



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, FEBRUARY 7, 2022

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2022-02-07>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

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CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). 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 Kertz
Councilmember Bushey
Councilmember Hill
Councilmember Llorens Gulati

Absent: None

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

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: None

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.

Mayor Kate provided opening remarks, which included a land acknowledgement, gratitude to City Staff, Chinese New Year and Black History Month.

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

- Lori Schifrin, addressed the City Council regarding statistics requested on the Third Street Corridor at the January 18, 2022 Council Meeting.

CITY MANAGER'S REPORT:

3. City Manager's Report:

Assistant City Manager Cristine Alilovich announced:

- Potential upcoming strike with Golden Gate Transit Union Local ATU 1575
- Community Conversation events update

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

COUNCILMEMBER REPORTS:

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

4. Councilmember Reports:

- Councilmember Kertz reported on MCCMC Homeless Committee, Terra Linda Homeowners' Association, Marin Wildfire Prevention Authority and Mont Marin Neighborhood meetings.
- Councilmember Bushey reported on Loch Lomond Oversight Committee and San Rafael Sanitation meetings. She announced her upcoming District 3 Community Conversation on February 9, at 5:30 p.m.
- Councilmember Llorens Gulati reported on Climate Action Plan Forum, East San Rafael Parking Task Force, Canal Neighborhood Community-Based Transportation Plan, and MCCMC Climate Action Committee meetings.
- Councilmember Hill reported on a City/School Liaison Committee meeting.
- Mayor Kate reported on SMART, Marin Economic Recovery Committee, Gun Safety Collaborative, BayWAVE, Transportation Authority of Marin and Marin Transit meetings.

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

CONSENT CALENDAR:

Mayor Kate invited public comment.

Speaker: Name Withheld

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

5. Consent Calendar Items:

- Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular Meeting of Tuesday, January 18, 2022 (CC)
Approved minutes as submitted

- b. **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 15023 - 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
- c. **Fire Station 54 & 55 - Inspection of Record Services Resolution Authorizing the City Manager to Execute a Professional Services Agreement with 4LEAF, Inc. for Inspection of Record Services Related to Phase 2 Essential Facilities Projects - Fire Station 54 and 55 In the Amount of \$126,100 (PW)**
Resolution 15024 - Resolution Authorizing the City Manager to Execute a Professional Services Agreement with 4LEAF, Inc. for Inspection of Record Services Related to Phase 2 Essential Facilities Projects - Fire Station 54 and 55 In the Amount of \$126,100
- d. **FY 2021-22 Vehicle Replacement Resolution Authorizing the City Manager to Purchase Five (5) Patrol Cars for the Police Department and Two (2) Parking Enforcement Vehicles for the Parking Services Department in a Total Amount Not to Exceed \$476,805 (PW)**
Resolution 15025 - Resolution Authorizing the City Manager to Purchase Five (5) Patrol Cars for the Police Department and Two (2) Parking Enforcement Vehicles for the Parking Services Department in a Total Amount Not to Exceed \$476,805
- e. **PG&E Easement Required for Fire Station 54 Resolution Authorizing the City Manager to Execute a Grant of Easement Deed for Public Utility Purposes to Pacific Gas and Electric Company for the City's Fire Station 54 Project (PW)**
Resolution 15026 - Resolution Authorizing the City Manager to Execute a Grant of Easement Deed for Public Utility Purposes to Pacific Gas and Electric Company for the City's Fire Station 54 Project
- f. **Americans with Disabilities Act (ADA) Improvements at Albert Park Ball Field Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for Installation of a Prefabricated Restroom Building and Access Ramp at Albert Park Ball Field, City Project No. 11372, to McNabb Construction Inc. in the Amount of \$184,884, and Authorizing Contingency Funds in the Amount of \$20,116, For a Total Appropriated Amount of \$205,000 (PW)**
Resolution 15027 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for Installation of a Prefabricated Restroom Building and Access Ramp at Albert Park Ball Field, City Project No. 11372, to McNabb Construction Inc. in the Amount of \$184,884, and Authorizing Contingency Funds in the Amount of \$20,116, For a Total Appropriated Amount of \$205,000
- g. **Francisco Boulevard East Resurfacing Project Accept Completion of the Francisco Boulevard East Resurfacing Project (City Project No. 11389), and Authorize the City Clerk to File the Notice of Completion (PW)**
Accepted Completion and authorized City Clerk to file Notice of Completion

- h. **Temporary Street Closure to Support Voces Del Canal Resolution Authorizing Alto Street Closure on February 26, 2022 to Support Voces Del Canal to Host an Outdoor Photography Exhibit (PW)**
Resolution 15028 - Resolution Authorizing Alto Street Closure on February 26, 2022 to Support Voces Del Canal to Host an Outdoor Photography Exhibit

SPECIAL PRESENTATIONS

6. Special Presentations:

- a. Presentation of Proclamation Supporting Black History Month (HR)

Mayor Kate presented the proclamation.

Sylvia Gonzalez, HR Operations Manager provided comments.

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

PUBLIC HEARINGS

7. Public Hearings:

- a. **[The Neighborhood at Los Gamos, a Proposed Mixed-Use Project Consisting of Residential and Commercial Land Uses on the Property at the Southerly Terminus of Los Gamos Drive North of Oleander Drive; Christopher Hart, Applicant and Property Owner](#)**
Adopt Resolutions and Pass Ordinance to Print Related to The Neighborhood at Los Gamos Proposed Mixed-Use Project (CD)

Alicia Giudice, Community Development Director introduced Sean Kennings, Project Planner who presented the Staff Report.

Staff responded to questions from Councilmembers.

Applicant Team gave a presentation.

Applicant Team and Staff responded to questions from the Councilmembers.

