

IN THE COUNCIL CHAMBER OF THE CITY OF SAN RAFAEL, MONDAY, DECEMBER 17, 2007 AT 8:00 P.M.

Regular Meeting:
San Rafael City Council

Present: Albert J. Boro, Mayor
Greg Brockbank, Councilmember
Damon Connolly, Councilmember
Barbara Heller, Councilmember
Cyr N. Miller, Councilmember

Absent: None

Also Present: Ken Nordhoff, City Manager
Robert F. Epstein, City Attorney
Esther C. Beirne, City Clerk

OPEN SESSION – COUNCIL CHAMBER – 7:00 PM

None

CLOSED SESSION – CONFERENCE ROOM 201 - 7:00 PM -

None

ORAL COMMUNICATIONS OF AN URGENCY NATURE:

8:02 PM

Santa Cop: - File 9-3-30

On behalf of the San Rafael Santa Cop Program, Corporal Dan Hanlon extended an invitation to all to participate in the annual wrapping party at 1525 Mission Avenue, beginning at 12:00 noon on Thursday, December 20, 2007, with dinner being served after 6:00 p.m. He expressed sincere gratitude to the San Rafael employees who contributed abundantly with toys and food at the Annual Christmas Luncheon.

CONSENT CALENDAR:

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

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. Approval of Minutes of Regular Meeting of December 3, and Special Meetings of December 10, 2007 (CC)	Minutes approved as submitted.
2. Resolution Authorizing the City Manager to Execute an Agreement to Accept and Expend a Grant in the Amount of \$140,000 from the California Department of Transportation for a Canalfront Conceptual Design Plan (CD) – <u>File 272 x 171 x 9-3-85</u>	<u>RESOLUTION NO. 12404 – RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF \$140,000 FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR A CANALFRONT CONCEPTUAL DESIGN PLAN (P06-005)</u>
3. Resolution Authorizing Submission of Grant, Designation of Authority for Grant, and Entry into Contract with the California Coastal Commission (CM) – <u>File 235 x 13-1</u>	<u>RESOLUTION NO. 12405 – RESOLUTION AUTHORIZING SUBMISSION OF A GRANT PROPOSAL AND AGREEMENT WITH THE CALIFORNIA COASTAL COMMISSION</u>
4. Resolution Approving a Contract with First Five Marin (Marin Children’s and Families Commission) for Fiscal Year 2007-2008 to Provide School Readiness Preschool Services at Pickleweed Children’s Center in the Amount of \$73,218.00 and Authorizing the City Manager to Sign Contract Documents (CS) – <u>File 4-10-238 x 9-3-65</u>	<u>RESOLUTION NO. 12406 – RESOLUTION AUTHORIZING ENTERING INTO A ONE YEAR CONTRACT (FOR FISCAL YEAR 2007-2008) WITH FIRST FIVE MARIN (MARIN CHILDREN AND FAMILIES COMMISSION) FOR PRESCHOOL SERVICES AT PICKLEWEED PRESCHOOL AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACT DOCUMENTS IN THE AMOUNT OF \$73,218.00</u>

