



## MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, MAY 2, 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-2022-05-02>

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

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

One Tap Mobile: US: +16699009128,,81736920337#

### **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 Hill  
Councilmember Llorens Gulati

Absent: None  
Also Present: City Manager Jim Schutz  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

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 tonight's second in-person, hybrid City Council meeting, gratitude to City Staff, Jewish American Heritage Month, Asian American and Pacific Islander Heritage Month, Mental Health Awareness Month and a land acknowledgement.

City Clerk Lindsay Lara announced the process for Spanish interpretation tonight. She 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 SESSION**

1. None.

### **CLOSED SESSION**

2. Closed Session:

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

- Eva Chrysanthe, addressed the City Council regarding services at the Service Support Area.
- Name Withheld, addressed the City Council requesting that they add to a future agenda a mandate against any additional, new long-term care facilities.

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

3. City Manager's Report:

City Manager Jim Schutz announced:

- Parks and Recreation Master Plan Update
  - Community Meeting (Virtual) on Thursday, May 5 at 6 p.m.
  - Community Meeting (in Spanish) at Al Boro Community Center on Wednesday, May 11 at 6 p.m.
- Mental Health Matters Month – For May events, visit the Marin Behavioral Health and Recovery Services website at [marinbhrs.org](http://marinbhrs.org)

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 Age-Friendly, Fire Stations 54 & 55 groundbreaking, Government Alliance on Race and Equity (GARE), Marin Wildfire Prevention Authority, her Community Conversation and MCCMC Legislative meetings.

- Councilmember Bushey reported on Fire Station 55 groundbreaking, MCCMC Water Committee, Transportation Authority of Marin and her Community Conversation meetings.
- Councilmember Llorens Gulati reported on Fire Station 54 groundbreaking, East San Rafael Parking Task Force, MCCMC Economic Recovery, her Community Conversation/Earth Day Clean-Up, Pickleweed Preschool/Police Department, Voces del Canal/Dominican/Canal Alliance Lighting meeting and Mission San Rafael Rotary 40<sup>th</sup> Anniversary Celebration meetings.
- Councilmember Hill reported on his Community Conversation, MCCMC, Vice Mayor Kertz's Community Conversation and Western Alliance for Nature dedication ceremony meetings.
- Mayor Kate reported on Consulate General of Guatemala, SMART, Marin Transit, Earth Day Downtown Clean-Up and Gun Safety Collaborative meetings.

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

**CONSENT CALENDAR:**

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

Councilmember Llorens Gulati 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, April 18, 2022 (CC)**  
*Approved minutes as submitted*
- b. **Vacancies on San Rafael Boards and Commissions**  
**Announcement of Vacancies on the Design Review Board, Board of Library Trustees, Park and Recreation Commission, and Planning Commission (CC)**  
*Received and filed*
- 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 City Boards and Commissions During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)**  
*Resolution 15059 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of City Boards and Commissions During the Continuing State of Emergency Relating to the Covid-19 Pandemic*
- d. **Streamlined Review for Certain Residential Projects (Formerly Design Review Advisory Committee, DRAC)**  
**Final Adoption of Ordinance 2006: 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 (CC)**  
*Approved final adoption of Ordinance 2006*
- e. **Adoption of a Military Equipment Funding, Acquisition and Use Policy in Compliance with**

**Assembly Bill 481**

**Final Adoption of Ordinance 2007: 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" (CC)**

*Approved final adoption of Ordinance 2007*

**f. Citizen of the Year 2022**

**Resolution of Appreciation to Recipient of The Richard P. O'Brien and Mary Ferrario O'Brien Citizen of the Year Award 2022 (CC)**

*Resolution 15060 - Resolution of Appreciation to Recipient of The Richard P. O'Brien and Mary Ferrario O'Brien Citizen of the Year Award 2022*

**g. Homelessness Program Consulting Services**

**Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with Marc Sabin for Consulting Services for San Rafael Homelessness Programs (CM)**

*Resolution 15061 - Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with Marc Sabin for Consulting Services for San Rafael Homelessness Programs*

**h. 2021 Fire Prevention Inspections of Certain Occupancies**

**Resolution Acknowledging Receipt of a Report Made by the Fire Chief Regarding the 2021 Annual Fire Prevention Inspection of Certain Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code (FD)**

*Resolution 15062 - Resolution Acknowledging Receipt of a Report Made by the Fire Chief Regarding the 2021 Annual Fire Prevention Inspection of Certain Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code*

**i. Advertising Transit Shelter Agreement**

**Resolution Authorizing the City Manager to Execute an Amendment to the Advertising Transit Shelter Agreement with Outfront Media LLC Extending the Term by Five Years (PW)**

*Resolution 15063 - Resolution Authorizing the City Manager to Execute an Amendment to the Advertising Transit Shelter Agreement with Outfront Media LLC Extending the Term by Five Years*

**j. Temporary Street Closure to Support Vaccination Efforts in the Canal Neighborhood**

**Resolution Authorizing Saturday Street Closures to Support Canal Alliance's Effort to Provide Covid-19 Vaccinations on Saturday May 7 and Saturday May 21, 2022 (PW)**

*Resolution 15064 - Resolution Authorizing Saturday Street Closures to Support Canal Alliance's Effort to Provide Covid-19 Vaccinations on Saturday May 7 and Saturday May 21, 2022*

**k. Fire Station 55 - Environmental Services**

**Resolution Approving and Authorizing the City Manager to Execute a First Amendment to the Professional Services Agreement with BSK Associates, Inc. for Services Required for Environmental Permitting, Sampling, Soils Testing, and Removal and Soils Remediation Work Related to the Unforeseen Underground Storage Tank Discovered at Fire Station 55, In the Amount of \$63,805, Increasing the Total Contract Amount to \$209,549, And Authorizing the City Manager to Expand the Scope of Work if Extensive Contamination is Discovered (PW)**

*Resolution 15065 - Resolution Approving and Authorizing the City Manager to Execute a First Amendment to the Professional Services Agreement with BSK Associates, Inc. for Services Required for Environmental Permitting, Sampling, Soils Testing, and Removal and Soils Remediation Work Related to the Unforeseen Underground Storage Tank Discovered at Fire Station 55, In the Amount of \$63,805, Increasing the Total Contract Amount to \$209,549, And Authorizing the City Manager to Expand the Scope of Work if Extensive Contamination is Discovered*

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

### **SPECIAL PRESENTATIONS**

#### 6. Special Presentations:

Mayor Kate invited public comment on Presentations of Proclamations, Items 6.b – 6.d; however, there was none.

a. [Presentation of Resolution of Appreciation to Recipient of The Richard P. O'Brien and Mary Ferrario O'Brien Citizen of the Year Award 2022](#)

Mayor Kate presented the Resolution of Appreciation to Samantha Ramirez.

Samantha Ramirez provided comments.

b. [Presentation of Proclamation Supporting Public Service Recognition Week \(HR\)](#)

Mayor Kate presented the proclamation.

Claire Coleman, Senior Management Analyst provided comments.

c. [Presentation of Proclamation Supporting National Police Week \(PD\)](#)

Mayor Kate presented the proclamation.

Roy Leon, Police Captain provided comments.

d. [Presentation of Proclamation Supporting Wildfire Awareness Month \(FD\)](#)

Mayor Kate presented the proclamation.

Darin White, Fire Chief provided comments.

After Items 6.b – 6.d, Mayor Kate invited public comment on the Presentation of Resolution of Appreciation, Item 6.a.

**Speakers:** Marina Palma, Eva Chrysanthe

Councilmember Llorens Gulati provided comments.

**OTHER AGENDA ITEMS:**

7. Other Agenda Items:

a. **Canal Neighborhood Lighting**

**Accept Informational Report Regarding the Canal Lighting Project (CM)**

Walter Gonzalez, City Manager's Office Intern, presented the Staff Report.

Voces del Canal gave a presentation.

Christine Alilovich, Assistant City Manager provided comments.

Bill Guerin, Public Works Director provided comments.

David Spiller, Police Chief provided comments.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Mary, Jennifer Lucko, Dominican University, Marina Palma, Voces del Canal, CeCe, Dominican student, Norma Fragoso, John Reynolds, Julia Reinhard, Dominican student, Eva Chrysanthe

Councilmembers provided comments.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

*Accepted report*

**RECESS:** 9:33 – 9:36 p.m.

b. **Wildfire Prevention Efforts in San Rafael**

**Informational Report on the 38-Point Wildfire Action Plan and Marin Wildfire Prevention Authority Activity in Recognition of Wildfire Awareness Month (FD)**

Quinn Gardner, Deputy Director of Emergency Management 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 Hill seconded to accept the report.

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

*Accepted report*

**PUBLIC HEARING**

8. Public Hearing:

a. [Amendment of the Current Smoking Ordinance](#)

**Introduction of An Ordinance Amending Sections 9.04.030, 9.04.090 and 19.10.060 of the San Rafael Municipal Code to Prohibit Smoking in Open Space Year-Round and Require Designated Smoking Areas in Multi-Family Housing Complexes with Over 10 Units Located within 1,000 Feet from Open Space and Undeveloped Lots in Order to Prevent Cigarette-Caused Fires (FD)**

Quinn Gardner, Deputy Director of Emergency Management presented the Staff Report.

Staff, including Bob Curry, Marin County Tobacco Control Program Manager responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speaker:** Name Withheld

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to pass Ordinance No. 2008 to print.

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

*Passed to print Ordinance No. 2008 Amending Sections 9.04.030, 9.04.090 and 19.10.060 of the San Rafael Municipal Code to Prohibit Smoking in Open Space Year-Round and Require Designated Smoking Areas in Multi-Family Housing Complexes with Over 10 Units Located within 1,000 Feet from Open Space and Undeveloped Lots in Order to Prevent Cigarette-Caused Fires*

**OTHER AGENDA ITEMS (continued):**

9. Other Agenda Items:

a. [Set Public Hearing for Amendment to San Rafael's Building Code to Require Replacement of Wood Roofing](#)

**Introduction of An Ordinance Amending Chapters 12.200 and 12.255 of the San Rafael Municipal Code to Make Local Amendments to California Building Codes to Require that Wood Roofing be Replaced by May 31, 2027 (FD)**

Quinn Gardner, Deputy Director of Emergency Management presented the Staff Report.

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

Councilmember Kertz moved and Councilmember Bushey seconded to pass Ordinance No. 2009 to print and to set a public hearing on May 16, 2022.

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

*Passed to print Ordinance No. 2009 Amending Chapters 12.200 and 12.255 of the San Rafael Municipal Code to Make Local Amendments to California Building Codes to Require that Wood Roofing be Replaced by May 31, 2027; And, set public hearing on May 16, 2022.*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 10:36 p.m.

-----  
LINDSAY LARA, City Clerk

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

-----  
KATE COLIN, Mayor