



## MINUTES

**SAN RAFAEL CITY COUNCIL – MONDAY, AUGUST 16, 2021**

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

**Watch on Webinar: <https://tinyurl.com/cc-2021-08-16>**

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

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

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

### **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](http://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](mailto: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](mailto: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  
Councilmember Hill  
Councilmember Kertz (absent after 8:15 p.m.)  
Councilmember Llorens Gulati

Absent: Vice Mayor Bushey

Also Present: Assistant City Manager Cristine Alilovich  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

### **OPEN SESSION - (669) 900-9128 ID: 853-8238-1398# - 6:30 P.M.**

1. Mayor Kate to announce Closed Session items.

### **CLOSED SESSION**

2. Closed Session:
  - a. Conference with Legal Counsel—Existing Litigation  
Government Code section 54956.9(d)(1)  
Name of case: Karl Bracy v. Officer Joseph Jordan et al., U.S. District Court Northern District of California Case No. 4:20-cv-07585 DMR

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, except for Vice Mayor Bushey.

City Attorney Robert Epstein announced that reportable action was taken in the Closed Session held prior to the meeting. The City Council voted to approve a settlement in the pending case of Karl Bracy v. City of San Rafael, et. al. He indicated the terms of the settlement include the City will pay the sum of \$29,500.00 in exchange for the plaintiff's dismissal of the case with prejudice and release of all claims.

Mayor Kate provided opening remarks, which included the recent, updated UN Climate Report, wildfire prevention, conserving water, back to school time and a land acknowledgment.

City Clerk Lindsay Lara informed the community that the meeting would be recorded and 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 TIME FOR PUBLIC EXPRESSION**

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

**CITY MANAGER'S REPORT:**

3. City Manager's Report:

Assistant City Manager Cristine Alilovich announced:

- COVID-19 update
- County rental assistance update
- City's eviction moratorium update
- Measure A update

**COUNCILMEMBER REPORTS:**

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

4. Councilmember Reports:

- Councilmember Kertz reported on the Social Justice Community Art project, Marin Homeless Policy Steering Committee, Economic Development Subcommittee, and upcoming Age-Friendly Committee/CERT/Fire Department events.
- Councilmember Hill reported on an Ad Hoc Green Micro Grid Solutions Policy Makers Group meeting.
- Councilmember Llorens Gulati reported on a Grand Opening for the De Colores Children's Center and Safety Net Services Hub.
- Mayor Kate reported on National Night Out, Grand Opening of first part of Public Art process at 3301 Kerner Blvd. and a Canal Policy Working Group meeting.

## **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 Monday, August 2, 2021 (CC)**  
*Approved minutes as submitted*
- b. **Sale of 30 Joseph Court Property to County of Marin**  
**Resolution Authorizing the Mayor to Sign the Grant Deed and Escrow Documents for Sale of Real Property Located at 30 Joseph Court to the County of Marin (CA/PW)**  
*Resolution 14962 - Resolution Authorizing the Mayor to Sign the Grant Deed and Escrow Documents for Sale of Real Property Located at 30 Joseph Court to the County of Marin*
- c. **San Rafael General Plan 2040 Ordinance Adoption**  
**Final Adoption of Ordinance No. 1996: An Ordinance Amending the San Rafael Municipal Code Amending Title 14 (Zoning Ordinance) and Amending the Zoning Map of the San Rafael Municipal Code to: A) Repeal the Existing Downtown Zoning Districts, and Replace with Downtown Mixed-Use (DMU) District; B) Amend, Delete and Replace Certain Zoning Provisions Applicable to Downtown San Rafael; and C) Amend, Delete and Replace Other Zoning Regulations to Comply with State Law and Incorporate Other Minor Changes, Corrections and Updates (CD)**  
*Final Adoption of Ordinance No. 1996*
- d. **San Rafael Downtown Precise Plan Ordinance Adoption**  
**Final Adoption of Ordinance No. 1997: An Ordinance Adopting the Downtown San Rafael Precise Plan – Chapter 9 Downtown Form-Based Code to Serve as the Primary Regulatory City Zoning Code for Downtown San Rafael (CD)**  
*Final Adoption of Ordinance No. 1997*
- e. **Albert J. Boro Community Center Community Use Policy**  
**Resolution Approving the Updated Albert J. Boro Community Center Community Use Policy (LR)**  
*Resolution 14963 - Resolution Approving the Updated Albert J. Boro Community Center Community Use Policy*
- f. **Parks, Events, and Activities Municipal Code Amendments Ordinance Adoption**  
**Final Adoption of Ordinance No. 1998: An Ordinance Amending the San Rafael Municipal Code to Change the Name of Title 19 from “Open Space” to “Public Parks, Property, and Open Space”; to Repeal Chapter 8.10 (Parks and Recreation) and Add a**

