



## MINUTES

**SAN RAFAEL CITY COUNCIL – MONDAY, DECEMBER 21, 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](http://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](mailto: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](mailto: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  
Councilmember Bushey  
Councilmember Kertz  
Councilmember Llorens Gulati

Absent: None

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

### **OPEN SESSION - (669) 900-9128, ID: 848-5230-7272# - 4:00 P.M.**

1. Mayor Kate to announce Closed Session items.

### **CLOSED SESSION - (669) 900-9128, ID: 848-5230-7272# - 4:00 P.M.**

2. Closed Session:
  - a. Conference Public Employment Pursuant to Government Code section 54957(b)(1)  
Title: Chief of Police

### **REGULAR MEETING AT 7:00 P.M.**

**Watch on Webinar: <https://tinyurl.com/CC-2020-12-21>**

**Watch on YouTube: [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)**

**Listen by phone: (669) 900-9128,**

**ID: 899-2635-9885#**

Mayor Kate called the meeting to order at 7:01 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 a land acknowledgement and gratitude to City staff.

City Attorney Rob Epstein announced that no reportable action was taken in the Closed Session.

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 TIME FOR PUBLIC EXPRESSION – 7:00 PM**

Mayor Kate invited public comment.

Lorenzo Cordova provided in Spanish how members of the public can provide public comment.

Correspondence in real-time through YouTube, Zoom or telephone

- Beverly Pinto, Lisa Leavitt, Patti Breitman, Gail Dorph, Rhea Brown, Theresa Ward, Reyes Lake, Omar Carrera, Marina Palma, Ella Furuichi, Laura Huerta, Darlin Ruiz, Clare McCamy, Rommel Carrera, Caro Grama addressed the City Council regarding ongoing economic hardships for residents during the COVID-19 pandemic
- Barry Taranto addressed the City Council regarding the new Public Safety Center and fire stations, the Police Department, the new two-way streets on C and D Streets, District 4 Councilmember Kertz and the proposed Terra Linda Costco
- Lisa Merigian addressed the City Council in opposition to the proposed permanent closure of the 3<sup>rd</sup> and Lindaro Exit/Entrance to the public parking lot adjacent to Walgreens

Mayor Kate expressed her appreciation for these comments and thanked the Marin Organizing Committee, Children for Change, Voces Del Canal, Canal Alliance, Legal Aid of Marin, Community Action of Marin and County of Marin.

### **CITY MANAGER'S REPORT:**

3. City Manager's Report:

City Manager Jim Schutz announced:

- COVID-19 and the City's response updates
- Open City Council seat vacancy
- Holiday City office closures from December 24 through January 1 – Police and Fire will remain open
- Next City Council meeting will be on Tuesday, January 19
- Nomination period for the 2021 Citizen of the Year

### **COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:**

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

#### 4. Councilmember Reports:

Councilmember Kertz requested a future agenda item related to the upcoming rental and eviction impacts occurring at the end of January.

#### **CONSENT CALENDAR:**

Mayor Kate invited public comment on the Consent Calendar.

**Speaker:** John Reynolds

Councilmember Bushey moved and Councilmember Kertz 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, December 7, 2020 (CC)**  
*Approved minutes as submitted*
  
- b. **Fourth Amendment to the Amended and Restated Ground Lease at 855 C Street Resolution Approving and Authorizing the City Manager to Execute a Fourth Amendment to the Amended and Restated Ground Lease and a Promissory Note in an Amount Not to Exceed \$650,000 with Centertown II, LLC for the Real Property Located at 855 C Street in the City of San Rafael (CD)**  
*Resolution 14881 - Resolution Approving and Authorizing the City Manager to Execute a Fourth Amendment to the Amended and Restated Ground Lease and a Promissory Note in an Amount Not to Exceed \$650,000 with Centertown II, LLC for the Real Property Located at 855 C Street in the City of San Rafael*
  
