



MINUTES

SAN RAFAEL CITY COUNCIL – TUESDAY, FEBRUARY 16, 2021

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 Kate
Vice Mayor Bushey
Councilmember Hill
Councilmember Kertz
Councilmember Llorens Gulati

Absent: None

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

CLOSED SESSION AT 5:30 P.M.

Watch on Webinar: <https://tinyurl.com/SPCC-2021-02-16>

Listen by phone: (669) 900-9128,

ID: 831-3623-3485#

OPEN SESSION

1. Mayor Kate to announce Closed Session item.

CLOSED SESSION

2. Closed Session:
 - a. Conference with Labor Negotiators - Government Code Section 54957.6
Lead Negotiators: Timothy L. Davis and Stephanie Vollmer (Burke, Williams & Sorensen)
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Thomas Wong,

Carmen Valdez and Sylvia Gonzalez

Employee Organization: SEIU - Childcare; San Rafael Police Mid-Management Association; Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers' Association; Unrepresented Mid-Management; Unrepresented Executive Management

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/CC-2021-02-16>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128,

ID: 899-2635-9885#

Mayor Kate called the meeting to order at 7:02 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

Mayor Kate provided opening remarks, which included the announcement of the new police chief, David Spiller and a thank you to Interim Police Chief David Starnes. She spoke on the housing and public art items on tonight's agenda. In addition, she included a land acknowledgement.

City Clerk Lindsay Lara informed the community that the meeting would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through Zoom or YouTube live chat. She explained the process for community participation on the telephone, Zoom and YouTube.

Assistant City Attorney Lisa Goldfien announced that no reportable action was taken in the Closed Session held prior to the meeting.

OPEN TIME FOR PUBLIC EXPRESSION

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

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- Business economic recovery update
- Homeless encampment update

Andrew Henning, Director of Homeless Planning and Outreach gave a homeless encampment update.

David Starnes, Interim Police Chief gave a bike theft update.

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

- Councilmember Bushey reported on a Central Marin Sanitation Agency (CMSA) meeting, a library subcommittee meeting regarding a conceptual proposal for a combined library/community center and a meeting with the Point San Pedro Road Coalition.
- Mayor Kate reported on meetings with Marin Transit and SMART.

CONSENT CALENDAR:

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

Councilmember Llorens Gulati moved and Councilmember Hill seconded to approve the Consent Calendar

5. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular and Special Meetings of Monday, February 1, 2021 and Special Meeting of Tuesday, January 26, 2021 (CC)

Approve minutes as submitted

b. **Chief of Police Employment Agreement**

Resolution Authorizing the Mayor and City Manager to Execute An Employment Agreement with David Spiller to Serve As the City of San Rafael Chief of Police (CM)

Resolution 14889 - Resolution Authorizing the Mayor and City Manager to Execute An Employment Agreement with David Spiller to Serve As the City of San Rafael Chief of Police

c. **Amendment of the Current Vegetation Management Ordinance**

Second Reading and Final Adoption of Ordinance 1988: An Ordinance Amending Sections 4.12.010 and 4.12.030 of the San Rafael Municipal Code to Establish Citywide Vegetation Management and Wildfire Mitigation Standards to Help Reduce the Risk of a Catastrophic Wildfire (FD)

Adopted Ordinance No. 1988 – An Ordinance of the City Council of the City of San Rafael Amending Sections 4.12.010 and 4.12.030 of the San Rafael Municipal Code to Establish Citywide Vegetation Management and Wildfire Mitigation Standards to Help Reduce the Risk of a Catastrophic Wildfire

d. **Regulation of On-Street Parking on Narrow Streets**

Second Reading and Final Adoption of Ordinance 1989: An Ordinance Amending San Rafael Municipal Code Section 5.40.080 Regulating Parking on Narrow, Hilly City Streets (FD)

Adopted Ordinance No. 1989 – An Ordinance of the Council of the City of San Rafael Amending San Rafael Municipal Code Section 5.40.080 Regulating Parking on Narrow, Hilly City Streets

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

PUBLIC HEARINGS:

6. Public Hearings:

a. **Housing Development Policies and Permitting**

- i. **First Introduction of An Ordinance: Consideration of An Ordinance Amending Title 14 of the San Rafael Municipal Code (Zoning) to Amend Section 14.04.040 (Property Development Standards (DR, MR, HR)), Section 14.05.030 (Property Development Standards (GC, NC, O, C/O, R/O, FBWC)), Section 14.12.040 (Exceptions to Property Development Standards), Section 14.16.030 (Affordable Housing), Section 14.16.190 (Height Bonus), Section 14.16.300 (Small Lots), and Section 14.28.040 (Public Notice And Hearing) (CD)**

Paul Jensen, Community Development Director, Ali Giudice, Planning Manager and Ethan Guy, Principal Analyst presented the staff report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Bob Pendoley, Marin Environmental Housing Collaborative (MEHC), David Wain Coon, San Rafael Chamber of Commerce, Diane Henderson-Glischinski, San Rafael Chamber of Commerce, Brad Rogerson, San Rafael Chamber of Commerce, Bill Carney, Sustainable San Rafael, Tom Monohan, Victoria DeWitt, Susan Bradford, Roger Smith, Lynn Robinson, Kate Powers

Staff responded to public comment.

Staff responded to comments and questions from Councilmembers.

Councilmembers and staff discussed how to modify the language of the Ordinance.

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to pass the Ordinance to print, removing the proposed amendment "Section 14.12.040 (Exceptions to Property Development Standards)"

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

Passed Ordinance No. 1990 to print

- ii. **Resolution Adopting "Guidelines for the Administration of the Affordable Housing Requirement Program"**

Councilmember Hill moved and Councilmember Llorens Gulati seconded to adopt the resolution

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

Resolution 14890 - Resolution Adopting "Guidelines for the Administration of the Affordable Housing Requirement Program"

iii. **Resolution Adopting Density Bonus and Incentives Regulations Applicable to Housing Development Projects that Qualify for a Density Bonus as Set Forth in San Rafael Municipal Code Section 14.16.030**

Councilmember Bushey moved and Councilmember Hill seconded to adopt the resolution

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

Resolution 14891 - Resolution Adopting Density Bonus and Incentives Regulations Applicable to Housing Development Projects that Qualify for a Density Bonus as Set Forth in San Rafael Municipal Code Section 14.16.030

b. **Public Art Projects**

i. **Informational Report Providing an Update Regarding Public Art Projects in Terra Linda and Canal Neighborhoods (CD)**

Thomas Wong, Analyst and Ali Giudice, Planning Manager and presented the staff report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Meg Reilly, Marin Society of Artists, Kim Keith-Brown, Terra Linda Homeowners' Association, Lorenzo Jones, Shirley Fischer, Susan Coleman

Staff responded to public comment.

Staff responded to comments and questions from Councilmembers.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to accept the report

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

Accepted report

- ii. **First Introduction of An Ordinance: Consideration of An Ordinance of the City Council of the City of San Rafael Amending San Rafael Municipal Code (SRMC) Section 14.25.040 Exempting from Environmental and Design Review Any Public Art Projects that Undergo Review Through a Separate Review Process Established by the City for that Purpose**

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to pass the Ordinance to print

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

Passed Ordinance No. 1991 to print

OTHER AGENDA ITEMS:

7. Other Agenda Items:

- a. **[Grand Jury Report on Roadblocks to Safe Evacuations in Marin](#)
Resolution Approving and Authorizing the Mayor to Execute the Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled "Roadblocks to Safer Evacuation In Marin" (FD)**

Darin White, Fire Chief presented the staff report.

Staff responded to comments and questions from Councilmembers.

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

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Hill seconded to adopt the resolution

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

Resolution 14892 - Resolution Approving and Authorizing the Mayor to Execute the Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled "Roadblocks to Safer Evacuation In Marin"

SAN RAFAEL SUCCESSOR AGENCY:

- 1. Consent Calendar: - None

ADJOURNMENT:

Mayor Kate adjourned the meeting at 9:59 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2021

KATE COLIN, Mayor