

**IN THE COUNCIL CHAMBER OF THE CITY OF SAN RAFAEL, MONDAY, DECEMBER 3, 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 – 7:00 PM**

Mayor Boro announced Closed Session items.

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

1. a) Conference with Legal Counsel - Existing Litigation  
Government Code Section 54956.9(a)  
Case Name: Sharon Ivory v. City of San Rafael  
Marin County Superior Court Case No. 064366
- b) Conference with Legal Counsel - Existing Litigation  
Government Code Section 54956.9(a)  
Case Name: Wajih Ajib v. City of San Rafael  
Marin County Superior Court Case No. 052663

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

**ORAL COMMUNICATIONS OF AN URGENCY NATURE:**

**8:05 PM**

None

**CONSENT CALENDAR:**

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

<b><u>ITEM</u></b>	<b><u>RECOMMENDED ACTION</u></b>
2. Approval of Minutes of Regular Meetings of November 5 and November 19, 2007 (CC)	<b>Minutes approved as submitted.</b>
3. Resolution of Appreciation for Gary T. Ragghianti, City Attorney, Retiring after 23 Years of Service (CA) – <u>File 102 x 9-3-16</u>	<b><u>RESOLUTION NO. 12383 – RESOLUTION OF APPRECIATION FOR GARY T. RAGGHIANTI, CITY ATTORNEY, RETIRING AFTER 23 YEARS OF SERVICE</u></b>
4. Resolution of Appreciation for Jeanne M. Leoncini, City Clerk, Retiring after 35 Years of Service (CC) – <u>File 102 x 9-3-14</u>	<b><u>RESOLUTION NO. 12384 – RESOLUTION OF APPRECIATION FOR JEANNE M. LEONCINI, CITY CLERK, RETIRING AFTER 35 YEARS OF SERVICE</u></b>
5. Resolution of Appreciation for Paul M. Cohen, Councilmember, Retiring after 16 Years of Service (CC) – <u>File 102 x 9-1</u>	<b><u>RESOLUTION NO. 12385 – RESOLUTION OF APPRECIATION FOR PAUL M. COHEN, COUNCILMEMBER, RETIRING AFTER 16 YEARS OF SERVICE</u></b>
6. Resolution of Appreciation for Gary O. Phillips, Councilmember, Retiring after 12 Years of Service (CC) – <u>File 102 x 9-1</u>	<b><u>RESOLUTION NO. 12386 – RESOLUTION OF APPRECIATION TO GARY O. PHILLIPS, RETIRING AFTER 12 YEARS OF SERVICE</u></b>



12. Resolutions of Appreciation for Four Volunteers in Policing: (PD) – File 102 x 9-3-30  
 Emil Bettini Reverend Jan Heglund  
 Bill Kay Reverend Will Nelken

**RESOLUTION NO. 12397 –  
**RESOLUTION OF APPRECIATION  
 FOR POLICE DEPARTMENT  
 VOLUNTEER EMIL BETTINI****

**RESOLUTION NO. 12398 –  
**RESOLUTION OF APPRECIATION  
 FOR POLICE DEPARTMENT  
 VOLUNTEER REVEREND JAN  
 HEGLUND****

**RESOLUTION NO. 12399 –  
**RESOLUTION OF APPRECIATION  
 FOR POLICE DEPARTMENT  
 VOLUNTEER BILL KAY****

**RESOLUTION NO. 12400 –  
**RESOLUTION OF APPRECIATION  
 FOR POLICE DEPARTMENT  
 VOLUNTEER REVEREND WILL  
 NELKEN****

13. Resolution Authorizing the Director of Public Works to Amend the Current Funding Agreement Between the Transportation Authority of Marin and the City of San Rafael by Adding \$533,660 in Local Measure A Funding (PW) – File 170 x 9-3-40

**RESOLUTION NO. 12401 –  
**RESOLUTION AUTHORIZING THE  
 DIRECTOR OF PUBLIC WORKS TO  
 AMEND THE CURRENT FUNDING  
 AGREEMENT BETWEEN THE  
 TRANSPORTATION AUTHORITY OF  
 MARIN AND THE CITY OF SAN  
 RAFAEL BY ADDING \$533,660 IN  
 LOCAL MEASURE A FUNDING****

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

**SPECIAL PRESENTATIONS:**

14. **PRESENTATION OF 2007 SAN RAFAEL DESIGN AWARDS (CD) –  
FILE 250 x 9-3-85 x 9-2-39 x 102**

Mayor Boro noted the awardees’ renderings were on display in the lobby.

