



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, AUGUST 1, 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-2022-08-01>

Watch on YouTube: 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.

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

Absent: Councilmember Llorens Gulati

Also Present: Assistant City Manager Cristine Alilovich
City Attorney Robert Epstein
City Clerk Lindsay Lara

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 Llorens Gulati.

Mayor Kate provided opening remarks, which included the hybrid City Council meeting, gratitude to City Staff, the City Manager’s newsletter (Snapshot), National Night Out 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 SESSION

- 1. None.

CLOSED SESSION

- 2. None.

OPEN TIME FOR PUBLIC EXPRESSION

- Durriya Syed, CA Department of Insurance, addressed the City Council regarding wildfire season programs.
- Eva Chrysanthe addressed the City Council regarding Monkeypox, National Night Out, the Sheriff swearing-in and the Service Support Area.
- Name Withheld addressed the City Council regarding Monkeypox.
- Al Vetere addressed the City Council regarding a code enforcement request.

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

- 3. City Manager and Councilmember Reports:

Assistant City Manager Cristine Alilovich announced:

- The City Council meeting set for August 15 has been cancelled. The next regular City Council meeting to be held on Tuesday, September 6. A special City Council meeting to be held on August 8 at 5:00 p.m.
- COVID-19 Update

Councilmember Reports:

- Councilmember Kertz provided an update on the Homeless Policy Steering Committee.
- Mayor Kate reported on Transportation Authority of Marin (TAM), Marin Transit and SMART meetings.

Mayor Kate invited public comment.

Speakers: Eva Chrysanthe, Damien

CONSENT CALENDAR:

Councilmember Hill disqualified himself from Consent Item 4.k. Item 4.k was pulled from the Consent Calendar.

Mayor Kate invited public comment on all Consent items, 4.a through 4.k.

Speakers: Matthew Hartzell, WTB-TAM, Gregory Andrew, David Smith, Eva Chrysanthe

Councilmember Kertz moved and Councilmember Bushey seconded to approve the Consent Calendar, excluding Item 4.k.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council Regular Meeting of July 18, 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 the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)

Resolution 15106 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic

c. **SB 9 Housing Development and Urban Lot Split Regulations**

Final Adoption of Ordinance 2013: An Ordinance of the City of San Rafael Amending Title 14 (Zoning Ordinance) and Title 15 (Subdivisions) of the San Rafael Municipal Code Related to Regulations to Implement Provisions of SB 9 (CC)

Final adoption of Ordinance 2013

d. **Leaf Blower Ordinance**

Final Adoption of Ordinance 2014: An Ordinance of the City of San Rafael Adding Chapter 8.40 to the San Rafael Municipal Code Entitled "Regulation of Small Off-Road Engines", Related to Regulating Operation of Leaf Blowers (CC)

Final adoption of Ordinance 2014

e. **Legal Services Contract**

Resolution Authorizing the City Manager to Approve and Execute an Agreement with Burke, Williams & Sorensen, LLP for Essential Legal Services to Supplement Staff in the City Attorney's Office, in an Amount Not to Exceed \$150,000 (CA)

Resolution 15107 - Resolution Authorizing the City Manager to Approve and Execute an Agreement with Burke, Williams & Sorensen, LLP for Essential Legal Services to Supplement Staff in the City Attorney's Office, in an Amount Not to Exceed \$150,000

f. **Microsoft Licensing Renewal**

Resolution Authorizing the City Manager to Execute the Required Forms to Renew the City's Enrollment with Microsoft Corporation as Part of a Joint Microsoft Enterprise Agreement, and Issue Purchase Orders to Software One, Inc., for Microsoft Software Licenses at a Cost Not to Exceed \$240,000 Per Year for the Next Three Years (DS)

Resolution 15108 - Resolution Authorizing the City Manager to Execute the Required Forms to Renew the City's Enrollment with Microsoft Corporation as Part of a Joint Microsoft Enterprise

Agreement, and Issue Purchase Orders to Software One, Inc., for Microsoft Software Licenses at a Cost Not to Exceed \$240,000 Per Year for the Next Three Years

- g. **Spinnaker Point Parking Modifications Project**
Resolution Authorizing the City Manager to Award and Execute a Construction Agreement for the Spinnaker Point Parking Modifications Project, City Project No. 11363, to Michael Paul Company, Inc. in the Amount of \$844,693, and Authorizing Contingency Funds of \$125,307 for a Total Appropriated Amount of \$970,000 (PW)
Resolution 15109 - Resolution Authorizing the City Manager to Award and Execute a Construction Agreement for the Spinnaker Point Parking Modifications Project, City Project No. 11363, to Michael Paul Company, Inc. in the Amount of \$844,693, and Authorizing Contingency Funds of \$125,307 for a Total Appropriated Amount of \$970,000
- h. **2022/23 Slurry Seal Project**
Resolution Authorizing the City Manager to Award and Execute a Construction Agreement for the 2022/23 Slurry Seal Project, City Project No. 11415, to American Asphalt Repair Resurfacing Co., Inc. in the Amount of \$737,600, and Authorizing Contingency Funds of \$82,400, for a Total Appropriated Amount of \$820,000 (PW)
Resolution 15110 - Resolution Authorizing the City Manager to Award and Execute a Construction Agreement for the 2022/23 Slurry Seal Project, City Project No. 11415, to American Asphalt Repair Resurfacing Co., Inc. in the Amount of \$737,600, and Authorizing Contingency Funds of \$82,400, for a Total Appropriated Amount of \$820,000
- i. **Community Development Block Grant (CDBG) Agreement**
Resolution Authorizing the City Manager to Execute an Agreement with the County of Marin for the Use of \$184,008 of Community Development Block Grant Funds for the City's Canal Area Pump Station Improvements Project (PW)
Resolution 15111 - Resolution Authorizing the City Manager to Execute an Agreement with the County of Marin for the Use of \$184,008 of Community Development Block Grant Funds for the City's Canal Area Pump Station Improvements Project
- j. **Manuel T. Freitas/101 North Ramps Roundabout**
Resolution Authorizing the City Manager to Approve and Execute a Cooperative Agreement with Caltrans to Contribute Funds for Professional Engineering Services Associated with the Manuel T. Freitas Roundabout Project in an Amount Not to Exceed \$400,000 (PW)
Resolution 15112 - Resolution Authorizing the City Manager to Approve and Execute a Cooperative Agreement with Caltrans to Contribute Funds for Professional Engineering Services Associated with the Manuel T. Freitas Roundabout Project in an Amount Not to Exceed \$400,000
- AYES: Councilmembers: Bushey, Hill, Kertz & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: Llorens Gulati
- k. **[Third Street Rehabilitation Project](#)**
Resolution Authorizing the City Manager to Execute a Contract Change Order for the Third Street Rehabilitation Project to Ghilotti Bros. Inc. in the Amount of \$298,795 From the Project Contingency (PW)

