



AGENDA

SAN RAFAEL CITY COUNCIL – MONDAY, DECEMBER 7, 2020

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. 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? Call the telephone number listed on this agenda and dial the Meeting ID when prompted. Feel free to contact the City Clerk's office at 415-485-3066 or by email to lindsay.lara@cityofsanrafael.org if you have any questions.

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.

SPECIAL MEETING AT 7:00 P.M.

Watch online: <https://tinyurl.com/CC-2020-12-07>

or www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128,

ID: 891-2821-5222#

CONSENT CALENDAR:

1. Consent Calendar:

a. **November 3, 2020 General Municipal Election Results**

Resolution Declaring Canvass of Votes Cast and Results of the Consolidated General Municipal Election Held on November 3, 2020, to Include Results of Ballot Measure R - Transactions and Use Tax (CC)

Recommended Action – Adopt Resolution

OTHER AGENDA ITEMS:

2. Other Agenda Items:

a. **Presentation of Proclamations to Councilmember John Gamblin, Councilmember Andrew Cuyugan McCullough and Mayor Gary O. Phillips**

b. Swear-in Ceremonies

Swear-in Ceremony for the Following Newly Elected Officials (CC):

- Lindsay Lara, City Clerk
- Robert Epstein, City Attorney

- Gina Daly, Board of Education Trustee, Area 1
- Linda Jackson, Board of Education Trustee, Area 3
- Marina Palma, Board of Education Trustee, Area 5

- Maika Llorens Gulati, Councilmember District 1
- Rachel Kertz, Councilmember District 4
- Kate Colin, Mayor

ADJOURNMENT:

REGULAR MEETING TO FOLLOW SPECIAL MEETING

Watch online: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128,

ID: 891-2821-5222#

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: - None.

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

CITY MANAGER’S REPORT:

3. City Manager’s Report:

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

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

4. Councilmember Reports:

CONSENT CALENDAR:

The opportunity for public comment on consent calendar items will occur prior to the City Council’s vote on the Consent Calendar. The City Council may approve the entire consent calendar with one action. In the alternative, items on the Consent Calendar may be removed by any City Council or staff member, for separate discussion and vote.

5. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular and Special Meetings of Monday, November 16, 2020, and Special Meeting of Monday, November 30, 2020 (CC)
Recommended Action – Approve minutes as submitted

b. **Agency Report of Public Officials 2020**

Adoption of Agency Report of Public Official Appointments (FPPC Form 806) (CC)
Recommended Action – Approve staff recommendation

PUBLIC HEARING:

6. Public Hearing:

a. **Downtown Business Improvement District (BID) Assessment Annual Renewal**

Resolution Approving the Downtown San Rafael Business Improvement District Assessment for Calendar Year 2021 (ED)
Recommended Action – Adopt Resolution

OTHER AGENDA ITEMS:

7. Other Agenda Items:

a. **City Council Vacancy**

Recommendation to Call for Applications to Fill a Vacancy on the City Council (CC)
Recommended Action – Approve Call for Applications

b. **Highway 101 to Interstate 580 Connector Project**

Informational Report from Transportation Authority of Marin (TAM) on the 101 to 580 Connector Project (PW)
Recommended Action – Accept report

c. **Housing Work Plan Update**

Informational Report Providing an Update Regarding Housing Policy Actions (CD)
Recommended Action - Accept Report

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing Lindsay.lara@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.



SAN RAFAEL CITY COUNCIL STAFF REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval:

TOPIC: NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION RESULTS

SUBJECT: RESOLUTION DECLARING CANVASS OF VOTES CAST AND RESULTS OF THE CONSOLIDATED GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020, TO INCLUDE RESULTS OF BALLOT MEASURE R - TRANSACTIONS AND USE TAX

RECOMMENDATION:

Adopt a resolution declaring the results of the Consolidated General Municipal Election held on November 3, 2020.

BACKGROUND:

A General Municipal Election was held in the City of San Rafael on Tuesday, November 3, 2020. Sections 10262 through 10264 of the California Elections Code require that upon certification of the results of an election by the County Elections Office, the City Council shall meet to declare the results of the election. The City Council is required to adopt a resolution (Attachment 1) and the City Clerk is required to enter a statement of the results into the minutes.

On December 2, 2020, Marin County Chief Elections Officer Lynda Roberts certified the results of the election and the Official Report is included as Exhibit A to the resolution. According to the Official Report, the qualified electors cast ballots at said election for the Offices of Mayor, City Councilmember Districts 1 & 4, City Attorney, City Clerk & Assessor, and Board of Education Trustees Area 1, as well as Measure R as follows:

Candidate	Election	Votes Received	Percentage of Votes Received
Kate Colin	Mayor	22,570	86.27%
Rachel Kertz	Councilmember District 4	3,359	44.10%
Maika Llorens Gulati	Councilmember District 1	1,960	100%
Robert Epstein	City Attorney	20,133	100%

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

Lindsay Lara	City Clerk & Assessor	20,025	100%
Gina Daly	Board of Education, Area 1	3,887	56.02%
N/A	Measure R	16,216	61.66%

Pursuant to Sections 5326 and 5328 of the Education Code, an election was not held in the San Rafael Elementary School District and the San Rafael High School District in Trustee Area 3 and 5 on Tuesday, the 3rd day of November 2020 due to lack of opposition. The following people who were nominated for Trustee Area positions 3 and 5 on the San Rafael Board of Education will assume office by operation of law, for full terms of four years each, and will be sworn in on Monday, December 7, 2020 and seated on December 11, 2020:

Linda Jackson, Trustee Area 3
Marina Palma, Trustee Area 5

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDED ACTION:

Adopt a resolution declaring the results of the consolidated general municipal election held on November 3, 2020.

ATTACHMENTS:

1. Resolution
2. Exhibit A to Resolution: Official November 3, 2020 Election Results
3. Exhibit B to Resolution: Ordinance No. 1986 (Measure R)

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DECLARING CANVASS OF RETURNS AND RESULTS OF CONSOLIDATED GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020, TO INCLUDE RESULTS OF BALLOT MEASURE R - TRANSACTIONS AND USE TAX

WHEREAS, in pursuance of law and the Charter of the City of San Rafael, there was held in said City on Tuesday, the 3rd day of November 2020, a consolidated general municipal election to elect municipal officers, at which election the offices to be filled and the candidates for such offices were as follows:

Mayor: Kate Colin Mahmoud Shirazi	Councilmember District 1: Maika Llorens Gulati
Councilmember District 4: John Gamblin Rachel Kertz Greg Knell	Board of Education Trustee, Area 1 Gina Daly Samantha Ramirez

WHEREAS, pursuant to Sections 5326 and 5328 of the Education Code, an election was not held in the San Rafael Elementary School District and the San Rafael High School District on Tuesday, the 3rd day of November 2020 for Board of Education Trustee Areas 3 and 5, as only the following two persons were nominated for the two Trustee positions on the San Rafael Board of Education in Trustee Areas 3 and 5, and they will therefore assume office on the San Rafael Board of Education by operation of law for a full term of four years each, and will be sworn in on Monday, December 7, 2020:

For Trustees, San Rafael Board of Education:

- Linda Jackson, Trustee Area 3
- Marina Palma, Trustee Area 5

WHEREAS, the following measure was submitted to the electors of the City of San Rafael at the consolidated municipal election held on Tuesday, November 3, 2020:

MEASURE R – TRANSACTIONS AND USE TAX

“San Rafael Emergency Preparedness and Essential Services Protection Measure. To preserve essential city services with funding that cannot be taken by Sacramento, including disaster/health emergency preparedness, repairing potholes/city streets, maintaining 911 emergency response times, city parks/playgrounds, crime prevention, preserving local services/programs for youth, families, seniors, homeless, and other city services, shall the City of San Rafael measure increasing the local sales tax rate by ¼%, for 9 years, providing \$3,400,000 per year, be adopted?”

WHEREAS, said consolidated general municipal election was held on Tuesday, November 3, 2020, in accordance with law and the votes thereat received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of San Rafael resolves as follows:

1. That the total number of ballots cast in the precincts and vote by mail ballots for the City of San Rafael was 30,036 out of 33,774;
2. That said General Municipal election was held for the purpose of electing one Mayor, one District 1 Councilmember, one District 4 Councilmember, one City Attorney, one City Clerk and Assessor, and trustee for San Rafael Board of Education Trustee Area 1, for terms expiring upon the election of the successor thereto at the general election in November 2024;
3. That the names and results of the persons voted for at said election for Mayor are:

NAME	NUMBER OF VOTES RECEIVED
KATE COLIN	22,570 (86.27%)
MAHMOUD SHIRAZI	3,591 (13.73%)

4. That the name and results of the person voted for at said election for Councilmember District 1 is:

NAME	NUMBER OF VOTES RECEIVED
MAIKA LLORENS GULATI	1,960 (100%)

5. That the names and results of the persons voted for at said election for Councilmember District 4 are:

NAME	NUMBER OF VOTES RECEIVED
RACHEL KERTZ	3,359 (44.10%)
GREG KNELL	2,257 (29.63%)
JOHN GAMBLIN	2,001 (26.27%)

6. That the name and results of the person voted for at said election for City Attorney is:

NAME	NUMBER OF VOTES RECEIVED
ROBERT EPSTEIN	20,133 (100%)

7. That the name and results of the person voted for at said election for City Clerk and Assessor is:

NAME	NUMBER OF VOTES RECEIVED
LINDSAY LARA	20,025 (100%)

8. That the total number of ballots cast in the precincts and vote by mail ballots for the Board of Education was 8,642 out of 9,590;

9. That the name and results of the person voted for at said election for Board of Education Trustee Area 1 are:

NAME	NUMBER OF VOTES RECEIVED
GINA DALY	3,887 (56.02%)
SAMANTHA RAMIREZ	3,051 (43.98%)

9. That the City Council does declare and determine that:

- Kate Colin was elected as Mayor for a term expiring upon the election and swearing-in of a successor thereto at the General Municipal election in November 2024;
- Maika Llorens Gulati was elected as Councilmember District 1 for a term expiring upon the election and swearing-in of a successor thereto at the General Municipal election in November 2024;
- Rachel Kertz was elected as Councilmember District 4 for a term expiring upon the election and swearing-in of a successor thereto at the General Municipal election in November 2024;
- Robert Epstein was elected as City Attorney for a term expiring upon the election and swearing-in of a successor thereto at the General Municipal election in November 2024;
- Lindsay Lara was elected as City Clerk and Assessor for a term expiring upon the election and swearing-in of a successor thereto at the General Municipal election in November 2024;
- Measure R was approved by the electors of San Rafael; and
- Gina Daly was elected as a member of the Board of Education for a term expiring upon the election and swearing-in of a successor thereto at the General Municipal election in November 2024;

10. That the City Clerk shall deliver to each person elected a certification of election signed by her and duly authenticated; she shall also administer to the persons elected the oath of office as prescribed in the State Constitution of the State of California and shall have those persons subscribe thereto and file it in the office of the City Clerk. Each person so elected shall be inducted into the office to which he or she has been elected; and

11. That the City Clerk shall enter in the records of the City Council a statement of the results of said election, showing (1) the whole number of votes cast in the city; (2) the names of the persons voted upon; (3) the office for which each person was voted for; (4) the number of votes given at each precinct to each person; and (5) the number of votes given in the city to each person. These results are attached as Exhibit A to the resolution.

BE IT FURTHER RESOLVED by the Council of the City of San Rafael, as follows:

1. That the City Clerk of the City of San Rafael is hereby instructed to enter this resolution in the Minutes of the City Council as a statement of the results of said election regarding Measure R;
2. That the whole number of votes cast at said election was 26,301 votes;
3. That more than a majority of all the votes cast on said Measure R were in favor of said Measure (per Exhibit "A", attached) and said Measure carried;
4. That all vote by mail ballots have been duly received and canvassed in time, form and manner as required by law;
5. That, accordingly, the City Council hereby declares, that the voters of the City of San Rafael have approved Ordinance No. 1986, attached as Exhibit "B", by a majority of the votes cast by the electors voting on Measure R at the consolidated general municipal election held Tuesday, November 3, 2020; and
6. That Ordinance No. 1986 levying a Transactions and Use Tax is hereby effective on the tenth day following adoption of this Resolution, and the tax established herein shall become operative on April 1, 2021 or on such later date as provided in Section 3.19A.040 of the Ordinance.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the Council of said City held on Monday, the 7th day of December 2020, by the following vote, to wit:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

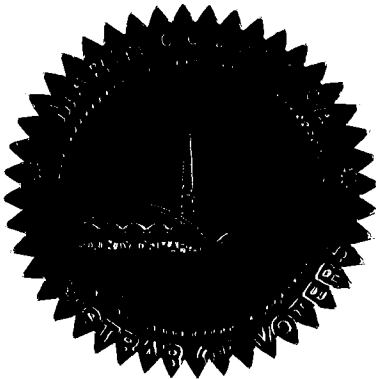
CERTIFICATE OF ELECTION

*I, Lynda Roberts, the Registrar of Voters for the County of Marin,
of the State of California, do hereby certify the canvass and statement of the
votes cast in the Presidential General Election, held on November 3, 2020.*

*The results of said canvass are detailed in the Statement of Votes,
filed and retained with the Marin County Elections Department.*

The Official Final Results summary is provided herewith.

*IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal on this the 2nd day of December, 2020.*



s/ *Lynda Roberts*
County of Marin, Registrar of Voters

MARIN COUNTY ELECTIONS DEPARTMENT
GENERAL ELECTION, NOVEMBER 3, 2020
Official Final Election Results
City of San Rafael Mayor

Precincts Reported: 112 of 112 (100.00%)

Voters Cast: 158,103 of 175,220 (90.23%)

Cards Cast: 158,103

City of San Rafael Mayor (Vote for 1)

Precincts Reported: 22 of 22 (100.00%)

		Total	
Times Cast		30,036 / 33,774	88.93%
Candidate	Party	Total	
KATE COLIN		22,570	86.27%
MAHMOUD A. SHIRAZI		3,591	13.73%
Total Votes		26,161	

MARIN COUNTY ELECTIONS DEPARTMENT
GENERAL ELECTION, NOVEMBER 3, 2020
Official Final Election Results
City of San Rafael Council District 1

Precincts Reported: 112 of 112 (100.00%)

Voters Cast: 158,103 of 175,220 (90.23%)

Cards Cast: 158,103

City of San Rafael Council District 1 (Vote for 1)

Precincts Reported: 4 of 4 (100.00%)

		Total	
Times Cast		2,781 / 3,430	81.08%
Candidate	Party	Total	
MAIKA LLORENS GULATI		1,960	100.00%
Total Votes		1,960	

MARIN COUNTY ELECTIONS DEPARTMENT
GENERAL ELECTION, NOVEMBER 3, 2020
Official Final Election Results
City of San Rafael Council District 4

Precincts Reported: 112 of 112 (100.00%)

Voters Cast: 158,103 of 175,220 (90.23%)

Cards Cast: 158,103

City of San Rafael Council District 4 (Vote for 1)

Precincts Reported: 6 of 6 (100.00%)

	Total	
Times Cast	9,329 / 10,412	89.60%

Candidate	Party	Total	
RACHEL KERTZ		3,359	44.10%
GREG KNELL		2,257	29.63%
JOHN A. GAMBLIN		2,001	26.27%
Total Votes		7,617	

MARIN COUNTY ELECTIONS DEPARTMENT
GENERAL ELECTION, NOVEMBER 3, 2020
Official Final Election Results
City of San Rafael City Attorney

Precincts Reported: 112 of 112 (100.00%)

Voters Cast: 158,103 of 175,220 (90.23%)

Cards Cast: 158,103

City of San Rafael City Attorney (Vote for 1)

Precincts Reported: 22 of 22 (100.00%)

	Total	
Times Cast	30,036 / 33,774	88.93%

Candidate	Party	Total	
ROBERT F. EPSTEIN		20,133	100.00%
Total Votes		20,133	

MARIN COUNTY ELECTIONS DEPARTMENT
GENERAL ELECTION, NOVEMBER 3, 2020
Official Final Election Results
City of San Rafael Clerk and Assessor

Precincts Reported: 112 of 112 (100.00%)

Voters Cast: 158,103 of 175,220 (90.23%)

Cards Cast: 158,103

City of San Rafael Clerk and Assessor (Vote for 1)

Precincts Reported: 22 of 22 (100.00%)

	Total	
Times Cast	30,036 / 33,774	88.93%

Candidate	Party	Total	
LINDSAY LARA		20,025	100.00%
Total Votes		20,025	

MARIN COUNTY ELECTIONS DEPARTMENT
GENERAL ELECTION, NOVEMBER 3, 2020
Official Final Election Results
Measure R

Precincts Reported: 112 of 112 (100.00%)

Voters Cast: 158,103 of 175,220 (90.23%)

Cards Cast: 158,103

Measure R City of San Rafael (Vote for 1)

Precincts Reported: 22 of 22 (100.00%)

		Total	
Times Cast		30,036 / 33,774	88.93%
Candidate	Party	Total	
Yes		16,216	61.66%
No		10,085	38.34%
Total Votes		26,301	

MARIN COUNTY ELECTIONS DEPARTMENT
GENERAL ELECTION, NOVEMBER 3, 2020
Official Final Election Results
San Rafael Board of Education Governing Board Member, Trustee Area 1

Precincts Reported: 112 of 112 (100.00%)

Voters Cast: 158,103 of 175,220 (90.23%)

Cards Cast: 158,103

San Rafael Board of Education Governing Board Member, Trustee Area 1 (Vote for 1)

Precincts Reported: 5 of 5 (100.00%)

		Total	
Times Cast		8,642 / 9,590	90.11%
Candidate	Party	Total	
GINA DALY		3,887	56.02%
SAMANTHA RAMIREZ		3,051	43.98%
Total Votes		6,938	

ORDINANCE NO. 1986

**AN ORDINANCE OF CITY OF SAN RAFAEL ADDING
CHAPTER 3.19A TO THE SAN RAFAEL MUNICIPAL
CODE ENTITLED “TRANSACTIONS AND USE TAX”**

WHEREAS, due to the financial impact of the COVID-19 pandemic on the City of San Rafael, the City staff evaluated various mechanisms to increase revenue and maintain City operations in the COVID-19 Economic Recovery Plan (CERP); and

WHEREAS, it is projected that over the next 16 months, the City will experience approximately \$11,800,000 in revenue loss which accounts for 15% of the City’s budget; and

WHEREAS, the City Council and staff have been critically evaluating the City’s priorities and strategies for providing quality community services with new fiscal constraints. To increase efficiency and work on a leaner budget, the City has frozen 23 staff positions and has temporarily reduced compensation for most City staff. The City will continue to analyze which services are a priority, and the most cost-effective method of delivering these services; and

WHEREAS, after study of the financial issues facing the City, and after extensive efforts to gauge the public’s opinions and priorities through surveys of San Rafael residents, the City Council determined that the most prudent, reasonable and financially responsible action it can take to preserve the fiscal stability of San Rafael and to protect vital services and facilities in our City, is to place before the voters a ballot measure to increase the rate of the City’s transactions and use tax by one-quarter of one percent (0.25%); and

WHEREAS, a one-quarter of one percent (0.25%) increase in the City’s transactions and use tax can be expected to generate approximately \$3.4 million in additional revenues for the City; and

WHEREAS, the cost burden of a transactions and use tax falls on both City residents and visitors; and

WHEREAS, a sales tax can be structured as a general tax, thus, providing flexibility in the use of funds to address the uncertain and changing needs of the City due to the pandemic;

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF SAN RAFAEL DO
ORDAIN AS FOLLOWS:**

DIVISION 1. AMENDMENT TO MUNICIPAL CODE.

A new Chapter 3.19A is hereby added to the San Rafael Municipal Code to read as follows:

Chapter 3.19A

TRANSACTIONS AND USE TAX

3.19A.010 -- Definitions.

As used in this Chapter, “City” means the City of San Rafael and “tax” means the transactions and use tax imposed under the provisions of this Chapter.

3.19A.015 – Chapter 3.19 Not Affected.

The tax imposed by this Chapter is in addition to, and does not replace or amend, the provisions of the tax imposed pursuant to Chapter 3.19 of the San Rafael Municipal Code.

3.19A.020 – Operative Date.

“Operative Date” means the first day that the tax is imposed and collected. The Operative Date shall be April 1, 2021, unless a later Operative Date becomes effective under the provisions of Section 3.19A.040.

3.19A.030 – Purpose.

This Chapter is adopted to achieve the following, among other purposes, and the City Council directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative only if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transaction and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that may be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that may be administered in a manner that will be, to the greatest degree possible, consistent with

the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.19A.040 – Contract with State.

Prior to the Operative Date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided however, that if the City shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

3.19A.050 – Imposition of Transactions Tax; Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City of San Rafael at the rate of one-quarter of one percent (0.25%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date.

3.19A.060 – Place of Transaction.

For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.19A.070 – Imposition of Use Tax; Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of San Rafael of tangible personal property purchased from any retailer on and after the Operative Date for storage, use or other consumption in said territory at the rate of one-quarter of one percent (0.25%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.19A.080 -- Proceeds of Tax.

