

Minutes subject to approval at the September 3, 2024 meeting



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, AUGUST 19, 2024

SPECIAL MEETING AT 4:45 P.M.

REGULAR MEETING AT 6:00 P.M.

This meeting will be held in-person. This meeting is being streamed to YouTube at 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 by 4:00 p.m. the day of the meeting.

If you experience technical difficulties during the meeting, please contact city.clerk@cityofsanrafael.org.

SPECIAL MEETING AT 4:45 P.M.

**San Rafael Third Floor Conference Room
1400 Fifth Avenue, San Rafael, CA 94901**

Watch Online:

Watch on Zoom Webinar: <https://tinyurl.com/sm-2024-08-19>

Listen by phone: (669) 900-9128

ID: 879-9873-4798#

One Tap Mobile: +16699009128,,87998734798# US

Present: Councilmember Bushey
Councilmember Kertz
Councilmember Llorens Gulati
Mayor Kate

Absent: Vice Mayor Hill

Mayor Kate called the meeting to order at 4:46 p.m., and Vice Mayor Hill was absent. Mayor Kate invited public comment; however, there was none.

1. Planning Commission Interviews

Interview Applicants and Make Appointments to One Four-Year Term and Two Alternate Member Four-Year Term Licensed Architect Seats on the Planning Commission to the End of October 2028; And Appoint Current Planning Commissioners to Specific Seats on the Planning Commission to Finalize Membership on the Commission (CC)

Recommended Action - Interview applicants and make appointments

City Clerk Lindsay Lara presented the staff report.

Staff responded to questions from the city council.

The City Council interviewed the following applicants: Sharon Kovalsky, Stewart Summers

and Donald Blayney. Jeff Kent withdrew his application.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to appoint Stewart Summers to the Planning Commission regular voting member seat.

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

The City Council provided direction to staff to continue city-wide recruitment for additional design professional alternate member terms.

Mayor Kate adjourned the Special meeting at 5:32 p.m.

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

Watch Online:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2024-08-19>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 444-9171

ID: 860-6190-5675#

One Tap Mobile: +16694449171,,86061905675# US

Present: Councilmember Bushey
Councilmember Kertz
Councilmember Llorens Gulati
Mayor Kate
Absent: Vice Mayor Hill
Also Present: City Manager Cristine Alilovich
City Attorney Robert Epstein
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 6:00 p.m. and invited City Clerk Lindsay Lara to call the roll. Vice Mayor Hill was absent.

Mayor Kate provided opening remarks which included gratitude to City Staff, an announcement of the Team of the Quarter Police Training Field officers, school starting, 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.

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: - None.

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:

- Quarterly Climate Action Plan Community Forum to be held Thursday, August 22, at City Hall, 3rd Floor Conference Room at 4 p.m.
- Free Movie in the Park event to be held Friday, August 23, at Pickleweed Park at 7 p.m. Movie to start at 8 p.m.
- Northgate Project Open House (with Developer) to be held Monday, August 26 inside Northgate Mall at 6 p.m.
- West End Block Party, every Friday night through October on Fourth Street, between F & G Streets
- PorchFest to be held Sunday, September 15 in Gerstle Park Neighborhood at noon

City Clerk Lindsay Lara provided an update on the November 5, 2024 General Election.

City Councilmember Reports:

- Councilmember Kertz expressed appreciation for Police Department for National Night Out and Fire Department for Open Houses.
- Councilmember Bushey reported on the Fire Station 52 Open House, a Marin Transit Board meeting representing the Marin County Council of Mayors and Councilmembers (MCCMC), a Central Marin Sanitation Agency (CMSA) meeting and a San Rafael Sanitation Board meeting.
- Councilmember Llorens Gulati reported on a Marin Board of Supervisors meeting with a Marin Transit update, a Voces del Canal meeting, a Parking Task Force meeting, National Night Out, Dancing Under the Lights and a MCE Board meeting.
- Mayor Kate reported on Sonoma Marin Area Rail Transit (SMART), a BayWAVE presentation, Transportation Authority of Marin (TAM) meetings, the Gun Safety Collaborative and a Bicycle Pedestrian Advisory Committee (BPAC) meeting.

Mayor Kate invited public comment.

Speaker: Gina Sylvestri, Gerstle Park Neighborhood Association & San Rafael PorchFest Event Committee

CONSENT CALENDAR:

Mayor Kate invited public comment on the Consent Calendar items; however, there were none.

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to approve the Consent Calendar.