**New Chapter 19.20 (Parks and Recreation) to Title 19; to Repeal Chapter 5.70 (Meetings Assemblies and Parades In Public Places) of Title 5 and Add a New Chapter 19.30 (Assemblies and Parades In Public Streets and Rights-Of-Way) to Title 19; to Add New Chapter 19.40 (Expressive Activities In Public Places) to Title 19; to Add New Section 5.60.054 to Chapter 5.60 (Parking Regulations); and Finding the Ordinance Exempt from the California Environmental Quality Act (CA/LR)**

*Final Adoption of Ordinance No. 1998*

**g. Renewal of Abandoned Vehicle Enforcement Program  
Resolution Approving the Request to Extend the Marin County Abandoned Vehicle Abatement Program Service Authority Service Fee Through April 30, 2032 (PS)**

*Resolution 14964 - Resolution Approving the Request to Extend the Marin County Abandoned Vehicle Abatement Program Service Authority Service Fee Through April 30, 2032*

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

**OTHER AGENDA ITEMS**

**6. Other Agenda Items:**

**a. [San Rafael Social Justice Community Art Group Proposal for a Public Art Installation](#)  
Resolution Approving the Design and Installation of a Public Art Mural at Arbor Park (CM)**

Cristine Alilovich, Assistant City Manager, Damien Oyobio, San Rafael Social Justice Community Art Group, Kristen Jacobsen, Youth in Arts, Orin Carpenter, Lead Artist and Owen Martinez-Alejandre, Youth Art Assistant presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Pam, Reese

Councilmembers provided comments.

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

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

*Resolution 14966 - Resolution Approving the Design and Installation of a Public Art Mural at Arbor Park*

**Councilmember Kertz left the meeting after item 6.a, at 8:15 p.m.**

**SPECIAL PRESENTATIONS**

7. Special Presentations:

a. Presentation by PG&E on Wildfire Planning (PW)

Bill Guerin, Public Works Director introduced Mark van Gorder and Austin Sharp, Pacific Gas and Electric who gave a presentation.

Presenters responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Jennifer, David Smith

Presenters responded to public comment.

Councilmembers provided comments.

b. Presentation of Proclamation in Recognition of National Preparedness Month 2021 (FD)

Mayor Kate presented a Proclamation to Quinn Gardner, Emergency Management Coordinator.

Quinn Gardner, Emergency Management Coordinator provided comments.

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

Fire Chief Darin White provided comments.

**PUBLIC HEARINGS**

8. Public Hearings:

a. **Authorization for Background Checks**

**City Council Authorization for Background Checks for City Employment and City Licenses (PD)**

Police Chief David Spiller presented the Staff Report.

Staff responded to questions from Councilmembers.

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

i. **Consideration of an Ordinance of the City of San Rafael City Council Adding Chapter 2.22 to the San Rafael Municipal Code, Entitled "Background Checks"**

Councilmember Hill moved and Councilmember Llorens Gulati seconded to pass the ordinance to print.

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

*Passed Ordinance No. 1999 to print*

ii. **Resolution Authorizing the City to Access State and Federal Summary Criminal History for New Employee and Licensee Background Information Through the Department of Justice**

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

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

*Resolution 14966 - Resolution Authorizing the City to Access State and Federal Summary Criminal History for New Employee and Licensee Background Information Through the Department of Justice*

**OTHER AGENDA ITEMS (continued)**

9. Other Agenda Items:

a. **[San Rafael 2023-2031 Housing Element](#)  
Informational Report on the 2023-2031 Housing Element and Community Engagement Program (CD)**

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

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Reese, Phil Hallstein, Responsible Growth Marin (RGM), David Smith

Staff responded to public comment.

Councilmembers provided comments.

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

AYES: Councilmembers: Hill, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: Bushey, Kertz

*Accepted report*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 10:01 p.m.

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

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

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