



## MINUTES

**SAN RAFAEL CITY COUNCIL – MONDAY, JUNE 1, 2020**

**REGULAR MEETING AT 7:00 P.M.**

**Telephone: (669) 900-9128,**

**ID: 874-0826-8927**

### **CORONAVIRUS (COVID-19) ADVISORY NOTICE**

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be streamed through YouTube Live at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael). Comments submitted via YouTube Live must be submitted according to the directions located on the YouTube video description. The City is not responsible for any interrupted service. To ensure the City Council receives your comments, submit written comments to the City Clerk prior to the meeting. For more information regarding real-time public comments, please visit our Live Commenting Pilot page at <https://www.cityofsanrafael.org/live-commenting-pilot/>.

Want to listen to the meeting and comment in real-time over the phone? Contact the City Clerk's office at 415-485-3066 or by email to [lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org) to learn more about participation by telephone.

Any member of the public who needs accommodations should contact the City Clerk (email [lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org) or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Present: Mayor Phillips  
Vice Mayor Colin  
Councilmember Bushey  
Councilmember Gamblin  
Councilmember McCullough

Absent: None

Also Present: City Manager Jim Schutz  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

### **OPEN SESSION – (669) 900-9128, ID: 858-0160-7081# – 6:00 PM**

1. Mayor Phillips announced Closed Session items.

### **CLOSED SESSION – (669) 900-9128, ID: 858-0160-7081# – 6:00 PM**

2. Closed Session:

- a. Conference with Labor Negotiators – Government Code Section 54957.6  
Lead Negotiator: Timothy L. Davis (Burke, Williams & Sorensen)  
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Shibani Nag  
Employee Organizations: SEIU - Childcare; San Rafael Police Mid-Management Association;  
Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police  
Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers'  
Association

### **REGULAR MEETING - VIRTUAL MEETING**

**Telephone: (669) 900-9128,**

**ID: 874-0826-8927**

Mayor Phillips called the meeting to order at 7:03 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

City Clerk Lindsay Lara informed the community the meeting would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through YouTube live chat.

City Attorney Robert Epstein announced that no reportable action was taken in Closed Session

City Clerk Lindsay Lara explained the process for community participation through the telephone and on YouTube.

### **OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM**

Mayor Phillips invited public comment

Correspondence in real-time through YouTube or telephone

- Barry Taranto addressed the City Council regarding the protests and development in Terra Linda
- Salamah Locks, Marin County Commission on Aging, announced an upcoming meeting on Thursday, June 4
- George Jackson addressed the City Council regarding the COVID-19 closures
- Sunny Lee addressed the City Council regarding a homeless encampment and overgrown vegetation on Picnic Avenue

### **CITY MANAGER'S REPORT:**

#### **3. City Manager's Report:**

City Manager Jim Schutz announced a recruitment for the Design Review Board, provided an update on the City's response to COVID-19 and showed a video, a Marin Recovers Update with Dr. Matt Willis (<https://www.youtube.com/watch?v=8owrvKXYZm0>)

Police Chief Bishop provided an update on the Black Lives Matter protests and how San Rafael is responding to the death of George Floyd.

Mayor Phillips endorsed Chief Bishop's message and expressed gratitude to the Police Department.

## **CONSENT CALENDAR:**

### **4. Consent Calendar Items:**

Mayor Phillips invited public comment on the Consent Calendar; however, there was none

Councilmember Bushey moved and Councilmember Colin seconded to approve Consent Calendar Items:

a. **Approval of Minutes**

**Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, May 18, 2020 (CC)**

*Approved as submitted*

b. **Liability Claims Administration Services**

**Resolution Authorizing the City Manager to Execute an Agreement with George Hills Company for the Provision of Third-Party Liability Claims Administration Services for a One-Year Period, in an Amount Not to Exceed \$95,950 (CA)**

*Resolution 14799 - Resolution Authorizing the City Manager to Execute an Agreement with George Hills Company for the Provision of Third-Party Liability Claims Administration Services for a One-Year Period, in an Amount Not to Exceed \$95,950*

c. **Cooperation Agreement with County of Marin for Grant Programs**

**Resolution Authorizing Execution of a Three-Year Cooperation Agreement with the County of Marin for the Community Development Block Grant (CDBG) and Home Programs (ED)**

*Resolution 14800 - Resolution Authorizing Execution of a Three-Year Cooperation Agreement with the County of Marin for the Community Development Block Grant (CDBG) and Home Programs*

d. **Network Design Services for Essential Facilities Projects**

**Resolution Approving and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with MarinIT for Network Design, Configuration, and Installation Services Associated with the Public Safety Center Essential Facilities Project, In the Amount of \$141,878 (DS)**