- c. **Transaction and Use Tax Agreements**
  - i. **Resolution Approving and Authorizing the Mayor to Execute Two Agreements with the California Department of Tax and Fee Administration (CDTFA) for Implementation of the City's Transactions and Use Tax (Fin)**  
*Resolution 14882 - Resolution Approving and Authorizing the Mayor to Execute Two Agreements with the California Department of Tax and Fee Administration (CDTFA) for Implementation of the City's Transactions and Use Tax*
  
  - ii. **Resolution Authorizing Examination of Sales and Use Tax and Transactions and Use Tax Records (Fin)**  
*Resolution 14883 - Resolution Authorizing Examination of Sales and Use Tax and Transactions and Use Tax Records*
  
- d. **Annual Measure E TUT Oversight Committee Report**  
**Measure E Transactions and Use Tax Oversight Committee Report for Fiscal Year 2019-2020 (Fin)**

*Accepted report*

- e. **Special Library Parcel Tax Annual Report  
Special Library Parcel Tax Committee’s Annual Measure D Report (Fin)**  
*Accepted report*
  
- f. **FY 2020-21 Fleet Vehicle Purchases: Police Department  
Resolution Authorizing the City Manager to Purchase Five Fleet Vehicles for the Police  
Department for an Amount Not to Exceed \$325,000 (PW)**  
*Resolution 14884 - Resolution Authorizing the City Manager to Purchase Five Fleet Vehicles  
for the Police Department for an Amount Not to Exceed \$325,000*
  
- g. **Third Street at Hetheron Street Improvements Notice of Completion  
Accept Completion of the Third Street at Hetheron Street Improvements Project (City  
Project No. 11320), and Authorize the City Clerk to File the Notice of Completion (PW)**  
*Approved staff recommendation*
  
- h. **Traffic Mitigation Fees  
Annual Traffic Mitigation Fee Report – FY 2019-20 (PW)**  
*Accepted report*

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

**PUBLIC HEARINGS:**

- 6. Public Hearings:
  - a. [Amendments to the San Rafael Municipal Code to Streamline Housing Development](#)  
*Continued to a date uncertain*

**OTHER AGENDA ITEMS:**

- 7. Other Agenda Items:
  - a. [Homelessness](#)  
**Informational Report on Status of Homelessness in San Rafael (CM)**

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

Staff responded to comments and questions from Councilmembers.

Cheryl Chambers, Caltrans provided comments.

Mayor Kate invited public comment.

**Speakers:** Lucie Hollingsworth, Legal Aid of Marin and Marin Organizing Committee, Barry

Taranto, Pat Langley, Marin Organizing Committee, Karen Strolia, Downtown Streets Team, Paula Doubleday, Downtown Streets Team, Nick Morris, The Street Chaplaincy, Betsy Guthrie, Downtown Streets Team, John Reynolds, Sunny Lee, John Reynolds

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to accept the report.

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

*Accepted report*

- b. [Response to the Grand Jury Report on Firearm Safety](#)  
**Resolution Approving and Authorizing the Mayor to Execute the Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled "The Gun Next Door: Firearm Safety in Marin County" (PD)**

Roy Leon, Acting Police Captain presented the staff report.

Councilmembers provided comments.

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

Councilmembers provided comments.

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

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

*Resolution 14885 - Resolution Approving and Authorizing the Mayor to Execute the Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled "The Gun Next Door: Firearm Safety in Marin County"*

- c. [2021 Vice-Mayor](#)  
**Select Vice-Mayor for the City of San Rafael 2021 (CC)**

Mayor Kate introduced this item.

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

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to select Maribeth Bushey as Vice-Mayor for 2021

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

*Selected Maribeth Bushy as Vice-Mayor for 2021*

d. **City Council Appointments to Committees**  
**Approve City Council Appointments to Committees 2021 (CC)**

Mayor Kate introduced this item.

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

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to approve the appointments, subject to the understanding that the Council will review this when the new Councilmember is appointed in January

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

*Approved Appointments*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:29 p.m.

\_\_\_\_\_  
LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021

\_\_\_\_\_  
KATE COLIN, Mayor