

*Minutes subject to approval at the September 3, 2024 meeting*



## AGENDA

SAN RAFAEL CITY COUNCIL - MONDAY, JULY 15, 2024

REGULAR MEETING AT 6:00 P.M.  
San Rafael City Council Chambers  
1400 Fifth Avenue, San Rafael, CA 94901

### Watch Online:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2024-07-15>

Watch on YouTube: [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)

Listen by phone: (669) 444-9171

ID: 860-6190-5675#

One Tap Mobile: +16694449171,,86061905675# US

This meeting will be held in-person. This meeting is being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

How to participate in the meeting:

- You are welcome to come to the meeting and provide public comment in person. Each speaker will have 2-minutes to provide public comment per agenda item.
- Submit your comments by email to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) by 4:00 p.m. the day of the meeting.

If you experience technical difficulties during the meeting, please contact [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).

### **OPEN SESSION- THIRD FLOOR CONFERENCE ROOM - 4:40 PM**

1. Mayor Kate to announce Closed Session items.

### **CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 4:40 PM**

2. Closed Session:
  - a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation (Paragraph (2) of subdivision (d) of Government Code Section 54956.9): 1 potential case
  - b. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Paragraph (1) of subdivision (d) of Government Code Section 54956.9: 1 case
    1. Shaleeta Boyd, et al. v. City of San Rafael, et al. (U.S. District Court, N.D. Cal., Case No. 23-cv-04085-EMC)

Present: Councilmember Bushey  
Councilmember Kertz  
Mayor Kate

Absent: Vice Mayor Hill  
Councilmember Llorens Gulati

Also Present: City Manager Cristine Alilovich  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 6:01 p.m. and invited City Clerk Lindsay Lara to call the roll. Vice Mayor Hill and Councilmember Llorens Gulati were absent.

City Attorney Robert Epstein announced that no reportable action was taken in closed session.

Mayor Kate provided opening remarks which included gratitude to City Staff, an announcement of the Employee of the Quarter John Olmos, San Rafael Parking Attendant, the recent loss of community member Rich Nave, and a land acknowledgment.

City Clerk Lindsay Lara informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom. She noted the two-minute timer for public comment and closed captioning on Zoom.

**CITY MANAGER AND COUNCILMEMBER REPORTS:**  
**(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)**

3. City Manager and Councilmember Reports:

City Manager Cristine Alilovich reported on:

- November 5, 2024 General Municipal Election Nomination Period (opened today, July 15 and will run through August 9) to run for Office for Mayor, City Councilmember Districts 1 & 4, City Attorney, City Clerk and San Rafael City Schools Board of Education Trustee Areas 1, 3, & 5 - If incumbents fail to file, those seats will extend through Wednesday, August 14
- Police Advisory and Accountability Committee meeting to be held Wednesday, July 17 at 6pm in San Rafael City Council Chambers
- San Rafael Police Department “Touch-a-Truck” event to be held Saturday, July 27, from 10am to 2pm at Al Boro Community Center and Pickleweed Park
- 41<sup>st</sup> Annual National Night Out (NNO) crime prevention event to be held Tuesday, August 6, from 6-8pm
- San Rafael Chamber of Commerce and Downtown Business Improvement District to host First Annual Dancing Under the Lights, Friday, August 9, from 5-9pm on Fourth Street, from A Street to Lootens Place
- August 5 City Council meeting to be cancelled - Regular meeting to resume on August 19
- All Things Homelessness Update scheduled for the August 19 City Council meeting

City Councilmember Reports:

- Councilmember Bushey reported on a Fire Station 57 event, a San Rafael Sanitation District (SRSD) meeting, a Marin County Council of Mayors & Councilmembers (MCCMC) meeting, a Local Agency Formation Commission (LAFCO) representative meeting and a Central Marin Sanitation Agency (CMSA) meeting.
- Mayor Kate reported on Sonoma Marin Area Rapid Transit (SMART), two Transportation Authority of Marin (TAM) meetings, a Bay Area Climate Adaptation Network (BayCAN) meeting and the Marin County Fair.

Mayor Kate invited public comment.

**Speakers:** Eva Chrysanthe, Name withheld

**CONSENT CALENDAR:**

Mayor Kate invited public comment on the Consent Calendar items.

**Speakers:** Name withheld, Joel Eis, Name withheld

Councilmember Bushey moved and Councilmember Kertz seconded to approve the Consent Calendar.