Mayor Boro stated that several years ago the City Council recognized some development in San Rafael for the first time with Design Awards and at that time, the Lone Palm Apartments, Freitas Senior Housing in North San Rafael and the Oasis Office building on Fifth and A Streets were acknowledged. He indicated that a committee had been reconfigured earlier this year to look at a number of buildings constructed in the City over the past several years, consisting of representatives from the City Council, Planning Commission, Design Review Board, Chamber of Commerce, Federation of San Rafael neighborhoods, Coalition of San Rafael neighborhoods, together with a representative from the American Institute of Architecture. Twenty-five nominations were submitted and seven were being acknowledged this evening, each of whom would receive a Resolution of Appreciation and certificate. Noting that all five current City Councilmembers had been involved with building these projects, Mayor Boro thanked the recipients for their work in helping to continue to keep San Rafael a place for people to visit and enjoy.

5000 Civic Center Drive - Office Building – Mayor Boro presented the award to the Architect, Robert Hattfield, Hattfield Architecture, Mill Valley.

900 C Street - Parking Garage – Mayor Boro presented the award to Architects, Watry Design, Inc., Redwood City.

33 Merrydale Road – DeHaan Community Center – Mayor Boro presented the award to Architect, Barbara Brown, Sausalito.

515 Northgate Drive – Alma Via of San Rafael – Mayor Boro presented the award to HKIT Architects, Oakland.

1637 Fifth Avenue – Burke residence – Mayor Boro presented the award to Architect Elida Doldan, Schujman/Architecture Studio, Mill Valley.

7 & 11 Mark Drive – Mayor Boro presented Honorable Mention Award for landscaping to Rynerson & O'Brien Architecture, Oakland.

50 Cresta Drive – Mayor Boro presented a Merit Award for diversity and design to Jerry Kler Architects, Sausalito.

Acknowledging Linda Jackson, Principal Planner, Mayor Boro thanked her for her assistance with the script for these awards.

15. **PRESENTATION OF RESOLUTIONS OF APPRECIATION TO GARY T. RAGGHIANI, CITY ATTORNEY, JEANNE M. LEONCINI, CITY CLERK, PAUL M. COHEN, COUNCILMEMBER AND GARY O. PHILLIPS, COUNCILMEMBER – FILE 102 x 9-3-16 x 9-3-14 x 9-1**

Mayor Boro reported that four of the eight elected officials in San Rafael were retiring.

Presenting the Resolution of Appreciation to retiring City Attorney, Gary Ragghianti, Mayor Boro quoted:

“Gary Ragghianti was appointed to the Office of City Attorney on November 19, 1984 and was elected without opposition at the next six elections. He has served two Mayors and eleven Councilmembers; and

Gary, as City Attorney, has provided the City Council and staff with legal advice on a great variety of legal issues that have always been responsive, competent, comprehensive and timely; and

Gary, as City Attorney, has assisted the City Council and staff with numerous difficult land use issues, for which he has justifiably gained a reputation as a wise counselor and expert in land use law; and

Gary, as City Attorney, has successfully guided the City Council through complex litigated cases, demonstrating the qualities of a brilliant strategist and compelling oral and written advocate before the Court; and

Gary, as City Attorney, has directed, supervised, or overseen the preparation of more than 360 Ordinances, nearly 5,500 Resolutions and has been a commanding (if not entertaining) presence at more than 500 City Council meetings; and

Gary, as City Attorney, has balanced a very serious, focused, lawyerly approach to his work for the City Council and staff with a playfulness, devilish wit, and irreverent and unique sense of humor; and

Gary, as City Attorney has always been a caring, thoughtful, courteous, and inspirational leader which is demonstrated by his seemingly effortless ability to get things done, and done well, belying his favorite phrase “IT AINT EASY!”

