



**MINUTES**

**SAN RAFAEL CITY COUNCIL – MONDAY, APRIL 18, 2022**

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

**In-Person:**

**San Rafael City Council Chambers  
1400 Fifth Avenue, San Rafael, CA 94901**

**Participate Virtually:**

**Watch on Webinar: <https://tinyurl.com/cc-2022-04-18>**

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

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

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

**One Tap Mobile: US: +16699009128,,89926359885#**

**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 in-person, 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 in-person:

- Stay home if you are experiencing COVID-19 symptoms
- Face coverings are recommended for attendees
- Use the sign-in sheet (optional) which allows notification of potentially exposed individuals if contact tracing reveals COVID-19 transmission may have occurred in a given meeting
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- 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 Llorens Gulati
- Absent: Councilmember Hill
- 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 7:00 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present, except for Councilmember Hill.

Mayor Kate provided opening remarks, which included tonight's first in-person, hybrid City Council meeting, the COVID-19 pandemic and a land acknowledgement.

City Clerk Lindsay Lara informed the community that the in-person meeting would also 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, through Zoom and in-person.

## **OPEN TIME FOR PUBLIC EXPRESSION**

- Vicki Sievers, EMF Safety Network, introduced herself to the City Council. Her Network's mission is to educate the public and public officials about the environmental/human harms from wireless radiation from electromagnetic radiation.

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

3. City Manager's Report:

City Manager Jim Schutz announced:

- His gratitude and appreciation to City Council for their leadership and to City Staff and the community for their resiliency during the COVID-19 pandemic
- Downtown Clean & Green / Shop Local for Earth Day on Friday, April 22 at 10 a.m.
- City Neighborhood Beautification Projects, on Saturday, April 23 at 10 a.m.
- Broom Pull with Point San Pedro Road Coalition, on Saturday, April 23 at 9-11 a.m. or 11 a.m. to 1 p.m.
- PG&E Virtual Safety Town Hall, on Wednesday, April 20 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 an upcoming Marin Wildfire Prevention Authority (MWPA) meeting, the Planning Commission Interviews, a Fire Commission meeting and fire station visits. She announced her upcoming Community Conversation on Sunday, April 24 at Terra Linda Park at 3 p.m.
- Councilmember Bushey reported on a Central Marin Sanitation Agency meeting, Library Foundation Dinner, the Planning Commission Interviews and the MCCMC Water Committee. She announced her upcoming Community Conversation on Wednesday, April 27 at Peacock Gap Park at 5:30 p.m.
- Councilmember Llorens Gulati reported on Economic Development Subcommittee and East San Rafael Business meetings, as well as, the Planning Commission Interviews. She

announced her upcoming Earth Day Cleanup on Saturday, April 23 at Pickleweed Park at 10 a.m., followed by her Community Conversation.

- Mayor Kate reported on a SMART and a Schools/City/County meeting, as well as, Economic Strategic Plan interviews.

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 and Special Meetings of Monday, April 4, 2022 and Monday, April 11, 2022 (CC)**

*Approved minutes as submitted*

b. **Paramedic Tax Rate for Fiscal Year 2022-23**

**Final Adoption of Ordinance 2005: An Ordinance Amending the Paramedic Service Special Tax Rates within the Voter-Approved Limit, Commencing with Fiscal Year 2022-2023, for Improved Residential and Non-Residential Properties in the City of San Rafael, County Service Area No. 13, County Service Area No. 19, and the Marinwood Community Services District (FD)**

*Approved final adoption of Ordinance 2005*

c. **MCSTOPPP Kerner Pump Station Trash Capture Device Project**

**Resolution Approving and Authorizing the City Manager to Execute a Second Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers, Inc. for Design and Environmental Engineering Services Associated with the MCSTOPPP Kerner Pump Station Trash Capture Device Project, In an Amount Not to Exceed \$280,832 (PW)**

*Resolution 15054 - Resolution Approving and Authorizing the City Manager to Execute a Second Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers, Inc. for Design and Environmental Engineering Services Associated with the MCSTOPPP Kerner Pump Station Trash Capture Device Project, In an Amount Not to Exceed \$280,832*

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hill

### **PUBLIC HEARINGS**

#### 6. Public Hearings:

- a. [Streamlined Review for Certain Residential Projects \(Formerly Design Review Advisory Committee, DRAC\)](#)

Jacob Noonan, Housing Program Manager presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Grace Geraghty, Responsible Growth Marin, Victoria DeWitt

Councilmembers provided comments.

Staff recommended modifying the wording in the Ordinance. On page 2, under 14.25.070 Design Review Board, under A. Purpose and Authority, 2.a could be modified to “Residential structures of 3 to 10 units.”

Staff recommended modifying the wording in the Resolution. On page 2, under A. Purpose and Authority, the first bullet point could be modified to “Residential structures of 3 to 10 units.”

i. **Consideration of an Ordinance Amending Section 14.25.070 of Title 14 (Zoning Ordinance) of the San Rafael Municipal Code to Establish Streamlined Review for Certain Residential Projects (CD)**

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to pass Ordinance No. 2006 to print, with the modifications that Staff recommended tonight.