The proceeds of the transactions and use tax imposed by this Chapter shall be deposited into the general fund of the City to be used for all general government purposes which may include, but are not limited to disaster and health emergency

preparedness, repairing potholes and city streets, maintaining 911 emergency response times, City parks and playgrounds, crime prevention, preserving local services and programs for youth, families, seniors, homeless, and other City services. The tax imposed by this Chapter is intended to be and is, a general tax, the proceeds of which are to be spent as the City Council shall in its discretion, from time to time, determine.

3.19A.090 -- Adoption of Provisions of State Law.

Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Chapter as though fully set forth herein.

3.19A.100 -- Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made:

1. When the word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California.

2. When the result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.19A.110 -- Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Chapter.

3.19A.120 -- Exemptions and Exclusions.

A. There shall be excluded from the calculation of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this Chapter, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of

business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.19A.130 -- Amendments.

All amendments subsequent to the effective date of this Chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Chapter.

3.19A.140 -- Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this Chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.19A.142 -- Annual Audit.

The proceeds resulting from this Transactions and Use Tax shall be deposited into the City's General Fund and become subject to the same independent annual audit requirements as other general fund revenue.

3.19A.144 -- Independent Citizen Oversight.

A City Transactions and Use Tax Committee, to be established by the City Council by Resolution, shall review the collection and expenditure of tax revenues collected under the authority of this Chapter. The Committee shall consist of at least five members, who shall be residents of the City. The terms of the Committee members and their specific duties shall be established by resolution of the City Council.

3.19A.146 -- All Funds Staying Local.

All tax revenues collected under the authority of this Chapter shall be expended solely on local municipal services and shall not be used for any other purposes.

3.19A.150 -- Termination Date.

The authority to levy the tax imposed by this Chapter shall expire on March 31, 2030, or at the end of nine years from the Operative Date if the Operative Date is later than April 1, 2021 as provided in Section 3.19A.040.

DIVISION 2. CEQA.

The approval of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The transactions and use tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action nor does it authorize any private activity, but merely taxes such activity as otherwise occurs. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax are used for a purpose that would have either such effect, the City will undertake the required CEQA review for that project. Therefore, pursuant to CEQA Guidelines section 15060 CEQA analysis is not required at this time.

DIVISION 3. EFFECTIVE AND OPERATIVE DATES.

This ordinance shall be effective ten days after the date on which the City Council has declared that the voters of the City of San Rafael have approved the ordinance by a vote of no less than a majority of the votes cast by the electors voting on the tax measure set forth in this ordinance at the General Municipal Election to be held on Tuesday, November 3, 2020, and the tax established herein shall become operative on April 1, 2021 or on such later date as provided in Section 3.19A.040.

DIVISION 4. CERTIFICATION AND PUBLICATION.

Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this ordinance and shall cause it to be published, in full or in summary form, according to law.

DECLARED APPROVED BY THE CITY COUNCIL ON DECEMBER 7, 2020

GARY O. PHILLIPS
Mayor

MINUTES



**SAN RAFAEL CITY COUNCIL SPECIAL MEETING
MONDAY, NOVEMBER 16, 2020 AT 5:45 P.M.**

SPECIAL MEETING AT 5:45 P.M.

Watch online: <https://tinyurl.com/cc-2020-11-16>

Listen by phone: (669) 900-9128,

ID: 957-0402-1429#

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

Absent: None

Also Present: City Manager Jim Schutz
City Clerk Lindsay Lara

Mayor Phillips called the meeting to order at 5:46 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

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

1. Discussion Boyd House Interested Parties (PW)

The City Council interviewed the following parties interested in the Boyd House: Marin History Museum and San Francisco International School.

Following interviews, there was City Council consensus supporting Marin History Museum.

ADJOURNMENT:

Mayor Phillips adjourned the meeting at 6:46 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

KATE COLIN, Mayor



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, NOVEMBER 16, 2020

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. 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? Call the telephone number listed on this agenda and dial the Meeting ID when prompted. Feel free to contact the City Clerk's office at 415-485-3066 or by email to lindsay.lara@cityofsanrafael.org if you have any questions.

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.

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

Absent: None

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

REGULAR MEETING AT 7:00 P.M.

Watch online: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128,
ID: 828-5873-3293#

Mayor Phillips called the meeting to order at 7:05 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. She explained the process for community participation through the telephone and on YouTube.

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: - None.

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz provided updates on the local election and COVID-19 and the City's response. He also noted that City Offices, except for Emergency Services, will be closed for the Thanksgiving week, due to both furlough and holiday days.

Mayor Phillips provided comments

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

Mayor Phillips invited public comment; however, there was none

CONSENT CALENDAR:

Mayor Phillips held item 4.c from the Consent Calendar

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

Councilmember McCullough moved and Councilmember Bushey seconded to approve the remainder of the Consent Calendar

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

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, November 2, 2020 (CC)

Approved minutes as submitted

b. **Residential Building Resale Report (RBR) Program**

Resolution Adopting Temporary Measures for Administering the Residential Building Record Program ("RBR Program") Set Forth in San Rafael Municipal Code Title 12 (Building Regulations), Chapter 12.36 (Report of Residential Building Record) During the High Demand Real Estate Market and Covid-19 Pandemic (CD)

Resolution 14870 - Resolution Adopting Temporary Measures for Administering the Residential Building Record Program ("RBR Program") Set Forth in San Rafael Municipal Code Title 12 (Building Regulations), Chapter 12.36 (Report of Residential Building Record) During the High Demand Real Estate Market and Covid-19 Pandemic

c. **Downtown Business Improvement District (BID) Assessment Annual Review**

Resolution Declaring the City Council's Intention to Levy an Annual Assessment for the Downtown San Rafael Business Improvement District (ED)

This item was held from the Consent Calendar (and heard afterwards)

Mayor Phillips provided comments

Mayor Phillips invited public comment; however, there was none

Councilmembers provided comments

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the resolution

Resolution 14876 - Resolution Declaring the City Council's Intention to Levy an Annual Assessment for the Downtown San Rafael Business Improvement District

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

d. **Annual Occupancy Inspections**

Resolution Acknowledging Receipt of Report from Fire Chief Regarding the Inspection of Certain Occupancies Required Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code (FD)

Resolution 14871 - Resolution Acknowledging Receipt of Report from Fire Chief Regarding the Inspection of Certain Occupancies Required Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code

e. **Proposition 68 Grant Funding Opportunities**

Resolutions: 1) Resolution Approving Application(s) for Per Capita Grant Funds; 2) Resolution Approving the Application for the Statewide Park Development and Community Revitalization Program Grant Funds; and 3) Resolution Determining the Pickleweed Park Enhancement Project to Be Categorically Exempt from the California Environmental Quality Act (CEQA) and Authorizing Staff to File a Notice of Exemption in Compliance with CEQA Guidelines (LR)

Resolution 14872 - Resolution Approving Application(s) for Per Capita Grant Funds

Resolution 14873 - Resolution Approving the Application for the Statewide Park Development and Community Revitalization Program Grant Funds

Resolution 14874 - Resolution Determining the Pickleweed Park Enhancement Project to Be Categorically Exempt from the California Environmental Quality Act (CEQA) and Authorizing Staff to File a Notice of Exemption in Compliance with CEQA Guidelines

f. **Dissolution Agreement of the Marin County Major Crimes Task Force**

Resolution Approving and Authorizing the Mayor to Sign the Dissolution Agreement of the Marin County Major Crimes Task Force (PD)

Resolution 14875 - Resolution Approving and Authorizing the Mayor to Sign the Dissolution Agreement of the Marin County Major Crimes Task Force

c. **Downtown Business Improvement District (BID) Assessment Annual Review**

Resolution Declaring the City Council's Intention to Levy an Annual Assessment for the Downtown San Rafael Business Improvement District (ED)

This item was held from the Consent Calendar (and heard afterwards)

Mayor Phillips provided comments

Mayor Phillips invited public comment; however, there was none

Councilmembers provided comments

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the resolution

Resolution 14876 - Resolution Declaring the City Council's Intention to Levy an Annual Assessment for the Downtown San Rafael Business Improvement District

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

SPECIAL PRESENTATIONS

5. Special Presentations:

a. Essential Facilities Projects Commemoration Video (PW)

Jim Schutz, City Manager and Bill Guerin, Public Works Director provided comments and introduced the video

Councilmembers provided comments

Jim Schutz, City Manager provided comments

Mayor Phillips invited public comment; however, there was none

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. **Year-End Financial Statements and Related Audit Reports**

Fiscal Year 2019-2020 Annual Financial Report; Gann Appropriations Limit; Memorandum on Internal Control; Report of Required Communications; Child Development Program Financial Report; and the Transportation Development Act Financial Report (Fin)

Nadine Hade, Finance Director and Amy Meyer, Maze & Associates presented the staff report

Staff responded to comments and questions from Councilmembers

Mayor Phillips invited public comment; however, there was none

Councilmember Gamblin moved and Councilmember Bushey seconded to accept the reports

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

Accepted reports

b. **Cannabis Program Adjustments**

Resolution Amending and Renaming the “Cannabis Business Operator License Pilot Program” As the “Cannabis Business Operator License Program”, and Restating It in Its Entirety (ED)

Danielle O’Leary, Director of Economic Development and Innovation presented the staff report

Staff responded to questions from Councilmembers

Mayor Phillips invited public comment

Speakers: Nurit Raphael, Founder of Ona Life, a San Francisco Cannabis Concierge

Staff responded to further questions from Councilmembers

Councilmember Colin moved and Councilmember McCullough seconded to adopt the resolution

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Resolution 14877 - Resolution Amending and Renaming the “Cannabis Business Operator License Pilot Program” As the “Cannabis Business Operator License Program”, and Restating It in Its Entirety

- c. [City's Response to Grand Jury Report on Adapting to Climate Change](#)
Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael's Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled, “Climate Change: How Will Marin Adapt?” (CM)

Cory Bytof, Sustainability Program Manager presented the staff report

Staff responded to comments and questions from Councilmembers

Mayor Phillips invited public comment

Speakers: Bill Carney, Pamela Reaves

Councilmember Colin moved and Councilmember McCullough seconded to adopt the resolution

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Resolution 14878 - Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael's Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled, “Climate Change: How Will Marin Adapt?”

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

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

7. Councilmember Reports:

- Mayor Phillips provided an update on the annual review of the City Manager and proposed a future special meeting to conclude the review

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Phillips adjourned the meeting at 9:00 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

KATE COLIN, Mayor

DRAFT



Minutes subject to approval at the meeting of December 7, 2020

**SAN RAFAEL CITY COUNCIL SPECIAL MEETING
MONDAY, NOVEMBER 30, 2020 AT 5:30 P.M.**

Watch Online: <https://tinyurl.com/cc-2020-11-30>

Telephone: (669) 900-9128,

ID: 849-5872-5474#

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

Absent: None

Also Present: City Manager Jim Schutz
City Clerk Lindsay Lara
Library and Recreation Director, Susan Andrade-Wax

Mayor Phillips called the meeting to order at 5:35 p.m.

1. Park and Recreation Commission Interviews

Interview Applicants and Consider Appointments to Fill Two Four-Year Terms to the End of October 2024 on the San Rafael Park and Recreation Commission Due to the Expiration of Terms of Tom Oblatz and Jeff Jones (CC)

The City Council interviewed the following applicants: Bryn Hughes, Keith Granger, Cardonna McClure, Robert Sandoval, Kela Cabrales and Tom Oblatz. Applicant Valarie Kunz did not attend.

Mayor Phillips and Councilmember Bushey selected Kela Cabrales and Tom Oblatz as their top two candidates, and Councilmembers Colin, Gamblin and McCullough selected Kela Cabrales and Robert Sandoval as their top two candidates.

Kela Cabrales and Robert Sandoval were appointed to the end of October 2024.

2. Board of Library Trustees Interviews

Interview Applicants and Make Appointment to Fill One Unexpired Four-Year Term on the Board of Library Trustees to the End of April 2023 Due to the Resignation of Claudia Fromm (CC)

The City Council interviewed the following applicants: Ava Rahimi Farab, Costi Quffa, Eric Han and Natalie Long.

After discussion, there was City Council consensus to appoint Eric Han to the end of April 2023.

MINUTES

ADJOURNMENT:

Mayor Phillips adjourned the meeting at 7:45 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

KATE COLIN, Mayor

DRAFT



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Attorney

Prepared by: Lisa Goldfien, Assistant City Attorney **City Manager Approval:** _____

TOPIC: AGENCY REPORT OF PUBLIC OFFICIALS 2020

**SUBJECT: ADOPTION OF AGENCY REPORT OF PUBLIC OFFICIAL APPOINTMENTS
(FPPC FORM 806)**

RECOMMENDATION:

Adopt Form 806, Agency Report of Public Official Appointments, and direct staff to publish it to the City website.

BACKGROUND:

In 2011, the Fair Political Practices Commission (FPPC) initiated enforcement actions in some cities against certain City Councilmembers who had participated in City Council decisions to appoint themselves to paid positions on the boards of external entities (e.g., a Joint Powers Authority governing board), where the compensation they received as a result of their appointment equaled or exceeded \$250 (now \$500) within a 12-month period. Under then-existing FPPC Regulation 18702.5, these decisions resulted in a material financial effect on the personal finances of the appointees and the councilmembers should not have participated in the votes.

To avoid this type of inadvertent violation of conflict of interest rules in the future, a number of cities petitioned the FPPC to amend Regulation 18702.5 to provide a mechanism that would provide disclosure of such interests to the public while still allowing councilmembers to participate in the vote on appointments.

In March 2012, the FPPC amended the regulation to state that councilmembers may participate in a decision to appoint themselves to a position on a public agency board, commission or JPA that will result in additional compensation to them, subject to conditions stated in the regulation. One of these conditions is that the City Council must first have adopted and posted on the city's website a form, now designated as Form 806 (Attachment 1).

ANALYSIS:

Under the current regulation, City Council adoption and posting of a proper Form 806 will avoid possible conflicts of interest for City Councilmembers when they participate in appointing themselves to board positions for which a stipend is paid that will equal or exceed \$500 within any 12-month period. If the form is properly approved and published, all City Councilmembers can participate in the appointment, even those who are being appointed and will receive the stipend.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

Form 806 identifies each position the City Council appoints for which compensation is paid, the salary or stipend for each position, and the name of each official who has been appointed as the agency's representative, or alternate. Because the purpose of the new regulation is to address the issue of councilmembers voting to give themselves additional compensation, Form 806 is intended to include only those appointments to boards and commissions that are made by the City Council itself.

There is only one board appointment the San Rafael City Council makes for which a stipend is paid that will equal or exceed \$500 within any 12-month period. The appointees to the San Rafael Sanitation District Board each receive a stipend of \$100 per meeting attended, for meetings scheduled 12 times per year. Staff has prepared the attached Form 806 showing the City Council appointees and alternate.

Form 806 must be posted on the City's website and would have to be amended and reposted if there is any change in the compensation or number of meetings, or if a new appointment is made to the San Rafael Sanitation District Board, or to any other board or commission position for which qualifying compensation is to be paid. When a new appointment is made that would require Form 806 to be amended, members of the City Council notify the City Clerk's Office of the change, and the City Clerk's office amends and reposts the Form 806 on the City's website.

Staff is completing the City Council Appointments list for 2021 and will bring the final draft to the City Council for review on Monday, December 21, 2020. The appointments to the San Rafael Sanitation District Board will need to be changed due to the reorganization of the San Rafael City Council.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDED ACTION:

Adopt Form 806, Agency Report of Public Official Appointments, and direct staff to publish it to the City's website.

ATTACHMENTS:

1. Form 806

Agency Report of: Public Official Appointments

A Public Document

1. Agency Name			California Form 806 For Official Use Only
Division, Department, or Region <i>(If Applicable)</i>			Date Posted: <i>(Month, Day, Year)</i>
Designated Agency Contact <i>(Name, Title)</i>			
Area Code/Phone Number	E-mail	Page _____ of _____	

2. Appointments

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>

3. Verification

I have read and understand FPPC Regulation 18702.5. I have verified that the appointment and information identified above is true to the best of my information and belief.

Signature of Agency Head or Designee Print Name Title (Month, Day, Year)

Comment: _____

Background

This form is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards, or commissions of another public agency or to a committee or position of the agency of which the public official is a member.

This form is required pursuant to FPPC Regulation 18702.5. Each agency must post on its website a single Form 806 which lists all the paid appointed positions to which an official will vote to appoint themselves. When there is a change in compensation or a new appointment, the Form 806 is updated to reflect the change. The form must be updated promptly as changes occur.

Instructions

This form must be posted prior to a vote (or consent item) to appoint a governing board member if the appointee will participate in the decision and the appointment results in additional compensation to the appointee.

FPPC Regulation 18702.5 provides that as long as the public is informed prior to a vote, an official may vote to hold another position even when the vote results in additional compensation.

Part 1. Agency Identification

Identify the agency name and information on who should be contacted for information.

Part 2. Appointments

Identify the name of the other agency, board or commission. List the name of the official, and an alternate, if any.

List the appointment date and the length of term the agency official will serve. Disclose the stipend provided per meeting and the estimated annual payment. The annual salary is an estimate as it will likely vary depending upon the number of meetings. It is not necessary to revise the estimate at the end of the calendar year.

Part 3. Verification

The agency head or his/her designee must sign the verification.

Frequently Asked Questions (FAQs)

1. When does an agency need to complete the Form 806?

A Form 806 is required when an agency's board members vote to appoint a board member to serve on another governmental agency or position of the agency of which the official is a member and will receive additional compensation.

2. The city council votes to serve as the city's housing authority, a separate entity. Will the Form 806 be required?

If the council members receive additional compensation for serving on the housing authority, the Form 806 is required.

3. Are appointments made by a governing board to appoint one of its members to serve as an officer of that board for additional pay (e.g., mayor) required to be disclosed on Form 806?

No. FPPC Regulation 18702.5(b)(6) exempts from this requirement decisions to fill a position on the body of which the official is a member (such as a councilmember being appointed as mayor) despite an increase in compensation.

4. In determining the income, must the agency include mileage reimbursements, travel payments, health benefits, and other compensation?

No. FPPC Regulation 18702.5 requires only the amount of the stipend or salary to be reported.

5. Which agency must post the Form 806?

The agency that is voting to appoint a public official must post the Form 806 on its website. The agency that the official will serve as a member is not required to post the Form 806. The form is not sent to the FPPC.

6. When must the Form 806 be updated?

The Form 806 should be amended promptly upon any of the following circumstances: (1) the number of scheduled meetings is changed, (2) there is a change in the compensation paid to the members, (3) there is a change in membership on the board or commission, or (4) there is a new appointment to a new agency.

7. If officials choose to recuse themselves from the decision and leave the room when a vote is taken to make an appointment, must the Form 806 be completed?

No. The Form 806 is only required to identify those officials that will vote on an appointment in which the official will also receive additional compensation.

Privacy Information Notice

Information requested by the FPPC is used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to penalties. All reports are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811.

**Agency Report of:
Public Official Appointments
Continuation Sheet**

1. Agency Name

Date Posted: _____
(Month, Day, Year)

2. Appointments

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>
	▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i>	▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i>



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Economic Development

Prepared by: Simon Vuong
Economic Development Coordinator

City Manager Approval: _____

A handwritten signature in black ink, appearing to be the initials 'AS' or similar, written over a horizontal line.

TOPIC: DOWNTOWN BUSINESS IMPROVEMENT DISTRICT (BID) ASSESSMENT ANNUAL RENEWAL

SUBJECT: RESOLUTION APPROVING THE DOWNTOWN SAN RAFAEL BUSINESS IMPROVEMENT DISTRICT ASSESSMENT FOR CALENDAR YEAR 2021

RECOMMENDATION:

Hold Public Hearing, accept public comment, and if no majority protest has been received adopt resolution approving the annual assessment for the Downtown San Rafael Business Improvement District.

BACKGROUND:

Section 36500 of the California Streets and Highways Code allows for the creation of a business improvement district (BID) within a municipality, whereby businesses within the district self-assess an annual fee in order to pay for improvements and activities which benefit the overall business district. The intent of the state law is to provide a funding mechanism for business districts to promote economic vitality. San Rafael Municipal Code section 10.09.080 requires a report to be prepared annually for upcoming assessments.

In 1979, businesses in Downtown San Rafael first set up a business district. This original district included approximately 125 businesses along Fourth Street between Lincoln Avenue and E Street. In 2013, the City Council voted to replace it with a larger district of approximately 700 businesses along Fourth Street. The expanded district includes the West End and some side streets, as well as non-ground floor tenants and other tenants not included in the original BID.

For 2020, the [BID Board of Directors](#) has focused on navigating a new business environment in the midst of an unprecedented pandemic due to COVID-19. Their efforts have focused on keeping the Downtown community and members informed during a very challenging time for all merchants. This includes actively promoting Downtown through social media, the website, marketing campaigns, email blasts, and acting as a conduit for disseminating critical reopening information from Marin Recovers and the State.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

The BID Board has been collaborating with downtown stakeholders, including the City of San Rafael, the Chamber of Commerce, the Downtown San Rafael Arts District (DSRAD), and the San Rafael Business Development Center (SBDC) to provide hands on help to all struggling businesses. During this time the Board has contributed donations to the San Rafael Small Business COVID-19 Disaster Relief Fund, partnered with our Parking Services Division and Department of Public Works for setting up and installing temporary curbside pickup spaces and temporary outdoor dining spaces in Downtown, created a directory of open and closed businesses, collaborated with Dominican students to install art in empty store windows, worked with merchants on their presentation of Dia de los Muertos altar window displays, as well as many other initiatives.