On a personal note, Mayor Boro stated Mr. Ragghianti had not only been a great lawyer, he had been a good friend. On behalf of the City Council and San Rafael community, he expressed thanks and congratulations.

Councilmember Phillips thanked Mr. Ragghianti for his advice throughout the years.

Expressing thanks, Councilmember Heller stated it had been a joy working with Mr. Ragghianti.

Councilmember Cohen stated it had been a pleasure working with Mr. Ragghianti for sixteen years and for the combination of his rock solid legal advice and guidance, and understanding the line between Counsel and policy setting. He stated that Mr. Ragghianti’s wonderful sense of humor and wit lightened up some heavy moments.

Councilmember Miller recalled that Mr. Ragghianti always gave advice well, guiding the City Council in the right direction. He also expressed appreciation for the gift of his sense of humor and life.

Thanking the Mayor and City Council, Mr. Ragghianti also expressed thanks to Jeanne Leoncini, City Clerk, for the honor and privilege of working with her for 23 years. He thanked Gus Guinan, Assistant City Attorney and Eric Davis, Deputy City Attorney, for their loyalty and support, and Mrs. Ragghianti, who had never attended a City Council meeting, by choice, and without whom he could not have done so much.

In his career, Mr. Ragghianti stated it was his privilege to represent four of the eleven cities in Marin County – Belvedere, Corte Madera, Tiburon and San Rafael; however, his favorite had always been San Rafael. Of all the thousands of Council meetings he had attended, he indicated that the best had always been, and he hoped would remain, those conducted in San Rafael.

Indicating he would miss everyone, Mr. Ragghianti stated he would always have a fond spot in his heart for what he considered the greatest city in Marin County.

Presenting the Resolution of Appreciation to Jeanne Leoncini, City Clerk, Mayor Boro quoted:

“Jeanne Leoncini joined the Public Works Department in 1972. She was appointed City Clerk in 1977, elected to that position in March, 1979 and re-elected on six occasions by the citizens of the City of San Rafael; and

Jeanne has worked with 3 Mayors, 16 Councilmembers, 4 City Attorneys and 8 City Managers, all of whom fell victim to her infamous, but much beloved red pen. She attended and stayed awake for more than 700 Council meetings and executed in excess of 7,000 Resolutions and 600 Ordinances; and

Under her leadership, and at times against her better judgment, the City Clerk’s Department was among the first to provide Internet access to public documents; Jeanne’s achievements also include the implementation of Records Management and Electronic Indexing Systems; and

Jeanne has worked tirelessly to ensure that all City records are easily accessible. She is a staunch advocate of the public’s right to know, promptly and pleasantly assisting those seeking information on any subject, whether recently, from the 1950s or the Paleozoic Era; and

Jeanne’s retirement has led to the imminent bankruptcy of the Ticonderoga Pen and Pencil Company and the layoff of 125 employees; and

As the first woman to join her Rotary Club, Jeanne has “made up” any missed meetings, which has resulted in a perfect but ultimately frightening attendance record; and

Jeanne is the longest serving City Clerk in Marin County and is known far wide for her sense of humor and even-tempered nature. Still awaiting her growth spurt, she has been affectionately referred to as “Her Shortness”, “Little Leon” or “The Little One”; and

Jeanne is like an overly zealous FBI agent when tracking down misguided and slovenly authors of staff reports, resolutions, etc. Her red pen is a testament to the fact that she has zero tolerance for errors. In fact, a stroke of this pen has kept many from spending time behind bars. When the going gets tough, she has been known to utter “I don’t know whether I’m on foot or horseback”; an apparent attempt at humor that no one truly understands.”

Stating that Jeanne had a marvelous career of 35 years with the City of San Rafael, Mayor Boro stated she was very well known for what she had done; she had a way of ensuring everything was well thought out and well prepared. She was leaving a true legacy and would be missed. Acknowledging the presence of her husband and son, Mayor Boro thanked and congratulated Jeanne Leoncini.

Noting Jeanne was an absolute perfectionist, Councilmember Phillips stated she was a delight to work with.

Councilmember Heller stated that Jeanne had been marvelous in helping everyone understand forms, etc., and she expressed thanks.

Councilmember Cohen noted the tremendous respect the City Council and Department Heads had for Jeanne and her role in maintaining the public’s trust by keeping accurate records of Council meetings.

Councilmember Miller expressed admiration and love for Jeanne’s dedication to the task of ensuring everything was correct and honestly related to the public.

Stating that City Hall had been her “home away from home” for thirty-five years, Ms. Leoncini stated she had thoroughly enjoyed working with Mayor Boro and the City Council, City Attorney, Gary Ragghianti, Assistant City Attorney Gus Guinan and staff of the City Attorney’s office. She acknowledged her staff, Esther and Rita, City Manager Ken Nordhoff and Department Directors, and in conclusion, Jeanne thanked her husband Lou and son Scott.

Noting the current Council had served together for over ten years, quoting from the Resolution

Mayor Boro stated: “Paul Cohen has been an active, dedicated and involved public servant on behalf of the City of San Rafael for just over two decades; and Paul began his City public service in May 1987, when he was appointed to the Planning Commission, where he served for four and one half years and was instrumental in reviewing and approving numerous development projects; and

Paul was elected to serve on the City Council beginning November 1991, and has served 16 years as a Councilmember and Vice Mayor; and

Paul’s tenure as a City Councilmember included stints on various appointed committees and boards, including the San Rafael Redevelopment Agency, the San Rafael Sanitation District Board, the MTC Advisory Council, ABAG, Marin Economic Commission and Chair of MCCMC; and

During Paul’s tenure on the Planning Commission and City Council, Councilmember Cohen provided the leadership necessary to revitalize the Downtown, improve or build six parks, renovate two community centers, build a new childcare center, public parking garage, City Plaza and Public Works building, approve two General Plans, build affordable housing throughout the City, and implement traffic improvement and capital projects too numerous to list; and

Paul’s departure from the City Council does not mean he has left public service, in fact, he’ll have the opportunity to enjoy many more public meetings as a newly elected San Rafael City Schools Board Trustee.”

Indicating that he had known Paul Cohen for the entire time he served the City of San Rafael, Mayor Boro recalled that when Paul was 13 years old (with curly hair), he was on the Marin County Youth Commission, at which time he (Mayor Boro) was the adult advisor to the County Parks Commission. Commenting that Paul was a brilliant person, Mayor Boro stated he “gets to the issues, brings consensus to the City Council and tackles tough issues.” Noting the current City Council was cohesive and worked well together, albeit, not agreeing on every occasion, as should be the case, Mayor Boro stated all wished to do what was best for the City, and Paul Cohen was the exemplification of this.

Indicating they always ran for election together, Councilmember Phillips stated he was particularly attached to Paul Cohen – “a terrific guy.” He could get to the heart of the issues, some of which were very complex, more quickly than anyone he knew, and his clarity and perspective were admired and respected.

Councilmember Heller stated that watching Paul Cohen through the years had been a joy. He kept his family foremost in his thoughts, actions and work, while still giving the City every minute it demanded, and had done a marvelous job as a human being. She believed this City Council worked so well because all members left their egos at the front door.

Indicating that when first appointed to the City Council he got his place to the left of Councilmember Cohen, Councilmember Miller stated it brought with it the depth of the meaning of social justice – the building of society – and Councilmember Cohen has taken this as the context in which he thought about, discussed, and came to his decisions in terms of the common good of the City. He stated it had been a privilege to learn so much from Paul Cohen.

Councilmember Cohen commented that after sixteen years, one would have thought he would have figured out how not to follow Councilmember Miller; however, no one had, noting the cardinal rule was not to follow Cyr Miller.

