



MINUTES

SAN RAFAEL CITY COUNCIL – TUESDAY, JUNE 21, 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-2022-06-21>

Watch on YouTube: 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.

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.
- 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: City Manager Jim Schutz

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 tonight's hybrid City Council meeting, gratitude to City Staff, the Marin County Board of Supervisors Election, Summer Solstice, Dining Under the Lights, The San Rafael Pacifics, 2nd Friday Art Walk 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: - None.

OPEN TIME FOR PUBLIC EXPRESSION

- Christine Paquette, St. Vincent de Paul Society of Marin, addressed the City Council regarding the Encampment Resolution Services item on tonight's Consent Calendar.

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

3. City Manager and Councilmember Reports:

City Manager Jim Schutz announced:

- The City is hosting a Fellow (Lida Chhun, a Sustainability Professional from Cambodia) through the US Department of State's Young Southeast Asian Leadership Institute (YSEALI).
- The last City Council meeting for Bill Guerin, Public Works Director and Danielle O'Leary, Director of Economic Development and Innovation.

Councilmember Reports:

- Councilmember Kertz reported on a Chamber Leadership graduating class event and a Marin Wildfire Prevention Authority (MWPA) meeting.
- Councilmember Hill reported on an Amazon leadership meeting.
- Councilmember Bushey reported on San Rafael Sanitation District and Central Marin Sanitation Agency meetings and upcoming Loch Lomond Oversight Committee and MCCMC Water meetings.
- Councilmember Llorens Gulati reported on Economic Development and PG&E lighting meetings, the Multicultural Center Grand Opening, the City Council Retreat and an East San Rafael Parking meeting.
- Mayor Kate reported on her Community Conversation, the Multicultural Center of Marin Grand Opening and SMART meetings.

Mayor Kate invited public comment on the City Manager's Report and the Councilmember Reports; however, there was none.

CONSENT CALENDAR:

Mayor Kate invited public comment.

Speaker: John Reynolds

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to approve the Consent Calendar.

4. Consent Calendar Items:

- a. **Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, June 6, 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 15092 - 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. **Park and Recreation Commission Ordinance Update**
Final Adoption of Ordinance 2010: An Ordinance of the City of San Rafael Amending Sections 2.16.020 Through 2.16.023 of the San Rafael Municipal Code Related to the Park and Recreation Commission (CC)
Final adoption of Ordinance 2010 Amending Sections 2.16.020 Through 2.16.023 of the San Rafael Municipal Code Related to the Park and Recreation Commission
- d. **Planning Commission Ordinance Update**
Final Adoption of Ordinance 2011: An Ordinance of the City of San Rafael Amending Sections 2.16.040 Through 2.16.110 of the San Rafael Municipal Code Related to the Planning Commission (CC)
Final adoption of Ordinance 2011 Amending Sections 2.16.040 Through 2.16.110 of the San Rafael Municipal Code Related to the Planning Commission
- e. **Encampment Resolution Services**
Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with St. Vincent De Paul to Provide Encampment and Homelessness Services in An Amount Not to Exceed \$427,600 (CM)
Resolution 15093 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with St. Vincent De Paul to Provide Encampment and Homelessness Services in An Amount Not to Exceed \$427,600

- f. **Economic Development Strategic Plan**
Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Kosmont Companies to Prepare the City of San Rafael Economic Development Strategic Plan in a Not-to-Exceed Amount of \$157,590 (ED)
Resolution 15094 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Kosmont Companies to Prepare the City of San Rafael Economic Development Strategic Plan in a Not-to-Exceed Amount of \$157,590

- g. **City Investment Policy**
Annual Review and Resolution to Approve the City of San Rafael Investment Policy (Fin)
Resolution 15095 - Annual Review and Resolution to Approve the City of San Rafael Investment Policy

- h. **City Quarterly Investment Report**
Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending March 31, 2022 (Fin)
Accepted report

- i. **FEMA Hazard Mitigation and Pre-Disaster Mitigation Grant Funds**
Resolution Authorizing Designated City Employees to Execute and File on Behalf of the City of San Rafael All Assurances and Agreements Required to Accept and Manage Funds of All Open and Future Disasters and Grants Up to Three Years from Date of Approval (FD)
Resolution 15096 - Resolution Authorizing Designated City Employees to Execute and File on Behalf of the City of San Rafael All Assurances and Agreements Required to Accept and Manage Funds of All Open and Future Disasters and Grants Up to Three Years from Date of Approval

- j. **Second Street/Fourth Street/Miracle Mile Intersection Improvements**
Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group Inc. for Engineering Design Services Associated with the Second Street/Fourth Street/Miracle Mile Intersection Improvements in an Amount Not to Exceed \$131,582 (PW)
Resolution 15097 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group Inc. for Engineering Design Services Associated with the Second Street/Fourth Street/Miracle Mile Intersection Improvements in an Amount Not to Exceed \$131,582

- k. **Senate Bill 1, Road Maintenance and Rehabilitation Account (RMRA): FY 2022-23 Projects**
Resolution Approving the FY 2022-23 Projects List for Senate Bill 1: The Road Repair and Accountability Act (PW)
Resolution 15098 - Resolution Approving the FY 2022-23 Projects List for Senate Bill 1: The Road Repair and Accountability Act

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

PUBLIC HEARING

5. Public Hearing:

a. **Eviction Moratorium Through September 2022**

Consideration of An Urgency Ordinance of the City Council of the City of San Rafael, Pursuant to California Government Code Section 36937(B), Barring Evictions in the City of San Rafael Through September 30, 2022 Due to the Public Health Emergency Arising from COVID-19 (CD)

Alexis Captanian, Housing Analyst (Community Development) presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Marina Palma, Voces del Canal, Aaron Burnett, Canal Alliance, Darlin Ruiz, Voces del Canal, Susie Dershowitz, Cruz Vargas, Voces del Canal, John Reynolds

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Hill seconded to adopt the urgency ordinance.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Adopted Urgency Ordinance No. 2012 - An Urgency Ordinance of the City Council of the City of San Rafael, Pursuant to California Government Code Section 36937(B), Barring Evictions in the City of San Rafael Through September 30, 2022 Due to the Public Health Emergency Arising from COVID-19

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. **Canal Community Based Transportation Plan**

Resolution Approving the 2022 Canal Community Based Transportation Plan (PW)

April Miller, Assistant Public Works Director introduced Taylor McAdam, Fehr & Peers who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speaker: John Reynolds

Staff responded to public comment and provided comments.

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 15099 - Resolution Approving the 2022 Canal Community Based Transportation Plan

b. [Outdoor On-Street Dining Guidelines for “Streetaries”](#)
Streetary Program Guidelines to Replace COVID-19 Temporary Outdoor Dining Program (PW/PS/ED/FD/PD/CD/CA)

Danielle O’Leary, Director of Economic Development and Innovation introduced Bill Guerin, Public Works Director who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speaker: Bill Carney, Sustainable San Rafael

Councilmembers provided comments.

In addition to the recommendations brought forward by staff, the following authorizations were presented by Council:

First, where a Streetary is being used, Council authorized Staff to require commitment from the owner(s) to move toward compliance with the new standards or remove the Streetary within 30 days.

Second, for unused Streetaries, Council authorized Staff to order removal of the unused Streetary with 30 days notice to the owner(s).

Further discussion between Council and Staff regarding funding of removal of the unused Streetary and more notice than 30 days to the owner(s).

Staff noted the item for consideration was approving the program, but it would return before the Council in the future to set the fees in an Ordinance.

Councilmember Bushey moved and Councilmember Kertz seconded to accept the report, with the additional directives discussed.

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

Accepted report with additional directives discussed

c. [Final Citywide Proposed Budget for Fiscal Year 2022-2023 and Legal Spending Limit](#)

Nadine Hade, Administrative Services Director and Vedika Ahuja, Product Manager (Digital Service & Open Government) presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Amy Likover, Bill Carney, Sustainable San Rafael

Staff responded to public comment and to further questions from the Councilmembers.

Councilmembers provided comments.

- i. **Resolution Approving the Citywide Budget and Capital Improvement Program for the Fiscal Year 2022-2023; Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget in the Amount of \$166,109,509; Authorizing an Increase to City Staff Headcount; Amending Resolution 14954 Regarding the Compensation and Working Conditions for Certain Unrepresented Executive Management Employees; And Approving a One-Time 5% Increase to Childcare Fees (AS/PW)**

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

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

Resolution 15100 - Resolution Approving the Citywide Budget and Capital Improvement Program for the Fiscal Year 2022-2023; Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget in the Amount of \$166,109,509; Authorizing an Increase to City Staff Headcount; Amending Resolution 14954 Regarding the Compensation and Working Conditions for Certain Unrepresented Executive Management Employees; And Approving a One-Time 5% Increase to Childcare Fees

- ii. **Resolution Approving Fiscal Year 2022-2023 GANN Appropriations Limit at \$170,762,486 (AS/PW)**

Councilmember Hill 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 15101 - Resolution Approving Fiscal Year 2022-2023 GANN Appropriations Limit at \$170,762,486

SAN RAFAEL SUCCESSOR AGENCY:

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

Member Bushey moved and Member Llorens Gulati seconded to accept the report/approve the Consent Calendar.

1. Consent Calendar:

a. **Successor Agency Quarterly Investment Report**
Acceptance of Successor Agency Quarterly Investment Report for the Quarter Ending March 31, 2022 (Fin)

Accepted report

AYES: Members: Bushey, Hill, Kertz, Llorens Gulati & Chair Kate
NOES: Members: None
ABSENT: Members: None

ADJOURNMENT:

Mayor Kate adjourned the meeting at 10:25 p.m., in honor of the last City Council meeting for Bill Guerin, Public Works Director and Danielle O'Leary, Director of Economic Development and Innovation

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor