



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, MAY 3, 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 Robert Epstein
City Clerk Lindsay Lara

CLOSED SESSION AT 5:00 P.M.

Watch on Webinar: <https://tinyurl.com/cs-2021-05-03>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

ID: 894-2480-4134#

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-Shelton
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-2021-05-03>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

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.

City Attorney Robert Epstein announced that no reportable action was taken in the Closed Session held prior to the meeting.

Mayor Kate provided opening remarks, which included Mental Health Awareness Month, Asian American and Pacific Islander Heritage Month, Wildfire Awareness Month, National Salad, Salsa and Strawberry Month and a land acknowledgment.

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.

OPEN TIME FOR PUBLIC EXPRESSION

Mayor Kate invited public comment.

Correspondence in real-time through YouTube, Zoom or telephone

- Wes Sitchler, Tiffany Haley, Jamie Poirier, Marlene Austin, Zachary Baron, Jill Tokutomi, Joan Peck, Margaret Stawowy (all City employees) addressed the City Council regarding SEIU Local 1021 labor negotiations

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- COVID-19 and the City's response update
- Drought and water conservation update
- Downtown Farmers Market starts TH, May 6, 5:00-8:00 p.m.
- Wildfire Preparedness Community Workshop on TH, May 13, 5:00-7:30 p.m.

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

- Councilmember Bushey reported on a library subcommittee meeting and Point San Pedro Road Coalition activities.
- Councilmember Hill reported on a preliminary meeting with Don Jeppson, ADA Access Advisory Committee Coordinator and attended a soft opening of new restaurant Menya Shono.
- Councilmember Kertz reported on Homelessness, Marin Wildfire Prevention Authority (MWPA), Goals and Objectives meetings and Earth Day activities.
- Councilmember Llorens Gulati reported on MCCMC Climate, MCCMC Economic Recovery and Marin Promise meetings and Earth Day activities.
- Mayor Kate reported on MCCMC Economic Recovery, Los Guilicos Shelter Village, Transportation Authority of Marin (TAM), Marin Transit and SMART meetings.

CONSENT CALENDAR:

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

Councilmember Hill moved and Councilmember Bushey seconded to approve the Consent Calendar.

5. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, April 19, 2021 (CC)

Approved minutes as submitted

b. **Contract for SB 1383 Compliance Planning**

Resolution Authorizing the City Manager to Enter into a Contract with R3 Consulting Group, Inc. in an Amount Not to Exceed \$155,096 for Senate Bill 1383 Planning Work for the Cities of San Rafael and Larkspur; Towns of Ross, Fairfax and San Anselmo; The Las Gallinas Valley Sanitary District; and the County of Marin (CM)

Resolution 14903 - Resolution Authorizing the City Manager to Enter into a Contract with R3 Consulting Group, Inc. in an Amount Not to Exceed \$155,096 for Senate Bill 1383 Planning Work for the Cities of San Rafael and Larkspur; Towns of Ross, Fairfax and San Anselmo; The Las Gallinas Valley Sanitary District; and the County of Marin

c. **Marinwood Wildfire Prevention Services Agreement**

Resolution Approving and Authorizing the City Manager to Execute an Agreement between the City of San Rafael and the Marinwood Community Services District for Wildfire Prevention Services, Including Defensible Space Evaluations (FD)

Resolution 14904 - Resolution Approving and Authorizing the City Manager to Execute an Agreement between the City of San Rafael and the Marinwood Community Services District for Wildfire Prevention Services, Including Defensible Space Evaluations

- d. **MCSTOPPP Full Trash Capture Device Project**
Resolution Approving and Authorizing the City Manager to Execute a First Amendment to the Agreement with Schaaf & Wheeler Consulting Civil Engineers, Inc. for Design and Environmental Engineering Services Associated with the MCSTOPPP Full Trash Capture Device Project, in an Additional Amount Not to Exceed \$50,090 (PW)
Resolution 14905 - Resolution Approving and Authorizing the City Manager to Execute a First Amendment to the Agreement with Schaaf & Wheeler Consulting Civil Engineers, Inc. for Design and Environmental Engineering Services Associated with the MCSTOPPP Full Trash Capture Device Project, in an Additional Amount Not to Exceed \$50,090

- e. **Senate Bill 1, Road Maintenance and Rehabilitation Account (RMRA): FY 2021-22 Projects**
Resolution Approving the FY 2021-22 Projects List for Senate Bill 1: The Road Repair and Accountability Act (PW)
Resolution 14906 - Resolution Approving the FY 2021-22 Projects List for Senate Bill 1: The Road Repair and Accountability Act

- f. **Canal Neighborhood Pedestrian Improvements Project**
Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Canal Neighborhood Pedestrian Improvements Project, City Project No. 11381, to Team Ghilotti, Inc. in the Amount of \$673,141, and Authorizing Contingency Funds in the Amount of \$86,859, for a Total Appropriated Amount of \$760,000 (PW)
Resolution 14907 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Canal Neighborhood Pedestrian Improvements Project, City Project No. 11381, to Team Ghilotti, Inc. in the Amount of \$673,141, and Authorizing Contingency Funds in the Amount of \$86,859, for a Total Appropriated Amount of \$760,000

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

SPECIAL PRESENTATIONS

6. Special Presentations:

- a. Presentation of Proclamation Supporting National Police Week

Mayor Kate presented a Proclamation to Police Chief David Spiller.

