

In the Council Chambers of the City of San Rafael, Monday, May 6, 2019



**Regular Meeting  
San Rafael City Council**

**Minutes**

[How to participate in your City Council meeting](#)

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

Absent: None

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

[Mayor Phillips requested the Colors be presented](#)

**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**

- Katherine DaSilva Jain addressed the City Council regarding carbon offsets
- Vickie Sievers addressed the City Council regarding 5G Wireless Communication Technology

**CITY MANAGER'S REPORT:**

3. City Manager's Report:

- City Manager Jim Schutz reported on topics and made announcements of upcoming events and public meetings:
  - Wildfire Prevention:
    - City Council Wildfire Subcommittee, Mayor Phillips and Councilmember Bushey, is recruiting for community members to join the subcommittee and applications are due on Friday, May 10, 2019 at 5 p.m. for the remaining 8 committee members.
    - Marin Wildfire Forum was held on May 4, 2019
    - Firestorm and Wildfire Climate Workshop will be held on Wednesday, May 8, 2019 from 7-9 p.m. at B Street Community Center;
    - Reported on County of Marin's work around a County-wide approach to wildfire prevention.
  - Downtown Plan Design Charrette:

- The City is hosting Downtown Plan Design Charrette's to seek input on the development of the master plan for downtown specifically around creating the Downtown Plan Design Guidelines, parking and transportation, public space improvement zoning, and strategies to increase affordable housing and reducing displacement.
  - **Downtown Plan Design Charrette Opening Presentation** to be held on Wednesday, May 8th from 7-9 p.m. at Whistlestop;
  - **Downtown Plan Design Charrette Thursday Studio** to be held on Thursday, May 9, 2019 from 10 - 6:30 p.m. at 1200 4th Street;
  - **Downtown Plan Design Charrette Friday Studio** to be held on Friday, May 10, 2019 from 10 - 1:00 p.m. at 1200 4th Street;
  - **Downtown Plan Design Charrette Closing Presentation** to be held on Saturday, May 11, 2019 from 10-12:00 p.m. at Whistlestop.
- Reported on SMART's notification to close a portion of Second and Third Streets for one weekend each at the end of May and the beginning of June 2019.
- Mayor Phillips / City Manager Jim Schutz announced the May Madness in downtown San Rafael on May 11, 2019 at 12:00 p.m.

**CONSENT CALENDAR:**

**4. Consent Calendar Items:**

Items 4.c, 4.d and 4.i held from the Consent Calendar

Councilmember McCullough 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 Monday, April 15, 2019 (CC)**  
[City Council Minutes 2019-04-15](#)  
  
 Approved as submitted
- b. **Statement of Economic Interests Annual Filings**  
**Report on Fair Political Practices Commission Form 700, Statement of Economic Interests, 2018 Annual Filings, for Section 87200 Filers and Designated Employees, Including Consultants, Design Review Board, Park and Recreation Commission and Successor Agency Oversight Board (CD)**  
[Statement of Economic Interests Report 2019](#)  
  
 Accepted report
- e. **Public Service Recognition Week**  
**Resolution Supporting Public Service Recognition Week 2019 (HR)**  
[Public Service Recognition Week](#)  
  
 RESOLUTION 14661 - RESOLUTION SUPPORTING PUBLIC SERVICE RECOGNITION WEEK 2019
- f. **National Police Week**  
**Resolution Supporting National Police Week 2019 (PD)**  
[National Police Week](#)

RESOLUTION 14662 - RESOLUTION SUPPORTING NATIONAL POLICE WEEK 2019

- g. Fleet Vehicle Purchases**  
**Resolution Authorizing the City Manager to Increase the Approved Purchase Price for Three Police Patrol Cars by \$8,000 Each (\$24,000 Total for Three) for a Total Not-to-Exceed Purchase Amount of \$195,000 (PW)**  
[Fleet Vehicle Purchases](#)

RESOLUTION 14663 - RESOLUTION AUTHORIZING THE CITY MANAGER TO INCREASE THE APPROVED PURCHASE PRICE FOR THREE POLICE PATROL CARS BY \$8,000 EACH (\$24,000 TOTAL FOR THREE) FOR A TOTAL NOT-TO-EXCEED PURCHASE AMOUNT OF \$195,000

- h. Fire Station 54 & 55 Reconstruction Design**  
**Resolution Awarding and Authorizing the City Manager to Execute A Professional Services Agreement with Loving Campos Associates, Architects, Inc. for Design of the Fire Stations 54 and 55 Renovation in the Amount of \$615,175, and Further Delegating to the City Manager Authority to Exercise the Option to Add Construction Administration Services in An Amount Not-to-Exceed \$113,742 At a Later Date for a Total Amount Not to Exceed \$728,917 (PW)**  
[Fire Stations 54 & 55 Reconstruction Design](#)

