



## MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, MARCH 7, 2022

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2022-03-07>

Watch on YouTube: [www.youtube.com/cityofsanrafael](http://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](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  
Vice Mayor Kertz  
Councilmember Bushey  
Councilmember Hill  
Councilmember Llorens Gulati

Absent: None

Also Present: City Manager Jim Schutz  
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 7:02 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 and Russia's attack on Ukraine.

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**

- Eva Chrysanthe, addressed the City Council regarding her California Public Records Act (CPRA) request regarding services at the Service Support Area.

**CITY MANAGER’S REPORT:**

3. City Manager’s Report:

City Manager Jim Schutz announced:

- Citywide Parks & Recreation Master Plan Update
- Joint & District Community Conversations Update
- Joint Community Conversation to be held on March 17 at 5:30 p.m.

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 a walkabout with Mayor Kate, the Canal Lighting Project and Marin County Council of Mayors & Councilmembers (MCCMC) Legislative Committee and Homeless Committee meetings. She announced an upcoming Marin Wildfire Prevention Authority (MWPA) forum on March 10<sup>th</sup> and a Freitas Parkway Roundabout Community meeting on March 9<sup>th</sup>.
- Councilmember Bushey reported on San Rafael Sanitation District and MCCMC Water Subcommittee meetings.
- Councilmember Hill reported on Children for Change events, BioMarin Rare Disease Day and a West End Neighborhood Association meeting.
- Councilmember Llorens Gulati reported on the Canal Lighting Project, MCCMC Climate Action Committee, Canal Community-Based Transportation Plan, East San Rafael Parking Task Force and Canal Community Resilience Council meetings. She announced an upcoming Neighborhood Clean-up on April 23<sup>rd</sup>.
- Mayor Kate reported on SMART, Marin Transit and Gun Safety Collaborative meetings. She announced an upcoming gun buyback event on June 4<sup>th</sup>.

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

**CONSENT CALENDAR:**

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

Councilmember Kertz moved and Councilmember Bushey 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, February 22, 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 15039 - 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. **Amendment to the San Rafael Municipal Code Regarding Recycling of Organic Waste to Comply with Senate Bill 1383  
Final Adoption of Ordinance 2004: An Ordinance Amending the San Rafael Municipal Code to Repeal Chapter 9.19 – Refuse and Recycled Materials Collection and Disposal and Replace It with New Chapter 9.19 – Solid Waste Collection and Disposal and Edible Food Recovery (CM)**  
*Approved final adoption of Ordinance 2004*
- d. **Audit Services  
Resolution Approving and Authorizing the City Manager to Execute an Agreement with Maze and Associates to Provide Auditing Services for the Fiscal Years Ending June 30, 2022 Through June 30, 2025, with Options for the Fiscal Years Ending June 30, 2026 and June 30, 2027 (Fin)**  
*Resolution 15040 - Resolution Approving and Authorizing the City Manager to Execute an Agreement with Maze and Associates to Provide Auditing Services for the Fiscal Years Ending June 30, 2022 Through June 30, 2025, with Options for the Fiscal Years Ending June 30, 2026 and June 30, 2027*
- e. **Canal Neighborhood Pedestrian Improvements Project  
Accept Completion of the Canal Neighborhood Pedestrian Improvements Project (City Project No. 11381), and Authorize the City Clerk to File the Notice of Completion (PW)**  
*Accepted Completion and authorized City Clerk to file Notice of Completion*
- f. **999 Third Street – Eden Housing/Vivalon Healthy Aging Center  
Approve Staff Recommendation for Terms of a Below Market Rate (“BMR”) Agreement Imposing Affordability Restrictions on the Property Located at 999 Third Street Being Developed as the Vivalon Healthy Aging Center (CD)**  
*Accepted Report approving Staff’s recommendation*

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

**SPECIAL PRESENTATIONS:**

**6. Special Presentations:**

- a. [Presentation of Proclamation Supporting Women’s History Month \(CC\)](#)

Mayor Kate presented the proclamation.

Lindsay Lara, City Clerk provided comments.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

b. [Presentation of Proclamation Recognizing Stephen Mizroch, Retiring from Fire Commission \(FD\)](#)

Mayor Kate presented the proclamation.

Darin White, Fire Chief provided comments.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

**OTHER AGENDA ITEMS:**

7. Other Agenda Items:

a. [2021 Affordable Housing NOFA Funding Recommendation](#)

**Resolution Authorizing the Expenditure of Funds in Fulfillment of the Affordable Housing Trust Fund 2021 Notice of Funding Availability (NOFA), And Supporting the Award of Funding from the County of Marin for Permanent Local Housing Allocation (PHLA) Funding to Projects Receiving City Funding (CD)**

Alicia Giudice, Community Development Director introduced Alexis Captanian, Housing Program Analyst presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Tamar, Eden Housing, John Reynolds, Paul Fordham, Homeward Bound, Omar Carrera, Canal Alliance, Cory Hiraga, Eden Housing, Eva Chrysanthe, Anne Grey, Vivalon

Councilmembers provided comments.

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

*Resolution 15041 - Resolution Authorizing the Expenditure of Funds in Fulfillment of the Affordable Housing Trust Fund 2021 Notice of Funding Availability (NOFA), And Supporting the Award of Funding from the County of Marin for Permanent Local Housing Allocation (PHLA) Funding to Projects Receiving City Funding*

b. [Cannabis Program – State Regulatory Updates](#)

**Resolution Amending the “Cannabis Business Operator License Program” (CBOL), and Restating It in Its Entirety (ED)**

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

Staff responded to questions from Councilmembers.

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

Councilmembers provided comments.

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

*Resolution 15042 - Resolution Amending the "Cannabis Business Operator License Program" (CBOL), and Restating It in Its Entirety*

- c. [Interim Financial Update and Budget Amendments to Reflect Operational Activity; Mid-Year Personnel Changes](#)
  - i. **Fiscal Year 2021-2022 Interim Financial Update**
  - ii. **Resolution Adopting Amendments to the 2021-2022 Budget and Approving Mid-Year Personnel Changes (Fin)**

Nadine Hade, Administrative Services Director presented the Staff Report.

Staff responded to questions from Councilmembers.

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

Councilmembers provided comments.

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

*Resolution 15043 - Resolution Adopting Amendments to the 2021-2022 Budget and Approving Mid-Year Personnel Changes*

**SAN RAFAEL SUCCESSOR AGENCY:**

- 1. Consent Calendar: - None

**ADJOURNMENT:**

City Attorney Rob Epstein adjourned the meeting in honor of Judge Richard Breiner.

Mayor Kate adjourned the meeting at 9:20 p.m.

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LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022

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KATE COLIN, Mayor