

In the Council Chambers of the City of San Rafael, Monday, June 3, 2019



Regular Meeting

San Rafael City Council

Minutes

Present: Mayor Phillips
Vice Mayor McCullough
Councilmember Colin
Councilmember Gamblin

Absent: Councilmember Bushey

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

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OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL

1. None.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL

2. Closed Session: None.

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

- [Salamah Locks, Commission on Aging, reported on the Commission on Aging](#)
- [Michael Parsons addressed the City Council regarding dual bike paths](#)

[Mayor Phillips read a statement regarding interpretation services being provided for the City Council meeting](#)

CITY MANAGER’S REPORT:

3. City Manager’s Report:

- [City Manager Jim Schutz:](#)
 - [provided an update on SMART construction project road closures; and](#)
 - [announced San Rafael Market to commence Thursday June 13th from 6-9:00 p.m. through September; and](#)
 - [announced item 4.c to be continued to June 17, 2019 City Council meeting when all members of the City Council are present; and](#)

- shared resident's appreciation regarding the Albert Park Play Area Project Completion; and
- announced Vice Mayor McCullough would pull item 4.h for clarification comments

Mayor Phillips commented on the SMART construction road closures

CONSENT CALENDAR:

4. Consent Calendar Items:

Item 4.h held from the Consent Calendar

Councilmember McCullough moved and Councilmember Colin seconded to approve the remainder of the Consent Calendar and postpone item 4.c to the City Council meeting of June 17, 2019

- a. Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular and Meeting of Monday, May 20, 2019 (CC)
[Regular Minutes 2019-05-20](#)

Approved minutes as submitted

b. ADA Access Advisory Committee

- 1) **Resolution Repealing Resolution No. 12851 and Establishing Bylaws of the ADA Access Advisory Committee**
- 2) **Call for Applications to Fill Three Four-Year Terms to the End of October 2022 on the ADA Access Advisory Committee Due to the Expiration of Terms of Rob Simon and Fredric Divine and the Resignation of Brooklyn Rodden (CD)**
[ADA Access Advisory Committee](#)

ACCEPTED REPORT AND ADOPTED RESOLUTION 14673 - RESOLUTION REPEALING RESOLUTION NO. 12851 AND ESTABLISHING BYLAWS OF THE ADA ACCESS ADVISORY COMMITTEE

- c. Flavored Tobacco Product Ban**
Second Reading and Final Adoption of Ordinance 1970: An Ordinance of the San Rafael City Council Amending Chapter 8.15 of the San Rafael Municipal Code, Entitled "Tobacco Retail Sales, Advertising And Promotion" to Regulate Sales of Flavored Tobacco Products and Sale of Tobacco Products at Pharmacies (CC)
[Flavored Tobacco Product Ban Ordinance Adoption Correspondence](#)

Continued to City Council meeting of June 17, 2019

- d. Ladder Truck Repair**
Resolution Authorizing a One-Time Purchase and Payment of a Purchase Order to Pierce Manufacturing for Ladder Truck Repair Services in an Amount Not to

Exceed \$142,521 Plus a 25% Contingency (FD)

[Ladder Truck Repair](#)

RESOLUTION 14674 - RESOLUTION AUTHORIZING A ONE-TIME PURCHASE AND PAYMENT OF A PURCHASE ORDER TO PIERCE MANUFACTURING FOR LADDER TRUCK REPAIR SERVICES IN AN AMOUNT NOT TO EXCEED \$142,521 PLUS A 25% CONTINGENCY

e. Crime Analyst Services

Resolution Authorizing the City Manager to Execute an Agreement for Crime Analysis Services with LexisNexis Risk Solutions, Inc., in an Amount Not to Exceed \$138,215 and Appropriating this Amount from the Safety Grant Fund to Support the Agreement (PD)

[Crime Analyst Services](#)

RESOLUTION 14675 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR CRIME ANALYSIS SERVICES WITH LEXISNEXIS RISK SOLUTIONS, INC., IN AN AMOUNT NOT TO EXCEED \$138,215 AND APPROPRIATING THIS AMOUNT FROM THE SAFETY GRANT FUND TO SUPPORT THE AGREEMENT

f. Baypoint Lagoons Assessment District

1) Resolution Directing Filing of Engineer's Annual Report 2019-20

2) Resolution Approving Engineer's Annual Report 2019-20

3) Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 15, 2019 (PW)