- | | |
|---|--|
| <p>5. Resolution Approving a Contract Amendment (CLTK-7046 Amendment 01) with the Department of Education which Provides an Additional \$5,348.00 in Funds for Extended Day Child Care Services for a Total Amount of \$123,410.00 and Authorizing the City Manager to Sign Contract Documents (CS) – <u>File 4-10-238 x 9-3-65</u></p> | <p><u>RESOLUTION NO. 12407 – RESOLUTION AUTHORIZING ENTERING INTO A CONTRACT (CLTK-7046) AMENDMENT 01) WITH THE DEPARTMENT OF EDUCATION FOR EXTENDED DAY CHILD CARE SERVICES (LATCHKEY) AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACT DOCUMENTS IN THE AMOUNT OF \$123,410.00</u></p> |
| <p>6. Resolution Authorizing the Memorandum of Understanding Between the City of San Rafael and UCCE Marin for Expanded Use and Development of the Falkirk Cultural Center Grounds (CS) – <u>File 9-3-84</u></p> | <p><u>RESOLUTION NO. 12408 – RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN RAFAEL AND THE UNIVERSITY OF CALIFORNIA MARIN COUNTY COOPERATIVE EXTENSION</u></p> |
| <p>7. Resolution Approving a Contract Amendment (CPRE-7198 Amendment 01) with the Department of Education which Provides an Additional \$7,769.00 in Funds for Preschool Services for a Total Contract Amount of \$179,275.00 and Authorizing the City Manager to Sign Contract Documents (CS) - <u>File 4-10-238 x 9-3-65</u></p> | <p><u>RESOLUTION NO. 12409 – RESOLUTION AUTHORIZING ENTERING INTO A CONTRACT AMENDMENT (CPRE-7198 AMENDMENT 01) IN THE AMOUNT OF \$7,769.00 WITH THE DEPARTMENT OF EDUCATION FOR STATE PRESCHOOL SERVICES AND AUTHORIZING THE CITY MANAGER TO SIGN CONTRACT DOCUMENTS IN THE AMOUNT OF \$179,275.00)</u></p> |
| <p>8. Monthly Investment Report for November, 2007 (Fin) – <u>File 8-18 x 8-9</u></p> | <p>Accepted Monthly Investment Report for month ending November, 2007, as presented.</p> |
| <p>9. Resolution Approving a One-Year Renewal Agreement with MSB / Data Ticket, Inc., for Parking Citation Services (MS) – <u>File 4-3-397 x 9-3-87</u></p> | <p><u>RESOLUTION NO. 12410 – RESOLUTION TO RENEW A CONTRACT FOR PARKING CITATION SERVICES FOR UP TO ONE YEAR WITH MSB/DATATICKET, INC.</u></p> |
| <p>10. Resolution Approving Use of State of California Office of Traffic Grant Funds in the Amount of \$24,408.60 for a “Sobriety Checkpoint” Enforcement Campaign, October 2007 through September 2008 (PD) – <u>File 9-3-30</u></p> | <p><u>RESOLUTION NO. 12411 – RESOLUTION APPROVING USE OF STATE OF CALIFORNIA OFFICE OF TRAFFIC GRANT FUNDS IN THE AMOUNT OF \$24,408.60 FOR A “SOBRIETY CHECKPOINT” ENFORCEMENT CAMPAIGN, OCTOBER 2007 THROUGH SEPTEMBER 2008</u></p> |
| <p>11. 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 Housing 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 179-471-25) (RA) – <u>File 229 x (SRRA) R-173 x R-103</u></p> | <p><u>RESOLUTION NO. 12412 – 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 179-471-25)</u></p> |

12. Acceptance of the Annual Report, Including a Blight Progress, Agency-Owned Property, and Loan Compliance Reports for the San Rafael Redevelopment Agency (RA) – File 8-18 x 8-9 x (SRRA) R-62

Accepted reports.

12a Resolution Authorizing the City Manager to Sign an Agreement with the Marin County Sheriff to Provide Maintenance of the Fire Department’s Mobile Data Terminals (FD) – File 4-13-122 x 9-3-31

**RESOLUTION NO. 12413 –
RESOLUTION AUTHORIZING THE
CITY MANAGER TO EXECUTE AN
AGREEMENT WITH THE COUNTY OF
MARIN FOR MAINTENANCE OF THE
FIRE DEPARTMENT’S MOBILE DATA
TERMINALS BY THE COUNTY
SHERIFF’S OFFICE**

AYES: COUNCILMEMBERS: Brockbank, Connolly, Heller, Miller and Mayor Boro
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAINING: COUNCILMEMBERS: Brockbank and Connolly, from item #1 only.

