



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, JUNE 21, 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 held virtually using Zoom and is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to city.clerk@cityofsanrafael.org.
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

Any member of the public who needs accommodations should contact the City Clerk (email city.clerk@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-2021-06-21>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

ID: 886 9407 0354

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-2021-06-21>
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 7:00 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 elevating positive community engagement going forward, last meeting for Director of Homeless Planning and Outreach Andrew Hening and a land acknowledgment.

City Clerk Lindsay Lara announced the process for Spanish interpretation tonight. She informed the community that the meeting would be streamed live to YouTube and through Zoom and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone or through Zoom. Also, City Clerk Lara announced that the City is preparing a hybrid virtual public meeting model and informed the community of the public comment modifications for City Council and Planning Commission meetings, as of June 15th.

OPEN TIME FOR PUBLIC EXPRESSION

Correspondence in real-time through Zoom or on telephone

- Pam Reaves addressed the City Council regarding the Planning Commission Appointment item.
- Victoria DeWitt addressed the City Council regarding the Planning Commission Appointment item.
- Shirley Fischer addressed the City Council regarding the Planning Commission Appointment item.
- M. Anne Hussong addressed the City Council regarding traffic concerns on Laurel Place and Robert Dollar Drive.
- Susan Adler addressed the City Council regarding safety and traffic concerns in Boyd Park and Laurel neighborhood.
- David Smith addressed the City Council regarding Boards & Commissions application process.
- Rita Channon addressed the City Council regarding the Boyd Park homeless encampment.

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- COVID-19 and the City's response update
- Drought update
- 9th consecutive year for the City to receive the Certificate of Achievement for Excellence in Financial Reporting (from The Government Finance Officers Association of the US and Canada)
- Boards and Commissions vacancies

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

- Councilmember Bushey reported on Dining Under the Lights, as well as, Central Marin Sanitation Agency and Loch Lomond Development Oversight Committee meetings.
- Councilmember Hill reported on the upcoming Parks & Recreation Master Plan process and an upcoming Association of Bay Area Government (ABAG) meeting.
- Councilmember Kertz reported on Age-Friendly Initiative, homelessness and Marin Wildfire Prevention Authority (MWPA) meetings.
- Councilmember Llorens Gulati reported on a Canal Policy Working Group meeting, Pickleweed Advisory Committee interviews and a Transportation Authority of Marin (TAM) meeting.
- Mayor Kate reported on Central Marin Sanitation Agency, Marin Recovers, SMART and homelessness meetings.

CONSENT CALENDAR:

Mayor Kate held items 5.b, 5.c and 5.g from the Consent Calendar.

Mayor Kate invited public comment on the remainder of the Consent Calendar; however, there was none.

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

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

5. Consent Calendar Items:

- a. **Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, June 7, 2021 (CC)
Approved minutes as submitted
- b. **Planning Commission Appointment**
Approve Appointment of Camille Harris to Fill One Four-Year Term to the End of June 2025 on the Planning Commission (CC)

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

Lindsay Lara, City Clerk presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Scott Frerich, Victoria DeWitt

Councilmembers provided comments.

Councilmember Hill moved and Councilmember Bushey seconded to approve appointment.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approved appointment

c. **Pickleweed Advisory Committee Appointments**

Approve Appointments of Kate Sprague, Louise Yost, Rosa Vasquez and Nancy Palacios to Fill Four Four-Year Terms to the End of December 2024 on the Pickleweed Advisory Committee Due to the Expiration of Terms of Jenny Broering, Louise Yost and Lieu Phan and the Creation of Two Additional Positions on the Pickleweed Advisory Committee (CC)

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

Lindsay Lara, City Clerk presented the Staff Report.

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

Councilmember Llorens Gulati moved and Councilmember Bushey seconded to approve appointments.

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approved appointments

d. **Statement of Economic Interests Annual Filings**

Report on Fair Political Practices Commission Form 700, Statement of Economic Interests, 2020 Annual Filings, For Section 87200 Filers and Designated Employees, Including Consultants, Design Review Board, And Park and Recreation Commission (CC)

Accepted Report

e. **Liability Claims Administration Services**

Resolution Authorizing the City Manager to Execute an Agreement with George Hills Company for the Provision of Third-Party Liability Claims Administration Services for a Three-Year Period, in an Amount Not to Exceed \$299,800 (CA)

Resolution 14933 - Resolution Authorizing the City Manager to Execute an Agreement with George Hills Company for the Provision of Third-Party Liability Claims Administration Services for a Three-Year Period, in an Amount Not to Exceed \$299,800

f. **Crime Analyst Services**

Resolution Authorizing the City Manager to Renew an Agreement for Crime Analysis Services with LexisNexis Risk Solutions, Inc., for One Year, in an Amount Not to Exceed \$143,799, And Appropriating This Amount from The Safety Grant Fund to Support the Agreement (PD)

Resolution 14934 - Resolution Authorizing the City Manager to Renew an Agreement for Crime Analysis Services with LexisNexis Risk Solutions, Inc., for One Year, in an Amount Not to Exceed \$143,799, And Appropriating This Amount from The Safety Grant Fund to Support the Agreement

g. **Third Street Rehabilitation – Contract for Construction Management, Inspection, and Material Testing**

Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Coastland Civil Engineering, Inc. For Construction Management, Inspection, And Material Testing Services Associated with The Third Street Rehabilitation Project, in an Amount Not to Exceed \$1,168,300 Funded through Grants (PW)

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

Bill Guerin, Public Works Director and April Miller, Assistant Public Works Director are present.

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 7:53 p.m.

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

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 14935 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Coastland Civil Engineering, Inc. For Construction Management, Inspection, And Material Testing Services Associated with The Third Street Rehabilitation Project, in an Amount Not to Exceed \$1,168,300 Funded through Grants

Councilmember Hill returned to the meeting after this item at 7:55 p.m.

PUBLIC HEARINGS

6. Public Hearings:

a. **Eviction Moratorium Through September 2021**

An Urgency Ordinance of the City Council of the City of San Rafael, Pursuant to California Government Code Section 36937(B), Barring Evictions in The City of San Rafael Through September 30, 2021 Due to the Public Health Emergency Arising from COVID-19 (CD)

City Clerk Lindsay Lara announced the process again for Spanish interpretation.

Alicia Giudice, Community Development Director and Leelee Thomas, Marin County Community Development Agency presented the staff report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Darling Ruiz, Voces Del Canal, Aurelia Vargas, Voces Del Canal, Maria Salinas, Voces Del Canal, Anabel Vicente, Blanca Salinas, Voces Del Canal

Meeting on recess from 8:58 p.m. – 9:06 p.m.

Speakers: Rhovy Lyn Antonio, California Apartment Association, Rosa Vasquez, Voces Del Canal, Johnson Reynolds, Cruz Vargas, Voces Del Canal

Staff responded to public comment.

Staff responded to questions from Councilmembers.

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to adopt Urgency Ordinance No. 1994, with the two modifications as presented by Staff.

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

Adopted Urgency Ordinance No. 1994 - An Urgency Ordinance of the City Council of the City of San Rafael, Pursuant to California Government Code Section 36937(b), Barring Evictions in the City of San Rafael Through September 30, 2021 Due to the Public Health Emergency Arising from COVID-19

- b. [Baypoint Lagoons Assessment District](#)
Resolution Confirming the Engineer's Annual Report for the Baypoint Lagoons Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2021-22 (PW)

Talia Smith, Senior Management Analyst presented the Staff Report.

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

Councilmembers provided comments.

Councilmember Hill 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 14936 - Resolution Confirming the Engineer's Annual Report for the Baypoint Lagoons Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2021-22

- c. [Point San Pedro Road Median Landscaping Assessment District](#)
Resolution Confirming the Engineer's Annual Levy Report for the Point San Pedro Road Median Landscaping Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2021-22 (PW)

Talia Smith, Senior Management Analyst presented the Staff Report.

Staff, including Al Cornwell, CSW/Stuber-Stroeh Engineering Group, responded to questions from Councilmembers.

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

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

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Resolution 14937 - Resolution Confirming the Engineer's Annual Levy Report for the Point San Pedro Road Median Landscaping Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2021-22

OTHER AGENDA ITEMS

7. Other Agenda Items:

- a. [**Public Art Pilot Program Update and Mural at 3301 Kerner Boulevard**](#)
Informational Report Regarding the San Rafael Pilot Public Art Program and the Installation of a Public Art Mural at 3301 Kerner Boulevard (CM)

Cristine Alilovich, Assistant City Manager presented the Staff Report on the San Rafael Pilot Public Art Program Update.

Lorenzo Jones, San Rafael Social Justice Public Art Group provided comments.

Kristen Jacobson, Youth in Arts provided comments.

Talia Smith, Senior Management Analyst presented the Staff Report on the Canal Arts Initiative Group.

Rich Storek, Canal Arts Initiative provided comments.

Staff responded to questions from Councilmembers.

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

Councilmembers provided comments.

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

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Accepted Report

- b. [Final Citywide Proposed Budget for Fiscal Year 2021-2022 and Legal Spending Limit](#)
- i. Resolution Approving the Citywide Budget and Capital Improvement Program for the Fiscal Year 2021-2022 and Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget in the Amount of \$127,789,398 (Fin);
 - ii. Resolution Approving Fiscal Year 2021-2022 Gann Appropriations Limit at \$150,770,339 (Fin)

Nadine Hade, Finance Director presented the Staff Report.

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

Resolution 14938 - Resolution Approving the Citywide Budget and Capital Improvement Program for the Fiscal Year 2021-2022 and Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget in the Amount of \$127,789,398

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

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

Resolution 14939 - Resolution Approving Fiscal Year 2021-2022 Gann Appropriations Limit at \$150,770,339

- c. [Approval of the New Memorandum of Understanding with San Rafael and San Rafael Police Association \(SRPA\)](#)

Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for San Rafael Police Association (SRPA) (July 1, 2021 Through June 30, 2024) (HR)

Sylvia Gonzalez, HR Operations Manager presented the Staff Report.

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

Councilmembers provided comments.

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

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

Resolution 14940 - Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for San Rafael Police Association (SRPA) (July 1, 2021 Through June 30, 2024)

d. [Successor Memorandum of Understanding Between the City of San Rafael and San Rafael Firefighters' Association](#)

Discussion and Consideration of a Memorandum of Understanding Pertaining to Compensation and Working Conditions for San Rafael Firefighters' Association (July 1, 2021 Through June 30, 2024) (HR)

Sylvia Gonzalez, HR Operations Manager presented the Staff Report.

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

Councilmembers provided comments.

Councilmember Hill moved and Councilmember Kertz seconded to direct staff to return with resolution adopting MOU.

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

Directed staff to return with resolution adopting MOU

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 10:58 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2021

KATE COLIN, Mayor