RESOLUTION 14664 - RESOLUTION AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LOVING CAMPOS ASSOCIATES, ARCHITECTS, INC. FOR DESIGN OF THE FIRE STATIONS 54 AND 55 RENOVATION IN THE AMOUNT OF \$615,175, AND FURTHER DELEGATING TO THE CITY MANAGER AUTHORITY TO EXERCISE THE OPTION TO ADD CONSTRUCTION ADMINISTRATION SERVICES IN AN AMOUNT NOT-TO-EXCEED \$113,742 AT A LATER DATE FOR A TOTAL AMOUNT NOT TO EXCEED \$728,917

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

The following items were removed from the Consent Calendar:

- c. 400 Upper Toyon Drive Detachment Request and Proposed Tax Sharing Agreement**  
**Resolution Approving and Authorizing the City Manager to Enter into a Tax Exchange Agreement with the Town of Ross in Connection with the Proposed Detachment of 400 Upper Toyon Drive (Assessor's Parcel No. 012-121-28) from the City of San Rafael and Its Annexation to the Town of Ross, in Addition to the Property Owner's Offer of Payment (CA)**  
[400 Upper Toyon](#)

[Mayor Phillips clarified the dollar amount to be paid by the property owner](#)

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

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

RESOLUTION 14665 - RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A TAX EXCHANGE AGREEMENT WITH THE TOWN OF ROSS IN CONNECTION WITH THE PROPOSED DETACHMENT OF 400 UPPER TOYON DRIVE (ASSESSOR'S PARCEL NO. 012-121-28) FROM THE CITY OF SAN RAFAEL AND ITS

ANNEXATION TO THE TOWN OF ROSS, IN ADDITION TO THE PROPERTY OWNER'S OFFER OF PAYMENT

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

- d. **San Rafael Wildfire Advisory Committee**  
**Resolution Establishing the San Rafael Wildfire Advisory Committee, Appointing Initial Committee Members and Adopting Committee Guidelines (FD)**  
[Wildfire Advisory Committee](#)

Councilmember Colin announced the application period for community members to participate on the subcommittee ends on May 10, 2019 at 5:00 p.m., informed the community they could apply online, and commented on the Grand Jury report.

Mayor Phillips commented on the first seven members selected for the subcommittee

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the Resolution

RESOLUTION 14666 - RESOLUTION ESTABLISHING THE SAN RAFAEL WILDFIRE ADVISORY COMMITTEE, APPOINTING INITIAL COMMITTEE MEMBERS AND ADOPTING COMMITTEE GUIDELINES

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

- i. **2018-19 Restriping Project**  
**Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the 2018-19 Restriping Project, City Project No. 11359, to Bayside Stripe & Seal, Inc. in the Amount of \$701,270.00, and Authorizing Contingency Funds in the Amount of \$48,730 for a Total Appropriated Amount of \$750,000 (PW)**  
[2018-19 Restriping Project](#)

Staff responded to questions from Councilmembers. Councilmembers provided comment.

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

Councilmember Bushey moved and Councilmember Colin seconded to adopt the Resolution

RESOLUTION 14667 - RESOLUTION AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT FOR THE 2018-19 RESTRIPING PROJECT, CITY PROJECT NO. 11359, TO BAYSIDE STRIPE & SEAL, INC. IN THE AMOUNT OF \$701,270.00, AND AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$48,730 FOR A TOTAL APPROPRIATED AMOUNT OF \$750,000

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

**SPECIAL PRESENTATIONS:**

**5. Special Presentations:**

**a. Presentation of Resolutions Supporting Public Service Recognition Week and National Police Week (HR)**

Assistant City Manager Cristine Alilovich introduced the Director of Employee Experience and Culture, Shibani Nag, to receive the resolution of appreciation

Mayor Phillips presented the Resolution of Support to Shibani Nag

Shibani Nag commented on Public Service Recognition Week

Mayor Phillips presented the Resolution of Support to Chief of Police Diana Bishop

Chief Bishop commented on National Police Week

**b. Police Department Award Ceremony (PD)**

Chief of Police Diana Bishop commented on the Police Department and introduced Lieutenant Scott Eberle who conducted the Award Ceremony

Lieutenant Eberle presented the following awards:

**Life Saving Citation**

James Bellamy, Corporal  
Michael Garrison, Officer  
Mark Hedeem, Reserve Officer  
Rob Sinclair, Marine Unit Volunteer  
John McGinnis, Marine Unit Volunteer

**Meritorious Conduct Citation**

Rebecca Kuga, Youth Services Bureau Supervisor (Retired)

**Unit Conduct Citation**

Alan Piombo, Mill Valley Police Chief (Former SRPD)  
Todd Berringer, Sergeant  
Ronda Cordero, Corporal  
Rob Cleland, Corporal  
Aaron Piombo, Corporal  
Blake Delzell, Corporal  
James Dooley, Officer  
Gino Rantissi, Santa Rosa Police Officer (Former SRPD)  
Carlos Maldonado, Berkeley Police Officer (Former SRPD)

**LETTERS OF COMMENDATION**

**Helen Vine Detox Homicide Investigation**

Wanda Spaletta, Sergeant  
Lilah Gavlick, Corporal  
Phil Melodia, Officer  
James Dooley, Officer  
Karl Luhmann, Officer

Cheryl Kondratieff, Officer

**Life Saving Efforts**

James Dooley, Officer

Marc Laplante, Officer (Retired)

**Boat Fire Dog Rescue**

Travis Ruggles, Officer

**Excellence In Supervision**

Wanda Spaletta, Sergeant

Mayor Phillips

Chief Bishop administered the Oath of Office to the Marin Auxiliary Members and K-9 Officers

**OTHER AGENDA ITEMS:**

**6. Other Agenda Items:**

**a. Renter Protections**

**Informational Report on Proposed Renter Protection Policies: Mandatory Mediation and Just Cause Eviction (CM)**

[Renter Protections](#) [Correspondence \(May 2 at 10:00 a.m.\)](#) [Correspondence \(May 3 at 10:00 a.m.\)](#)  
[Correspondence](#) [Correspondence \(May 6 at 12:00 p.m.\)](#)

Andrew Hening, Director of Homeless Planning and Outreach, presented the staff report

Leelee Thomas, Marin County Community Development Agency

Staff responded to questions from Councilmembers. Councilmembers provided comment.

Mayor Phillips invited public comment

**Speakers:** George Pegelow, NextGen Marin; Julia Kiley, Marin Organizing Committee; Shannon Griffin; Ruth Yaeger and Steve Wolf; Carolyn Coles; Joan deCowaski; David Levin, Legal Aid of Marin; Speaker; Yolanda Varona; Speaker; Linda Jackson / Mayor Phillips / Councilmember McCullough; Casey Epp, Fair Housing Advocates; Judy Binsacca, League of Women Voters; Dr. Lisa Leavitt; Christina; Howard Schwartz; Alex Calfin / Mayor Phillips; Rosa; Kiki La Porta, Marin Environmental Housing Collaborative; Lisa Doring; Herb Taylor; Fernando Barreto; Beatrice; Speaker; Wendy; Speaker

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

Councilmembers provided comments and feedback to staff

City Manager Jim Schutz reiterated City Council's direction to staff, stating a consensus that the basis for mediation would be a 5% or greater increase to be applied to all units, not just three or more, and the City would pay the cost of the first year while researching alternative funding sources. Additionally, staff would address concerns relating to any unintended consequences, as well as a purpose for the percent increase being 5%, as opposed to a 10%.

Councilmember Bushey moved and Councilmember Colin seconded to accept the report with the provided direction to staff

Accepted report and provided direction to staff

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

**b. Climate Change Action Plan Adoption and Greenhouse Gas Emissions Report (CM)**

- 1) Resolution Adopting Addendum No. 4 to the Certified San Rafael General Plan 2020 Final Environmental Impact Report (FEIR) (SCH# 2003052031), Prepared for the San Rafael Climate Change Action Plan 2030
- 2) Resolution Adopting the San Rafael Climate Change Action Plan 2030 (City File #P19-003)
- 3) Annual Report on the Greenhouse Gas Inventory and Reduction Strategy for 2016
- 4) Report on the 2019-2020 Two-Year Work Plan Priorities  
[Climate Change Action Plan 2030 & GHG Report](#)

Cory Bytof, Sustainability Coordinator, presented the staff report along with Christine O'Rourke

Mayor Phillips invited public comment

**Speakers:** Bill Carney, Sustainable San Rafael; Chris Yollanis, Venture Pad; Kiki Laporta, Sustainable Marin; Bell Cole, Organizing for Action in Marin; Charlotte Kamman, Marin School of Environmental Leadership; Anna Ostrovsky, Marin School of Environmental Leadership; Stuart Siegel; Katherine DaSilva Jain

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

Councilmember Colin provided comments

Councilmember Colin moved and Councilmember Bushey seconded to adopt the Resolution Adopting Addendum No. 4 to the Certified San Rafael General Plan 2020 Final Environmental Impact Report (FEIR) (SCH# 2003052031), Prepared for the San Rafael Climate Change Action Plan 2030

RESOLUTION 14668 - RESOLUTION ADOPTING ADDENDUM NO. 4 TO THE CERTIFIED SAN RAFAEL GENERAL PLAN 2020 FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) (SCH# 2003052031), PREPARED FOR THE SAN RAFAEL CLIMATE CHANGE ACTION PLAN 2030

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

Councilmember Colin moved and Councilmember Bushey seconded to adopt the Resolution Adopting the San Rafael Climate Change Action Plan 2030 (City File #P19-003)

RESOLUTION 14669 - RESOLUTION ADOPTING THE SAN RAFAEL CLIMATE CHANGE ACTION PLAN 2030 (CITY FILE #P19-003)

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

Councilmember Colin moved and Councilmember Bushey seconded to accept the report on the Greenhouse Gas Inventory and Reduction Strategy for 2016

Accepted report

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

Councilmember Colin moved and Councilmember Bushey seconded to accept the report on the 2019-2020 Two-Year Work Plan Priorities

Accepted report

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

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

7. Councilmember Reports:

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: -None.

**ADJOURNMENT:**

Mayor Phillips adjourned the City Council meeting at 11:36 p.m.

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LINDSAY LARA, City Clerk

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

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GARY O. PHILLIPS, Mayor