



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, OCTOBER 18, 2021

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2021-10-18>

Watch on YouTube: 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.

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
City Attorney Robert Epstein
City Clerk Lindsay Lara

OPEN SESSION - (669) 900-9128 ID: 884-5199-9092# - 6:15 P.M.

1. Mayor Kate to announce Closed Session items.

Councilmember Hill recused himself and left the Closed Session at 6:17 p.m. He returned at the start of the regular meeting at 7:01 p.m.

CLOSED SESSION

2. Closed Session:

- a. Conference with Legal Counsel
Anticipated Litigation (Government Code Section 54956.9(d)(4))
Number of Potential Cases: One

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 Councilmember Llorens Gulati.

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 the recent rain, a water conservation reminder, Halloween trick-or-treating downtown this Saturday 1-3 p.m. 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

- Susan W., addressed the City Council regarding a recent Planning Commission assisted living development resolution adoption.

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced:

- Caltrans closure of the US 101 northbound Central San Rafael off-ramp due to the replacement of the Caltrans bridge construction from Friday, October 22 at 10 p.m. through Monday, October 25 at 5 a.m.
- Halloween trick-or-treating downtown Saturday from 1-3 p.m., Día de los Muertos alters in store fronts and Day of the Dead car parade starting at 3 p.m.
- Feedback survey on the County's proposed reusable food ware Ordinance
- The passing of City employee Ann Bauer

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

- Councilmember Bushey reported on Central Marin Sanitation Agency and Loch Lomond Marina Oversight Committee meetings.
- Councilmember Hill reported on City/School Liaison Committee and Priority Setting Committee meetings.
- Councilmember Kertz reported on MCCMC Homeless, Homeless Policy Steering Committee and upcoming Marin Wildfire Prevention Authority meetings.

[6.a Presentation of Funding for the Library by Assemblymember Levine \(LR\)](#) was advanced on the Agenda and heard at this time.

CONSENT CALENDAR:

Mayor Kate held item 5.e from the Consent Calendar.

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

Councilmember Bushey moved and Councilmember Kertz seconded to approve the Consent Calendar, excluding item 5.e.

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

5. Consent Calendar Items:

- a. **Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, October 4, 2021 (CC)
Approved minutes as submitted
- b. **Special Library Parcel Tax Oversight Committee Appointments**
Approve Reappointment of Phyllis Brinckerhoff and Appointment of Braydan Young to the Special Library Parcel Tax Oversight Committee to the End of July 2025 Due to the Expiration of Terms of Phyllis Brinckerhoff and Peter Lee (CC)
Approved appointments
- c. **Use of Teleconferencing for Public Meetings During State of Emergency**
Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of the San Rafael City Council and City Boards and Commissions During the Continuing State of Emergency Relating to the COVID-19 Pandemic (CA)
Resolution 14984 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of the San Rafael City Council and City Boards and Commissions During the Continuing State of Emergency Relating to the COVID-19 Pandemic
- d. **B Street Culvert Replacement Project**
Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for B Street Culvert Replacement Project, City Project No. 11380 to Maggiora & Ghilotti, Inc. in the Amount of \$273,273 and Authorizing Contingency Funds in the Amount of \$46,727 for a Total Appropriated Amount of \$320,000 (PW)
Resolution 14985 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for B Street Culvert Replacement Project, City Project No. 11380 to Maggiora & Ghilotti, Inc. in the Amount of \$273,273 and Authorizing Contingency Funds in the Amount of \$46,727 for a Total Appropriated Amount of \$320,000
- e. **[Consultant Services for Canal Community-Based Transportation Plan](#)**
Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with Fehr & Peers for the Preparation of the Canal Community-Based Transportation Plan (CBTP) in an Amount Not to Exceed \$79,750 and a Funding Agreement with Transportation Authority of Marin ("TAM") in an Amount Not to Exceed \$66,230 (PW)

This item was held from the Consent Calendar

Bill Guerin, Public Works Director provided comments.

Councilmember Kertz moved and Councilmember Hill seconded to approve item 5.e on the Consent Calendar.