Among the many initiatives, the largest and most consequential event for the BID Board in 2020 has been funneling and leveraging their knowledge and relationships into producing the 'Dining Under The Lights' outdoor dining event, which closes portions of Fourth Street Downtown so that restaurants may use the street for additional outdoor dining space. Held Thursday and Friday nights starting in July and continuing through the end of November, the BID has worked with dozens of restaurants to make this signature Downtown program a reality, with the intent of providing a lifeline to our many restaurants hit hard by the pandemic. Dining outdoors has been one of the few options that restaurants have had available to them to continue business during the shelter-in-place. For many patrons, this is also preferred over indoor dining, with doubt and uncertainty over partaking in any activities conducted inside. With indoor dining restrictions in place for the foreseeable future, and with an overwhelmingly positive reception from the community and businesses for 'Dining Under The Lights', the BID would like to see 'Dining Under The Lights' return in 2021 as soon as it is feasible. Additional information relating to these accomplishments is included in the BID 2020 Annual Report (Attachment 2).

Since there have been a number of restrictions imposed by the County to stop the spread of the coronavirus and prohibitions on large social gatherings, the BID has not been able to host many of the traditional events of years past, such as the Sidewalk Sales, Hops & Vines Stroll, May Madness, Trick-or-Treat, or the West End Village Celebration.

ANALYSIS

BID Renewal Process

Per State law, to renew the annual assessment, the City Council must first adopt a Resolution of Intention to Levy an Annual Assessment and set a public hearing for a future date. The method of calculating the amount of the assessment on each business is established by San Rafael Municipal Code Section [10.09.050](#) and varies depending upon the type of business and whether the business is located in the Standard BID Zone or the Premium BID Zone shown in Exhibit B of Attachment 2.

On November 16, 2020 the City Council adopted a Resolution of Intention to Levy an Annual Assessment: This resolution was intended to notify the public of the process, approve the BID annual report reviewing past BID Board accomplishments, and set the date for a public hearing.

Tonight's meeting is to hold the Public Hearing to receive input from the public on the annual assessment for the BID and to confirm the levy of an assessment for the upcoming year. Any protest against the BID assessment must be in writing and from a business in the BID. If the protest received represents fifty percent (50%) or more of the total assessments in the entire BID, no further proceedings to amend the BID can occur. New proceedings cannot be undertaken for a period of at least a year.

BID Advisory Board Appointments

Although the Council typically approves new BID Advisory Board members as part of the annual report and assessment renewal, at this point there are no new incoming Advisory Board members. The existing BID Advisory Board includes:

- Erika Bowker, Pleasures of the Heart
- Jaime Ortiz, Bank of Marin
- Jed Greene, Five Corners Consulting Group
- Adam Dawson, Mike's Bikes
- Jeff Brusati, T & B Sports
- Tobi Lessem, Bodywise Massage
- Elisabeth Setten, Art Works Downtown
- Morgan Schauffler, Youth in Arts

The BID Advisory Board members serve on a voluntary basis and have been focused on supporting our Downtown businesses during this challenging time under shelter-in-place. The BID Advisory Board is actively recruiting business members who may be interested to serve on the Board on a rolling basis.

COMMUNITY OUTREACH:

The BID has notified its members of the annual renewal process through its member communications including the BID e-newsletter, notifications on the BID website, and through agenda items at the monthly BID board meeting.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

OPTIONS:

The City Council has the following options to consider on this matter:

- 1) Adopt the resolution as presented approving the annual assessment for 2020.
- 2) Adopt the resolution with modifications approving the annual assessment for 2020.
- 3) Determine that 50% or more protest has been filed and abandon assessment proceedings for a minimum of one year from the date of the majority finding and decline adoption of the resolution.

RECOMMENDED ACTION:

Adopt the attached resolution.

ATTACHMENTS:

1. Resolution approving annual assessment
2. BID 2020 Annual Report, including:
 - A. Exhibit A: BID Map
 - B. Exhibit B: BID 2020 Assessment Formula
 - C. Exhibit C: BID Budget
 - D. Exhibit D: Memo – BID Financial Summary

RESOLUTION NO.

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING
THE DOWNTOWN SAN RAFAEL BUSINESS IMPROVEMENT
DISTRICT ASSESSMENT FOR CALENDAR YEAR 2021**

WHEREAS, California Streets and Highways Code Sections 36500 et seq, authorize cities to establish parking and business improvement districts for the purpose of promoting economic revitalization and physical maintenance of business areas, in order to create jobs, attract new business and prevent erosion of the new business district; and

WHEREAS, the Downtown San Rafael Business Improvement District (“BID”) was established in 2013 to amend the existing Parking and Business Improvements District instituted in 1979 in the commercial area on and around the Fourth Street corridor in San Rafael; and

WHEREAS, pursuant to San Rafael Municipal Code Chapter 10.09 the BID’s Advisory Board submitted to the City a “BID 2020 Annual Report”, which is on file with the City Clerk; on November 16, 2020, the City Council by resolution approved the BID 2020 Annual Report, indicating the Council’s intention to levy assessments, and setting a public hearing thereon for December 7, 2020; and

WHEREAS, pursuant to Streets and Highways Code Section 36535, following the public hearing, the City Council may adopt a resolution confirming the report as originally filed or as modified by the Council, and the adoption of the resolution shall constitute the levy of an assessment for the year referred to in the report; and

WHEREAS, the City Council held the required public hearing on December 7, 2020 to receive testimony and protests concerning the BID 2020 Annual Report and the proposed levy of assessments for calendar year 2021 described therein; and

WHEREAS, a majority protest of the proposed assessments was not received;

NOW, THEREFORE, BE IT RESOLVED that City Council hereby adopts the levy of assessments as described in the Annual Report for the 2021 calendar year.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of said City held on Monday, the 7th of December, 2020, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk



BUSINESS IMPROVEMENT DISTRICT

ANNUAL REPORT 2020

BID Board of Directors

**President Elect 2021 & Event Chair
2020 – Jaime Ortiz**
Bank of Marin

**Vice President 2020-21 – Adam
Dawson**
Mike's Bikes

Secretary, July 2020-21 – Tobi Lessem
Bodywise Massage

**Secretary, Jan. - June 2020 –
Bonnie Ayers Namkung**
Marketing & Communications

Treasurer, 2020-21 – Jed Greene
Five Corners Group

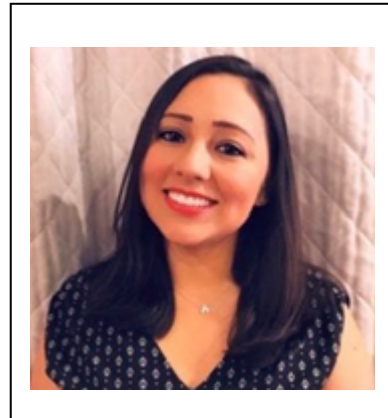
Directors

**President/Social Media Chair 2020 –
Erika Bowker,**
Pleasures of the Heart

Jeff Brusati 2020-21 – T & B Sports

Morgan Schaufler 2020-21 –
Youth in Arts

Elisabeth Setten 2020-21 –
Art Works Downtown



President's Message

Dear Fellow BID Members,

The BID Board is happy to present a summary of our 2020 activities to support San Rafael's unique Downtown business area. It was far from business as usual this year.

We focused on keeping our Downtown business owners informed and ready to respond to the ever-changing Covid-19 landscape. We constantly worked on promoting our Downtown through social media, our website and marketing campaigns. Our goal was to keep our community and members current as we moved ahead through the many challenges.

As I finish my term, I thank you for your perseverance and resilience in pivoting to stay open and relevant in these unprecedented times. Keep up the good work and please to contact Jaime or Eda to get involved in improving your community!

Erika Bowker, President 2020

2020 ACCOMPLISHMENTS

- **Banners** – created and installed **Shop Local * Eat Local * Support San Rafael** cross-street banners immediately at lockdown and all events were canceled. Banners remain in the east and west ends across 4th Street. Posted bumper stickers with same message.
- **Donations** – BID was an original donor to the SR Small Business COVID-19 Grant Program and voted for remaining Target funds to support this initiative during the early stages of the crisis. We also supported the nonprofit Marin Multicultural Center and CFI.
- **Member emails, newsletters, and updates** – continuously communicated with members to keep them informed of Covid-19 information updates and Tier status for closings and re-openings. Explained details and provided links to information sources, including Marin Recovers, PPE and safety protocols, PPP loans, small business grants and classes, permits and more.
- **Hands-on help** - executive director engaged with members by email, phone and in person amidst day-to-day changes of the pandemic.
- **Parking** - worked with City Parking and Public Works depts. to quickly create four free 15-minute parking spaces per block for safe pickup of food and goods. Promoted free weekend parking program and three hours free holiday parking in City garages and lots.
- **Website updates** – presented current content for BID members and public visitors, highlighted Dining Under the Lights and built status box to notify partners and public of confirmed and canceled dates. Also featured a link to air quality reports.
- **Created online searchable directory** - Downtown businesses can create and continuously update their listing (closed, open for takeout only, special hours, sales, etc.) Drove traffic to directory through banners, ads and social media.
- **Collaborations** – worked with City government and departments including Economic Development, Public Works, Parking, Recreation and SRPD. Partnered with Downtown San Rafael Arts District (DSRAD), SR Chamber, SBDC and other Marin Cities.
- **Outdoor dining areas** – liaison between businesses and the City for outdoor areas to offer any services, since indoors was not allowed. Helped with permits and interest and ability to work outside. Advised re: TAM Grant for restaurant dining in parking spaces.
- **Beautification initiatives** – after spearheading the West End pilot Tivoli overhead lighting project in 2019, acted with City Public Works to extend the lights east to the SMART station in time for the kickoff of Dining Under the Lights.
- **Bike racks** – worked with DSRAD and City to install eight Cultural Art District branded bike racks paid for by California Arts Council in Downtown locations.
- **Art in empty store windows** – collaborated with Dominican professor and students to install original, uplifting art in windows of empty street-level locations.

