

Minutes subject to approval at the City Council meeting of Monday, May 4, 2020

In the Council Chambers of the City of San Rafael, Monday, April 20, 2020



REGULAR MEETING AT 7:00 P.M.

VIRTUAL MEETING

(669) 900-9128

ID: 994-4592-2706#

Regular Meeting

San Rafael City Council

Minutes

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

[How to Participate in your City Council Meeting](#)

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/c/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 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 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.

[Mayor Phillips called the meeting to order at 7:09 p.m. and invited the City Clerk to call the roll](#)

Mayor Phillips informed the community the meeting would be streamed live to YouTube and the City website, and members of the public would provide public comment either on the telephone or through the YouTube live chat

OPEN SESSION - CONFERENCE CALL (669) 900-9128 ID: 996-6882-2099# - 6:00 PM

1. Mayor Phillips to announced Closed Session items.

CLOSED SESSION – CONFERENCE CALL - 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

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 YouTube

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

Correspondence in real-time through YouTube or telephone:
Joan Wlodaver addressed the City Council regarding Census 2020

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz provided an update on how the City is responding to the Coronavirus

Mayor Phillips expressed thanks for the report from the City Manager regarding the City's response to COVID-19 and commented on testing, as well as, the Message from the Mayor videos

CONSENT CALENDAR:

4. Consent Calendar Items:

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

Councilmember Colin moved and Councilmember McCullough seconded to approve the Consent Calendar Items:

- a. Approval of Minutes
Approve Minutes of City Council / Successor Agency Regular Meetings of

Monday, March 23, 2020 and April 6, 2020 and Special Meetings of March 17, 2020 and March 20, 2020 (CC)

[Approval of Minutes](#)

Approved as submitted

- b. 190 Mill Street - Homeward Bound of Marin Emergency Shelter & Supportive Housing**
Second Introduction and Final Adoption of Ordinance 1983: An Ordinance Approving a Zoning Map Amendment (ZC19-001) to Modify the Existing Canal Core Industrial/Office (CCI/O) Zoning Classification of the Site at 190 Mill Street to High-Density Residential Zoning Classification (CD)

[190 Mill Street - Homeward Bound of Marin Emergency Shelter & Supportive Housing](#)

Final Adoption of Ordinance No. 1983

- c. City Quarterly Investment Report**
Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending March 31, 2020 (Fin)

[City Quarterly Investment Report](#)

Accepted report

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

SPECIAL PRESENTATION:

5. Special Presentation:

a. Fire Chief Swear-in Ceremony (CC)

City Manager Jim Schutz introduced the City's new Fire Chief, Darin White, and City Clerk Lindsay swore him in

City Clerk Lindsay Lara administered the Oath of Office to Fire Chief Darin White

Fire Chief White thanked the City Council, administration, staff and the community for a warm welcoming to San Rafael and expressed his excitement to work for the City of San Rafael.

PUBLIC HEARINGS

6. Public Hearings:

a. Termination of The Marin Telecommunications Agency

- i. First Introduction: Consider Passing to Print An Ordinance of the City of San Rafael Providing for the Termination of the Marin Telecommunications Agency and Repealing the Telecommunications Ordinance Codified in Chapter 10.74 of the San Rafael Municipal Code (CM)**

- ii. **Resolution Authorizing the Marin General Services Authority to Collect Franchise and Public, Education, and Government Access Fees from Cable Television Providers and to Exercise All Powers and Functions Associated with the Digital Infrastructure and Video Competition Act (CM)**
[Termination of the Marin Telecommunications Agency](#)

Andrew Hening, Director of Homeless Planning and Outreach, presented the staff report

Mayor Philips invited public comment; however there was none

Councilmember McCullough provided comments as they related to his appointment to the Marin Telecommunications Agency and provided additional background information

Councilmember McCullough moved and Councilmember Gamblin seconded to pass Charter Ordinance No. 1984 to print

Passed Ordinance No. 1984 to Print: An Ordinance of the City of San Rafael Providing for the Termination of the Marin Telecommunications Agency and Repealing the Telecommunications Ordinance Codified in Chapter 10.74 of the San Rafael Municipal Code

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

Councilmember McCullough moved and Councilmember Gamblin seconded to adopt the Resolution

Resolution 14788 - Resolution Authorizing the Marin General Services Authority to Collect Franchise and Public, Education, and Government Access Fees from Cable Television Providers and to Exercise All Powers and Functions Associated with the Digital Infrastructure and Video Competition Act

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

OTHER AGENDA ITEMS:

7. Other Agenda Items:

- a. **Village at Loch Lomond Marina Development Request for City Council Review and Approval of the following for the Village at Loch Lomond Marina Development (CD):**
 - i. **Resolution Authorizing the Mayor and City Manager to Sign and Execute a New Consolidated Subdivision Improvement Agreement (SIA)**
 - ii. **Resolution Authorizing the City Manager to Execute a Memorandum of Understanding (CD/PW)**

- iii. **Resolution Authorizing the City Manager to Execute an Amendment to the Below Market Rate Housing Agreement**
[Village at Loch Lomond Marina Development](#)
[Correspondence 04/16/2020](#)
[Correspondence 04/19/2020](#)
[Correspondence 04/20/2020](#)
[Correspondence 04/20/2020 \(2\)](#)

Paul Jensen, Community Development Director, introduced Ethan Guy, Principal Analyst, and Al Cornwell, CSW/Stuber-Stroeh, and then presented the staff report

Staff responded to questions from the City Council

Applicant Tom DiPrima, Marina Village Associates, provided comments

The applicant responded to questions from the City Council

Mayor Phillips invited public comment

Speakers: Bill Carney, Sustainable San Rafael, Elaine Tokolahi, Jim Dickson, John Reynolds, Chris Johnson, Alan Schaevitz, Board Member of the Pt. San Pedro Road Coalition and the Bayside Acres Homeowners Association, Speaker, Octavia Monelli, Paul Fordham, Homeward Bound of Marin, Winifred Dajani, Donna Borok Moss

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

Staff responded to questions from the public

Councilmembers provided comments and staff responded to additional questions

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14789 - Resolution Authorizing the Mayor and City Manager to Sign and Execute a New Consolidated Subdivision Improvement Agreement (SIA)

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

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14790 - Resolution Authorizing the City Manager to Execute a Memorandum of Understanding

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

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14791 - Resolution Authorizing the City Manager to Execute an Amendment to the Below Market Rate Housing Agreement

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

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

8. Councilmember Reports: None

SAN RAFAEL SUCCESSOR AGENCY

1. Consent Calendar:

Chair Phillips invited public comment; however there was none

Member Colin moved and Member McCullough seconded to approve Consent Calendar items:

a. **Successor Agency Quarterly Investment Report
Acceptance of Successor Agency Quarterly Investment Report for Period Ending
March 31, 2020 (Fin)**

[Successor Agency Quarterly Investment Report](#)

Accepted report

AYES: Members: Bushey, Colin, Gamblin, McCullough & Chair Phillips
NOES: Members: None
ABSENT: Members: None

ADJOURNMENT:

Mayor Phillips adjourned the meeting at 9:12 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

GARY O. PHILLIPS, Mayor