This item was held from the Consent Calendar.

City Attorney Rob Epstein provided comments. Councilmember Hill could remain on the dais for this Consent item, even though he disqualified himself.

Councilmember Bushey moved and Councilmember Kertz seconded to approve Item 4.k.

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

Councilmember Hill was present, but disqualified himself.

Resolution 15113 - Resolution Authorizing the City Manager to Execute a Contract Change Order for the Third Street Rehabilitation Project to Ghilotti Bros. Inc. in the Amount of \$298,795 From the Project Contingency

PUBLIC HEARING

5. Public Hearing:

a. [Amendment to Zoning Ordinance to Allow Animal Care Facilities as a Conditionally Permitted Use in the Office \(O\) Zoning District](#)

Introduction of an Ordinance Amending the Text of the San Rafael Municipal Code, Table 14.05.020 Under Section 14.05.020, Land Use Regulations (GC, NC, O, C/O, R/O, FBWC) to Allow Animal Care Facilities as a Conditionally Permitted Use in the Office (O) District Subject to Performance Standards; Amending the Text of Table 14.06.020 Under Section 14.06.020, Land Use Regulations (I, LI/O, CCI/O, LMU) to Subject Animal Care Facilities to Performance Standards; and Amending Text of Chapter 14.17 to Establish Performance Standards for Animal Care Facilities (CD)

Ali Giudice, Community Development Director introduced Jayni Allsep, City Consultant who presented the Staff Report.

Mayor Kate invited public comment.

Speakers: Riley Hurd, Al Vetere, Gregory Andrew

Staff responded to public comment.

Councilmembers provided comments.

City Clerk Lindsay Lara read the title of the ordinance

Councilmember Bushey moved and Councilmember Kertz seconded to waive further reading of the ordinance and refer to it by title only, and introduce the ordinance.

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

Waived further reading and refer to it by title only and Introduced the Ordinance

OTHER AGENDA ITEMS:

6. Other Agenda Items:

a. [San Rafael 2023-2031 Housing Element](#)
Report on 2023-2031 Housing Element Opportunity Sites Inventory (CD)

Ali Giudice, Community Development Director introduced Barry Miller, City Consultant who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Ray Lorber, Al Vetere, Stuart Watson, David Smith, Gregory Andrew

Staff responded to public comment.

Councilmembers provided comments.

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

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

Accepted report

b. [Grand Jury Report on Electrifying Marin's Buildings](#)
Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael's Response to the 2021-2022 Marin County Civil Grand Jury Report Entitled "Electrifying Marin's Buildings: A Countywide Approach" (CM)

Cory Bytof, Sustainability Program Manager presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Arlin Benavides, Sustainable San Rafael, David Moller, Marin/Sonoma Building Electrification Squad, Ken Strong, Marin Conservation League, Kay Karchevski, Belle Cole, Organizing for Action Marin, Pam Reaves, Marin Conservation League

Staff responded to public comment.

Staff provided comments.

Councilmembers provided comments.

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

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

Resolution 15114 - Resolution Approving and Authorizing the Mayor to Execute the City of San Rafael's Response to the 2021-2022 Marin County Civil Grand Jury Report Entitled "Electrifying Marin's Buildings: A Countywide Approach"

c. [Hearing on Resolution of Necessity Initiating Eminent Domain Process to Acquire a Portion of 700/740 Francisco Boulevard West, San Rafael, California in Connection with Phase 1 of the Francisco Boulevard West Multi-Use Pathway Project](#)

Resolution to Determine the Necessity to Acquire a Portion of Property by Eminent Domain in Connection with Phase 1 of the Francisco Boulevard West Multi-Use Pathway Project; To Authorize Commencement of Litigation to Acquire Property by Eminent Domain; And to Seek an Order of Possession (Code of Civil Procedure Section 1245.220) (CA/PW)

Genevieve Coyle, Assistant City Attorney presented the Staff Report.

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

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

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

Resolution 15115 - Resolution to Determine the Necessity to Acquire a Portion of Property by Eminent Domain in Connection with Phase 1 of the Francisco Boulevard West Multi-Use Pathway Project; To Authorize Commencement of Litigation to Acquire Property by Eminent Domain; And to Seek an Order of Possession (Code of Civil Procedure Section 1245.220)

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 9: 49 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor