

In the Council Chambers of the City of San Rafael, Monday, April 15, 2019 at 7:00 p.m.



**Regular Meeting  
San Rafael City Council**

**Minutes**

Present: Mayor Phillips  
Vice Mayor McCullough  
Councilmember Bushey  
Councilmember Colin  
Councilmember Gamblin

Absent: None

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

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**OPEN SESSION – COUNCIL CHAMBERS, CITY HALL**

1. None.

**CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL**

2. Closed Session: - None.

**OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM**

- Gregory Poulos addressed the City Council regarding the Wildfire Protection and Prevention Action Plan / Mayor Phillips
- Mimi Willard, Coalition of Sensible Taxpayers (COST), addressed the City Council regarding Wildfire Protection and Prevention Action Plan / Mayor Phillips

**CITY MANAGER'S REPORT:**

3. City Manager's Report:

- City Manager Jim Schutz announced the City of San Rafael's receipt of the Joe Gardbarino Large Green Business of the Year Award at the State of the City Dinner and announced the Draft Climate Change Action Plan 2030 report and Sustainability Priorities would be presented at the May 6, 2019 City Council meeting.  
Additionally, he announced the following upcoming events:
  - Earth Day on April 20, 2019.
  - Albert Park Playground Grand Opening on Monday, April 29th at 3:30pm, and April 27th
  - Fire Wise Workshops on May 2nd & 3rd

**CONSENT CALENDAR:**

4. Consent Calendar Items:

Item 4.f held from the Consent Calendar for comment

Councilmember Bushey moved and Councilmember Gamblin seconded to approve the remainder of the Consent Calendar Items:

- a. **Approval of Minutes**  
Approve Minutes of City Council / Successor Agency Regular Meeting of Tuesday, April 2, 2019 (CC)  
[Regular Meeting Minutes 2019-04-02](#)  
  
Approved as submitted
  
- b. **Senate Bill 2 Planning Grants Program**  
Resolution Endorsing and Authorizing the Filing of Applications for the Senate Bill 2 (SB 2) Planning Grants Program (CD)  
[Senate Bill 2 Planning Grants Program](#)  
  
RESOLUTION 14656 - RESOLUTION ENDORSING AND AUTHORIZING THE FILING OF APPLICATIONS FOR THE SENATE BILL 2 (SB 2) PLANNING GRANTS PROGRAM
  
- c. **Electronic Payment Acceptance Services Agreement**  
Resolution Authorizing the City Manager to Execute an Agreement with Elavon, Inc. for Electronic Payment Acceptance Services for the Community Services Department in An Amount Not to Exceed \$200,000 (CS)  
[Electronic Payment Acceptance Services](#)  
  
RESOLUTION 14657 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ELAVON, INC. FOR ELECTRONIC PAYMENT ACCEPTANCE SERVICES FOR THE COMMUNITY SERVICES DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$200,000
  
- d. **City Quarterly Investment Report**  
Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending March 31, 2019 (Fin)  
[City Quarterly Investment Report](#)  
  
Accepted report
  
- e. **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)  
[FEMA Hazard Mitigation and Pre-Disaster Mitigation Grant Funds](#)  
  
RESOLUTION 14658 - 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
  
- g. **Annual Traffic Mitigation Fee Report**  
Resolution Accepting the Annual Traffic Mitigation Fee Report and Determining That a Reasonable Relationship Exists Between the Current Need for Traffic Mitigation Fees Held Over Five Years and the Purposes for Which They Were Originally Collected (PW)  
[Annual Traffic Mitigation Fee Report 2019](#)

RESOLUTION 14659 - RESOLUTION ACCEPTING THE ANNUAL TRAFFIC MITIGATION FEE REPORT AND DETERMINING THAT A REASONABLE RELATIONSHIP EXISTS BETWEEN THE CURRENT NEED FOR TRAFFIC MITIGATION FEES HELD OVER FIVE YEARS AND THE PURPOSES FOR WHICH THEY WERE ORIGINALLY COLLECTED

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

The following item was held from the Consent Calendar for comment:

- f. **Southern Heights Bridge Replacement Project**  
Resolution Approving and Authorizing the City Manager to Execute Seven Agreements for Temporary Construction Easements with Property Owners on Southern Heights Boulevard, Meyer Road, and Pleasant Lane, in an Aggregate Total Amount Not to Exceed \$83,113 (PW)  
[Southern Heights Bridge Replacement Project](#)

[Councilmember McCullough / Public Works Director Bill Guerin](#)

[Mayor Phillips invited public comment; however, there was none.](#)

[Councilmember McCullough moved and Councilmember Gamblin seconded to adopt the Resolution](#)

RESOLUTION 14660 - RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE SEVEN AGREEMENTS FOR TEMPORARY CONSTRUCTION EASEMENTS WITH PROPERTY OWNERS ON SOUTHERN HEIGHTS BOULEVARD, MEYER ROAD, AND PLEASANT LANE, IN AN AGGREGATE TOTAL AMOUNT NOT TO EXCEED \$83,113

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

**SPECIAL PRESENTATION:**

5. **Special Presentation:**

- a. **Presentation from Marin Municipal Water District Regarding New Rates and Fee Proposals**  
[Correspondence](#)  
[PowerPoint Presentation by MMWD](#)

