



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, JULY 19, 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

Absent: Councilmember Llorens Gulati

Also Present: City Manager Jim Schutz
Assistant City Attorney Lisa Goldfien
City Clerk Lindsay Lara

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2021-07-19>

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. She provided opening remarks, which included an update on returning to in-person Council meetings and a land acknowledgement.

Mayor Kate invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present, except for Councilmember Llorens Gulati.

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.

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: – None.

OPEN TIME FOR PUBLIC EXPRESSION

Correspondence in real-time through Zoom or on telephone

- Jason, addressed the City Council regarding homelessness.
- Sunny Lee, addressed the City Council regarding proposed library relocation.
- Eva Chrysanthe, addressed the City Council regarding city-sanctioned homeless encampment.

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- Canal Public Mural Project/Future Terra Linda Public Art Project update
- Service Support Area update
- Drought update
- Marin County Job Fair on August 3rd
- Farmers Market every Thursday 5-8 p.m. and Dining Under the Lights every Thursday & Friday 5-9 p.m.

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 meeting.
- Councilmember Kertz reported on Economic Development Subcommittee, Job Fair/San Rafael Age-Friendly, Service Support Area/Homelessness, Boards & Commissions Interviews and Marin Wildfire Prevention Authority (MWPA) meetings.
- Councilmember Hill provided a drought update.
- Mayor Kate reported on a SMART meeting and Boards & Commissions Interviews.

City Clerk Lindsay Lara gave an update on the recent Boards & Commissions appointments.

CONSENT CALENDAR:

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

Councilmember Kertz 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 Meeting of Tuesday, July 6, 2021 (CC)

Approved minutes as submitted

- b. **Vacancies on San Rafael Boards and Commissions
Announcement of Vacancies on San Rafael Pickleweed Advisory Committee and the
Special Library Parcel Tax Oversight Committee (CC)**

Received and filed

- c. **City Quarterly Investment Report
Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending
June 30, 2021 (Fin)**

Accepted report

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Llorens Gulati

OTHER AGENDA ITEMS

6. Other Agenda Items:

- a. **[2021-2022 City Council Redistricting Process](#)
Informational Report on Upcoming City Council Redistricting Process Following
Release of 2020 United States Census Data, and Approval of Tentative Timeline for
Adoption of New Districts by April 17, 2022 (CA)**

Lisa Goldfien, Assistant City Attorney and Chris Skinnell, Nielsen Merksamer presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Eva Chrysanthe, Sunny Lee, Kiki La Porta, Sustainable San Rafael

Staff, including Kristen Parks, National Demographics Corporation responded to public comment.

Councilmembers provided comments.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Llorens Gulati

Accepted report

PUBLIC HEARINGS

7. Public Hearings:

- a. **San Rafael General Plan 2040 and Downtown Precise Plan**
 - i. **Resolution Certifying the Final Environmental Impact Report (FEIR) (SCH #2019039167) Prepared for the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan (CD);**
 - ii. **Report on the Upcoming Review of the San Rafael General Plan 2040 Document and the Downtown Precise Plan (CD)**

Alicia Giudice, Community Development Director introduced Barry Miller, General Plan 2040 Consultant who presented the Staff Report.

Councilmembers provided comments.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: David Moller, Marin/Sonoma Building Electrification Squad, Bill Carney, Sustainable San Rafael, Damian Morgan, Eva Chrysanthe, Arlin Benevides, Multicultural Center of Marin, Kate Powers, Marin Conservation League, KiKi La Porta, Sustainable Marin/League of Women Voters, Annika Osborn Cool the Earth/Drive Clean Bay Area, Belle Cole, Organization for Action Marin (OFA), Lindsay Smith, Jason Sarris, Barbara Salzman, Marin Audubon Society, Sunny Lee

Staff responded to public comment.