Mayor Kate invited public comment.

Speakers: Michael McLennan, David Moller, Marin/Sonoma Building Electrification Squad, Warren Wells, Marin County Bicycle Coalition, Linda Jackson, Sustainable San Rafael, Linda Haumann, Marin Organizing Committee, Jeff Bialik, Housing Crisis Action Marin Steering Committee, Cece Osborn, Andrew Ward, Marin YMCA, Bob Pendoley, Marin Environmental Housing Collaborative (MEHC), Brian Dempsey, Mike Pelfini, San Rafael Chamber of Commerce, Steve Harris, Carpenters Local #35, Becky Rosales, Miller Creek School District, Marcy, John Reynolds, Sunny Lee

Applicant Team and Staff responded to public comment.

Councilmembers provided comments.

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

- i. Resolution Adopting an Initial Study/Mitigated Negative Declaration and Approving a Mitigation Monitoring and Reporting Program (IS20-004);

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

Resolution 15029 - Resolution Adopting an Initial Study/Mitigated Negative Declaration and Approving a Mitigation Monitoring and Reporting Program (IS20-004)

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

- ii. Resolution Approving a General Plan Amendment (GPA 20-001) from Hillside Resource Residential to Neighborhood Commercial Mixed Use;

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

Resolution 15030 - Resolution Approving a General Plan Amendment (GPA 20-001) from Hillside Resource Residential to Neighborhood Commercial Mixed Use

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to pass Ordinance No. 2003 to print.

- iii. Ordinance Approving a Zone Change (ZC 20-002) from Planned District - Hillside Development Overlay District (PD-H) and Residential - Hillside Development Overlay District (R2A-H) to Planned Development District (PD);

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

Passed to print Ordinance No. 2003 Approving a Zone Change (ZC 20-002) from Planned District - Hillside Development Overlay District (PD-H) and Residential - Hillside Development Overlay District (R2A-H) to Planned Development District (PD)

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

- iv. Resolution Approving Environmental and Design Review (ED-20-058) and a Vesting Tentative Parcel Map (TS20-002)

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

Resolution 15031 - Resolution Approving Environmental and Design Review (ED-20-058) and a Vesting Tentative Parcel Map (TS20-002)

OTHER AGENDA ITEMS:

8. Other Agenda Items:

a. **Third Street Rehabilitation Project**

Adopt Resolutions Related to the Third Street Rehabilitation Project, City Project No. 11315 (PW)

Councilmember Hill recused himself from this item and left the meeting at 9:12 p.m.

City Attorney Rob Epstein provided comments.

Bill Guerin, Public Works Director introduced April Miller, Assistant Public Works Director who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Amy Likover, Federation of San Rafael Neighborhoods, Wendi Kallins, Safe Routes to Schools, Name Withheld, Arlin Benavidas, Sustainable San Rafael, Bill Carney, Sustainable San Rafael, Name Withheld, Judy Schreiber, Marin Group Sierra Club, Warren Wells, Marin County Bicycle Coalition, Maren DeGraff, John Reynolds, Eric Schmitt, Charles Pierce, Cece Osborn, Victoria DeWitt, Annika Osborn, Jean Severinghaus, Sunny Lee

Staff responded to public comment.

Councilmembers provided comments.

Staff provided comments.

Councilmembers provided further comments.

Staff responded to further questions from the Councilmembers.

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

- i. Resolution Awarding and Authorizing the City Manager to Execute the Construction Agreement for Third Street Rehabilitation Project to Ghilotti Bros, Inc., in the Amount of \$18,248,707.54 and Authorizing Contingency Funds in the Amount of \$2,551,292.46 for a Total Appropriated Amount of \$20,800,000;

AYES: Councilmembers: Bushey, Kertz & Mayor Kate

NOES: Councilmembers: Llorens Gulati

ABSENT: Councilmembers: Hill

Resolution 15032 - Resolution Awarding and Authorizing the City Manager to Execute the Construction Agreement for Third Street Rehabilitation Project to Ghilotti Bros, Inc., in the Amount of \$18,248,707.54 and Authorizing Contingency Funds in the Amount of \$2,551,292.46 for a Total Appropriated Amount of \$20,800,000

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

- ii. Resolution Approving and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group, Inc. for Engineering Construction Support Services Associated with Third Street Rehabilitation Project, in the Amount of \$117,000 for a New Total Professional Services Agreement of \$1,042,782;

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

Resolution 15033 - Approving and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group, Inc. for Engineering Construction Support Services Associated with Third Street Rehabilitation Project, in the Amount of \$117,000 for a New Total Professional Services Agreement of \$1,042,782

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

- iii. Resolution Approving and Authorizing the City Manager to Execute a Reimbursement Agreement with the San Rafael Sanitation District for Bid Schedule B of the Construction Contract, Construction Management, and Material Testing Services for the Third Street Rehabilitation Project;

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

Resolution 15034 - Resolution Approving and Authorizing the City Manager to Execute a Reimbursement Agreement with the San Rafael Sanitation District for Bid Schedule B of the Construction Contract, Construction Management, and Material Testing Services for the Third Street Rehabilitation Project

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

- iv. Resolution Approving and Authorizing the City Manager to Execute a Reimbursement Agreement with the Marin Municipal Water District for Bid Schedule C of the Construction Contract and Construction Management for the Third Street Rehabilitation Project

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

Resolution 15035 - Resolution Approving and Authorizing the City Manager to Execute a Reimbursement Agreement with the Marin Municipal Water District for Bid Schedule C of the Construction Contract and Construction Management for the Third Street Rehabilitation Project

Councilmember Hill rejoined the meeting at 10:34 p.m.

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 10:34 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor

DRAFT