4. Consent Calendar Items:

a. **Approval of Minutes**

**Approve Minutes of the Regular City Council Meeting of June 17, 2024 and the Special City Council Meeting of June 21, 2024 (CC)**

*Approved minutes as submitted*

b. **Amendments to Title 18 of the San Rafael Municipal Code “Protection of Flood Hazard Areas”**

**Final Adoption of Ordinance No. 2037: An Ordinance Amending Title 18 of the San Rafael Municipal Code “Protection of Flood Hazard Areas”, to Meet or Exceed the Federal Emergency Management Agency’s Minimum Standards for Development in Flood Hazard Areas (CC)**

*Final Adoption of Ordinance No. 2037*

c. **Stipend Compensation Program for Boards, Commissions and Committees; And City Council Compensation**

**Final Adoption of Ordinance No. 2038: An Ordinance Adjusting the Compensation for the Mayor and City Council (CC)**

*Final Adoption of Ordinance No. 2038*

d. **Planning Commission and Design Review Board Consolidation**

**Final Adoption of Ordinance No. 2039: An Ordinance Amending Title 2 – Administration of the San Rafael Municipal Code to Add Design Professionals to the Planning Commission Membership Composition, and Amend Titles 14 – Zoning, and 15 – Subdivisions of the San Rafael Municipal Code, to Dissolve the Design Review Board and Transfer Existing Duties of the Design Review Board to the Planning Commission, or Zoning Administrator, or Director of Community and Economic Development (CC)**

*Final Adoption of Ordinance No. 2039*

e. **Planning Commission Bylaw Amendment**

**Resolution Amending the Planning Commission’s Bylaws (CC)**

*Resolution 15317 - Resolution Amending the Planning Commission’s Bylaws*

f. **Acceptance of Grant from Marin Community Foundation**

**Resolution Accepting the Grant of Funds from the Marin Community Foundation for a Two-Year Climate Justice and Engagement Manager and Appropriating Funds in the Amount of \$297,960 (CM)**

*Resolution 15318 - Resolution Accepting the Grant of Funds from the Marin Community Foundation for a Two-Year Climate Justice and Engagement Manager and Appropriating Funds in the Amount of \$297,960*

g. **West End Block Party 2024 Temporary Street Closure**

**Resolution Authorizing the Temporary Closure of Streets in San Rafael for the West End Block Party 2024 (CED)**

*Resolution 15319 - Resolution Authorizing the Temporary Closure of Streets in San Rafael for the West End Block Party 2024*

- h. **San Rafael Public Library Foundation Donation for Constructing a New Library Resolution Establishing a San Rafael Public Library Foundation Donation Account (LR)**  
*Resolution 15320 - Resolution Establishing a San Rafael Public Library Foundation Donation Account*
- i. **Third Street Rehabilitation Project**  
**Accept Completion of the Third Street Rehabilitation Project, City Project No. 11315, and Authorize the City Clerk to File the Notice of Completion (PW)**  
*Accepted Completion and authorized the City Clerk to file the Notice of Completion*
- j. **Third Street Safety Improvements Project**  
**Accept Completion of the Third Street Safety Improvements Project, City Project No. 11362, and Authorize the City Clerk to File the Notice of Completion (PW)**  
*Accepted Completion and authorized the City Clerk to file the Notice of Completion*
- k. **Pickleweed Park Enhancement Project**  
**Authorize and Award Agreements for the Pickleweed Park Enhancement Project, Including (PW):**
- i. **Construction Agreement to Bauman Landscape and Construction, Inc. and Authorize \$7,120,000 for Project Construction**  
*Awarded the Construction Agreement to Bauman Landscape and Construction, Inc. in the amount of \$6,031,641.50; And, authorized the City Manager to execute the construction agreement not to exceed the amount of \$7,120,000 including contingency funds of \$1,088,358.50*
- ii. **Professional Services Agreement with Coastland Civil Engineering, Inc. for Construction Management, Inspection, and Testing Services in the Amount Not to Exceed \$644,575**  
*Authorized the City Manager to enter into a Professional Services Agreement with Coastland Civil Engineering, Inc. for construction management, inspection, and testing services in the amount not to exceed \$644,575*
- iii. **Second Amendment to Professional Services Agreement with Gates + Associates for Construction Administration Services, in an Additional Amount of \$19,450, Increasing the Total Not-To-Exceed Amount of the Agreement to \$565,784**  
*Authorized the City Manager to enter into a second amendment to the Professional Services Agreement with Gates + Associates for construction administration services in an additional amount of \$19,450, increasing the total not-to-exceed amount of the agreement to \$565,784*
- iv. **Approve the Plans and Specifications for the Pickleweed Park Enhancement Project, Deemed Reasonable by the City Engineer, for City Project No. 11376, on File in the Department of Public Works**  
*Approved the Plans and Specifications for the Pickleweed Park Enhancement Project, deemed reasonable by the City Engineer, for City Project No. 11376, on File in the Department of Public Works*

