



## MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, SEPTEMBER 13, 2021

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2021-09-13>

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

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

### 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).

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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

### **OPEN SESSION - (669) 900-9128 ID: 827-9460-3029# - 5:30 P.M.**

1. Mayor Kate to announce Closed Session item.

### **CLOSED SESSION**

2. Closed Session:
  - a. Conference with Labor Negotiators – Government Code Section 54957.6  
Lead Negotiator: Timothy L. Davis (Burke, Williams & Sorensen)  
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Sylvia Gonzalez, Carmen Valdez  
Employee Organization: SEIU – Childcare

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 Rosh Hashanah, the 20<sup>th</sup> anniversary of 09/11 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.

### **OPEN TIME FOR PUBLIC EXPRESSION**

Correspondence in real-time through Zoom or on telephone

- Eva Chrysanthe, addressed the City Council regarding 09/11 and the death of an unhoused woman in Marin.

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

3. City Manager's Report:

City Manager Jim Schutz announced:

- In-person City Council meeting update
- Wildfire Safety Forum on September 22 at 6 p.m.

Battalion Chief Matt Windrem and Emergency Manager Quinn Gardner announced:

- Recent, local wildfires update

### **COUNCILMEMBER REPORTS:**

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

4. Councilmember Reports:

- Councilmember Bushey reported on San Rafael Sanitation District Board and Loch Lomond Development Oversight Committee meetings.
- Councilmember Hill reported on a Marin Sanitary Service facility tour.
- Councilmember Llorens Gulati reported on Climate Action Plan, Canal Alliance/Legal Aid of Marin Renter Protections and Safe Routes to Schools meetings; and a Guatemalan Independence Day event.
- Councilmember Kertz reported on **Continuum** of Care and Economic Development meetings
- Mayor Kate reported on Marin Transit, SMART, Gun Safety Collaborative and BayWAVE meetings.

### **CONSENT CALENDAR:**

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

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 Meeting of Monday, August 16, 2021 (CC)**

*Approved minutes as submitted*

- b. **Authorization for Background Checks**  
**Final Adoption of Ordinance No. 1999: An Ordinance of the City of San Rafael City Council Adding Chapter 2.22 to the San Rafael Municipal Code, Entitled "Background Checks" (PD)**  
*Final Adoption of Ordinance No. 1999*
  
- c. **Future Property Annexation to the City of San Rafael**  
**Resolution Authorizing the Mayor to Execute an Agreement Between the City and Andrews Living Trust Et. Al. Regarding Future Annexation of Property Located at 345 Highland Avenue (APN 016-011-20) In the Unincorporated Country Club Neighborhood to the City of San Rafael (CD)**  
*Resolution 14967 - Resolution Authorizing the Mayor to Execute an Agreement Between the City and Andrews Living Trust Et. Al. Regarding Future Annexation of Property Located at 345 Highland Avenue (APN 016-011-20) In the Unincorporated Country Club Neighborhood to the City of San Rafael*
  
- d. **Security Services for the Service Support Area**  
**Resolution Authorizing the City Manager to Execute and Continue as Needed a Month-to-Month Professional Services Agreement with Barbier Security Group to Provide Security Services at the Service Support Area, in an Amount Not to Exceed \$31,770 Monthly (PD)**  
*Resolution 14968 - Resolution Authorizing the City Manager to Execute and Continue as Needed a Month-to-Month Professional Services Agreement with Barbier Security Group to Provide Security Services at the Service Support Area, in an Amount Not to Exceed \$31,770 Monthly*
  
- e. **San Rafael Police Department Unmarked Fleet Replacement 2021**  
**Resolution Approving and Authorizing the Director of Public Works to Purchase Six Unmarked Toyota Highlander Hybrids, In an Amount Not to Exceed \$282,000 (PW)**  
*Resolution 14969 - Resolution Approving and Authorizing the Director of Public Works to Purchase Six Unmarked Toyota Highlander Hybrids, In an Amount Not to Exceed \$282,000*
  
- f. **Bungalow and Woodland Resurfacing Project**  
**Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Bungalow and Woodland Resurfacing Project, City Project No. 11397, To Ghilotti Bros., Inc. in the Amount of \$737,373.77, and Authorizing Contingency Funds in the Amount of \$112,262.23, for a Total Appropriated Amount of \$850,000 (PW)**  
*Resolution 14970 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Bungalow and Woodland Resurfacing Project, City Project No. 11397, To Ghilotti Bros., Inc. in the Amount of \$737,373.77, and Authorizing Contingency Funds in the Amount of \$112,262.23, for a Total Appropriated Amount of \$850,000*
  
- g. **Southern Height Bridge Replacement**  
**Resolution Approving and Authorizing the City Manager to Execute a First Amendment to the Agreement with Substrate, Inc. For Additional Construction Management, Inspection, And Materials Testing Services, In an Additional Contract Amount Not to Exceed \$65,885 (PW)**

*Resolution 14971 - Resolution Approving and Authorizing the City Manager to Execute a First Amendment to the Agreement with Substrate, Inc. For Additional Construction Management, Inspection, And Materials Testing Services, In an Additional Contract Amount Not to Exceed \$65,885*

**h. Third Street / San Rafael High School Crosswalk Project Notice of Completion  
Accept Completion of The Third Street / San Rafael High School Crosswalk Project  
(City Project No. 11354), And Authorize the City Clerk to File the Notice of Completion  
(PW)**

*Accepted Completion and Authorized City Clerk to File Notice of Completion*

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

**OTHER AGENDA ITEMS**

**6. Other Agenda Items:**

**a. [2021-2022 City Council Redistricting Process](#)  
Informational Report on (1) Legal and Policy Criteria Governing Redistricting; and (2)  
Preliminary Demographics of Existing Council Districts Based on Census "Legacy" Data  
(CA)**

Chris Skinnell, Legal Counsel presented the Staff Report.

Staff responded to questions from Councilmembers.

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

Councilmembers provided comments.

Councilmember Kertz 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*

**SPECIAL PRESENTATIONS**

**7. Special Presentations:**

**a. Presentation of Proclamation in Recognition of National Suicide Prevention and Awareness  
(Fin)**

Mayor Kate presented a Proclamation to Nadine Hade, Finance Director.

Nadine Hade, Finance Director provided comments.

Mayor Kate provided comments.

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

b. Presentation of Proclamation in Recognition of Hispanic Heritage Month (HR)

Mayor Kate presented a Proclamation to Sylvia Gonzalez, HR Operations Manager.

Sylvia Gonzalez, HR Operations Manager provided comments.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

Mayor Kate closed the public comment period.

**PUBLIC HEARINGS**

8. Public Hearings:

a. [Ground Lease to Centertown II, LP of 855 C Street](#)

**First Introduction: Consideration of an Ordinance Approving and Authorizing the Mayor to Execute a Ground Lease of the Real Property at 855 C Street, San Rafael (Centertown) to Centertown II, LP (ED)**

Danielle O'Leary, Director of Economic Development and Innovation presented the Staff Report.

Staff, including David Rosenthal, Legal Counsel responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speaker:** Sarah White, BRIDGE and EAH

Staff responded to questions from Councilmembers.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Hill seconded to pass Ordinance to print.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

*Passed Ordinance No. 2000 to print: An Ordinance Approving and Authorizing the Mayor to Execute a Ground Lease of the Real Property at 855 C Street, San Rafael (Centertown) to Centertown II, LP*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 8:49 p.m.

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LINDSAY LARA, City Clerk

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

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KATE COLIN, Mayor

DRAFT



## MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, SEPTEMBER 20, 2021

REGULAR MEETING AT 7:00 P.M.

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Present: Vice Mayor Bushey  
Councilmember Hill  
Councilmember Kertz  
Councilmember Llorens Gulati

Absent: Mayor Kate

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

### OPEN SESSION - (669) 900-9128 ID: 838-2957-5412# - 5:30 P.M.

1. Mayor Kate to announce Closed Session items.

### CLOSED SESSION

2. Closed Session:
  - a. Conference with Labor Negotiators – Government Code Section 54957.6  
Lead Negotiator: Timothy L. Davis (Burke, Williams & Sorensen)  
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Robert Epstein, Nadine Hade, Sylvia Gonzalez, Susan Andrade-Wax, Catherine Quffa, Kelly Albrecht  
Employee Organization: SEIU – Childcare

Mayor Pro Tem Bushey 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 Mayor Kate.

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

Mayor Pro Tem Bushey provided opening remarks, which included a preview of tonight's agenda items 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**

Correspondence in real-time through Zoom or on telephone

- Pamela Reaves, addressed the City Council regarding speeding vehicles on Las Colindas, Las Gallinas and Freitas.

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

3. City Manager's Report:

City Manager Jim Schutz announced:

- Golden Gate Bridge Highway and Transportation District Draft Environmental Impact Report (EIR) update
- Marin Wildfire Prevention Authority (MWPA) Zonehaven update
- 1 Hour 2 Get Ready Class to be held on September 21 at noon
- Community Wildfire Forum to be held on September 22 at 5:30 p.m.