Commenting on the special relationship this Council had enjoyed for the last twelve years, and reading of the sniping and posturing of other councils, Councilmember Cohen stated he had thought to himself on numerous occasions that he could not do this in such an environment. Expressing appreciation for having had the opportunity of working with Mayor Boro and the other members of the City Council for the common good, not necessarily agreeing, rather working with a tremendous sense of respect for one another, being straightforward and honest and willing to speak their minds while working to achieve consensus for what they believed to be the best for the community. Councilmember Cohen stated it spoke well for the City that the citizens of San Rafael at election time, clearly, consistently and with no doubt, continually demonstrated they trusted the City Council as a group to arrive at the correct decision, and he reiterated that it had been a tremendous pleasure serving with Mayor Boro and the City Council and working through that process.

Realizing it was time to make room for someone else, Councilmember Cohen stated that the last time he ran for election he was the City Liaison to the General Plan update; however, while he was involved in a lot of things currently, there was nothing someone else could not step into and take over. Councilmember Cohen stated that he was leaving with the City in the hands of a

tremendous group of staff people, for whom he had tremendous respect. He stated it had been an honor and pleasure to work with everyone and he was leaving in the knowledge that the City was in very good hands.

Quoting from the Resolution of Appreciation for Gary Phillips, Mayor Boro stated: "Gary Phillips has been a committed, energetic and engaged public servant on behalf of the City of San Rafael for sixteen years; and

Gary served eight years on the Dixie School Board and began his City public service in December 1991, when he was appointed to the Planning Commission, where he served for over three years and was instrumental in reviewing and approving numerous development projects; and

Gary was appointed to serve on the City Council beginning February 1995, and has served twelve years as a Councilmember and Vice-Mayor; and

Gary's tenure as a City Councilmember included stints on various appointed committees and boards (Mayor Boro noted the City Council was involved not only in San Rafael's, but many County issues), including the San Rafael Redevelopment Agency, the San Rafael Business Issues Committee, City/School Liaison Committee and the Marin Economic Commission; and

During Gary's tenure on the Planning Commission and City Council, Councilmember Phillips provided the leadership necessary to revitalize the Downtown, approve General Plan 2020, improve or build six parks, renovate two community centers, build a new childcare center, public parking garage, City Plaza and Public Works building, build affordable housing throughout the City, and implement traffic improvement and capital projects, too numerous to list; and

Councilmember Phillips went above, around and outside his public service duties by bringing the Great Race event to San Rafael. He, along with Mayor Al Boro, completed a cross-country race in a Ford Model A, crossing the finish line in Downtown San Rafael in July 2006."

Mayor Boro expressed gratitude to Councilmember Phillips for the time he had given to San Rafael. Having first met Gary when he (Gary Phillips) was a school board member and he (Mayor Boro) was serving as City Council representative on the Liaison Committee on childcare, he stated he had not realized at the time of his election that San Rafael provided over 1,200 childcare spots for children in the San Rafael community, and they worked together on a committee report on how to continue and enhance the childcare program.

Mayor Boro stated that when Councilmember Phillips approached him with regard to hosting the Great Race, his response was that this was not possible because the City was in a financial crisis and City funds could not be utilized for an event such as this. Using his favorite phrase of "not to worry" Councilmember Phillips stated he would take care of it, and he did. Mayor Boro stated it took a while to realize he would accompany Councilmember Phillips across country in the Ford Model A; however, they had a great time, their friendship was further enhanced and they were more than speaking to each other at the end of the 14 days and 4,400 miles.

Indicating that one of the motivators for Gary for this project was the City, Mayor Boro stated that another was the fact that San Rafael was voted by the 109 entrants as the best host city based on a 24-hour period, and received a \$10,000 grant for the Library; Councilmember Phillips had worked very hard on this.

Mayor Boro stated that Gary Phillips had been a great Councilmember and good friend and he wished him lots of luck.

Councilmember Heller stated she got to know Gary Phillips through the twelve years he spent on the Planning Commission and City Council. She enjoyed listening to the conversations about cars and learned a lot; however, she had not yet become familiar with golf. Noting Councilmember Phillips was very busy with family and work, she stated he always found the time to be present and prepared for every meeting, which she appreciated.