- **Dia de los Muertos altar window displays** – 25+ downtown merchants, in a show of community, presented Day of the Dead window art. Collaboration included BID sponsor, Marin Multicultural Center, San Rafael Dia de los Muertos, City Rec Dept. and artists.
- **Online posts of art news** – DSRAD/BID cross promotional Instagram @artsanrafael - 508 followers, Facebook - 441 followers, +35% from 2019.
- **Social media director** – board member Erika Bowker actively posts to 3,500 followers on Instagram and Facebook, multiplying effects by engaging with Downtown businesses with their own social media and email campaigns. BID added 1,000 followers this year.
- **Downtown and DUTL promotion** – marketed through print ads and digital media: BID website, Facebook page, Nextdoor, Marin newspapers, as well as PR sites and articles. Strategic paid ad boosts on Facebook, coached merchants to feature Dining Under the Lights (DUTL) on their websites, newsletters and email lists to increase diners and shoppers Downtown.
- **Holiday window decorating contest** – annual contest with prizes to bring some festive fun to merchants and shoppers. Partnered with CFI (California Film Institute) and Mill Valley Film Festival to sponsor Grab and Go Program with the goal of promoting our BID District and supporting our local small businesses.



2020 Events

Sadly, we were forced to call off all our traditional events due to the pandemic. We were also sad to say goodbye to Brian Auger on his retirement as the City's events coordinator, after his decades of cheerful and expert help on our events, including our current canceled lineup:

- **32nd Annual May Madness** (pivoted to Sat. Night Cruise in August)
- **32nd Trick or Treat on Fourth Street** (became Dine in Costume at DUTL)
- **Clean & Green Day**
- **Sidewalk Sales**
- **Hops & Vines Stroll**
- **West End Village Celebration**
- **Shop Local Saturday** (now **Shop Local Season** - featuring print and digital ad campaigns highlighting the many reasons to support Downtown businesses)

Dining Under the Lights and Outdoor Dining Areas

To bring hope, commerce and life back to our Downtown, we created a new program—Dining Under the Lights, with substantial help from the City of San Rafael. We are extremely grateful for the fast action and generosity of so many City departments in making it happen.

We are proud to have been one of the first in Northern Calif. to develop an on-street dining program. We launched on Thursdays in June, added Fridays in July, and eventually extended the program through November.

This created the opportunity for restaurants to begin rehiring staff and serving seated diners. We acted as liaison between departments of the ABC, the County and City to encourage over 45 restaurants, caterers, breweries and bars to partner and safely participate.

Dining Under the Lights (DUTL) also gave the weary public an outlet to feel safely distanced and protected, enjoy a moment of normalcy and support their local small business owners.

Our DUTL program allows restaurants to maximize their profit potential without costly building permits, construction costs or the lost foot traffic caused by construction. Providing our local restaurants with the ability to seat more diners represents a significant revenue improvement which will help them navigate these extremely difficult times.



DUTL also promotes our Downtown by providing foot traffic for other local businesses. This “free advertising” will draw more patrons of different demographics to our Downtown, giving our local retailers a boost.

Outdoor seating of every variety offers benefits that make our restaurants more attractive to a variety of diners. Street seating can also address other issues, such as providing guests with mobility issues the easy entry and exit of al fresco dining. This ground-level seating is ideal for guests who use wheelchairs and other walking aids. Diners with bikes and dogs also appreciate the freedom of outdoor dining.

This spring, in the season of growth and renewal, we advocate for more outdoor dining options. These can stimulate higher revenues and brighter financial forecasts for bring our City and Downtown businesses.

We hope to continue our successful DUTL in 2021. Some BID members are suggesting starting the 2021 season as early as April or whenever weather permits.

The BID Organization and 2021 Work Plan

Our 2021 agenda emphasizes ensuring the BID's organizational foundation is strong, fiscally responsible and able to promote Downtown to members and the community. With the future very much unknown, including our level of funding and what events may be allowed, our intention is to:

- **Communicate with members** – continue engagement through routine communications via website, email, newsletters and in person
- **Add board members and volunteers** – actively recruit committee members and engage prospective board members
- **Raise BID funding** – explore supplemental funding sources through business sponsorship of events, matching funds and more
- **Collaborate with local groups** – continue partnerships with SR City Departments, the SRPD, the Chamber and the DSRAD to expand the BID's reach and create more visibility and excitement for Downtown.
- **Resume Dining Under the Lights** – restart the program in the spring when the weather turns warm
- **Continue May Madness** – host our legacy event whenever and however it can be safely done (parade or cruise). Hopefully, we can produce other events as well.

See current information, status and business directory at:
DowntownSanRafael.org

Our Mission

The Business Improvement District promotes the economic vitality of Downtown and the common interests of Downtown business owners. We help promote a district that is a welcoming place to shop, dine, work, live and enjoy.

Our Vision

Downtown is the cultural heart and soul of our City, where activity, dining, entertainment and commerce blend with creative and entrepreneurial spirit. Downtown is where hometown pride and community thrive.



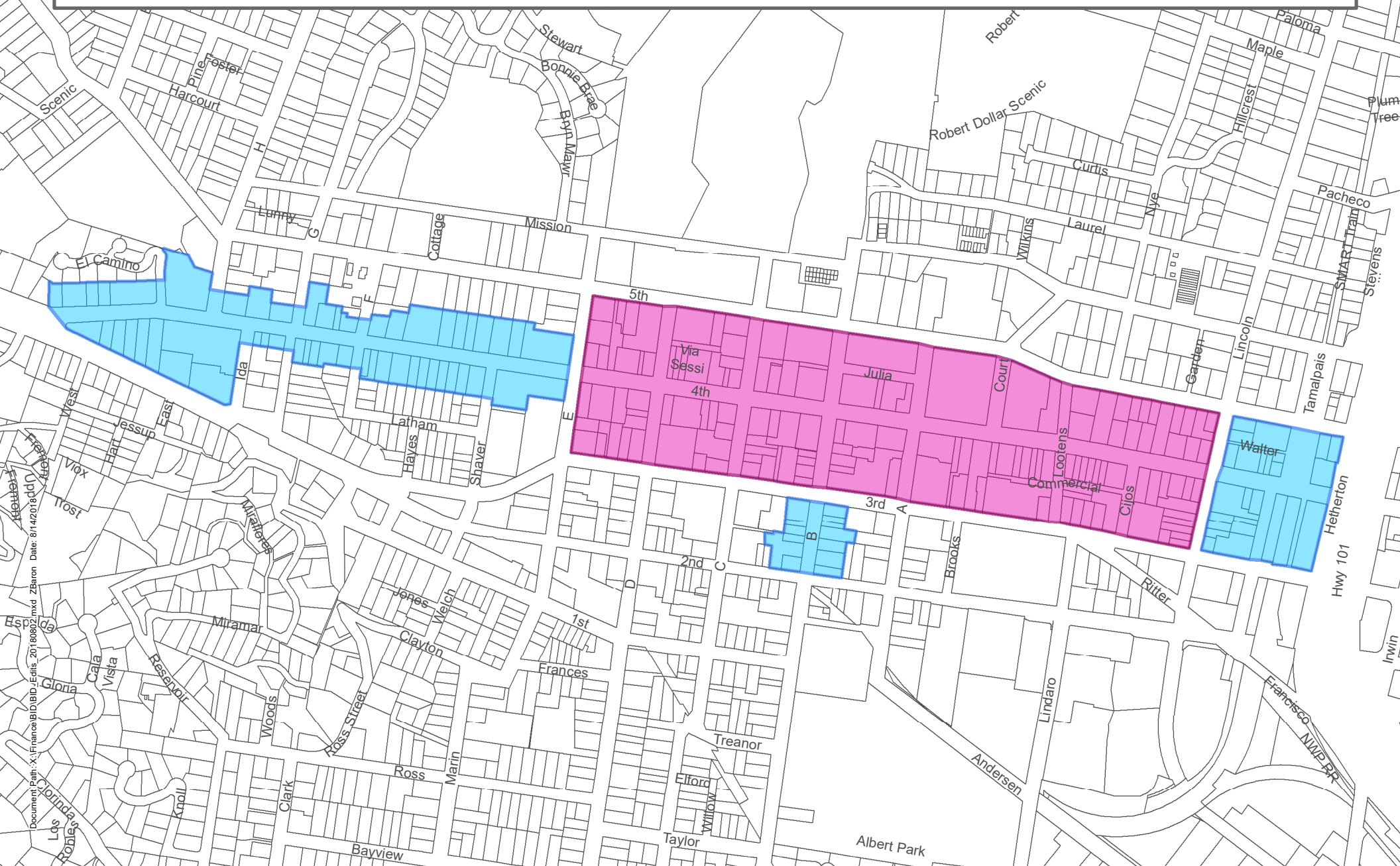


San Rafael Business Improvement District (BID)

14 August 2018

Exhibit A

- PREMIUM BID
- STANDARD BID



Document Path: X:\Finance\BID\BID_20180814.mxd Zbaron Date: 8/14/2018 10:41:00 AM

Exhibit B**2020 BID Assessment**

Type of Business	Standard	Premium
Retail on the Ground Floor, Restaurant, Personal Services on the Ground Floor	\$175	\$225
Retail on the Ground Floor, Restaurant, Personal Services on Ground Floor with Less than \$100,000 in Gross Receipts	\$150	\$175
Offices, Professional, Personal Services, not on Ground Floor, Retail not on Ground Floor	\$75	\$100
Personal Services Sole Practitioner	\$25	\$50
Non-Profit Organization and Fine Artists	\$50	\$50
Financial Institution	\$375	\$425

San Rafael Downtown BID Budget

Exhibit C

	2019 Year End Fund Balance	\$58,457	2020 Year End Fund Balance	\$69,153
Revenues	2020 Programs	Year 2020 Estimated Year End	2021 Programs	Year 2021 Proposed Budget
	BID Assessments	\$88,353	BID Assessments	\$60,000
	Event Income - May Madness	\$1,199	Event Income (May Madness)	\$15,000
	Sponsorship - DUTL	\$2,000		
	Sponsorship - General	\$1,000		
	Interest	\$6		
Total Operating Income		\$92,558		\$75,000
Expenses				
Events	May Madness	(\$5,542)	May Madness	(\$15,000)
	Trick or Treat	(\$100)	<u>Other Events/Costs:</u>	(\$10,000)
	West End Celebration (2019)	(\$941)	Trick or Treat	
	Event Staffing	(\$2,175)	Shop Local Saturday	
			West End Celebration	
			Sidewalk Sales	
			West End Events	
			Event Staffing	
Events subtotal		(\$8,758)		(\$25,000)
Initiatives	Dining Under the Lights (includes BID staff costs)	(\$32,000)	Dining Under the Lights (includes BID staff costs)	(\$40,000)
	SR Chamber (Small Business COVID-19 Grant Program)	(\$5,000)	<u>Other Initiatives:</u>	
	Children's Cottage (from 2019 WEVC)	(\$750)	Downtown SR Arts District (DSRAD)	
			Beautification	
Initiatives subtotal		(\$37,750)		(\$40,000)
Marketing & Promotions	Event Advertising/Marketing	(\$8,000)	Event Advertising/Marketing	(\$10,000)
	Website Maintenance	(\$2,000)	Website Maintenance	(\$2,000)
	BID Member Communication	(\$500)	BID Member Communication	(\$500)
	Social Media	(\$500)	Social Media	(\$500)
Marketing & Promotions Subtotal		(\$11,000)		(\$13,000)
Operating Expenses	Staffing	(\$18,000)	Staffing	(\$17,000)
	Insurance	(\$2,240)	Insurance	(\$3,000)
	Office Expense (supplies, communications, etc.)	(\$2,000)	Office Expense (supplies, communications, etc.)	(\$2,000)
	Professional Fees	(\$1,700)	Professional Fees	(\$1,700)
	Meeting and Travel Expense	(\$414)	Meeting and Travel Expense	(\$500)
Operating Expenses Subtotal		(\$24,354)		(\$24,200)
Total Expenses		(\$81,862)		(\$102,200)
Net Profit/(Loss)		\$10,696		(\$27,200)
Projected 2020 Ending Fund Balance/Carryover to 2021		\$69,153	2021 Ending Fund Balance	\$41,953

*Target Fund balance of \$20,962 was used in its entirety to fund small businesses as Covid-19 relief.