4. Consent Calendar Items:

a. **City Quarterly Investment Report**

Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending June 30, 2024 (Fin)

Accepted report

- b. **Caltrans Maintenance Agreement Amendment**
Rescind Resolution 15306 and Adopt Resolution Approving and Authorizing the City Manager to Execute Amendment No. 1 to the Supplemental Freeway Maintenance Agreement with Caltrans (PW)
Rescinded Resolution 15306 and Adopted Resolution 15334 - Resolution Approving and Authorizing the City Manager to Execute Amendment No. 1 to the Supplemental Freeway Maintenance Agreement with Caltrans

- c. **Caltrans Property Relinquishment**
Resolution Approving and Authorizing the City Manager to Send a Letter to Request that Caltrans Relinquishes the Property East of Redwood Highway and Civic Center Drive (PW)
Resolution 15335 - Resolution Approving and Authorizing the City Manager to Send a Letter to Request that Caltrans Relinquishes the Property East of Redwood Highway and Civic Center Drive

- d. **Grand Avenue Cycle Track Project**
Accept Completion of the Grand Ave Cycle Track Project, City Project No. 11393, and Authorize the City Clerk to File the Notice of Completion (PW)
Accepted completion of the Grand Ave Cycle Track Project and authorized the City Clerk to file the Notice of Completion

- e. **Large Trash Capture Device Projects**
Authorize the City Manager to Enter into Professional Services Agreements to Provide Design Services for Large Trash Capture Devices with:
 - i. **Schaaf & Wheeler Consulting Civil Engineers (S&W) in the Amount Not to Exceed \$476,565**
Authorized the City Manager to enter into a professional services agreement with Schaaf & Wheeler Consulting Civil Engineers ("S&W") to provide design services for large trash capture devices at three locations, in the amount not to exceed \$476,565

 - ii. **BKF Engineers (BKF) in the Amount Not to Exceed \$421,300**
Authorized the City Manager to enter into a professional services agreement with BKF Engineers ("BKF") to provide design services for large trash capture devices at two locations, in the amount not to exceed \$421,300

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

PUBLIC HEARINGS

5. Public Hearings:

- a. [Proposed Camping Ordinance Amendments, and Informational Report on Homelessness, Including Sanctioned Camping Program, Homeless Program Contracts and Appropriation of Funds](#)
 - i. **Introduction of an Ordinance Amending San Rafael Municipal Code Chapter 19.50 -- Camping on Public Property**

 - ii. **Resolution Appropriating \$2,256,400 From the Grants Fund 283 to Support the Initial Costs and Contracts Associated with the Sanctioned Camping Program and Authorizing the City Manager to Execute Contracts in the Amount of \$2,002,400 for the First Phase**

of the Encampment Resolution Fund Round 3 (ERF3) Grant Program and Other Homelessness Program Services (CM)

City Manager Cristine Alilovich introduced the item. Assistant City Manager John Stefanski, legal counsel Scott Emblidge, Police Captain Roy Leon, and Homelessness and Housing Analyst Mel Burnette who presented the Staff Report.

Marin County Executive Derek Johnson and St. Vincent De Paul Executive Director Christine Paquette provided comments.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Robbie Powelson, Mark Rivera, Molly Blauvelt, Katie Fleet, Kevin Bruner, Lauren McCarthy, Jason, Laurel Halvorson, Name Withheld, Stephen Bingham, Lucie Hollingsworth, Legal Aid of Marin, Stuart Watson, Colin Taylor, Shinji Sakai-Egi, Tara Evans, Karen Strolia, San Rafael Chamber of Commerce, Al Vetere, Mahmoud Shirazi, Wes White, Salinas/ Monterey County Homeless Union & Lived Experience Advisory Directive (LEAD) Committee (Monterey County) & National Association for the Advancement of Colored People (NAACP) (Monterey County)

Staff responded to questions raised during public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to introduce the Ordinance, waive further reading of the Ordinance, and refer to it by title only.

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

Introduced the Ordinance, waived further reading of the Ordinance, and referred to it by title only

City Clerk Lindsay Lara read the title of the Ordinance:

Ordinance No. 2040: An Ordinance of the City Council of the City of San Rafael Amending Chapter 19.50 to the San Rafael Municipal Code, Entitled "Camping On Public Property" Regulating Camping On Public Property Within the City of San Rafael

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution appropriating \$2,256,400 from the Grants Fund 283 to support the initial costs and contracts associated with the Sanctioned Camping Program and authorizing the City Manager to execute contracts in the amount of \$2,002,400 for the first phase of the Encampment Resolution Fund Round 3 (ERF3) Grant Program and other homelessness program services.

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

Resolution 15336 - Resolution Appropriating \$2,256,400 From the Grants Fund 283 to Support the Initial Costs and Contracts Associated with the Sanctioned Camping Program and Authorizing the City Manager to Execute Contracts in the Amount of \$2,002,400 for the First Phase of the Encampment Resolution Fund Round 3 (ERF3) Grant Program and Other Homelessness Program Services

Mayor Kate called a recess at 8:42 p.m., and called the meeting to order at 8:51 p.m.

b. [Amendments to Chapter 15.155 \(Urban Lot Splits\) and Chapter 15.03 \(Minor Subdivisions \(Four or Fewer Lots\)\) of the San Rafael Municipal Code](#)

Introduction of an Ordinance Amending Chapter 15.155 (Urban Lot Splits) and Chapter 15.03 (Minor Subdivisions (Four or Fewer Lots)) of the San Rafael Municipal Code to Clarify and Improve the Procedure for Implementation of Government Code Section 66411.7 (Senate Bill 9) Related to Urban Lot Splits (PW)

Assistant Public Works Director Joanna Kwok 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 introduce the Ordinance, waive further reading of the Ordinance, and refer to it by title only.

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

Introduced the Ordinance, waived further reading of the Ordinance, and referred to it by title only

City Clerk Lindsay Lara read the title of the Ordinance:
Ordinance No. 2041: An Ordinance of the City Council of the City of San Rafael amending Chapter 15.155 (Urban Lot Splits) and Chapter 15.03 (Minor Subdivisions (Four or Fewer Lots)) of Title 15 (Subdivisions) of the San Rafael Municipal Code to clarify and improve the procedure for implementation of Government Code Section 66411.7 (Senate Bill 9) related to Urban Lot Splits

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. [Response to the Grand Jury Report on Sea Level Rise](#)

Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Titled “Sea Level Rise: The Water is Upon Us We Cannot Run – We Cannot Hide” (CM)

Climate Adaptation and Resilience Planner Kate Hagemann presented the Staff Report.

Mayor Kate invited public comment.

Speaker: Al Vetere

Councilmembers provided comments.

Councilmember Llorens Gulati 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 “Sea Level Rise: The Water is Upon Us We Cannot Run – We Cannot Hide.”

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

Resolution 15337 - Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Titled “Sea Level Rise: The Water is Upon Us We Cannot Run – We Cannot Hide”

b. [Sidewalk Repair Program Update](#)

Approve the Sidewalk Repair Program as a Permanent Program and Authorize a \$1,000 Increase in Allowable Reimbursement Amount, for a New Total Reimbursement up to \$2,000 in Fiscal Year 2024-25, With an Allowable Yearly Increase Tied to the Consumer Price Index, Up to a Maximum of 3.5% a Year (CM)

Deputy Public Works Director Jonathan Schellin presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Al Vetere, Name Withheld

Staff responded to questions raised during public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to approve the Sidewalk Repair Program as a permanent program and authorize a \$1,000 increase in allowable reimbursement amount, for a new total reimbursement up to \$2,000 in fiscal year 2024-25, with an allowable yearly increase tied to the Consumer Price Index, up to a maximum of 3.5% a year.

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

Approved the Sidewalk Repair Program as a permanent program and authorized a \$1,000 Increase in allowable reimbursement amount, for a new total reimbursement up to \$2,000 in fiscal year 2024-25, with an allowable yearly increase tied to the Consumer Price Index, up to a maximum of 3.5% a year

c. [Fiscal Year 2023-2024 Budget Amendments](#)
Resolution Adopting Amendments to the City of San Rafael Budget for Fiscal Year 2023-2024 for the Purpose of Confirming Authorized Appropriations and Transfers (Fin)

Finance Manager Shawn Plate presented the Staff Report.

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

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to Adopt the Resolution Adopting Amendments to the City of San Rafael Budget for Fiscal Year 2023-2024 for the Purpose of Confirming Authorized Appropriations and Transfers.

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

Resolution 15338 - Resolution Adopting Amendments to the City of San Rafael Budget for Fiscal Year 2023-2024 for the Purpose of Confirming Authorized Appropriations and Transfers

d. [Pavement Maintenance Project Fiscal Year 2024-25](#)
Award the Construction Agreement for the Pavement Maintenance Project FY 2024-25 to Pavement Coatings Co. and Authorize \$1,900,000 for Project Construction (PW)

Associate Civil Engineer (Public Works) Grey Melgard 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 during public comment.

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to approve plans and specifications for the Pavement Maintenance Project FY 2024-25 (also referred to as "City Project No. 11454" and "the Project") deemed reasonable by the City Engineer, on file in the Department of Public Works; and, award a construction agreement (the "Construction Agreement") for the project to Pavement Coatings Co., authorize the City Manager to execute the construction agreement in the amount of \$1,655,880 and authorize the City Manager to amend the contract amount using contingency funds of \$244,120 for a total not to exceed amount of \$1,900,000 for the Project; And, Appropriate \$400,000 from the Gas Tax Fund (206) for the construction agreement to supplement the previously appropriated amount of \$1,500,000 from the Gas Tax Fund (206) included in the FY 2024-25 adopted budget approved on June 17, 2024.

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

Approved plans and specifications for the Pavement Maintenance Project FY 2024-25 (also referred to as "City Project No. 11454" and "the Project") deemed reasonable by the City Engineer, on file in the Department of Public Works; And, awarded a construction agreement (the "Construction Agreement") for the project to Pavement Coatings Co., authorized the City Manager to execute the construction agreement in the amount of \$1,655,880 and authorized the City Manager to amend the contract amount using contingency funds of \$244,120 for a total not to exceed amount of \$1,900,000 for the Project; And, appropriated \$400,000 from the Gas Tax Fund (206) for the construction agreement to supplement the previously appropriated amount of \$1,500,000 from the Gas Tax Fund (206) included in the FY 2024-25 adopted budget approved on June 17, 2024

OPEN TIME FOR PUBLIC EXPRESSION

- Al Vetere addressed the city council expressing thanks to Public Works for street maintenance.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 9:55 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

KATE COLIN, Mayor