Staff responded to comments and questions from Councilmembers.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Llorens Gulati

Resolution 14946 - Resolution Certifying the Final Environmental Impact Report (FEIR) (SCH #2019039167) Prepared for the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan (CD)

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

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

Accepted Report

b. [Request for Modification of Affordable Housing Requirements](#)
Resolution Modifying Conditions of Approval of Environmental and Design Review (ED18-100), Use Permit (UP18-039) and Tentative Map (TS18-006) for the Merrydale Townhomes Located at 350 Merrydale Rd/3833 Redwood Hwy to Allow Fulfillment of the Affordable Housing Requirement in Accordance with City Council Resolution 14890 (ZC19-002) (CD)

Alicia Giudice, Community Development Director introduced Ethan Guy, Consultant who presented the staff report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Robert Upton, Campus Properties, Name withheld, Bill Carney, Sustainable San Rafael, Michael Hooper, Campus Properties

Applicant Robert Upton, Campus Properties responded to public comment.

Staff responded to comments and questions from Councilmembers.

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

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

Resolution 14947 - Resolution Modifying Conditions of Approval of Environmental and Design Review (ED18-100), Use Permit (UP18-039) and Tentative Map (TS18-006) for the Merrydale Townhomes Located at 350 Merrydale Rd/3833 Redwood Hwy to Allow Fulfillment of the Affordable Housing Requirement in Accordance with City Council Resolution 14890 (ZC19-002)

c. [Request to Waive the Building Permit Fees](#)
Resolution Denying the Request for Waiver of Building Permit Fees for Vivalon Healthy Aging Affordable Housing Project at 999 Third Street (Previously Whistlestop) (APN: 011-265-01) (CD)

Alicia Giudice, Community Development Director introduced Don Jeppson, Chief Building Official who presented the staff report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Bob Pendoley, Marin Environmental Housing Collaborative (MEHC), Anne Grey, Vivalon, Tamar, Eden Housing, Bill Carney, Sustainable San Rafael

Staff responded to questions from Councilmembers.

Councilmembers provided comments.

Staff provided comments.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Llorens Gulati

Resolution 14948 - Resolution Denying the Request for Waiver of Building Permit Fees for Vivalon Healthy Aging Affordable Housing Project at 999 Third Street (Previously Whistlestop) (APN: 011-265-01)

OTHER AGENDA ITEMS (continued)

8. Other Agenda Items:

a. [Approval of the New Memorandum of Understanding with AFSCME/Local 1 & Furlough Reimbursement Side Letter](#)

Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for AFSCME / LOCAL 1 (July 1, 2021 Through June 30, 2024) and Furlough Reimbursement Side Letter (HR)

Sylvia Gonzalez, HR Operations Manager presented the Staff Report. She announced that she would be combining the Staff Reports for Items 8.a and 8.b.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Llorens Gulati

Resolution 14949 - Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for AFSCME / LOCAL 1 (July 1, 2021 Through June 30, 2024) and Furlough Reimbursement Side Letter

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

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

Resolution 14950 - Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for Western Council of Engineers (July 1, 2021 Through June 30, 2024) and Furlough Reimbursement Side Letter

b. [Approval of the New Memorandum of Understanding with Western Council of Engineers \(WCE\) & Furlough Reimbursement Side Letter](#)

Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for Western Council of Engineers (July 1, 2021 Through June 30, 2024) and Furlough Reimbursement Side Letter (HR)

Recommended Action – Adopt Resolution

The Staff Report for Item 8.b Approval of the New Memorandum of Understanding with Western Council of Engineers (WCE) & Furlough Reimbursement Side Letter was combined (and presented) with Item 8.a. See Item 8.a Approval of the New Memorandum of Understanding with AFSCME/Local 1 & Furlough Reimbursement Side Letter.

c. [Approval of the New Memorandum of Understanding with SEIU Local 1021 & Furlough Reimbursement Side Letter](#)

Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for SEIU Local 1021 (July 1, 2021 Through June 30, 2024) and Furlough Reimbursement Side Letter (HR)

Sylvia Gonzalez, HR Operations Manager presented the Staff Report.