Memorandum

To: San Rafael City Council

From: Jed Greene, Treasurer
San Rafael Business Improvement District

Date: October 30, 2020

Re: San Rafael Business Improvement District Financial Summary

This memorandum highlights the significant 2020 financial activity of the San Rafael Business Improvement District (BID) and the 2021 proposed budget.

2020

The COVID -19 outbreak, turned our world upside down, as it did everyone's. We made a giant pivot from local events, which we could no longer do, to helping the community and local businesses as much as possible. A majority of our discretionary funding was used to support the Dining Under the Lights initiative and helping with the Small Business COVID-19 Grant Program. We also anticipated that our revenues would decline sharply in 2021, so we attempted to maintain a high cash reserve to use in 2021.

For 2020, the BID is projected to have a net income of approximately \$11,000, leaving a cash balance of \$69,153.

Proceeds from BID assessments were higher than budgeted, increasing to over \$88,000, approximately 6% higher than 2019. Due to COVID-19 restrictions, we were unable to host many of our planned events, providing the BID with significant expense savings. However, we provided a significant financial outlay (estimated to be \$32,000 by the end of the year) for the Dining Under the Lights initiative, a vital program for the local restaurant industry and community as a whole. We also granted the City and San Rafael Chamber of Commerce \$5,000 for their Small Business COVID-19 Grant Program, to help local businesses affected by COVID-19. We voted to use the remaining Target funds for that initiative as well.

2021


Our activities and financial budget are difficult to anticipate for 2021. We expect a significant decline in BID assessment revenue to \$60,000, or over a 30% decline from 2020. However, because of our cash reserves, our total expenses are budgeted to be similar our typical annual cash outflow before COVID-19. We anticipate using a majority of our discretionary spending on the Dining Under the Lights program and/or local events. However, we are aware that this is a fluid situation and there are many factors that could prevent or adjust our plan and we will react accordingly. The BID projects to have a net loss of \$27,200 in 2021, but our cash reserves give us the ability to continue to help local businesses and the community during these trying times. Our anticipated cash balance at the end of 2021 is \$41,953.



Agenda Item No: 7.a
Meeting Date: December 7, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk **City Manager Approval:** 

TOPIC: CITY COUNCIL VACANCY

SUBJECT: RECOMMENDATION TO CALL FOR APPLICATIONS TO FILL A VACANCY ON THE CITY COUNCIL

RECOMMENDATION:
Call for applications to fill a vacancy on the City Council to December 2022.

BACKGROUND:
City Councilmember Kate Colin, who was elected at-large in November 2017 to a term of office that was set to expire December 2022, was elected to the Office of San Rafael Mayor at the November 3, 2020 general municipal election. Her election as Mayor of San Rafael will create a vacancy on the City Council, and per Article VI, Section 6 of the Charter of the City of San Rafael, the City Council shall fill the vacancy within 60 days by appointment, and if it fails to do so it shall immediately call for a special election to do so. Per the Charter, since this vacancy has occurred in the third year of the five-year term, the appointment or election term would be for the remainder of the unexpired term to December 2022.

On [January 16, 2018](#), the City Council met concerning whether the City should change to a district-based election system, the City Council voted unanimously on January 16, 2018 to adopt Resolution No. 14453, expressing the City Council’s intention to transition to district-based elections for the City’s four City Council seats, starting with the election of November 3, 2020. On [April 16, 2018](#), the City Council adopted Ordinance No. 1956 which, among other actions, established four single-member City Council Districts and determined that Councilmembers from Council Districts 3/East and 2/West would be elected beginning at the General Municipal Election in November 2022, and every four years thereafter.

While Councilmember Kate Colin resides in Council District 2/West, the vacancy created by her election as Mayor is not required to be filled by a resident of that District. Since Councilmember Colin was elected at-large in 2017, her entire term is at large, therefore anyone who lives in the City of San Rafael is eligible to apply to fill her vacant seat for the remainder of that term.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

However, any candidate running for this seat in the next General Municipal Election in November 2022 will only qualify to run if they reside in District 2/West at that time.

ANALYSIS:

The Council has broad authority to appoint an individual to fill the vacancy after deliberation and a majority vote of the Council, or they may call a special election to fill the vacancy on the City Council. Staff recommends the City Council call for applications and make an appointment to the City Council given that an at-large special election will cost the City approximately \$238,000 - \$340,000, due to the election being at-large, and due to the election not being consolidated with other cities, districts or the State of California, to share the costs of the election.

The last two times the Council was faced with making this type of appointment were in January 2013 and December 2014, and both times, the Council interviewed all applicants at a special meeting. In preparing for this vacancy, staff took the opportunity to enhance the application from our last City Council vacancy in 2014 (attached) to better assist the City Council in making a determination regarding who should be appointed to fill the vacancy on the City Council. In addition to the application, candidates will be asked to provide a resume.

The following is a proposed timeline that could be followed for this process:

Action	Date
Application deadline	5pm on December 29, 2020
Interviews held and appointment made	Week of January 25
Appointment Deadline	February 5, 2020

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action of this agenda item. However, if the City Council was to not approve staff's recommendation, and opt to direct staff to return with a resolution calling a special election, the fiscal impact would be estimated between \$7.00 - \$10.00 per registered voter, and there is a total of about 34,000 voters, resulting in costs totaling between \$238,000 - \$340,000, according to the Registrar of Voters Office. The costs have not been appropriated in the budget. Additionally, the deadline for calling a special election for March 2021 was December 4, 2020, which was infeasible due to it being prior to the election certification, so the next special election date would be November 2021. The City Council could opt to appoint a person to fill the vacancy to November 2021, but an election at that time would also have the same estimated cost and would only be in place for one year.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Approve staff recommendation to recruit for applications to appoint a new councilmember
2. Do not approve staff's recommendation, and request staff to return with a resolution calling a special election

RECOMMENDED ACTION:

Approve call for applications to fill the vacancy on the City Council.

ATTACHMENTS:

1. Application



APPLICATION FOR VACANT CITY COUNCIL POSITION

(Application must be submitted by Noon on December 29, 2020)

NAME: _____
Last
First
Middle

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

Contact Information:

PHONE: Home _____ Work/Cell _____ E-mail _____

What district do you live in? _____

1. Attach a resume outlining your educational background and experience.
2. Attach an applicant statement (400-500 words) describing why you should be selected to fill this vacant position.

Using 200 words or less, highlight your relevant knowledge or skills that you will bring to the City Council:

	Yes	No
Have you ever served as a member of a San Rafael Board, Commission or Committee? If yes, please specify which Board(s), Commission(s) and/or Committee(s):		
<u>Name</u>		<u>Length of Service</u>

**Office of the City Clerk
Application for Vacant City Council Position
City Council Appointment**

Applicant Questionnaire

Please Limit Your Answers to the Following Questions to no more than 250 words

1. Have you attended and/or participated in any civic meetings? If so, which ones and describe your participation.

2. What do you consider to be the top 3 to 5 significant issues/priorities currently facing the City of San Rafael and why are they the most significant? What are your thoughts about how to address these issues?

3. Name a specific City of San Rafael issue of special interest to you (other than the issue described in your response to question #2). Tell us what suggestions you have for addressing it.

4. What do you believe is the most important contribution you can make as a member of the City Council? What strength do you think you would bring to the City Council team?

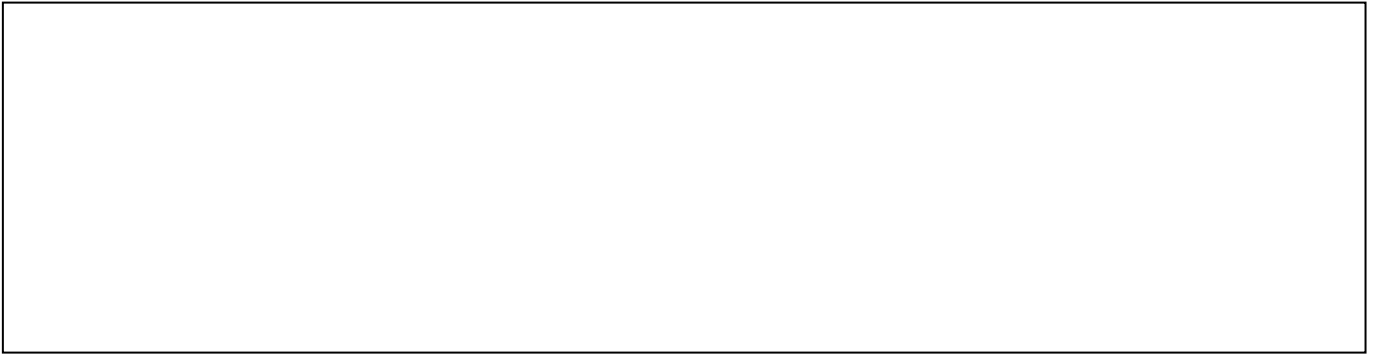
5. Give an example of how you would resolve a situation where your personal philosophy is at odds with what is best for the City.

6. Please share your thoughts on the following topics related to the City of San Rafael:

a. Housing/Homelessness

b. Economic Recovery

c. Climate Change/Sustainability



d. Racial Justice



e. City Finances



f. Transportation, Transit, and Traffic



7. Why do you think you are the most qualified candidate to be appointed to the City Council?

I declare under penalty of perjury under the laws of the State of California that I am a resident of the City of San Rafael, California, registered to vote in the City of San Rafael, and that all information stated in this application and all attached pages are true, correct and complete. I also acknowledge that if appointed, I will be subject to filing a Form 700 Statement of Economic Interest.

