



## MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, MAY 16, 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 Zoom Webinar: <https://tinyurl.com/cc-2022-05-16>

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 Hill  
Councilmember Llorens Gulati

Absent: None

Also Present: City Manager Jim Schutz

**OPEN SESSION**

1. None.

**CLOSED SESSION**

2. Closed Session: None.

Mayor Kate called the meeting to order at 7:00 p.m. and invited Deputy City Clerk Brenna Nurmi to call the roll. All members of the City Council were present.

Mayor Kate provided opening remarks, which included gratitude to City Staff, National Public Works Week and the COVID-19 pandemic.

Deputy City Clerk Brenna Nurmi 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**

- Ruth Wetherow, President of Rotary Manor Resident's Association addressed the City Council regarding a sinkhole at Rotary Manor. Other Rotary Manor residents including Via Lindbergs, Sharon Seaford, Triva Strauss, Victoria Cooper, Wayne Baker and Maria Di Gregorio also addressed the City Council regarding the sinkhole.
- Salamah Locks, Marin County Commission on Aging announced their upcoming health forum on "Affordable Aging" to be held on Thursday, May 26 at Homeward Bound from 10 a.m. to 2 p.m.
- Eva Chrysanthe, addressed the City Council regarding services at the Service Support Area.
- Michael Wilson, Behavioral Health and Recovery Services (Marin County Adult and Aging Services) announced 920 Grand Avenue, a new residential treatment facility.
- David Smith, Responsible Growth Marin addressed the City Council regarding the Northgate Mall Project.
- Dr. Jei Africa, Director of Behavioral Health and Recovery Services (Marin County) highlighted 920 Grand Avenue, a new residential treatment facility.
- Annika Osborn, Sustainable San Rafael, addressed the City Council regarding the use of natural gas (methane gas) in buildings.

**CITY MANAGER'S REPORT:**

3. City Manager's Report:

City Manager Jim Schutz announced:

- Dining Under the Lights starts May 26 through September, every Thursday, 6-10 p.m.
- Parks and Recreation Master Plan Update
- National Public Works Week

City Attorney Rob Epstein announced Assistant City Attorney Lisa Goldfien's retirement and welcomed new Assistant City Attorney Genevieve Coyle.

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

**COUNCILMEMBER REPORTS:**

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

4. Councilmember Reports:

- Councilmember Kertz provided comments on Jewish American Heritage Month and her recently formed North Bay Jewish Electeds group.
- Councilmember Hill provided comments on Asian American and Pacific Islander Heritage Month. He reported on the May Madness Car Show and an Intergenerational Collaboration and the Next Generation of City Leadership event held in Sacramento.
- Councilmember Bushey reported on Central Marin Sanitation Agency, San Rafael Sanitation Agency and Loch Lomond Oversight Committee meetings. She noted an upcoming Dominican community meeting on parking adjustments to be held on Tuesday, May 24 at 6:30 p.m.
- Councilmember Llorens Gulati reported on the May Madness Car Show, as well as, Canal Policy Working Group, San Rafael Park and Services feedback, Economic Development Subcommittee meetings and the 2022 Leaders of the North Bay Awards event.
- Mayor Kate noted National Gun Violence Awareness Day and announced an upcoming Marin Gun Buy-Back event to be held on Saturday, June 4, 9 a.m. to 1 p.m., as well as, a SMART meeting and a St. Vincent de Paul's Ribbon Cutting event for a new case management office.

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

**CONSENT CALENDAR:**

Mayor Kate invited public comment.

**Speakers:** Sparky Spaeth and Diana Lopez, Age-Friendly San Rafael Community Partnership, Eva Chrysanthe

Councilmember Hill 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 Monday, May 2, 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 City Boards and Commissions During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)**

*Resolution 15066 - 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*

- c. **Smoking Ordinance Amendments**  
**Final Adoption of Ordinance 2008: An Ordinance Amending Sections 9.04.030, 9.04.090 and 19.10.060 of the San Rafael Municipal Code Prohibiting Smoking in Open Space Year-Round and Requiring 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 (CC)**  
*Approved final adoption of Ordinance 2008*
  
- d. **City of San Rafael 2022 Equity Audit**  
**Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with BCT Partners for Consulting Services to Perform an Equity Audit of Citywide Policies, Programs, and Practices in the Amount of \$170,000 (CM)**  
*Resolution 15067 - Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with BCT Partners for Consulting Services to Perform an Equity Audit of Citywide Policies, Programs, and Practices in the Amount of \$170,000*
  
- e. **Community Engagement, Equity & Housing Policy Consulting Services**  
**Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with Liz Darby for Consulting Services (CM)**  
*Resolution 15068 - Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with Liz Darby for Consulting Services*
  
- f. **National Older Americans Month**  
**Proclamation Supporting National Older Americans Month (LR)**  
*Received and filed*
  
- g. **National Gun Violence Awareness Day**  
**Proclamation Supporting National Gun Violence Awareness Day (PD)**  
*Received and filed*
  
- h. **National Public Works Week**  
**Proclamation Supporting National Public Works Week (PW)**  
*Received and filed*
  
- i. **Jewish American Heritage Month**  
**Proclamation Supporting Jewish American Heritage Month (CC)**  
*Received and filed*
  
- j. **Asian American and Pacific Islander Heritage Month**  
**Proclamation Supporting Asian American and Pacific Islander Heritage Month (HR)**  
*Received and filed*
  
- k. **PG&E Easement Required for Third Street Improvements Project**  
**Resolution Authorizing the City Manager to Execute a Deed Granting an Easement for Public Utility Purposes to Pacific Gas and Electric Company (PW)**  
*Resolution 15069 - Resolution Authorizing the City Manager to Execute a Deed Granting an Easement for Public Utility Purposes to Pacific Gas and Electric Company*
  
- l. **Sun Valley Park Deed Restriction**  
**Resolution Authorizing the City Manager to Execute a Deed Restriction on the City Owned Parcel (APN 010-071-01) for Sun Valley Park (PW)**

*Resolution 15070 - Resolution Authorizing the City Manager to Execute a Deed Restriction on the City Owned Parcel (APN 010-071-01) for Sun Valley Park*

- m. **Francisco Boulevard East Sidewalk Improvements**  
**Accept Completion of the Francisco Boulevard East Sidewalk Improvements Project (City Project No. 11349) and Authorize the City Clerk to File the Notice of Completion (PW)**  
*Accepted completion and authorized City Clerk to file NOC*

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 Mental Health Awareness Month (PD)**

Vice Mayor Kertz presented the proclamation.

Mayor Kate invited public comment.

**Speakers:** Eva Chrysanthe, Dr. Jei Africa, Director of Behavioral Health and Recovery Services (Marin County)

### **PUBLIC HEARING**

#### 7. Public Hearing:

- a. **Amendment to San Rafael's Building Code to Require Replacement of Wood Roofing**  
**Final Adoption of Ordinance 2009: 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.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt Ordinance No. 2009.

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

*Approved final adoption of Ordinance 2009*

b. [BioMarin Development Agreement](#)

**Resolution Approving the 2<sup>nd</sup> Anniversary Annual Report for the Executed Development Agreement (Ordinance No. 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of an Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3<sup>rd</sup> Street); Case No.: P22-004 (CD)**

Alicia Giudice, Community Development Director presented the Staff Report.

Staff, including Shar Zamanpour, BioMarin responded to questions from Councilmembers.

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

Councilmembers provided comments.

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

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

*Resolution 15071 - Resolution Approving the 2<sup>nd</sup> Anniversary Annual Report for the Executed Development Agreement (Ordinance No. 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of an Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3<sup>rd</sup> Street); Case No.: P22-004*

**OTHER AGENDA ITEMS:**

8. Other Agenda Items:

a. [Public Art Program and Formation of the Public Art Review Board](#)

**Resolution Approving the Formation of the Public Art Review Board (LR)**

Cristine Alilovich, Assistant City Manager and Catherine Quffa, Library & Recreation Director presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Kristen Jacobson, Youth in Arts, Eva Chrysanthe

Councilmembers provided comments.

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

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

*Resolution 15072 - Resolution Approving the Formation of the Public Art Review Board*

b. [Preliminary Capital Improvement Program](#)  
Informational Report on Preliminary Three-Year Capital Improvement Program (PW/Fin)

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

Bill Guerin, Public Works Director provided comments.

Rob Epstein, City Attorney provided clarifying comments regarding potential conflicts of interest.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Salamah Locks, Sunny Lee

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Bushey seconded to accept the report.

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

*Accepted report*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:52 p.m.

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LINDSAY LARA, City Clerk

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

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KATE COLIN, Mayor