- l. **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 2024-25 (PW)**  
*Resolution 15321 - Resolution Setting the Special Tax for Community Facilities District No. 1992-1 (Loch Lomond #10) for Fiscal Year 2024-25*
  
- m. **The Village at Loch Lomond Marina – Mello-Roos District No. 2 Resolution Setting the Special Tax for City of San Rafael Community Facilities District No. 2 (The Village at Loch Lomond Marina) for Fiscal Year 2024-25 (PW)**  
*Resolution 15322 - Resolution Setting the Special Tax for City of San Rafael Community Facilities District No. 2 (The Village at Loch Lomond Marina) for Fiscal Year 2024-25*

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
 NOES: Councilmembers: None  
 ABSENT: Councilmembers: Hill & Llorens Gulati

**PUBLIC HEARINGS**

5. Public Hearings:

- a. **[Baypoint Lagoons Assessment District](#) Resolution Confirming the Engineer’s Annual Report for the Baypoint Lagoons Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2024-25 (PW)**

Deputy Director of Administrative Services (Public Works) Jonathan Schellin presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

**Speaker:** Michael Glasner

Staff responded to questions raised during public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution confirming the Engineer’s Annual Report for the Baypoint Lagoons Assessment District and the Assessment Diagram connected therewith and ordering the levy and collection of assessments for FY 2024-25.

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
 NOES: Councilmembers: None  
 ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15323 - Resolution Confirming the Engineer’s Annual Report for the Baypoint Lagoons Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2024-25*

- b. [Point San Pedro Road Median Landscaping Assessment District](#)  
**Resolution Confirming the Engineer's Annual Levy Report for the Point San Pedro Road Median Landscaping Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2024-25 (PW)**

Deputy Director of Administrative Services (Public Works) Jonathan Schellin presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution confirming the Engineer's Annual Levy Report for the Point San Pedro Road Median Landscaping Assessment District and the Assessment Diagram Connected therewith and ordering the levy and collection of assessments for FY 2024-25.

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15324 - Resolution Confirming the Engineer's Annual Levy Report for the Point San Pedro Road Median Landscaping Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2024-25*

#### **OTHER AGENDA ITEMS**

6. Other Agenda Items:

- a. [Response to the Grand Jury Report on E-Bike Safety](#)  
**Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Titled "With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk" (PD)**

Chief of Police David Spiller presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

**Speakers:** Mahmoud Shirazi, Michael Glasner, Name withheld, Name withheld, Name withheld

Staff responded to questions raised during public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution approving and authorizing the Mayor to execute the Response to the Marin County Civil Grand Jury Report titled "With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk."

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15325 - Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Titled "With Power Comes Responsibility - Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk"*

b. [Response to Grand Jury Report – Cyber Preparedness – Are We There Yet?](#)

**Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Entitled – Cyber Preparedness – Are We There Yet? (DS)**

Director of Digital Service and Open Government Sean Mooney presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

**Speaker:** Name withheld

Staff responded to questions raised in public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution approving and authorizing the Mayor to execute the Response to the Marin County Civil Grand Jury Report entitled – Cyber Preparedness – Are We There Yet?

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15326 - Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Entitled – Cyber Preparedness – Are We There Yet?*

c. [Proposed Update to Master Fee Schedule – Childcare](#)

**Resolution Authorizing an Update to the Master Fee Schedule to Establish Childcare Program Rates for the 2024-25 School Year (LR)**

Finance Director Paul Navazio presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution authorizing an update to the Master Fee Schedule to establish childcare program rates for the 2024-25 school year.

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15327 - Resolution Authorizing an Update to the Master Fee Schedule to Establish Childcare Program Rates for the 2024-25 School Year*

d. [Salary and Benefit Plans for Temporary Employees](#)

**Resolutions Regarding Salary and Benefit Plans for Temporary Employees (HR)**

i. **Resolution Rescinding Resolution No. 15020 and Establishing a Salary and Benefit Plan for Temporary, Seasonal and Retiree Employees**

ii. **Resolution Establishing a Salary and Benefit Plan for Non-Exempt Fixed-Term Employees**

iii. **Resolution Establishing a Salary and Benefit Plan for Exempt Fixed-Term Employees**

City Manager Cristine Alilovich provided opening comments.

Human Resources Director Marissa Sanchez presented the Staff Report.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution rescinding Resolution No. 15020 and establishing a salary and benefit plan for temporary, seasonal and retiree employees.

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15328 - Resolution Rescinding Resolution No. 15020 and Establishing a Salary and Benefit Plan for Temporary, Seasonal and Retiree Employees*

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution establishing a salary and benefit plan for non-exempt fixed-term employees.

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15329 - Resolution Establishing a Salary and Benefit Plan for Non-Exempt Fixed-Term Employees*



Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution establishing a salary and benefit plan for exempt fixed-term employees.

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15330 - Resolution Establishing a Salary and Benefit Plan for Exempt Fixed-Term Employees*

e. [Successor Memorandum of Understanding with the Service Employees International Union, Local 1021 \(SEIU Local 1021\)](#)

**Resolution Approving a Successor Memorandum of Understanding Pertaining to Compensation and Working Conditions for the Service Employees International Union, Local 1021 (July 1, 2024, Through June 30, 2027)**

Human Resources Director Marissa Sanchez presented the Staff Report.

Mayor Kate invited public comment; however, there were none.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution approving a Successor Memorandum of Understanding pertaining to compensation and working conditions for the Service Employees International Union, Local 1021 (July 1, 2024, Through June 30, 2027).

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15331 - Resolution Approving a Successor Memorandum of Understanding Pertaining to Compensation and Working Conditions for the Service Employees International Union, Local 1021 (July 1, 2024, Through June 30, 2027)*

f. [Salary Resolution for Unrepresented Executive Management Employees](#)

**Resolution Establishing the Compensation and Working Conditions for Unrepresented Executive Management Employees (July 1, 2024 through June 30, 2027) and Authorizing the City Manager to Enter into Employment Agreements with the Unrepresented Executive Management Employees**

City Manager Cristine Alilovich provided opening comments.

Human Resources Consultant Angela Nicholson presented the Staff Report.

Mayor Kate invited public comment.

**Speaker:** Name withheld

Staff responded to questions raised in public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution establishing the compensation and working conditions for unrepresented executive management employees (July 1, 2024 through June 30, 2027) and authorizing the City Manager to enter into employment agreements with the unrepresented executive management employees.

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15332 - Resolution Establishing the Compensation and Working Conditions for Unrepresented Executive Management Employees (July 1, 2024 through June 30, 2027) and Authorizing the City Manager to Enter into Employment Agreements with the Unrepresented Executive Management Employees*

- g. [Compensation For Elected City Clerk and Elected Part-Time City Attorney Compensation Resolution Establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part-Time City Attorney \(July 1, 2021 Through June 30, 2024\) \(HR\)](#)

Assistant City Manager Angela Robinson-Pinon presented the Staff Report and noted the clerical error in the dates on the title of the Staff Report.

Mayor Kate invited public comment.

**Speaker:** Name withheld

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part-Time City Attorney (July 1, 2024 Through June 30, 2027) (HR)

AYES: Councilmembers: Bushey, Kertz & Mayor Kate  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hill & Llorens Gulati

*Resolution 15333 - Resolution Establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part-Time City Attorney (July 1, 2024 Through June 30, 2027) (HR)*

#### **OPEN TIME FOR PUBLIC EXPRESSION**

- Susan Kay Gilbert addressed the City Council regarding pedestrian safety at Vivalon crosswalk and expressed her appreciation to City staff for their prompt response to her emails.
- Suzanne Becker, Captain's Cove Homeowners Association addressed the City Council regarding the fire located behind the Regency Theater.
- Victor Fridman addressed the City Council regarding the fire located behind the Regency Theater.
- Peter addressed the City Council regarding an incident where someone threw a fentanyl pipe into his moving vehicle and other public safety concerns.

- Name withheld addressed the City Council regarding the fire located behind the Regency Theater and pedestrian safety in front of Vivalon.
- Name withheld addressed the City Council regarding the public comments from others and Gaza.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 8:40 p.m. in honor of Richard Nave (former councilmember) who recently passed away.

-----  
LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024

-----  
KATE COLIN, Mayor

DRAFT