENTATION OF RESOLUTIONS OF APPRECIATION TO TWO INDIVIDUAL CITY VOLUNTEERS AND FIVE ROTARY CLUBS BASED IN SAN RAFAEL: (CM) – FILE 102**

GILDA GOLDEN
LEONA DELLOCA

ROTARY CLUB OF SAN RAFAEL
ROTARY CLUB OF MISSION SAN RAFAEL
TERRA LINDA ROTARY CLUB
SAN RAFAEL HARBOR ROTARY CLUB
ROTARY CLUB OF MARIN EVENING

Mayor Boro invited Volunteer Coordinator Cory Bytof to assist with the following presentations:

Cory Bytof explained that Gilda Golden had worked as a volunteer with the Police Department since 1999, starting with the “Are You O.K.?” program. She had served the department in various other roles, including participating in and training prospective volunteers, carrying out courier duties for the daily court runs to the Civic Center and Golda always said “yes” to performing various duties. Mr. Bytof stated that in addition to her volunteer work with the San Rafael Police Department, she was treasurer for the women’s Zionist Organization of America, she had been active for thirty years with the Marin Chapter of City of Hope, and San Rafael was very proud to have her on its volunteer team.

Reporting that Leona Delloca had been an integral part of the San Rafael Goldenaires Senior Program, taking a leading role in their various activities, Mr. Bytof stated she had served as vice-president of the Goldenaires. She had been the chairperson for Bingo games several times a month, had done numerous clerical duties in the Program’s office, together with helping with adult theater productions of the North Bay Repertory Company. Leona had always been ready to help with the Goldenaires’ newsletter and special events on weekends and evenings, often staying late. She recently retired as a volunteer with the Goldenaires after serving tirelessly, graciously, and with a smile for fifteen years.

Reading from the Resolution of Appreciation for Rotary Club of San Rafael, Mayor Boro quoted: “Rotary Club of San Rafael has made substantial financial contributions to help numerous youth in the City, including awarding over \$8,000 this year in small grants to teachers of grades K through 6 in the San Rafael School District for special classroom projects affecting about 600 students. Rotary Club of San Rafael has awarded scholarships to San Rafael High graduating seniors since 1956, totaling \$350,000.”

Mayor Boro noted the resolution also spoke to the many other achievements of Rotary Club of San Rafael in the community and on behalf of the City Council and the citizens of San Rafael, he expressed thanks to the Rotary Club of San Rafael and to its representatives in attendance.

Quoting from the Resolution of Appreciation, Mayor Boro stated that the “Rotary Club of Mission San Rafael has for over twenty years served Thanksgiving dinner at Whistlestop and for at least ten years has hosted Davidson Middle School sixth grade students for Job Shadow Day. Rotary Club of Mission San Rafael sponsors elementary school students to attend summer camp each summer and sponsors a Little League baseball team.” He indicated the Resolution addressed many others actions, including teaching financial literacy at the County Community High School twice a month and in typical Rotary spirit and fashion, they had done extremely well, and he congratulated and thanked representative Jeanne Leoncini.

From the Resolution of Appreciation for Terra Linda Rotary Club, Mayor Boro quoted: “Terra Linda Rotary Club has contributed to various youth programs in the community, including sponsoring a high school service club at Terra Linda High School, financially supporting ‘safe grad night’ at Terra Linda High School and providing dictionaries to all third graders in the Terra Linda Valley. Terra Linda Rotary has provided \$13,000 per year in college scholarships to Terra Linda and Marin Catholic students and recognizes outstanding teachers from San Rafael City Schools and the Dixie School District with awards.”

On behalf of the City of San Rafael, Mayor Boro congratulated the Terra Linda Rotary Club.

Inviting a representative to the podium, Mayor Boro stated that “San Rafael Harbor Rotary Club had supported projects and activities focused in the Canal Neighborhood of San Rafael, including an annual free Halloween Movie Night, cleanup activities and special event assistance. San Rafael Harbor Rotary Club supports Bahia Vista Elementary School through purchase and distribution of hundreds of large picture dictionaries, as well as Davidson Middle School through the creation and ongoing maintenance of the Centennial Garden Project.”

Mayor Boro noted the Resolution of Appreciation addressed many other things the Club had done in a very short time, making a great mark in San Rafael, and he congratulated San Rafael Harbor Rotary Club and its members.

Quoting from the Resolution of Appreciation Mayor Boro stated: "Rotary Club of Marin Evening has supported local senior centers and board and care facilities by hosting annual Thanksgiving dinners and summer barbecues for those without families or financial means. Rotary Club of Marin Evening participates in numerous hands-on activities, including building bridges for camps that serve low income and special needs youth from San Rafael and other parts of Marin, and Rotary Club of Marin Evening supports local and international education efforts by purchasing picture dictionaries for all third grade students at San Pedro school, and securing furnishings and school supplies as well as scholarships for youth in South and Central America."

Mayor Boro congratulated the representative for Rotary Club of Marin Evening for doing a wonderful job.

18. **PRESENTATION OF RESOLUTION OF APPRECIATION TO ROBERT BARNETT FOR EIGHT YEARS OF SERVICE ON THE BOARD OF LIBRARY TRUSTEES (LIB) – FILE 102 x 9-3-61**

Mayor Boro reported that the Resolution of Appreciation stated "Robert Barnett had been a member of the Library Board of Trustees for the past eight years and had elected to retire in April, 2007. Mr. Barnett has been a staunch supporter of public library services in San Rafael and brought professional expertise to the position. Mr. Barnett strongly advocated for a new San Rafael library during his tenure on the Library Board of Trustees and also contributed to the establishment of the San Rafael Public Library Foundation." Mayor Boro indicated that Mr. Barnett had expressed interest in continuing to work with the San Rafael Library Foundation as it builds community support for the library.

On behalf of the citizens of San Rafael and the City Council, Mayor Boro thanked Mr. Barnett for his great service to the City.

Thanking the City Council for appointing him as a Library Board Trustee, Mr. Barnett stated he had enjoyed the work and those with whom he had worked. He acknowledged the excellent Library Director and Board of Library Trustees, who did the job they were supposed to by listening, giving advice and of course, advocating for a new library.

CITY MANAGER’S REPORT:

20. None.

COUNCILMEMBER REPORTS:

21. None.

There being no further business, Mayor Boro adjourned the City Council meeting at 8:40 p.m. to a reception in City Hall lobby honoring the recipients of Resolutions of Appreciation.

JEANNE M. LEONCINI, City Clerk

APPROVED THIS _____ DAY OF _____, 2007

MAYOR OF THE CITY OF SAN RAFAEL