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

Resolution 14987 - Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with Fehr & Peers for the Preparation of the Canal Community-Based Transportation Plan (CBTP) in an Amount Not to Exceed \$79,750 and a Funding Agreement with Transportation Authority of Marin ("TAM") in an Amount Not to Exceed \$66,230

- f. **City Quarterly Investment Report**
Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending September 30, 2021 (Fin)
Accepted report

- g. **Continuing City Loans from Centertown Project at 855 C Street**
Resolution Agreeing to Accept a New \$909,876 Promissory Note from Centertown II, LP, Representing the Remaining Obligations Under Two Outstanding Promissory Notes from Centertown Associates, Ltd., and Related Matters (ED)
Resolution 14986 - Resolution Agreeing to Accept a New \$909,876 Promissory Note from Centertown II, LP, Representing the Remaining Obligations Under Two Outstanding Promissory Notes from Centertown Associates, Ltd., and Related Matters

SPECIAL PRESENTATIONS

6. Special Presentations:

- a. [Presentation of Funding for the Library by Assemblymember Levine \(LR\)](#)

This item was advanced on the agenda and heard before the Consent Calendar.

Assemblymember Marc Levine provided comments.

Mayor Kate displayed the check from the State and provided comments.

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

- b. [Presentation of Beacon Award by the Institute for Local Government \(CM\)](#)

Nikita Sinha, Institute of Local Government gave a presentation.

Mayor Kate displayed the plaque from the Institute and provided comments.

Mayor Kate invited public comment.

Speaker: Bill Carney, Sustainable San Rafael

PUBLIC HEARINGS

7. Public Hearings:

- a. [Urgency Ordinance Regarding Accessory Dwelling Units](#)

An Urgency Ordinance of the City Council of the City of San Rafael Establishing a Temporary Moratorium on Accessory Dwelling Units and Junior Accessory Dwelling Units on Properties Accessed Solely from Certain Hillside Streets Within City of San Rafael, and Declaring the Urgency Thereof (CD)

Ali Giudice, Community Development Director introduced Jacob Noonan, Housing Program Manager who presented the Staff Report.
Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Victoria DeWitt, John Reynolds

Councilmembers provided comments.

Councilmember Hill moved and Councilmember Bushey seconded to adopt the urgency ordinance.

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

Adopted Urgency Ordinance 2001 - An Urgency Ordinance of the City Council of the City of San Rafael Establishing a Temporary Moratorium on Accessory Dwelling Units and Junior Accessory Dwelling Units on Properties Accessed Solely from Certain Hillside Streets Within City of San Rafael, and Declaring the Urgency Thereof

OTHER AGENDA ITEMS

8. Other Agenda Items:

- a. [City of San Rafael Essential Facilities Construction Project – Fire Stations 54 and 55:](#)
City of San Rafael Essential Facilities Construction Project – Fire Stations 54 and 55: (PW)

Bill Guerin, Public Works Director introduced Fabiola Guillen-Urfer, Senior Project Manager who presented the Staff Report.

Staff responded to questions from Councilmembers.

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

Councilmembers provided comments.

- i. **Resolution Awarding and Authorizing the City Manager to Execute a Construction Contract to Wickman Development and Construction, Inc. for the City of San Rafael Essential Facilities Construction Project – Fire Stations 54 and 55, in the Amount of \$8,809,000, and Authorizing Construction Contingency Funds in the Amount of \$880,900, for a Total Appropriated Amount of \$9,689,000**

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 14988 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Contract to Wickman Development and Construction, Inc. for the City of San Rafael Essential Facilities Construction Project – Fire Stations 54 and 55, in the Amount of \$8,809,000, and Authorizing Construction Contingency Funds in the Amount of \$880,900, for a Total Appropriated Amount of \$9,689,000

ii. Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Loving Campos Associates Architects, Inc. for Construction Administration, Scheduling, and Additional Services for Phase 2 Essential Facilities Projects – Fire Stations 54 and 55, in the Amount of \$280,300

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 14989 - Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Loving Campos Associates Architects, Inc. for Construction Administration, Scheduling, and Additional Services for Phase 2 Essential Facilities Projects – Fire Stations 54 and 55, in the Amount of \$280,300

b. [SEIU Local 1021 Child Care Successor Memorandum of Understanding](#) Discussion and Consideration of a Memorandum of Understanding Pertaining to Compensation and Working Conditions for SEIU Local 1021 Child Care (November 1, 2021 Through October 31, 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 accept the report and direct staff to return with resolution adopting MOU.

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

Accepted report and directed staff to return with resolution adopting MOU

[SAN RAFAEL SUCCESSOR AGENCY:](#)

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

Member Kertz moved and Member Hill 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 September 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 in honor of Ann Bauer, Volunteer Program Assistant at 8:39 p.m.

 LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2021

 KATE COLIN, Mayor