PUBLIC HEARING:

13. **Public Hearing – CONSIDERATION OF RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO REVISE THE POLICE DEPARTMENT’S FEES FOR MASSAGE AND CONCEALED WEAPONS PERMIT AND FOR FALSE ALARM RESPONSES, AND TO REVISE THE PUBLIC WORKS DEPARTMENT’S FEES FOR PERMITS AND LICENSE AGREEMENTS APPROVING ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY (FIN) – FILE 9-10-2 x 9-3-30 x 9-3-40**

Mayor Boro declared the public hearing opened.

Finance Director Cindy Mosser stated that Council’s consideration of the resolution would revise the Master Fee Schedule for permits and license agreements approving encroachments in the public right-of-way and for revising the fees for massage and concealed weapons permits and for false alarm response services.

Providing background, Ms. Mosser reported that in late 1996, the City Council commissioned a study to identify the full cost of services provided to the community. In September 1997, the City Council approved an ordinance establishing percentages of cost recovery for over 150 municipal services. Three thorough updates to the business cost study had been carried out since that time – in 1999, 2003 and June 2007.

Ms. Mosser reported that for the June update, City staff determined the cost of all municipal services starting with an approved budget. Allocation of staff time, personnel costs, operating expenses and overhead charges were used to calculate the full cost of the fees. Numerous staff hours were spent with all City departments in determining the staff time involved in each service. She indicated that since the June update, there had been several changes, including the approval of Ordinance No. 1862, which allows the City to regulate the time, place and manner of projects that encroach upon, over and under the public right-of-way.

Noting several key changes listed in the staff report (Exhibit B) that coincide with changes in the Municipal Code, Ms. Mosser stated these included:

Public Works –

- Minor encroachment permits – Projects limited in size and permitted to continue for an indefinite period of time. (low-level landscaping, walls and fences less than three (3) feet;
- Revocable License Agreements for Major Continuing Encroachments – Projects that will continue for an indefinite period of time and benefit the City and general public. (walls or fences higher than three (3) feet, driveways or stair abutments). This fee requires a deposit, with additional hours to be billed at the fully burdened hourly rates;
- Utility/Special District Encroachment – Any encroachment by a utility or special district. (permits for excavation or placement poles, including above ground encroachments);
- Temporary encroachments – Encroachments for a limited period of time, not to exceed one year. (debris boxes, scaffolding).

The other changes to the fees relate to the Police Department, due to time allocation changes and recalculations (Exhibit A), and include:

- Permits for concealed weapons applications which are subject to state limitations;
- Massage permits which had some excessive time allocations.

Ms. Mosser stated staff estimated that the changes in the proposed fees would increase revenues by approximately \$100,000 for a full fiscal year.

Ms. Mosser reported that the report was generated with the assistance of Eric Davis, Deputy City Attorney, Richard Landis, Administrative Supervisor, Public Works, Dario Celevante, Senior Associate Engineer, Public Works, Captain Jeff Franzini, Police Department, and especially, with the help of Andrew Thompson, Revenue Supervisor.

Indicating he appreciated the report, Councilmember Brockbank noted the fees were not listed. Ms. Mosser directed him to Exhibit A of the draft resolution. Councilmember Brockbank stated that the agenda item read "False Alarm Responses", whereas Exhibit A spoke to Alarm Permits.

Mr. Nordhoff, City Manager, believed the actual recommendation had to do with permitting, i.e., gathering information on who had false alarms. No change was being recommended in the response fees, rather the permit; therefore, the title was somewhat misleading. He clarified that the item should have read "False Alarm Permits."

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

With respect to Massage Parlor permits, Mayor Boro inquired as to why these were being reduced in all three categories.

Ms. Mosser stated her understanding was that the original seven hour estimate was too high and this had been reduced to one hour.

Councilmember Heller moved and Councilmember Miller seconded, to adopt the Resolution.