Concurring that in some ways they were "joined at the hip", Councilmember Cohen stated he did not know if anyone who had not been through an election campaign really understood how much time was spent with fellow candidates. It had been a pleasure to work with him and he, like the other members of the Council, looked to Gary on financial matters, listening carefully to his advice. He noted their challenging experience with Marinwood was omitted from the Resolutions. He stated it was an interesting experience working with Gary to ensure the best interests of the City were protected and the best interests of the public at large were protected when it concerned public safety.

Councilmember Miller stated it had been a delight working with Councilmember Phillips for the past twelve years. He admired his accounting ability, always honestly expressing his point of

view, which carried over into relationships. He thanked Gary for his great contribution.

Acknowledging the past twelve years of his association with the City of San Rafael, Councilmember Phillips stated it was an experience he would never forget. He suspected the City Council was successful only because of the outstanding City staff, which people did not often realize. They were good and smart people and it had truly been a delight to have been associated with everyone present this evening and those who had not had the opportunity to attend, and he expressed thanks for making the City Council look good on occasion.

Suggesting that those retiring were showing good judgment, Councilmember Phillips wished them luck and thanked them for their support. He wished the City of San Rafael the best, together with newly elected Councilmembers Greg Brockbank and Damon Connolly.

Noting four of the eight elected seats were turning over, Mayor Boro stated there would be challenges for the new City Council and new things to accomplish for the City. He believed those retiring truly enjoyed working for and with the City of San Rafael and exemplified the love and interest they had for the community. He concurred that Council and staff were a team, all respecting each other and working together to do what was best for the community.

**PUBLIC HEARING:**

16. **Public Hearing:**  
**INTERSECTION OF THIRD AND UNION STREETS - CONSIDERATION OF A REQUEST FOR GENERAL PLAN AMENDMENT TO ESTABLISH AN ACCEPTABLE LEVEL OF SERVICE TO ALLOW MODIFICATIONS TO THE INTERSECTION FOR IMPROVED PEDESTRIAN AND BICYCLIST SAFETY (CD) – FILE 115 (2020) x 11-10 x 11-11**

Using charts, Community Development Director Bob Brown explained that with the General Plan there was an ability for the City Council to allow an intersection improvement that exceeds the acceptable Level of Service (LOS) for safety improvements, which was the subject of this proposal.

Looking at the chart based on City Traffic Engineer Nader Mansourian's Traffic Modeling, Mr. Brown stated that blue identified the current level of traffic, plus the approved projects anticipated, burgundy added in the traffic from the last approval for PSP (Project Selection Process) granted by the City Council, and yellow identified what was anticipated for development from General Plan 2020 through that year. He indicated that all the existing and assumed traffic fell within LOS D without a problem; however, having made safety improvements, changes would take place. Mr. Brown stated that the baseline column grew, which meant that essentially in the morning with the safety improvements, the LOS would be D; therefore, LOS D was no longer viable for this intersection.

Mr. Brown stated that the Planning Commission recommended 70-seconds of delay, i.e., mid LOS E, which would accommodate the anticipated growth occurring between now and the year 2020. He stated staff supported this recommendation.

Councilmember Miller confirmed with Mr. Mansourian that basically, this concerned the operations and safety of this intersection. Pedestrians and bicyclists were of paramount importance and because it took pedestrians, especially elders, longer to cross, this amount of delay time was needed for this operation.

Mr. Mansourian stated that by separating the northbound and southbound left turn movements, the delay for the intersection would increase.

Aware of the amount of high school students in the mornings and afternoons in that intersection, Councilmember Heller inquired whether the width of the sidewalks could be increased at this time.

Mr. Mansourian stated staff worked with the Montecito Shopping Center as Phase I of the project's improvements was implemented last year, i.e., they added a six-foot wide sidewalk on their side. He noted that the sidewalks by the fire station and the north east part of the intersection were being widened to accommodate the high school students standing on the corner waiting for the signal.

With regard to the sidewalk on Union Street by the fire station, Councilmember Heller noted it needed to be widened and made ADA accessible up to Mission Avenue, and she inquired whether this could be done with this project.

Mr. Mansourian stated that as part of the design for the Union Street section, the work was limited to Fourth Street. He indicated that the sidewalk would be replaced and ADA accessible wheelchair ramps installed; however, it would not be widened on the fire station side. He indicated that if there was a possibility of making the sidewalk wider, it would be done.

With respect to Northbound Union Street and the traffic to Whole Foods, Councilmember Cohen noted a through lane and a left-turn lane would be added in the northbound direction, and he inquired whether the left turn lane would be extended from the intersection to the driveway.

Mr. Mansourian stated it would end at the driveway and the roadway widening would narrow down approaching Fourth Street.

Councilmember Cohen noted there still would be only one left turn lane off Third Street on to Union Street; therefore, should a queue form in the left turn lane at Whole Foods, there could still be a backup at that point.

Mr. Mansourian stated staff's observation had been one or two cars waiting to make a left turn into Whole Foods. The left turn pocket to be created would store approximately three to four cars.

Councilmember Cohen suggested monitoring the impact at Whole Foods. Noting valet parking had been implemented at certain times, he suggested that this could perhaps be an internal circulation issue.

In reading the Planning Commission minutes, Councilmember Phillips confirmed this would not negatively impact the function of the fire station. He inquired as to the reaction of the immediate homeowners association to the plan.

Mr. Mansourian confirmed that the original request to look at improvements at the intersection came from the Montecito Shopping Center and the neighborhood. Staff had been in contact with both, making presentations, and they were aware of the design, etc.

Mayor Boro declared the public hearing opened, and there being no comment from the audience, closed the public hearing.

Aware that the intersection was a concern to those residing in East San Rafael, Peacock Gap, Glenwood, Loch Lomond, etc., Mayor Boro stated that at the same time, the concerns of those in the immediate neighborhood about having more time to cross were being addressed, especially seniors, and he confirmed with Mr. Mansourian that count down indicators would be installed there.

Councilmember Cohen believed it important to pay attention to pedestrian traffic generated by the high school and ensure the intersection functioned in a safe manner for young people, some of whom had not yet learned to develop a healthy terror of automobiles.

Indicating he was pleased that standards were not being lowered to accommodate development, Councilmember Cohen stated this was being done to inconvenience the automobile for the sake of pedestrians and bicyclists, and he believed this was the correct step for the future of the City and planet in encouraging pedestrian and bicycle use.

Councilmember Heller inquired whether Whole Foods had any further plans to improve traffic.

Mr. Brown anticipated receiving the return of an application from the PSP process last year for the approximate 3,500 square-foot expansion of the Take Out Food Section. He was unaware of what parking lot improvements could result from that.

Regarding the timeline, Mayor Boro stated he was aware that some preparatory work needed to be done by PG&E prior to commencing the project and the City would do everything possible to cooperate in a timely fashion. Mr. Preston stated the best case scenario was that PG&E could take approximately six months for the design phase; however, with lots of pending projects, this one would join their queue. He was aware Mr. Mansourian would like to do the work during school vacation; therefore, the best case scenario would be to be under construction in 2009.

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

**RESOLUTION NO. 12402 – RESOLUTION ADOPTING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR GENERAL PLAN 2020 AND A GENERAL PLAN AMENDMENT ESTABLISHING A TRAFFIC LEVEL OF SERVICE FOR THE THIRD AND UNION INTERSECTION**

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

**COUNCILMEMBER REPORTS:**

17. **CCA – Community Choice Aggregation: - File 271 x 9-1**  
Having attended several CCA sessions, Councilmember Miller stated that the report on Risk Management was an outstanding document, providing concepts and context for making decisions going forward.

Mayor Boro again thanked City Attorney Gary Raghianti, City Clerk Jeanne Leoncini, and Councilmembers Cohen and Phillips for their work on behalf of the City of San Rafael.

City Attorney Gary Raghianti expressed sincere thanks to Mayor Boro and the City Council.

There being no further business, Mayor Boro adjourned the City Council meeting at 9:55 p.m.

\_\_\_\_\_  
JEANNE M. LEONCINI, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007

\_\_\_\_\_  
MAYOR OF THE CITY OF SAN RAFAEL