



MINUTES

SAN RAFAEL CITY COUNCIL - TUESDAY, SEPTEMBER 3, 2024

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-2024-09-03>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 444-9171

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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.

OPEN SESSION- THIRD FLOOR CONFERENCE ROOM - 4:45 PM

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 4:45 PM

2. Closed Session:

- a. Personnel Matters - Government Code Section 54957
Public Employee Performance Evaluation - City Manager

Present: Vice Mayor Hill
Councilmember Kertz
Councilmember Llorens Gulati
Mayor Kate

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

Mayor Kate called the meeting to order at 6:03 p.m. and invited City Clerk Lindsay Lara to call the roll. Councilmember Bushey was 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, the passing of former San Rafael Mayor Al Boro, Banned Books Week 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:

- The passing of former San Rafael Mayor Al Boro
- 2nd Friday Art Walk to be held Friday, September 13, Downtown, 5-8pm / Youth in Arts poster making event in honor of United Against Hate Week, 917 C Street, 5-8pm
- PorchFest to be held Sunday, September 15, Gerstle Park Neighborhood, 12-5pm
- Free Movie in the Park event to be held Friday, September 20, Sun Valley Park, 5:30pm - Movie to start at 7:15pm
- Free Marin County Electrification Career Fair to be held, Saturday, September 14, Marin County Exhibit Hall, 10am-3pm
- Illegal Food Vendors Update
- Police Department to offer two speed safety and community lidar/radar classes, Wednesday September 18 (6-8pm) and Sunday September 22 (10am-noon), San Rafael Public Safety Center
- Downtown Library Closed for Remodeling - New Pop-Up Library to open Monday, September 16, 1009 Fourth Street

City Councilmember Reports:

- Vice Mayor Hill reported on an Economic Development Subcommittee meeting.
- Councilmember Kertz reported on a Bay Area Housing Finance Authority (BAHFA) Steering Committee meeting with the County, a Northgate Town Square community meeting, the Safeway Terra Linda ribbon-cutting and the Early Learning Center at Short School ribbon-cutting.
- Councilmember Llorens Gulati reported on a quarterly City Climate Action Plan (CCAP) meeting, a BayWAVE meeting, a Chamber of Commerce Green Business Mid Day Meet-up event, a Sea-Level Rise Subcommittee meeting and the Movie in the Park event at Pickleweed Park.
- Mayor Kate reported on Sonoma Marin Area Rail Transit (SMART) and a BayWAVE meeting.

Mayor Kate invited public comment.

Speakers: Name Withheld, Mario Ernesto Lopez

CONSENT CALENDAR:

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

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

4. Consent Calendar Items:

- a. **Approval of Minutes**
Approve the Regular City Council Meeting Minutes of July 15, 2024 and the Regular and Special City Council Meeting Minutes of August 19, 2024 (CC)
Approved as submitted

- b. **Conflict of Interest Code Update**
Resolution Repealing Resolution No. 15117, Re-Adopting the Fair Political Practices Commission Model Conflict of Interest Code as the City's Conflict of Interest Code, and Adopting a Revised List of Designated Employee Positions and Disclosure Categories, to be Incorporated into the City's Conflict of Interest Code (CC)
Resolution 15334 - Resolution Repealing Resolution No. 15117, Re-Adopting the Fair Political Practices Commission Model Conflict of Interest Code as the City's Conflict of Interest Code, and Adopting a Revised List of Designated Employee Positions and Disclosure Categories, to be Incorporated into the City's Conflict of Interest Code

- c. **Public Art Review Board Bylaws Amendment**
Resolution Amending the Public Art Review Board Bylaws (CC)
Resolution 15335 - Resolution Amending the Public Art Review Board Bylaws

- d. **Camping Ordinance Amendment Adoption**
Adoption of Ordinance 2040: An Ordinance Amending San Rafael Municipal Code Chapter 19.50 -- Camping on Public Property (CC)
Final Adoption of Ordinance No. 2040

- e. **Proclamation**
Proclamation Supporting National Preparedness Month 2024 (HR)
Received and Filed

- f. **Urban Lot Split Ordinance Adoption**
Adoption of Ordinance 2041: 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 (CC)
Final Adoption of Ordinance No. 2041

- g. **Medi-Cal Intergovernmental Transfer Cost Recovery Program Agreement**
Authorize the City Manager to Execute an Agreement Allowing the San Rafael Fire Department to Participate in a Medi-Cal Intergovernmental Transfer (IGT) Program with the California Department of Health Care Services (DHCS) for the Service Period of January 1, 2023, Through December 31, 2023 (FD)
Authorized the City Manager to execute an agreement allowing the San Rafael Fire Department to participate in a Medi-Cal Intergovernmental Transfer (IGT) Program with the California Department of Health Care Services (DHCS) for the service period of January 1, 2023, Through December 31, 2023

- h. **Fleet Replacement Fiscal Year 2024-2025**
Authorize City Manager to Purchase Three (3) Vehicles for Replacement in an Amount Not to Exceed \$330,000 (PW)
Authorized the City Manager to purchase three (3) vehicles to replace aging and operationally inadequate vehicles for the City's vehicle fleet in an amount not to exceed \$330,000, which includes a \$30,000 (10%) contingency for unexpected cost increases

- i. **B Street Culvert Replacement Project**
Authorize the City Manager to Enter into the First Amendment to the Task Order with Park Engineering, Inc. for Inspection Services Associated with the B Street Culvert Replacement Project, in an Additional Amount of \$54,122.34, Increasing the Total Not-To-Exceed Amount of the Agreement to \$127,560.34 (PW)
Authorized the City Manager to enter into the First Amendment to the Task Order with Park Engineering, Inc. for inspection services associated with the B Street Culvert Replacement Project, in an additional amount of \$54,122.34, increasing the total not-to-exceed amount of the agreement to \$127,560.34

- j. **Stormwater Pump Station Repair Agreement**
Approve and Authorize the City Manager to Waive Competitive Bidding and Enter into a Maintenance Agreement with Pump Repair Service Company to Repair Two Stormwater Pumps, in an Amount Not to Exceed \$720,000 (PW)
Authorized the City Manager to waive competitive bidding and enter into a maintenance agreement with Pump Repair Service Company to repair two stormwater pumps in an amount not to exceed \$720,000; And, appropriate \$360,000 from the Capital Fund (401) to supplement the previously appropriated amount of \$520,000 from the Stormwater Fund (205) included in the FY 2024-25 adopted budget approved on June 17, 2024

- k. **Citywide Safety Electrical Services Contract Award**
Award of Citywide Safety Electrical Services Agreement to DC Electric and Authorize the City Manager to Negotiate and Enter into an Agreement, for up to Five (5) Years for Services in the Total Not-To-Exceed Amount of \$550,000 per Fiscal Year
Award of Citywide Safety Electrical Services agreement to DC Electric and authorize the City Manager to negotiate and enter into an agreement, for up to five (5) years for services in the total not-to-exceed amount of \$550,000 per fiscal year

- l. **Special Event Street Closure in San Rafael**
Resolution Authorizing the Temporary Closure of Neame Avenue in San Rafael for a Special Event (PD)
Resolution 15336 - Resolution Authorizing the Temporary Closure of Neame Avenue in San Rafael for a Special Event

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

SPECIAL PRESENTATIONS

5. Special Presentations:

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

a. **Proclamation Supporting Hispanic Heritage Month**

Councilmember Llorens Gulati presented the proclamation to Cecilia Zamora, Hispanic Chamber of Commerce of Marin/Latino Council of Marin and Catalina Lozano, Association of Latino Marin Attorneys (ALMA)/Hispanic Chamber of Commerce of Marin.

Cecilia Zamora and Catalina Lozano provided comments.

b. **Proclamation Supporting Suicide Prevention Awareness Month**

Mayor Kate presented the proclamation to Kara Connors, Marin County Suicide Prevention Collaborative of Marin and Sophia Balestreri, Felton Institute.

Sophia Balestreri and Kara Connors provided comments.

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. **Smoking Ordinance Amendment**

Introduction of an Ordinance Amending Sections 9.04.120 of the San Rafael Municipal Code to Allow for a Private Right of Action for Violations of the City's Smoking Ordinance (CM)

Assistant City Manager John Stefanski presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Al Vetere, Shinji Sakai-Egi

Staff responded to questions raised during public comment.

Councilmembers provided comments.

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

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

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

The City Clerk read the title of the ordinance:

An Ordinance of the City of San Rafael Amending Chapter 9, Section 9.04.120 of the San Rafael Municipal Code to Allow for a Civil Right of Action for Violations of the City's Smoking Ordinance

b. **Affordable Housing Trust Fund Application Processes**

Affordable Housing Trust Fund Rolling Application Process Implementation and Aligning City's Notice of Funding Availability (NOFA) with County of Marin's NOFA Process

Housing Manager Alexis Captanian presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speaker: Al Vetere

Staff responded to questions raised during public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Vice Mayor Hill seconded to approve the implementation of the rolling application process for the Affordable Housing Trust Fund, as authorized in the guidelines for the administration of the Affordable Housing Trust Fund.

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

Approved the implementation of the rolling application process for the Affordable Housing Trust Fund, as authorized in the Guidelines for the Administration of the Affordable Housing Trust Fund

c. **Personnel Changes**

Resolution Approving the Following Personnel Changes: Retitling of the Assistant Director of Community Development Job Classification, Retitling of the Childcare Director Job Classification, Correcting the Operations & Maintenance Superintendent Salary Range, and Adding the Senior Human Resources Analyst, Wildfire Mitigation Program Manager, Chief Assistant City Attorney Positions, and Amending the San Rafael Mid-Management Employee Association, Services Employees International Union Local 1021, and Unrepresented Mid-Management and Executive Salary Schedules; and Updating the Unrepresented Mid-Management Salary Resolution (HR)

Human Resources Operations Manager Nick Biss and Assistant City Manager John Stefanski presented the Staff Report.

Mayor Kate invited public comment.

Speaker: Al Vetere

Staff responded to questions raised during public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to adopt the resolution approving changes to the San Rafael Mid-Management Employee Association (SRMMEA), Service Employees International Union (SEIU) Local 1021, and Unrepresented Mid-Management and Executive Salary Schedules.

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

Resolution 15337 - Resolution approving changes to the San Rafael Mid-Management Employee Association (SRMMEA) and Unrepresented Mid-Management and Executive Salary Schedules

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to adopt the resolution approving minor changes to the Unrepresented Mid-Manager Salary Resolution.

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

Resolution 15338 - Resolution approving minor changes to the Unrepresented Mid-Manager Salary Resolution

OPEN TIME FOR PUBLIC EXPRESSION

None.

ADJOURNMENT:

Mayor Kate invited City Attorney Robert Epstein to make comments about the late Al Boro, former Mayor of San Rafael. Mayor Kate adjourned to Closed Session at 7:20 p.m., in honor of former San Rafael Mayor Al Boro who recently passed away.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

KATE COLIN, Mayor