Signature of Applicant

Date

Please submit this application and supporting documentation to the San Rafael City Clerk's Office by 5:00 p.m. on Tuesday, December 29, 2020. Applications received by the City will become public records that may be subject to public disclosure. Except for the name of the applicant, the City will treat applications as confidential to the extent allowed by law until the close of the application deadline.

City Clerk's Office
1400 Fifth Avenue, Room 209
San Rafael, CA 94901

For office use only:

Staff has verified that the applicant is a registered voter in the City of San Rafael



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: Bill Guerin,
Director of Public Works

City Manager Approval: _____

TOPIC: HIGHWAY 101 TO INTERSTATE 580 CONNECTOR PROJECT

SUBJECT: INFORMATIONAL REPORT FROM TRANSPORTATION AUTHORITY OF MARIN (TAM) ON THE 101 TO 580 CONNECTOR PROJECT

RECOMMENDATION: Staff recommends that the City Council accept the informational report.

BACKGROUND: The Transportation Authority of Marin (TAM) sought and received voter support for funding a freeway-to-freeway connector between Highway 101 and Interstate 580 in the local [Marin Transportation Sales Tax Measure AA](#), approved in November 2018. TAM also advocated for this project to be included in [Regional Measure 3](#), which was approved in June 2018.

The Transportation Authority of Marin (TAM) began the planning and environmental phase of the proposed project in spring of 2019. TAM will complete the environmental analysis to evaluate options and work with the community and stakeholders to select a preferred alternative. This project is a collaborative effort between TAM, the California Department of Transportation (Caltrans), and the cities of San Rafael and Larkspur.

ANALYSIS: Currently, drivers who wish to access the Richmond-San Rafael Bridge (I-580) via northbound US-101 must exit the freeway and travel on East Sir Francis Drake Boulevard or across Bellam Boulevard to get to the bridge. Having to drive on local streets causes congestion and traffic delays on northbound US 101 and on local streets, including Sir Francis Drake Boulevard and Bellam Boulevard. The proposed project will allow vehicles to continue along US-101 northbound onto a new highway connector in San Rafael and merge directly onto I-580 eastbound toward the Richmond-San Rafael Bridge.

The objective of the proposed project is to reduce congestion and improve traffic flow on NB US-101 and local streets. TAM will accomplish this by providing a direct highway connection from northbound US-101 to eastbound I-580 and the Richmond-San Rafael Bridge. The project will also enhance existing multi-modal (bicycles pedestrian, and transit) connections including bicycle and pedestrian connection improvements along Bellam Boulevard.

PUBLIC OUTREACH: TAM has conducted a series of meetings with stakeholder groups to gain feedback and insight as they develop the various alternatives for consideration. In addition to these meetings, TAM has maintained an updated project website to keep interested parties

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

apprised as the analysis is developed. The informational presentation to Council is the latest effort to inform the community of this project.

FISCAL IMPACT: As an informational report, there is no fiscal impact associated with this action.

OPTIONS: The City Council has the following options to consider relating to this matter:

1. Accept the informational report as presented.
2. Do not accept the informational report.

RECOMMENDATION: Accept the report.



Agenda Item No: 7.c
Meeting Date: December 7, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development Department
Paul A. Jensen
Prepared by: Paul Jensen (EG)
Community Development Director

City Manager Approval: _____ *JS*

TOPIC: HOUSING WORK PLAN UPDATE

SUBJECT: INFORMATIONAL REPORT PROVIDING AN UPDATE REGARDING HOUSING POLICY ACTIONS

RECOMMENDATION: Accept Report

BACKGROUND:

On August 20, 2018, the City Council was presented a comprehensive, [informational report](#) on housing. In response to the housing report information, the City Council directed staff to follow-up on four specific housing topics and issues: renter regulations, Short-Term Rentals, housing for an aging population, and challenges to the approval and development of housing.

On September 3, 2019, City staff presented an [informational report](#) on challenges to housing development. The report presented 11 key challenges pertaining to the approval and development of housing in San Rafael. Moreover, this report identified 13 recommended measures to address these challenges.

Also, at the September 3rd City Council meeting, staff was directed to host public housing workshops on proposed policies to address challenges to approving and developing housing. The purpose of these workshops was to gain a better understanding of the public's view on the housing crisis, as well as to get feedback on the prioritization of the proposed policy actions. The City hosted two housing workshops, which were attended by the City Council and the public. These workshops exposed the public to issues surrounding the housing crisis and generated feedback from both the public and City Council.

On January 21, 2020, the City Council was presented an [informational report](#) on staff recommendations for prioritization, timing, and future City Council actions on these proposed policy actions to address challenges to approving and developing housing.

The purpose of this informational report is to provide an update on these housing policy actions.

_____ **FOR CITY CLERK ONLY**

Council Meeting: _____

Disposition: _____

ANALYSIS:

Since the January 21st, 2020 City Council meeting, staff has completed the following policy actions:

	Summary	Status
<u>Completed Policy Actions</u>		
Policy 1	"Planning Commission First" Review	Maintain current policy of a Planning Commission study session as first public forum on development projects, rather than the Design Review Board.
Policy 2	Form-Based Code for Downtown Precise Plan	Support the direction of a form-based code for the Downtown Precise Plan
Policy 3	Streamline CEQA/ Environmental Review	Continue the practice of using the CEQA exemptions, where appropriate and practical, to streamline the CEQA/ environmental review process for housing projects
Policy 4	Reduce Requirements for Technical Studies	Continue to minimize requirements for the preparation of technical studies when appropriate and warranted
Policy 5	Streamlined Pre-Application "Concept" Review Process	Continue with streamlined, Pre-Application "concept review" process for housing projects with no fee
Policy 6	Affordable Housing Trust Fund Administration	Policy resolution establishing policies and procedures for awarding trust fund monies

City Council has received informational reports specific to the following policies and corresponding ordinances and policy resolutions are ready for final City Council consideration at a future meeting:

	Summary	Status
<u>Ready for Council Consideration</u>		
Policy 7 & 8	Adopt Changes to Inclusionary Housing Requirements & Adopt Changes to Affordable Housing In-lieu Fee	Amendments reducing the City's Inclusionary Housing Requirement and allowing developers flexibility in meeting the requirement, including paying an in-lieu fee for a portion of the requirement.
Policy 11	Update "Density Bonus" Ordinance	Aligning the City's Density Bonus Ordinance with the State Density Bonus Law (SDBL)
Policy 12	Consider Changes to Design Review Board (DRB)	Amendments changing the structure and role of the DRB to one that is more informal and advisory.
		On September 21, 2020, City Council directed staff to move forward with a reduced requirement meeting 10% below market rate (BMR) equivalent option. Planning Commission recommended moving forward with this option at the November 17, 2020 meeting.
		On September 21, 2020, City Council directed staff to move forward with a amendments aligning the SRMC with the SDBL. Planning Commission recommended moving forward with this option at the November 17, 2020 meeting.
		On September 21, 2020, City Council directed staff to work with the DRB to move forward with the following: <ul style="list-style-type: none"> ● "Pilot" a Less Formal Design Review Advisory Committee (DRAC); ● Include Public Noticing Procedures & Measures similar to Zoning Administrator Meeting Format.

Staff is currently working on follow-up actions for the following policy actions:

	Summary	Status	
<u>Under Development</u>			
Policy 9	"By-Right" Zoning for Affordable Housing Projects	Resolution establishing a "by right" planning process for affordable housing projects	Aligning process with the Objective Design Guidelines required by SB35. Draft Guidelines expected to be completed by Q1 2021.
Policy 10	New Accessory Dwelling Unit (ADU) Ordinance	Adopt a new ADU ordinance compliant with recently passed State Legislation	Draft ADU ordinance in development. Once complete, Ordinance will be taken to the Planning Commission for Review. Expected mid-2021.
Policy 13	Changes to Payment of Development Impact Fees	Resolution changing the timing of fee payments for development impact fees	Informational Report on potential changes to the payment of development impact fees expected late 2021.
Policy 14	Support City/Developer Partnerships	Conduct an in-depth assessment of air rights use of the seven City-owned parking lots for development potential.	Informational Report assessing air rights use of the seven City parking lots and recommended next steps expected late 2021.
<u>On-Hold</u>			
Policy 15	Raise Appeal Fee and/or Change Appeal Process	Appeal fee to be studied as part of the Citywide Master Fee Schedule Update	No further action

Since the January 21, 2020 City Council meeting, staff has identified the following new policy actions:

	Summary	Status	
<u>New Policy Actions</u>			
New Policy	Priority Development Area (PDA) Designation	Designate Northgate and Canal Neighborhoods as PDA's for the Plan Bay Area 2050 process allowing access to funding for a Specific or Precise Plan process.	PDA approved by ABAG/MTC Board. Awaiting application period to open for first round of planning funding (expected Q1 2021).
New Policy	Allow Developer Buy-out of New Construction projects	Allow entitled development projects to buy-out half of the required onsite below market rate units under certain conditions.	On September 21, 2020, City Council directed staff to move forward with allowing Buy-outs. No further action necessary, any requested buy out will require City Council approval
New Policy	Minor Streamlining Amendments	Minor amendments to streamline the permitting process including changes to Appeals scheduling, development on small lots, changes to the City's Height Bonus, and align the hillside exception process within similar exception permits.	On September 21, 2020, City Council directed staff to move forward with a amendments aligning the SRMC with the SDBL. Planning Commission recommended moving forward with this option at the November 17, 2020 meeting.
New Policy	Housing Development Incentive Pilot Program	Development of a "Pilot" incentive program with provides developers additional height, density, and parking reductions if specific community benefits are provided.	Feedback received during Inclusionary Housing policy outreach indicated interest in a pilot program but further analysis is needed.
New Policy	Canal Policy Working Group	Collaborative policy working group aimed at identifying policy actions to address the impacts of COVID-19 on households in the Canal Neighborhood	In Progress. Follow-up actions to be identified through the Canal Policy Working Group.
New Policy	Expanded Renter Relocation Assistance for Opportunity Zone	Expansion of Renter Relocation Assistance for households displaced due to a no-fault eviction in the City's federally designated Opportunity Zone.	On November 2, 2020, City Council directed staff to move forward with amendments expanding protections to Opportunity Zone.

FISCAL IMPACT:

As an informational report, there is no fiscal impact.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Accept Report
2. Direct staff to return with more information.
3. Take no action.

RECOMMENDED ACTION:

Accept report.