[Baypoint Lagoons Assessment District](#)

RESOLUTION 14676 – RESOLUTION DIRECTING FILING OF ENGINEER'S ANNUAL REPORT 2019-20

RESOLUTION 14677 – RESOLUTION APPROVING ENGINEER'S ANNUAL REPORT 2019-20

RESOLUTION 14678 - RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 15, 2019

g. Point San Pedro Road Median Landscaping Assessment District

1) Resolution Directing Filing of Engineer's Annual Report 2019-20

2) Resolution Approving Engineer's Annual Levy Report 2019-20

3) Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 15, 2019 (PW)

[Pt. San Pedro Rd Median Landscaping Assessment District Appendices](#)

RESOLUTION 14679 – RESOLUTION DIRECTING FILING OF ENGINEER'S ANNUAL REPORT 2019-20

RESOLUTION 14680 – RESOLUTION APPROVING ENGINEER'S ANNUAL LEVY REPORT 2019-20

RESOLUTION 14681 - RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS AND SETTING A PUBLIC HEARING ON THE ANNUAL ASSESSMENT FOR THE CITY COUNCIL MEETING OF JULY 15, 2019

- i. **Disaster Cost Recovery**
Resolution Authorizing the City Manager to Execute a Second Amendment to the Professional Services Agreement with Masoud Kermani, DBA Kermani Consulting Group, for Additional Disaster Cost Recovery and Consulting Services and to Increase the Compensation by \$45,000 for a Total Not-to-Exceed Amount of \$140,000 (PW)

[Disaster Cost Recovery](#)

RESOLUTION 14682 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MASOUD KERMANI, DBA KERMANI CONSULTING GROUP, FOR ADDITIONAL DISASTER COST RECOVERY AND CONSULTING SERVICES AND TO INCREASE THE COMPENSATION BY \$45,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$140,000

- j. **Albert Park Play Area Project Completion**
Accept Completion of the Albert Park Play Area Improvements Project (City Project No. 11299), and Authorize the City Clerk to File the Notice of Completion (PW)

[Albert Park Play Area Project Completion](#)

Accepted report

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bushey

The following item was removed from the Consent Calendar:

- h. **Loch Lomond 10 - Mello-Roos District No. 1992-1**
Resolution Setting the Special Tax for Community Facilities District No. 1992-1 (Loch Lomond #10) for Fiscal Year 2019-20 (PW)

[Loch Lomond 10 - Mello-Roos District No. 1992-1](#)

Councilmember McCullough commented on the item and suggested revisions to the resolution. Staff commented and provided additional information.

Mayor Phillips invited public comment; however, there was none

Councilmember McCullough moved and Councilmember Colin seconded to receive the staff report and adopt the Resolution with the following revisions:

1. Delete the sixth Whereas clause reading:
“**WHEREAS**, at the request of the Director of Public Works, CSW/Stuber-Stroeh Engineering Group, Inc., has prepared an Engineer’s Annual Report for Community Facilities District 1992-1 (Loch Lomond #10) for fiscal year 2019-20 recommending the amount of the special taxes to be assessed; and”
2. Add a new Whereas clause reading:
“**WHEREAS**, the maximum special tax the City may assess on the taxable parcels in CFD 1992-1 under Resolution 8839 is \$793 per parcel for FY 2019-20 (\$171 towards the Sinking Fund and \$622 towards the Maintenance Fund), and City staff has determined that even if the maximum tax is imposed for FY 2019-20, the revenue from the special tax will not exceed the City’s annual costs incurred in maintaining CFD 1992-1;”
3. Revise the Resolution clause by deleting the final sentence, so that it reads as follows:
“**NOW THEREFORE BE IT RESOLVED** THAT THE City Council of San Rafael hereby sets the special tax for Community Facilities District 1992-1 (Loch Lomond #10) at \$793 per parcel for FY 2019-20 (\$171 towards the Sinking Fund and \$622 towards the Maintenance Fund), excepting exempt Assessor Parcel Nos. 16-33012, 13, 14.”