Police Chief David Spiller provided comments.

- b. Presentation of Proclamation Supporting Public Service Recognition Week

Mayor Kate presented a Proclamation to Interim HR Director Carmen Valdez.

Interim HR Director Carmen Valdez provided comments.

PUBLIC HEARINGS

7. Public Hearings:

a. **BioMarin Development Agreement**

Resolution Approving the First Anniversary Annual Report for the Executed Development Agreement (Ordinance 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of An Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3rd Street) (CD)

Paul Jensen, Community Development Director presented the Staff Report.

Shar Zamanpour, BioMarin Pharmaceutical Inc. provided comments.

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

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution.

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

Resolution 14908 - Resolution Approving the First Anniversary Annual Report for the Executed Development Agreement (Ordinance 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of An Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3rd Street)

b. **Marin History Museum Lease of Boyd Gate house**

First Introduction: Consideration of an Ordinance Approving a Lease of Real Property at 1125 B Street (Boyd Gate House), to the Marin History Museum (PW)

Bill Guerin, Public Works Director presented the Staff Report.

Mayor Kate provided comments.

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

Councilmembers provided comments.

Councilmember Bushey 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. 1993 to print

OTHER AGENDA ITEMS

8. Other Agenda Items:

- a. **Measure A Work Plan and Preliminary Capital Improvement Program**
Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A Funds for July 1, 2021 – June 30, 2022; And Report on Preliminary Three-Year Capital Improvement Program (Fin)

Bill Guerin, Public Works Director introduced April Miller, Senior Civil Engineer who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speaker: Tarrell Kullaway, Marin County Bicycle Coalition

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution.

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

Resolution 14909 - Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A Funds for July 1, 2021 – June 30, 2022

Councilmember Bushey 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

- b. **Marin-Sonoma Bike Share Program**

Resolution Authorizing Bolt Mobility to Operate Shared Electric Bicycles within City Limits and Authorizing the City Manager to Enter into a Coordination Agreement with Bolt Mobility, the Sonoma County Transportation Authority, Transportation Authority of Marin, and Partner Agencies to Implement a Regional Bike Share Program (PW)

Bill Guerin, Public Works Director introduced Lauren Davini, Traffic Engineer who presented the Staff Report.

Staff, including Scott McDonald, Transportation Authority of Marin (TAM), responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Sunny Lee, Warren Wells, Marin County Bicycle Coalition

Staff responded to public comments.

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 14910 - Resolution Authorizing Bolt Mobility to Operate Shared Electric Bicycles within City Limits and Authorizing the City Manager to Enter into a Coordination Agreement with Bolt Mobility, the Sonoma County Transportation Authority, Transportation Authority of Marin, and Partner Agencies to Implement a Regional Bike Share Program

c. **Third Street Improvements**

Resolution Accepting the Third Street Rehabilitation Project and Directing Staff to Request Construction Funding from the Transportation Authority of Marin (PW)

Councilmember Hill acknowledged that he has a conflict of interest due to the proximity of his residence to this project. He left the meeting before this item at 9:30 p.m.

Bill Guerin, Public Works Director introduced April Miller, Senior Civil Engineer who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Warren Wells, Marin County Bicycle Coalition, Belle Cole Organizing for Action

(OFA), Jean Severinghaus, Bill Carney, Sustainable San Rafael, Sunny Lee, Lisa Merigian, John Reynolds, Chris, Donald Herzog, Parker Day, Rodney, Rick Coates, Lauren, Greg, Sarah Boudreau, Sean, Matt Farber, Emily McFarland and Douglas Kelley, Dr. Geoffrey Fletcher, Hans, Richard and Alison Whittaker, Henry Diaz, Debra Melvin, Mike Ferro, Patrick Walsh, Susan, Barbara Jean Jones, John, John Anicetti, Dave Rhoads, Andres, Raoul Wertz, Theresa Kamler, Scott Ferguson, Mike Cass, Christopher Lish, Bill Melbostad, name withheld, Max Ernst, Phil Mooney, Nathan Cohen, Kate Powers, Lori

Councilmembers provided comments. Staff responded to further questions.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to adopt the resolution.

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

Resolution 14911 - Resolution Accepting the Third Street Rehabilitation Project and Directing Staff to Request Construction Funding from the Transportation Authority of Marin

Councilmember Hill returned to the meeting after this item at 10:38 p.m.

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 10:38 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2021

KATE COLIN, Mayor