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

*Passed to print Ordinance No. 2006 Amending Section 14.25.070 of Title 14 (Zoning Ordinance) of the San Rafael Municipal Code to Establish Streamlined Review for Certain Residential Projects*

ii. **Resolution Establishing a One Year Pilot Program for Streamlined Review for Certain Residential Projects**

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution, with the modifications that Staff recommended tonight.

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

*Resolution 15055 - Resolution Establishing a One Year Pilot Program for Streamlined Review for Certain Residential Projects*

b. **[Adoption of a Military Equipment Funding, Acquisition and Use Policy in Compliance with Assembly Bill 481](#)**

**Consideration of an Ordinance Adding New Chapter 2.52 to the San Rafael Municipal Code, Entitled “Police Acquisition and Use of ‘Military Equipment,’” and Approving the San Rafael Police Department’s Policy §706 – Military Equipment Funding, Acquisition and Use Policy” PD**

David Spiller, Police Chief presented the Staff Report.

Staff responded to questions from Councilmembers.

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

Councilmember Kertz moved and Councilmember Bushey seconded to pass Ordinance No. 2007 to print.

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

*Passed to Print Ordinance No. 2007 Adding New Chapter 2.52 to the San Rafael Municipal Code, Entitled "Police Acquisition and Use of 'Military Equipment,'" and Approving the San Rafael Police Department's Policy §706 - Military Equipment Funding, Acquisition and Use Policy"*

**OTHER AGENDA ITEMS:**

7. Other Agenda Items:

a. **[Third Street Safety Improvements Project](#)**

**Adopt Resolutions Related to the Third Street Safety Improvements Project HSIPL 5043(043), City Project No. 11362 (PW)**

April Miller, Assistant Public Works Director/City Engineer presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Jean Severinghaus, Patrick Seidler, WTB-TAM, Kate Powers, Bicycle & Pedestrian Advisory Committee, Name Withheld

Councilmembers provided comments.

i. **Resolution Awarding and Authorizing the City Manager to Execute the Construction Agreement for the Third Street Safety Improvements Projects, HSIPL 5043(043) to Ghilotti Bros., Inc., In the Amount of \$2,236,926, and Authorizing Contingency Funds In the Amount of \$263,074, for a Total Appropriated Amount of \$2,500,000**

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

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

*Resolution 15056 - Resolution Awarding and Authorizing the City Manager to Execute the Construction Agreement for the Third Street Safety Improvements Projects, HSIPL 5043(043) to Ghilotti Bros., Inc., In the Amount of \$2,236,926, and Authorizing Contingency Funds In the Amount of \$263,074, for a Total Appropriated Amount of \$2,500,000*

- ii. **Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Park Engineering, Inc. for Construction Management, Materials Testing and Inspection Services Associated with the Third Street Safety Improvements Project, HSIPL 5043(043), In the Amount of \$258,499, In a Form Approved by the City Attorney**

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

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

*Resolution 15057 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Park Engineering, Inc. for Construction Management, Materials Testing and Inspection Services Associated with the Third Street Safety Improvements Project, HSIPL 5043(043), In the Amount of \$258,499, In a Form Approved by the City Attorney*

- iii. **Resolution Approving and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for Construction Support Services Associated with the Third Street Safety Improvements Project, HSIPL 5043(043), In the Amount of \$40,000 for a New Total Professional Services Agreement of \$320,000, In a Form Approved by the City Attorney**

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

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

*Resolution 15058 - Resolution Approving and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for Construction Support Services Associated with the Third Street Safety Improvements Project, HSIPL 5043(043), In the Amount of \$40,000 for a New Total Professional Services Agreement of \$320,000, In a Form Approved by the City Attorney*

- b. **[Merrydale Road Multi-Use Path Connection Alternatives](#)  
Informational Report on Multi-Use Path Connection Alternatives from Las Gallinas Avenue to the Civic Center SMART Station via Merrydale Road (PW)**

Bill Guerin, Public Works Director presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Shirley Fischer, Matthew Hartzell, WTB-TAM, Bill Carney, Sustainable San Rafael, Margaret Johnston, Gallinas Watershed Council, Cathy Manovi, Patrick Seidler, WTB/TAM, Name Withheld, Kate Powers, Bicycle & Pedestrian Advisory Committee, Grace Geraghty,

Responsible Growth Marin, Heidi Howerton, Merrydale Promenade Citizens Advisory Group

Councilmembers provided comments and feedback on the four options regarding pathway design and the amount of parking that should be included.

Councilmember Bushey was more inclined for Option D (No Parking), without the one ADA parking space and recommends the utilization of the available recycled water. Councilmember Llorens Gulati was more inclined for Option D (No Parking) and would recommend more trees. Vice Mayor Kertz was more inclined for Option B (Partial Parking) but would push harder for SMART to provide additional parking. Mayor Kate was more inclined for Option B and noted the importance of parking for SMART riders and liking the bioswale, recycled water and trees.

Staff provided comments.

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

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

*Accepted report*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:38 p.m. and expressed appreciation to the City Clerk's Office and Digital Service and Open Government for their work on a successful first hybrid City Council meeting.

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LINDSAY LARA, City Clerk

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

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KATE COLIN, Mayor