### **COUNCILMEMBER REPORTS:**

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

4. Councilmember Reports:

- Councilmember Hill reported on an Association of Bay Area Government (ABAG) meeting.
- Councilmember Kertz reported on County Homeless Committee and Marin Wildfire Prevention Authority meetings.
- Councilmember Llorens Gulati reported on an International Coastal Clean-up event and a Sustainable San Rafael meeting.
- Mayor Pro Tem Bushey reported on a Marin Evening Rotary meeting and a ribbon cutting event for the Mind Therapy Residential Treatment Center.

### **CONSENT CALENDAR:**

Mayor Pro Tem Bushey invited public comment; however, there was none.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to approve the Consent Calendar.

5. Consent Calendar Items:

- a. **Ground Lease to Centertown II, LP of 855 C Street  
Final Adoption of Ordinance 2000: An Ordinance Approving and Authorizing the Mayor to Execute a Ground Lease of the Real Property at 855 C Street, San Rafael (Centertown) to Centertown II, LP (CC)**



- b. **Marin Endurance Festival Special Event Street Closure**  
**Resolution Authorizing the Temporary Closure of Point San Pedro Road from Riviera Drive to Biscayne Drive for the Marin Endurance Festival on October 30<sup>th</sup> and 31<sup>st</sup>, 2021 (PD)**  
*Resolution 14972 - Resolution Authorizing the Temporary Closure of Point San Pedro Road from Riviera Drive to Biscayne Drive for the Marin Endurance Festival on October 30<sup>th</sup> and 31<sup>st</sup>, 2021*
  
- c. **Francisco Boulevard East Resurfacing Project**  
**Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Francisco Boulevard East Resurfacing Project, City Project No. 11389, to Ghilotti Construction Company, Inc. in the Amount of \$1,136,140.00, and Authorizing Contingency Funds in the Amount of \$173,860.00, for a Total Appropriated Amount of \$1,310,000.00 (PW)**  
*Resolution 14973 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Francisco Boulevard East Resurfacing Project, City Project No. 11389, to Ghilotti Construction Company, Inc. in the Amount of \$1,136,140.00, and Authorizing Contingency Funds in the Amount of \$173,860.00, for a Total Appropriated Amount of \$1,310,000.00*

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

**OTHER AGENDA ITEMS**

6. Other Agenda Items:

- a. [Climate Emergency Declaration](#)  
**Resolution Adopting a Climate Emergency Declaration and Establishing a New Long-Term Target for Greenhouse Gas Reductions (CM)**

Cory Bytof, Sustainability Program Manager presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Pro Tem Bushey invited public comment.

**Speakers:** David Moller, Eva Chrysanthe, Pam Reaves, Marin Conservation League, Jeff Rhoads, Resilient Shore, Sarah Spengeman, Arlin Benavides, Multicultural Center of Marin, Bill Carney, Sustainable San Rafael, Max Perrey, Redwood Community Health Coalition (RCHC), Name withheld, Annika Osborn, Cool the Earth, Marilyn Price, Belle Cole, Organizing for Action (OFA) Marin

Staff responded to public comment.

Councilmembers provided comments.

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

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

*Resolution 14974 - Resolution Adopting a Climate Emergency Declaration and Establishing a New Long-Term Target for Greenhouse Gas Reductions*

RECESS 8:03 – 8:09 p.m.

b. [Grand Jury Report on Adapting to Climate Change](#)

**Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael’s Final Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled, “Climate Change: How Will Marin Adapt?” (CM)**

Cory Bytof, Sustainability Program Manager presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Pro Tem Bushey invited public comment.

**Speakers:** Jeff Rhoads, Bill Carney, Sustainable San Rafael

Councilmembers provided comments.

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

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

*Resolution 14975 - Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael’s Final Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled, “Climate Change: How Will Marin Adapt?”*

c. [Fiscal Year 2020-2021 City-Wide Budget Amendments and Fiscal Year 2021-2022 Update](#)

Nadine Hade, Finance Director presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Pro Tem Bushey invited public comment.

**Speaker:** Victoria DeWitt

Staff responded to public comment.

Councilmembers provided comments.

i. **Resolution Adopting Amendments to the City of San Rafael Budget for Fiscal Year 2020-2021 for the Purpose of Confirming Authorized Appropriations and Transfers (Fin)**

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

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

*Resolution 14976 - Resolution Adopting Amendments to the City of San Rafael Budget for Fiscal Year 2020-2021 for the Purpose of Confirming Authorized Appropriations and Transfers*

ii. **Resolution Adopting Amendments for Fiscal Year 2021-2022 for the Purposes of Personnel Changes (Fin)**

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

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

*Resolution 14977 - Resolution Adopting Amendments for Fiscal Year 2021-2022 for the Purposes of Personnel Changes*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Pro Tem Bushey adjourned the meeting at 8:51 p.m.

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LINDSAY LARA, City Clerk

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

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MARIBETH BUSHEY, Mayor Pro Tem