



MINUTES

SAN RAFAEL CITY COUNCIL – TUESDAY, SEPTEMBER 6, 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-2022-09-06>

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
 Councilmember Llorens Gulati

Absent: None

Also Present: City Manager Jim Schutz

Mayor Kate called the meeting to order at 7:03 p.m.

City Attorney Robert Epstein announced that no reportable action was taken in the Closed Session held on Monday, August 29, 2022.

Mayor Kate invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

Mayor Kate provided opening remarks, which included a recent use of force incident by San Rafael Police Officers. She explained how City Council meetings work and outlined how the meeting would go for the night.

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. None.

OPEN TIME FOR PUBLIC EXPRESSION

- Samantha Ramirez, J. Inez Benavidez, Marina, Sanchez, Mark Solomons, Rita Dempsey, Tonatich Beltran, Rita Dempsey, Tonatich Beltran, Alejandrina Espadas, Florencia Parada, Belle Marko, Alejandra Godinez, Nathalie F., Yolanda Barahona, Maite Duran, Jonathan Frieman, Kate Linforth, Nury Calderon, Tiffany Pham, Ashley Allen, Saul G., Brenda Camarena, Angel Gomez, Cindy Diaz, Gabriel Garcia, Cesar Lagleva, Salamah Locks, Edward Rusky, Cristina Godinez, Areli Machued, Danielle Hone, Eva Chrysanthe, Dhalma Suarez, Holly Middleton, Mr. Calderon, Gabriel, name withheld, Alejandra Godinez, Adriana, Cindy Diaz addressed the City Council regarding the recent use of force incident by San Rafael Police Officers.
- Capella Parrish addressed the City Council requesting signs be placed on both sides of the 1500 block of 4th St. from F St. to Shaver St. that prohibits skateboarding.

RECESS (9:06 - 9:18 pm)

OPEN TIME FOR PUBLIC EXPRESSION (CONTINUED)

- Heidi, Tom McAfee, Lisa Bennett, Phoebe Smith, name withheld, Matteo Diaz, Matthew Siroka, Jack Parnell-Wolfe, Jacqueline Devereaux, Rosalindo Camacho, Freddy Camacho Oviedo, Mr. Camacho, Lucia Martel-Dow, Francisco Camacho, name withheld, Jasmine, Nancy Palacios Devereaux, name withheld, Daniel Levy, Lisa Scarsella, Lisa Doering, Andreas, Evelyn Mazariegos, name withheld, Jessica Mena Flores, name withheld, name withheld, Romario Conrado, Sage Mace, Joe McGarry, Giuliana Martinez, Olivia Beltran, name withheld, Barry, Lizeth Carrillo, name withheld, name withheld, name withheld, name withheld addressed the City Council regarding the recent use of force incident by San Rafael

Police Officers.

City Attorney Robert Epstein responded to the public comments about the recent use of force incident by San Rafael Police Officers and explained what the City is going to do about it.

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

3. City Manager and Councilmember Reports:

Continued to September 19, 2022

CONSENT CALENDAR:

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

Speakers: Bob Overick, Elise Adams, Joseph Adams, name withheld, Mark Solomons, Michael Jobe, Sarah Tipple (Business Improvement District BID)

Mayor Kate pulled Item 4.i from the Consent Calendar for further discussion.

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to approve the Consent Calendar, excluding Item 4.i.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council Regular Meeting of August 1, 2022 and City Council Special Meetings of August 8, 2022 and August 29, 2022 (CC)

Approved minutes as submitted

b. **Conflict of Interest Code Update**

Resolution Repealing Resolution No. 14855, Re-Adopting the Fair Political Practices Commission Model Conflict of Interest Code as the City's Conflict of Interest Code, and Adopting a Revised List of Designated Employee Positions and Disclosure Categories, to be Incorporated into the City's Conflict of Interest Code (CC)

Resolution 15117 - Resolution Repealing Resolution No. 14855, Re-Adopting the Fair Political Practices Commission Model Conflict of Interest Code as the City's Conflict of Interest Code, and Adopting a Revised List of Designated Employee Positions and Disclosure Categories, to be Incorporated into the City's Conflict of Interest Code

c. **Restructure of Voter Approved Tax Measure Oversight Committees**

Resolution Establishing and Adopting Bylaws of the Voter Approved Tax Oversight Committee; Appointing the Voter Approved Tax Oversight Committee as the Transaction and Use Tax Oversight Committee, the Special Library Parcel Tax Oversight Committee, the Independent Oversight Committee Over the Cannabis Industry Tax Revenues, and as the Independent Oversight Committee Over Voter Approved City Tax Measures; and Dissolving the Existing Transaction and Use Tax Oversight Committee, the Special Library Parcel Tax Oversight Committee, and the Cannabis Industry Tax Oversight Committee (CC)

Resolution 15118 - Resolution Establishing and Adopting Bylaws of the Voter Approved Tax Oversight Committee; Appointing the Voter Approved Tax Oversight Committee as the Transaction and Use Tax Oversight Committee, the Special Library Parcel Tax Oversight Committee, the Independent Oversight Committee Over the Cannabis Industry Tax Revenues, and as the Independent Oversight Committee Over Voter Approved City Tax Measures; and Dissolving the Existing Transaction and Use Tax Oversight Committee, the Special Library Parcel Tax Oversight Committee, and the Cannabis Industry Tax Oversight Committee

- d. **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 15119 - 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

- e. **Animal Care Facilities Ordinance**
Final Adoption of Ordinance 2015: 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 (CC)

Final adoption of Ordinance 2015

- f. **Support of the Digital Marin Strategic Plan**
Resolution in Support of the Digital Marin Strategic Plan (DS)
Resolution 15120 - Resolution in Support of the Digital Marin Strategic Plan

- g. **National Preparedness Month**
Proclamation Supporting National Preparedness Month (FD)
Received and filed

- h. **Hispanic Heritage Month**
Proclamation Supporting Hispanic Heritage Month (HR)
Received and filed

- i. **Special Event Street Closures in Downtown San Rafael**
Resolution Authorizing Closures of Fourth Street Between F Street and G Street on October 6th, 7th and 14th to support the limited extension of outdoor events including the San Rafael Thursday and Friday Night Block Party (PD)

This item was held from the Consent Calendar.

City Manager Jim Schutz provided comments.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Hill seconded to adopt the resolution,

with instructions to Staff to work with the Business Improvement District (BID) at this time to work at finding a compromise on items that can be adjusted to accommodate the neighbors' interests.

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

Resolution 15123 - Resolution Authorizing Closures of Fourth Street Between F Street and G Street on October 6th, 7th and 14th to support the limited extension of outdoor events including the San Rafael Thursday and Friday Night Block Party

- j. **San Rafael Inter Department Fleet Replacement FY2022-23
Resolution Approving and Authorizing the City Manager to Purchase Fourteen (14) Vehicles Across City Departments for Replacement, In an Amount Not to Exceed \$1,034,100 (PW)**

Resolution 15121 - Resolution Approving and Authorizing the City Manager to Purchase Fourteen (14) Vehicles Across City Departments for Replacement, In an Amount Not to Exceed \$1,034,100

- k. **Stormwater Pump Station Repairs
Resolution Authorizing the City Manager to Waive Competitive Bidding and Award and Execute an Agreement for the Performance of Stormwater Pump Station Repairs to Pump Repair Service Company in the Amount of \$345,686, and Authorizing Contingency Funds of \$34,614 for a Total Appropriated Amount of \$380,300 (PW)**

Resolution 15122 - Resolution Authorizing the City Manager to Waive Competitive Bidding and Award and Execute an Agreement for the Performance of Stormwater Pump Station Repairs to Pump Repair Service Company in the Amount of \$345,686, and Authorizing Contingency Funds of \$34,614 for a Total Appropriated Amount of \$380,300

SPECIAL PRESENTATIONS

5. Special Presentations:

- a. **Proclamation in Support of Suicide Prevention and Awareness (Fin)**

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

Mayor Kate presented the proclamation.

Nadine Hade, Administrative Services Director provided comments.

PUBLIC HEARING

6. Public Hearing:

- a. **Continued to September 19, 2022 - "Streetaries" Outdoor Eating Areas Ordinance**

Introduction of an Ordinance of the City of San Rafael adding Chapter 11.70 ("Streetaries" Outdoor Eating Areas) to Title 11 (Public Works) of the San Rafael Municipal Code; amending Section 14.16.277 of Chapter 14.16 (Site Use and Regulations), Section 14.17.110 of Chapter 14.17 (Performance Standards), Section 14.05.020 of Chapter 14.05 (Commercial and Office Districts), Section 14.06.020 of Chapter 14.06 (Industrial Districts) and Section 14.08.020 of Chapter 14.08 (Marine District) of Title 14 (Zoning) of the San

Rafael Municipal Code; and Amending Table 2.3.070.a (Use Table) of Chapter 9 (Downtown Form-Based Code) of the Downtown San Rafael Precise Plan Relating to Outdoor Eating Areas in the Public Right-of-Way (PW)

Continued to September 19, 2022

b. Boards & Commissions Updates

Resolution and Ordinance Changes to Existing City Boards and Commissions (CC):

- i. Introduce an Ordinance of the City of San Rafael Amending Sections 2.16.030 Through 2.16.033 of the San Rafael Municipal Code Related to the Board of Library Trustees
Recommended Action - Waive further reading and Introduce the Ordinance
- ii. Resolution Amending the Board of Library Trustees Bylaws
Recommended Action - Adopt Resolution
- iii. Introduce an Ordinance of the City of San Rafael Amending Section 14.25.070 and Adding Sections 2.16.120 Through 2.16.122 of the San Rafael Municipal Code Related to the Design Review Board
Recommended Action - Waive further reading and Introduce the Ordinance
- iv. Resolution Amending the Design Review Board Bylaws
Recommended Action - Adopt Resolution
- v. Introduce an Ordinance of the City of San Rafael Amending Sections 2.16.010 Through 2.16.013 of the San Rafael Municipal Code Related to the Fire Commission
Recommended Action - Waive further reading and Introduce the Ordinance
- vi. Resolution Amending the Fire Commission Bylaws
Recommended Action - Adopt Resolution

Continued to September 19, 2022

OTHER AGENDA ITEMS:

7. Other Agenda Items:

- a. **Grand Jury Report - Affordable Housing: Time for Collaboration in Marin**
Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Entitled - Affordable Housing: Time for Collaboration In Marin (CD)
Recommended Action - Adopt Resolution

Continued to September 19, 2022

- b. **Agreement for Disbursement of Measure A Tax Proceeds and Measure A Work Plan for July 1, 2022 - June 30, 2023**
Resolution Authorizing the City Manager to Execute an Agreement with the County of Marin for Disbursement of Measure A Tax Proceeds and Approving the Measure A Work Plan for July 1, 2022 - June 30, 2023 (LR)
Recommended Action - Adopt Resolution

Continued to September 19, 2022

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate announced the remainder of the business items on the Agenda to be continued to a future council meeting. She adjourned the meeting at 11:29 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor

DRAFT