*Resolution 14801 - Resolution Approving and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with MarinIT for Network Design, Configuration, and Installation Services Associated with the Public Safety Center Essential Facilities Project, In the Amount of \$141,878*

e. **Extension of Goldstone Management Inc. Agreement**

**Resolution Approving an Amendment to Extend the Agreement to Negotiate Exclusively with Goldstone Management Inc. Regarding Redevelopment of 1009 and 1001 Fourth Street, 924-926 Third Street, and the Third Street and Lootens Place Parking Garage (ED)**

*Resolution 14802 - Resolution Approving an Amendment to Extend the Agreement to Negotiate Exclusively with Goldstone Management Inc. Regarding Redevelopment of 1009 and 1001 Fourth Street, 924-926 Third Street, and the Third Street and Lootens Place Parking Garage*

- f. **Special Tax on Properties at Loch Lomond 10 – Mello-Roos District No. 1992-1 Resolution Setting the Special Tax for Community Facilities District No. 1992-1 (Loch Lomond #10) for Fiscal Year 2020-21 (PW)**

*Resolution 14803 - Resolution Setting the Special Tax for Community Facilities District No. 1992-1 (Loch Lomond #10) for Fiscal Year 2020-21*

- g. **Downtown Traffic Signal Modernization**

**Adoption of Resolutions Related to Project No. 11348**

- i. **Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Downtown Signal Modernization with Mike Brown Electric in the Amount of \$172,700 and Authorizing Contingency Funds in the Amount of \$34,540 for a Total Appropriated Amount of \$207,240**

*Resolution 14804 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Downtown Signal Modernization with Mike Brown Electric in the Amount of \$172,700 and Authorizing Contingency Funds in the Amount of \$34,540 for a Total Appropriated Amount of \$207,240*

- ii. **Resolution Approving and Authorizing the City Manager to Purchase Various Equipment for the IDEA Grant Downtown Signal Modernization Project (#11348) for a Total Not-To-Exceed Amount of \$815,000**

*Resolution 14805 - Resolution Approving and Authorizing the City Manager to Purchase Various Equipment for the IDEA Grant Downtown Signal Modernization Project (#11348) for a Total Not-To-Exceed Amount of \$815,000*

- iii. **Resolution Authorizing an Additional \$125,764 in Traffic Mitigation Fund (#246) Appropriations for the “Innovative Deployments to Enhance Arterials” (IDEA) Grant-Funded Project No. 11348**

*Resolution 14806 - Resolution Authorizing an Additional \$125,764 in Traffic Mitigation Fund (#246) Appropriations for the “Innovative Deployments to Enhance Arterials” (IDEA) Grant-Funded Project No. 11348*

- h. **Smith Ranch Road and Lucas Valley Road Resurfacing**

**Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Smith Ranch Road and Lucas Valley Road Resurfacing Project, City Project No. 11336, to Ghilotti Bros., Inc., in the Amount of \$997,779, and Authorizing Contingency Funds in the Amount of \$142,221, for a Total Appropriated Amount of \$1,140,000 (PW)**

*Resolution 14807 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Smith Ranch Road and Lucas Valley Road Resurfacing Project, City Project No. 11336, to Ghilotti Bros., Inc., in the Amount of \$997,779, and Authorizing*

*Contingency Funds in the Amount of \$142,221, for a Total Appropriated Amount of \$1,140,000*

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

**PUBLIC HEARINGS:**

5. Public Hearings:

- a. **[Appeal of Approved 7-Unit Multifamily Residential Bldg. – 104 Shaver Street](#)**  
**Appeal of the Planning Commission’s April 14, 2020 Conditional Approval of a Use Permit (UP19-013), An Environmental and Design Review Permit (ED19-030) and a Variance (V19-003) Allowing the Construction of a New, 7-Unit Multifamily Residential Apartment Building at 104 Shaver Street; Case # AP20-001 (CD)**

Raffi Boloyan, Planning Manager introduced Steve Stafford, Senior Planner who presented the Staff Report

Staff responded to comments and questions from Councilmembers

Donni Uzarski, Appellant, presented her report

Mike Larkin, Applicant, presented his report

**Meeting called to recess**

**Meeting called back into session**

Mayor Phillips opened the public hearing

**Speakers:** David Levin, Co-Chair Marin Environmental Collaborative Housing, Jay Marshall, Joe Uzarski, Linda Jackson, Sustainable San Rafael, Neil Bloomfield, Josh Townsend, Armida Scopazzi, Lydia Lee, Victoria DeWitt, Chris Solberg, David Langsam, Garril Page, Name withheld, Name withheld, Name withheld, Diane Henderson, San Rafael Chamber (name withheld), Sunny Lee, Name withheld, Sirima Pinit, Name withheld, Name withheld, Name withheld, Name withheld, Name withheld, Betsyann Gallagher, Name withheld, Sunny Lee, Name withheld

There being no further comment, Mayor Phillips closed the public hearing

Staff responded to comments and questions from the Councilmembers

Councilmember McCullough moved and Councilmember Colin seconded to adopt the resolution denying appeal

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Resolution 14808 - Resolution Denying Appeal of the Planning Commission's April 14, 2020 Conditional Approval of a Use Permit (UP19-013), An Environmental and Design Review Permit (ED19-030) and a Variance (V19-003) Allowing the Construction of a New, 7-Unit Multifamily Residential Apartment Building at 104 Shaver Street; Case # AP20-001*

b. **Paramedic Tax Rate for Fiscal Year 2020-21**

**First Introduction of an Ordinance: Consideration of An Ordinance Amending the Paramedic Service Special Tax Rates Within the Voter-Approved Limit, Commencing with Fiscal Year 2020-2021, for improved Residential and Non-Residential Properties in the City of San Rafael, County Service Area No. 13, County Service Area No. 19, and the Marinwood Community Services District (Fin)**

Nadine Hade, Finance Director presented the Staff Report

Staff responded to comments and questions from the Councilmembers

Mayor Phillips invited public comment; however, there was none

Councilmember McCullough moved and Councilmember Gamblin seconded to pass Ordinance No. 1985 to print, and directed staff to have this reviewed at the Finance Committee, and engage with critical stakeholders to encourage the CSA's and Marinwood to make changes necessary to ensure equity for all rate payers.

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Passed Ordinance No. 1985 to print*

**OTHER AGENDA ITEMS:**

6. Other Agenda Items:

a. **Providing Small Business Support for Outdoor Activities During COVID-19 Emergency**  
**Resolution Granting Authority to the City Manager to Implement Temporary Changes to the San Rafael Municipal Code to Support Local Businesses in Reopening During the COVID-19 Emergency (ED)**

Danielle O'Leary, Director of Economic Development and Innovation presented the Staff Report

Councilmembers provided comment

Mayor Phillips invited public comment

**Speakers:** Eda Lochte, San Rafael Chamber (name withheld)

There being no further comment, Mayor Phillips closed the public comment period

Councilmembers provided further comment

Councilmember McCullough moved and Councilmember Colin seconded to adopt the resolution

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Resolution 14809 - Resolution Granting Authority to the City Manager to Implement Temporary Changes to the San Rafael Municipal Code to Support Local Businesses in Reopening During the COVID-19 Emergency*

- b. **[Extension of Memorandum of Understanding with Western Council of Engineers](#)**  
**Resolution Approving a Memorandum of Understanding Side Letter Agreement Between the City of San Rafael and Western Council of Engineers (HR)**

Shibani Nag, HR Director presented the Staff Report

Mayor Phillips invited public comment; however, there was none

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the resolution

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Resolution 14810 - Resolution Approving a Memorandum of Understanding Side Letter Agreement Between the City of San Rafael and Western Council of Engineers*

- c. **[Extension of Memorandum of Understanding with Public Employee Union Local 1 - Confidential](#)**  
**Resolution Approving a Memorandum of Understanding Side Letter Agreement Between the City of San Rafael and Public Employee Union Local 1 - Confidential (HR)**

Shibani Nag, HR Director presented the Staff Report

Mayor Phillips invited public comment; however, there was none

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the resolution

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Resolution 14811 - Resolution Approving a Memorandum of Understanding Side Letter Agreement Between the City of San Rafael and Public Employee Union Local 1 – Confidential*

d. **Extension to Resolution with Unrepresented Employee Groups**

**Resolution Approving a One-Year Extension, with Modifications, of the Terms of City Council Resolution Nos. 14539, 14540, And 14541, Establishing Compensation for the Unrepresented Executive Management and Mid-Management Employee Groups, and the Elected City Clerk and City Attorney (HR)**

Shibani Nag, HR Director presented the Staff Report

Mayor Phillips invited public comment; however, there was none

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the resolution

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

*Resolution 14812 - Resolution Approving a One-Year Extension, with Modifications, of the Terms of City Council Resolution Nos. 14539, 14540, And 14541, Establishing Compensation for the Unrepresented Executive Management and Mid-Management Employee Groups, and the Elected City Clerk and City Attorney*

e. **5% Compensation Reduction for the Mayor/City Councilmembers**

**Resolution Directing the City Manager and Finance Director to Withhold Five (5%) Percent of the Monthly Compensation of the Mayor and Councilmembers during Fiscal Year 2020-21 and to Donate Those Funds to the City's General Fund (HR)**

Shibani Nag, HR Director presented the Staff Report

Mayor Phillips invited public comment; however, there was none

Councilmember Gamblin moved and Councilmember Colin seconded to adopt the resolution

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips



NOES: Councilmembers: None

ABSENT: Councilmembers: None

*Resolution 14813 - Resolution Directing the City Manager and Finance Director to Withhold Five (5%) Percent of the Monthly Compensation of the Mayor and Councilmembers during Fiscal Year 2020-21 and to Donate Those Funds to the City's General Fund*

**COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:**

**(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)**

7. Councilmember Reports: - None.

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Phillips adjourned the City Council meeting at 10:10 p.m.

\_\_\_\_\_  
LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_  
GARY O. PHILLIPS, Mayor