[City Manager Jim Schutz introduced Marin Municipal Water District General Manager Ben Horenstein who would give a presentation](#)

[Ben Horenstein](#)

[Mayor Phillips](#)

[Councilmember Bushey / Ben Horenstein](#)

[Councilmember Bushey / Ben Horenstein](#)

Councilmember Bushey / Ben Horenstein  
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Councilmember McCullough / Ben Horenstein  
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Councilmember McCullough / Ben Horenstein  
Armando Quintero, Marin Municipal Water District Board Member  
Councilmember McCullough  
Councilmember McCullough / Ben Horenstein  
Councilmember Gamblin / Armando Quintero / Ben Horenstein  
Councilmember Gamblin / Armando Quintero  
Councilmember Gamblin / Ben Horenstein / Armando Quintero  
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Councilmember Gamblin / Ben Horenstein / Armando Quintero  
Councilmember Colin / Ben Horenstein  
Councilmember Colin / Armando Quintero  
Councilmember Colin / Armando Quintero  
Councilmember Gamblin / Ben Horenstein  
Mayor Phillips  
Mayor Phillips / Armando Quintero  
Mayor Phillips / Armando Quintero  
Mayor Phillips invited public comment  
Mimi Willard, Coalition of Sensible Taxpayers (COST)  
Dave Bonfillio  
Gregory Poulos  
Ruth Pratt

Bill Pratt

There being no further comment from the audience, Mayor Phillips closed the public comment period

Mayor Phillips

Ben Horenstein

Mayor Phillips

**OTHER AGENDA ITEMS:**

**6. Other Agenda Items:**

- a. **400 Upper Toyon Drive Detachment Request and Proposed Tax Sharing Agreement**  
Consideration of a Proposed Tax Sharing Agreement with Town of Ross Relating to 400 Upper Toyon Drive Detachment Request (CA)  
[400 Upper Toyon](#)

Mayor Phillips

Councilmember McCullough moved and Councilmember Bushey seconded to continue

*Item continued*

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: None

- b. **Flavored Tobacco Product Ban**  
Informational Report on Potential Ban on the Sale of Flavored Tobacco Products in San Rafael (CM)  
[Flavored Tobacco Product Ban](#)  
[PowerPoint Presentation](#)

Ethan Guy, Community Development Department Principal Analyst, presented the staff report

Mayor Phillips

Councilmember Colin / Ethan Guy

Councilmember Colin / Ethan Guy

Councilmember Colin / Ethan Guy

Councilmember Gamblin / Ethan Guy / City Manager Jim Schutz

Councilmember Gamblin / Ethan Guy

Councilmember Gamblin / Ethan Guy

Councilmember Gamblin / Ethan Guy

Councilmember Gamblin

City Manager Jim Schutz

Councilmember Gamblin

Mayor Phillips invited public comment

Barry, Stephan, David Laseen, Jaime Rojas, National Association of Tobacco Outlets, Rebecca, VIP Buyer, Elena, VIP Sales Associate, Tamara, VIP Store Manager, Jesse, Dave Bonfillio, Bianca Vasquez, Eddie Walsch / Mayor Phillips, Pam Granger, Smoke Free Marin Coalition / Mayor Phillips, Bob Curry, Tobacco Control Program / City Manager Jim Schutz / Councilmember McCullough, Laura Walsch, Ted Taurino, VIP Adult Boutique / Mayor Phillips

Mayor Phillips closed the public comment period

Councilmember McCullough

Councilmember Bushey

Councilmember Colin

Councilmember Gamblin

Mayor Phillips

City Manager Jim Schutz

Mayor Phillips

Councilmember Gamblin / Ethan Guy

Councilmember Gamblin / Ethan Guy

Councilmember Gamblin

Councilmember Colin moved and Councilmember Bushey seconded to accept the report and provided direction for staff to return with data on bans elsewhere and its effect on youth consumption, full information on how youths are obtaining illegal tobacco products, and the possibility of an exemption for adult-only businesses.

Accepted report and provided direction to staff

AYES: Councilmembers: Bushey, Colin, McCullough & Mayor Phillips  
NOES: Councilmembers: Gamblin  
ABSENT: Councilmembers: None

**COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:**

7. Councilmember Reports:

Councilmember Colin reported on the General Plan 2040 Steering Committee

Mayor Phillips / Councilmember Bushey / Councilmember Colin

Mayor Phillips reported on Sonoma-Marin Area Rail Transit (SMART)

SAN RAFAEL SUCCESSOR AGENCY

1. Consent Calendar:

Member Bushey moved and Member Colin seconded to approve the Consent Calendar

- a. Successor Agency Quarterly Investment Report  
Acceptance of Successor Agency Quarterly Investment Report (Fin)  
[SA Investment Report](#)

Accepted report

AYES: Members: Bushey, Colin, Gamblin, McCullough & Chairman Phillips  
NOES: Members: None  
ABSENT: Members: None

ADJOURNMENT:

Mayor Phillips adjourned the City Council meeting at 9:43 p.m.

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LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

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GARY O. PHILLIPS, Mayor