RESOLUTION NO. 12414 – RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO REVISE THE POLICE DEPARTMENT’S FEES FOR MASSAGE AND CONCEALED WEAPONS PERMITS AND FOR ALARM PERMITS, AND TO REVISE THE PUBLIC WORKS DEPARTMENT’S FEES FOR PERMITS AND LICENSE AGREEMENTS APPROVING ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY (as amended to read “Alarm Permits”)

AYES: COUNCILMEMBERS: Brockbank, Connolly, Heller, Miller and Mayor Boro
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

COUNCIL CONSIDERATION:

NEW BUSINESS:

14. ELECTION OF VICE-MAYOR FOR YEAR 2008 (CC) – FILE 9-1

Councilmember Heller placed in nomination the name of Councilmember Cyr Miller to serve as Vice-Mayor of the City of San Rafael for the year 2008. Councilmember Connolly seconded the motion, and Councilmember Miller was elected Vice-Mayor for year 2008.

AYES: COUNCILMEMBERS: Brockbank, Connolly, Heller, Miller and Mayor Boro
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

CITY MANAGER’S REPORT:

15. None

COUNCILMEMBER REPORTS:

16. a) **Water Transit Authority – Community Advisory Committee: - File 258 x 9-1**
 Having attended the Community Advisory Committee meeting of the Water Transit Authority on December 5, 2007, Councilmember Heller reported that as of January 1, 2008, this agency would be folded into a new agency entitled "Water Emergency Transit Authority" (WETA). The Board of Directors would be reduced from 11 to 6 members and at this point,

the new agency did not have any community advisors. She noted that the current staff contracts would be transferred to the new Authority.

Councilmember Heller reported that South San Francisco/Redwood City were moving forward with ferry plans, with the first vessel due to be delivered in August, 2008.

b) Marin Transit District Board of Directors: - File 113 x 170 x 9-1

Councilmember Heller reported having attended the Marin Transit District Board of Directors meeting today, at which the agreement with the Golden Gate Bridge Highway & Transportation District was amended to extend the term to a total of 10 years, beginning January 1, 2008, and the hourly rate for local transit service would be reduced from \$110.69 to \$104.02. Service improvements were approved for Shuttle Route 221 (Twin Cities Area). The expectation was for 20 passengers per hour on regular busses and 7 for shuttles, 4 passengers per hour on the West Marin Stagecoach route and school routes had targets of 20 passengers per trip. Councilmember Heller believed that the agreement with the Golden Gate Bridge Highway & Transportation District would provide security for years to come.

Commenting on the Golden Gate Bridge Highway & Transportation District's approximate \$1,300,000 annual reduction to the Marin County Transit District, Mayor Boro noted that when the labor negotiation contract was extended with the Bus Drivers' Union, bus drivers agreed to contribute a quota of \$300,000 annually from their increase to sustain this service, which was a great partnership between the Union, District and Marin County Transit. In addition to helping both agencies, it would continue a good service to make it seamless to those using it.

c) ABAG – Association of Bay Area Governments: - File 111

Councilmember Heller provided material from an ABAG meeting she attended last October to newly elected Councilmembers Brockbank and Connolly.

d) Golden Gate Bridge Highway and Transportation District Board: - File 112-2 x 11-16

Reporting on the unresolved, volatile issue before the Golden Gate Bridge District Board regarding collection of tolls for Doyle Drive, Mayor Boro explained that the City of San Francisco and Caltrans had responsibility for the reconstruction of Doyle Drive, which was not seismically safe and rated very low in the state. A design had been generated, which by some standards, could be considered extremely well done, albeit costly. It is estimated that the cost could be approximately \$1.1 billion with funding shortfalls of \$500 million.

Additionally, Mayor Boro noted legislation was passed in Congress with respect to congestion pricing. San Francisco was one of four demonstration projects in the nation that could qualify for extra money for congestion relief - \$158 million was available should congestion pricing be put on Doyle Drive. He indicated that \$12 million of that would go to the Golden Gate Bridge District for expansion of a parking lot in Larkspur, the remainder going primarily to San Francisco, with \$36 million for the Doyle Drive construction and \$12 million to build a new toll collection source.

