



## MINUTES

SAN RAFAEL CITY COUNCIL – TUESDAY, JULY 5, 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-2022-07-05>

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 Hill  
Councilmember Llorens Gulati

Absent: Councilmember Bushey  
Also Present: City Manager Jim Schutz  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

**OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:30 PM**

*Dial-in: (669) 900-9128, Meeting ID: 933-2243-5567#*

1. Mayor Kate announced Closed Session items.

**CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:30 PM**

2. Closed Session:

- a. Conference with Legal Counsel - Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1): 2 cases
  - i. Korn v. City of San Rafael, et al.
  - ii. Huie v. City of San Rafael, et al.

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 Bushey.

City Attorney Robert Epstein reported on a decision made in closed session on the two matters listed on the agenda. The Council approved a global settlement agreement, of a total sum of \$50,000; and in consideration for payment the City shall receive a release from all parties involved and have no further exposure or liability in those actions.

Mayor Kate provided opening remarks, which included tonight's hybrid City Council meeting, gratitude to City Staff, the on-going plague of gun violence, the recent U.S. Supreme Court ruling overturning Roe v. Wade 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**

- Jonathan Frieman addressed the City Council regarding a petition signed by San Rafael residents regarding the Northbound Central San Rafael exit off 101, which leads into Irwin Street by Second Street.

**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 August 15, 2022 City Council meeting to be cancelled.

Councilmember Reports:

- Councilmember Kertz reported on the Marin County Fair, a San Rafael Chamber meeting, the Design Review Board interviews and the Homeless Policy Steering Committee.
- Councilmember Hill reported on the Design Review Board and Library Board of Trustees interviews.

- Councilmember Llorens Gulati reported on a MCCMC Climate Action Committee meeting and the Climate Change Action Plan (CCAP), a Marin Immigrant Rights and Justice event, and a meeting for the 101/580 Connector, an update on East San Rafael access study with Transportation Authority of Marin (TAM).
- Mayor Kate reported on Transportation Authority of Marin (TAM) and Gun Safety Collaborative 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; however, there was none.

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 Special Meetings of June 16, 2022 and June 23, 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 15102 - 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*

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bushey

**SPECIAL PRESENTATIONS**

5. Special Presentations:

a. **Presentation of Proclamation Supporting Park and Recreation Month (LR)**

Mayor Kate presented the proclamation.

Catherine Quffa, Library & Recreation Director introduced Craig Veramay, Assistant Library & Recreation Director who provided comments.

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

**PUBLIC HEARING**

6. Public Hearing:

a. **Point San Pedro Road Median Landscaping Assessment District  
Resolution Confirming the Engineer's Annual Levy Report for the Point San Pedro Road  
Median Landscaping Assessment District and the Assessment Diagram Connected  
Therewith and Ordering the Levy and Collection of Assessments for FY 2022-23 (PW)**

This item 6.a Point San Pedro Road Median Landscaping Assessment District was heard second, after Item 6.b Baypoint Lagoons Assessment District.

Stephen Acker, Sr. Management Analyst (Public Works) presented the Staff Report.

Staff, including Al Cornwell, CSW/Stuber-Stroeh Engineering Group responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speaker:** Jim Dixon, Chairman of the Median Subcommittee

Councilmembers provided comments.

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

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

*Resolution 15104 - Resolution Confirming the Engineer's Annual Levy Report for the Point San Pedro Road Median Landscaping Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2022-23*

b. **Baypoint Lagoons Assessment District  
Resolution Confirming the Engineer's Annual Report for the Baypoint Lagoons Assessment  
District and the Assessment Diagram Connected Therewith and Ordering the Levy and  
Collection of Assessments for FY 2022-23 (PW)**

This item 6.b Baypoint Lagoons Assessment District was heard first, before Item 6.a Point San Pedro Road Median Landscaping Assessment District.

April Miller, Public Works Director introduced Stephen Acker, Sr. Management Analyst (Public Works) who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Carolyn Lown, Dave Bonfilio, Baypoint Lagoons Homeowners Association President, Dave Olson, Joe Simmons, Douglas Madison

Staff responded to public comment.

Staff responded to further questions from Councilmembers.

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

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

*Resolution 15103 - Resolution Confirming the Engineer's Annual Report for the Baypoint Lagoons Assessment District and the Assessment Diagram Connected Therewith and Ordering the Levy and Collection of Assessments for FY 2022-23*

## **OTHER AGENDA ITEMS**

### 7. Other Agenda Items:

- a. **[San Rafael Public Safety Alternative Response Team](#)**  
**Alternative Response Pilot Program to Deliver Social Services for Mental Health and Homelessness Support, And Accept Staff's Recommendation to Issue a Request for Proposals (PD)**

David Spiller, Police Chief introduced Todd Berringer, Police Lieutenant who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Salamah Locks, John Reynolds

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Hill seconded to accept the report and staff's recommendation to issue a request for proposals.

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

*Accepted report and staff's recommendation to issue a request for proposals*

- b. **[Homelessness Update](#)**  
**Informational Report on Status of Homelessness in San Rafael (CM)**

Marc Sabin, Homeless Program Manager presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Jonathan Frieman, John Reynolds

Staff responded to public comment.

Councilmembers provided comments.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bushey

*Accepted report*

c. [Draft Leaf Blower Ordinance Input](#)

**Accept Report and Provide Direction to Staff on a Draft Ordinance of the City Council of the City of San Rafael Regulating the Operation of Leaf Blowers (CM)**

Walter Gonzalez, Management Analyst (City Manager's Office) presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Trout Black, Esther Wanning, Manuel Rivera, Patricia Theiss-Nyland, Jonathan Frieman, Pam Reaves, Marin Conservation League, Annika Osborn, Sustainable San Rafael, Lawrence Taymor

Councilmembers provided comments and feedback regarding when to start, time and day restrictions and rebates.

- Councilmember Kertz expressed interest in seeing what is coming through from the state regarding their program and rebates. Regarding communication, she recommended including information on the City website for residents in supported language that they can give to their provider. She recommended a middle ground with the hours.
- Councilmember Llorens Gulati expressed interest in starting as soon as possible. She requested information on how violations would be reported and how the City would handle violations. She expressed interest in offering rebates. With regard to communications, she suggested all cities/towns use the same campaign and the City to work with homeowners and community-based organizations. She prefers to limit the hours as much as possible and ban on Sundays, especially in the residential areas.
- Councilmember Hill recommended staff explore defraying the costs. As far as times, he requested staff examine what other municipalities are doing, including Sundays.
- Mayor Kate expressed interest in moving forward sooner than October. She recommended a 9 am start time and a 5 pm end time. She requested information and feedback from other jurisdictions about Sunday. Regarding rebates, she expressed interest in a hardship component. Regarding communication, she recommended using community-based organizations and perhaps Marin Sanitary.

Further discussion amongst Council and Staff regarding hours and weekends.

Robert Epstein, City Attorney provided comments.

Mayor Kate amended her recommendation with the times and went with the Staff recommendation.

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

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

*Accepted report*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 10:08 p.m.

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LINDSAY LARA, City Clerk

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

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KATE COLIN, Mayor