RESOLUTION 14683 - RESOLUTION SETTING THE SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 1992-1 (LOCH LOMOND #10) FOR FISCAL YEAR 2019-20

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

PUBLIC HEARINGS:

5. Public Hearings:

a. Rental Housing Ordinances

- 1) **Consideration of an Ordinance of the City of San Rafael City Council Adding New Chapter 10.100 to the San Rafael Municipal Code, Entitled “Rental Housing Dispute Resolution”**
- 2) **Consideration of an Ordinance of the City of San Rafael City Council Adding New Chapter 10.105 to the San Rafael Municipal Code, Entitled “Cause Required for Eviction” (CM)**

[Renter Housing Ordinances Correspondence](#)

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

Staff responded to questions from Councilmembers

Mayor Phillips declared the public hearing opened

Speakers: Gordon Schaefer, Pastor Tom Gable, Marin Organizing Committee, Michael Burke, real estate agent with Golden Gate Sotheby's, Gabriella Ventura, Marin Community Clinics, Caroline Peattie, Fair Housing Advocates, Sami Mericle, Marin Environmental Housing Collaborative, Dave Coury, Marin Housing Solutions, Martin Neville, Scott Gerber, Peter Mendoza, Director of Advocacy for Marin Center for Independent Living, Alex Khalfin, California Apartment Association, Marilyn Sweeney, Past Board Chair of NorthBay Family Homes, Tamara Treslon, Tom Neville, Wendy, Aidan O'Sullivan, Omar Carrera, CEO of Canal Alliance, Len Rifkind

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

Staff and the Rental Housing City Council subcommittee, Mayor Phillips and Vice Mayor McCullough, responded to questions from Councilmembers. Councilmembers provided comment.

Councilmember McCullough moved and Councilmember Colin seconded to pass Ordinance of the City of San Rafael City Council Adding New Chapter 10.100 to the San Rafael Municipal Code, Entitled "Rental Housing Dispute Resolution" to print

Passed Ordinance No. 1971 to print

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

Councilmember McCullough moved and Councilmember Colin seconded to pass Ordinance of the City of San Rafael City Council Adding New Chapter 10.105 to the San Rafael Municipal Code, Entitled "Cause Required for Eviction" to print

Passed Ordinance No. 1972 to print

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

OTHER AGENDA ITEMS:

6. Other Agenda Items:

- a. **Traffic Methodologies for General Plan 2040**
Informational Report on Traffic Methodologies for General Plan 2040 (CD/PW)
[Traffic Methodologies for General Plan 2040](#)

Paul Jensen, Community Development Director, presented the staff report along with Rafat Raie, Deputy Public Works Director

Staff responded to questions from Councilmembers with assistance by Fehr & Peers

Mayor Phillips invited public comment

Speakers: Bill Carney, Sustainable San Rafael, Frank Smart
There being no further comment from the audience, Mayor Phillips closed the public comment period

Staff responded to questions from Councilmembers. Councilmembers provided comment.

Councilmember Colin moved and Councilmember Gamblin seconded to accept the report

Accepted report and provided direction to staff

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

**b. Third Street Rehabilitation
Informational Report Regarding the Third Street Rehabilitation Feasibility Study (PW)**

[Third Street Rehabilitation
PowerPoint Presentation](#)

Bill Guerin, Public Works Director, commented on the item and introduced Public Works Traffic Engineer Lauren Davini and BKF Engineers consultant April Malvino Miller, who presented the staff report

Staff and BKF Engineers consultants responded to questions from Councilmembers

Mayor Phillips invited public comment

Speakers: Deborah Duenas, Marin County Health and Wellness, Muhammad Kalifa, Bjorn Gripenburg, Marin County Bicycle Coalition, Wendi Kallins, Safe Routes to Schools Programs Coordinator, Tamara Rich, Jim Waite, Bill Carney, Sustainable San Rafael, Jean Severinghaus, Safe Routes to School Task Force, Frank Smart, Lori Schiffrin

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

Staff responded to questions from Councilmembers. Councilmembers provided comment.

Councilmember McCullough moved and Councilmember Colin seconded to accept the report

Accepted report

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

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

7. Councilmember Reports:

None

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: -None.

ADJOURNMENT:

Mayor Phillips adjourned the City Council meeting at 10:34 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2019

GARY O. PHILLIPS, Mayor