Noting the initial request was that the Bridge collect the toll, Mayor Boro explained this produced a twofold problem: 1) The Bridge Board did not have the authority to do this since it did not own or operate Doyle Drive; and 2) Should the toll be collected at the bridge, only North Bay drivers would be charged, and it is the feeling that whomever used Doyle Drive should pay for this use, irrespective of where it was approached from. Indicating that it had not been possible to obtain an expenditure plan from the San Francisco Transportation Authority, Mayor Boro stated that a meeting would be held in the next two weeks to bring more clarity to this issue.

Mayor Boro stated there is an effort to ascertain how many other state highways were funded via a toll. The fact that this was a congestion management toll was supposed to indicate that something was being done about congestion in the heart of downtown San Francisco; however, only 6% of the congestion in downtown San Francisco comes from the North Bay. The next question was whether it was truly Congestion Pricing or a way to retire debt, and whether it was appropriate for North Bay residents, as well as San Francisco residents, to pay for a state highway construction project.

Explaining Congestion Pricing for Councilmember Heller, Mayor Boro stated it was introduced in places such as London where the user pays more money. The concept was to pay more money at commute times, e.g. \$2, and later in the day \$1, which was intended to differentiate between peak and non-peak periods. The idea was to provide those dollars to a city such as San Francisco to mitigate traffic to improve transportation. Mayor Boro noted the Golden Gate Bridge District and TAM had inquired whether money would be given to Marin or the Bridge District to provide more bus service, thus reducing the headways to fifteen minutes; however, this information had not been forthcoming. He noted there was a lot of push on this because the legislation at the federal level indicated

that this needed to be done by March 31, 2008. San Francisco was therefore, searching for legislators to empower the San Francisco Transportation Authority to implement a toll.

Noting 530,000 cars daily drove into downtown San Francisco, 6% emanating from Marin County, Mayor Boro stated this was very little impact from Marin and Sonoma. He believed Congestion Pricing should be done at all entrances to the city.

Indicating he vaguely understood the concept of Congestion Pricing and noting the Bridge Board did not have jurisdiction over Doyle Drive, Councilmember Brockbank reported that the Marin Independent Journal had an Op Ed piece last week by a candidate for State Senate claiming he opposed the so-called double taxation of Marin commuters while the other two candidates supported it, which they denied some days later in letters. He believed it was being blown up in this particular race as a pro or anti-Marín double tax. Stating that the majority of those driving on Doyle Drive would just have crossed the Golden Gate Bridge, Councilmember Brockbank noted they would in fact, not only be hit at the toll booth but again a mile or two later; therefore, Marin would be heavily impacted.

Mayor Boro noted that while it was not a Bridge District issue as such, the Bridge District was being requested to collect and support the toll and the method of collection, only from bridge users, did not appear fair. He further noted there was a ruling from counsel that the Golden Gate Bridge District did not have the authority to collect a toll for Doyle Drive since it did not own Doyle Drive. Mayor Boro believed it suspect as to whether the money would really mitigate traffic or pay back construction bonds. He noted that approximately thirty years ago San Francisco shared control of Doyle Drive with Caltrans because they wished to ensure they had control of the design of a new Doyle Drive. He questioned why commuters or those in San Francisco wishing to go across town on a State Highway (Doyle Drive), should pay a toll when it was part of a State Highway system.

Mayor Boro stated he raised this issue to the City Council because he rarely received questions about the bridge unless it had to do with toll and he had received many such questions this past weekend.

There being no further business, Mayor Boro wished all a very happy Holiday Season and adjourned the City Council meeting at 8:25 p.m.

ESTHER C. BEIRNE, City Clerk

APPROVED THIS _____ DAY OF _____, 2008

MAYOR OF THE CITY OF SAN RAFAEL