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

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

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

Resolution 14951 - Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for SEIU Local 1021 (July 1, 2021 Through June 30, 2024) and Furlough Reimbursement Side Letter

d. **[Memorandum of Understanding Between the City of San Rafael and San Rafael Fire Chief Officers' Association](#)**

Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for San Rafael Fire Chief Officers' 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.

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

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

Resolution 14952 - Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for San Rafael Fire Chief Officers' Association (July 1, 2021 Through June 30, 2024)

e. **[Memorandum of Understanding Between the City of San Rafael and San Rafael Police Mid-Management Association](#)**

Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for San Rafael Police Mid-Management 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.

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

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

Resolution 14953 - Resolution Approving a Memorandum of Understanding Pertaining to Compensation and Working Conditions for San Rafael Police Mid-Management Association (July 1, 2021 Through June 30, 2024)

f. **Approval of the New Resolution that Authorizes Compensation for Executive Management Employees**

Resolution Establishing the Compensation and Working Conditions for Unrepresented Executive Management Employees (July 1, 2021 through June 30, 2024) and FY 20-21 Furlough Repayment (HR)

Sylvia Gonzalez, HR Operations Manager presented the Staff Report. Sylvia Gonzalez, HR Operations Manager presented the Staff Report. She announced that she would be combining the Staff Reports for Items 8.f, 8.g and 8.h.

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

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

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

Resolution 14954 - Resolution Establishing the Compensation and Working Conditions for Unrepresented Executive Management Employees (July 1, 2021 through June 30, 2024) and FY 20-21 Furlough Repayment

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

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

Resolution 14955 - Resolution Establishing the Compensation and Working Conditions for Unrepresented Mid-Management Employees (July 1, 2021 through June 30, 2024) and FY 20-21 Furlough Repayment

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

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

Resolution 14956 - Resolution Establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part-Time City Attorney (July 1, 2021 Through June 30, 2024) and FY 20-21 Furlough Repayment

g. [Approval of the New Resolution that Authorizes Compensation for Mid-Management Employees](#)

Resolution Establishing the Compensation and Working Conditions for Unrepresented Mid-Management Employees (July 1, 2021 through June 30, 2024) and FY 20-21 Furlough Repayment (HR)

Recommended Action – Adopt Resolution

The Staff Report for Item 8.g Approval of the New Resolution that Authorizes Compensation for Mid-Management Employees was combined (and presented) with Item 8.f. See Item 8.f Approval of the New Resolution that Authorizes Compensation for Executive Management Employees.

h. [Approval of the New Salary Resolution that Authorizes Compensation for Elected City Clerk and Part-Time City Attorney](#)

Resolution Establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part-Time City Attorney (July 1, 2021 Through June 30, 2024) and FY 20-21 Furlough Repayment (HR)

Recommended Action – Adopt Resolution

The Staff Report for Item 8.h Approval of the New Salary Resolution that Authorizes Compensation for Elected City Clerk and Part-Time City Attorney was combined (and presented) with Item 8.f. See Item 8.f Approval of the New Resolution that Authorizes Compensation for Executive Management Employees.

[SAN RAFAEL SUCCESSOR AGENCY:](#)

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

Member Bushey moved and Member Kertz seconded to approve the Consent Calendar.

1. Consent Calendar:

a. **Successor Agency Quarterly Investment Report**

Acceptance of Successor Agency Quarterly Investment Report for the Quarter Ending June 30, 2021 (Fin)

Accepted report

AYES: Members: Bushey, Hill, Kertz & Chair Kate

NOES: Members: None

ABSENT: Members: Llorens Gulati

[ADJOURNMENT:](#)

Mayor Kate adjourned the meeting at 11:12 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2021

KATE COLIN, Mayor