

In the Council Chambers of the City of San Rafael, Monday, June 17, 2019 at 7:00 p.m.



**Regular Meeting
San Rafael City Council**

Minutes

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

Present: Mayor Phillips
Councilmember McCullough
Councilmember Bushey
Councilmember Colin

Absent: Councilmember Gamblin

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

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

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz commented on recent ribbon cuttings for the San Rafael Summer Market and the Grand Avenue Bridge. He noted more ribbon cuttings over the summer, as well as a variety of events. He announced the Summer Kick-Off event at Terra Linda Park on Friday, June 21, 2019 from 5-7:00 p.m. to kick off the first day of summer.

CONSENT CALENDAR:

4. Consent Calendar Items:

Items 4.c, 4.d and 4.e removed from the Consent Calendar for comment

Councilmember Bushey moved and Councilmember Colin 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, June 3, 2019 and City Council Special Meeting of Monday, June 10, 2019 (CC)

[Regular Meeting Minutes 2019-06-03](#)

[Special Meeting Minutes 2019-06-10](#)

Approved minutes as submitted

- b. **Citizens Advisory Committee Vacancy
Call for Applications to Fill One Unexpired Four-Year Term to the End of June 2021 on the Citizens Advisory Committee on Economic Development & Affordable Housing Due to the Resignation of Andrea de la Fuente (CC)**

[Citizens Advisory Committee Vacancy](#)

Approved staff recommendation

- f. **Ambulance Service Cost Recovery
Resolution Authorizing the City Manager to Execute Agreements to Allow the San Rafael Fire Department to Participate in an Intergovernmental Transfer with the California Department of Health Care Services (DHCS) In Order to Increase the Department's Reimbursement for EMS Ambulance Transport Services Provided to County Health Plan (Partnership Health Plan) Members for FY 2018-2019 (FD)**

[Ambulance Service Cost Recovery](#)

RESOLUTION 14684 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS TO ALLOW THE SAN RAFAEL FIRE DEPARTMENT TO PARTICIPATE IN AN INTERGOVERNMENTAL TRANSFER WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) IN ORDER TO INCREASE THE DEPARTMENT'S REIMBURSEMENT FOR EMS AMBULANCE TRANSPORT SERVICES PROVIDED TO COUNTY HEALTH PLAN (PARTNERSHIP HEALTH PLAN) MEMBERS FOR FY 2018-2019

- g. **City Investment Policy
Resolution to Approve the City of San Rafael Investment Policy (Fin)**

[City Investment Policy](#)

RESOLUTION 14685 - RESOLUTION TO APPROVE THE CITY OF SAN RAFAEL INVESTMENT POLICY

- h. **Elected City Clerk Salary Steps
Resolution Amending and Restating Resolution No. 14565 (Establishing the Compensation and Working Conditions for the Elected City Clerk and Elected Part Time City Attorney for the Period from July 1, 2018 Through June 30, 2020) (HR)**

[Elected City Clerk Salary Steps](#)

RESOLUTION 14686 - RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 14565 (ESTABLISHING THE COMPENSATION AND WORKING CONDITIONS FOR THE ELECTED CITY CLERK AND ELECTED PART TIME CITY ATTORNEY FOR THE PERIOD FROM JULY 1, 2018 THROUGH JUNE 30, 2020)

- i. **Annual Adjustment to the Library Parcel Tax
Report Concerning the Annual Consumer Price Index (CPI) Rate Adjustment for the Special Library Services Parcel Tax for the Fiscal Year July 1, 2019 Through June 30, 2020 as Specified in Voter-Approved Measure D (San Rafael Municipal Code Chapter 3.36) (Lib)**

[Annual Adjustment to the Library Parcel Tax](#)

Accepted report

- j. **Vacate a Portion of Jacoby Street**
Resolution of Intention to Order Vacation of Portions of Jacoby Street, San Rafael, California (PW)
[Vacate a Portion of Jacoby Street](#)

RESOLUTION 14687 - RESOLUTION OF INTENTION TO ORDER VACATION OF PORTIONS OF JACOBY STREET, SAN RAFAEL, CALIFORNIA

- k. **Third and Union Street Repaving Project Completion**
Accept Completion of the Third and Union Street Repaving Project and Authorize the City Clerk to File the Notice of Completion (PW)
[Third and Union Street Repaving Project Completion](#)

Accepted report

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

The following items were removed from the Consent Calendar:

- c. **Flavored Tobacco Product Ban Ordinance Adoption**
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](#)

[City Manager Jim Schutz and City Attorney Robert Epstein commented on the item](#)

[Mayor Phillips invited public comment](#)

Speakers: [Ryan Green, Leanne Wise, Director of Pediatrics for Kaiser Permanente, Senta Ritter, Pat Kendall, Lori Bremner, California Grassroots Director for the American Cancer Society Cancer Action Network](#)

[There being no further comment from the audience, Mayor Phillips closed the public comment period](#)

[Councilmembers provided comments](#)

[Councilmember McCullough moved and Councilmember Bushey seconded to approve final adoption of Ordinance No. 1970](#)

Final Adoption of Ordinance 1970

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

- d. **Rental Housing Dispute Resolution Ordinance Adoption**
Second Reading and Final Adoption of Ordinance 1971: An Ordinance of the San Rafael City Council Adding New Chapter 10.100 to the San Rafael Municipal Code, Entitled "Rental Housing Dispute Resolution" (CC)
[Rental Housing Dispute Resolution Ordinance Adoption](#)

Mayor Phillips invited public comment for items 4.d and 4.e

Speakers: Michael Burke, Pastor Tom Gable, Marin Organizing Committee

There being no further comment from the audience regarding items 4.d and 4.e, Mayor Phillips closed the public comment period

Councilmembers provided comments

Councilmember McCullough moved and Councilmember Colin seconded to approve final adoption of Ordinance No. 1971

Final Adoption of Ordinance 1971

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

- e. **Cause Required for Eviction Ordinance Adoption**
Second Reading and Final Adoption of Ordinance 1972: An Ordinance of the San Rafael City Council Adding New Chapter 10.105 to the San Rafael Municipal Code, Entitled "Cause Required for Eviction" (CC)
[Cause Required for Eviction Ordinance Adoption](#)

Councilmember McCullough moved and Councilmember Colin seconded to approve final adoption of Ordinance No. 1972

Final Adoption of Ordinance 1972

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

SPECIAL PRESENTATION:

5. Special Presentation:

- a. **Informational Update from PG&E Relating to Enhanced Vegetation Management (EVM)**

Bill Guerin, Public Works Director, introduced Mark Van Gorder, PG&E Public Affairs, and Tony Walls, PG&E Vegetation Manager, who gave a presentation

PG&E responded to questions from Councilmembers. Councilmember provided comments.

OTHER AGENDA ITEMS:

6. **Other Agenda Items:**

a. **Grand Jury Response on Wildfire Preparedness**

Resolution Approving and Authorizing the Mayor to Execute the City's Response to the April 25, 2019 Marin County Civil Grand Jury Report Entitled, "Wildfire Preparedness: A New Approach" (FD)

[Grand Jury Response on Wildfire Preparedness](#)

Fire Chief Chris Gray and Emergency Management Coordinator Quinn Gardner presented the staff report and noted the City sent a draft 37-point Action Plan to the Civil Grand Jury prior to the adoption of the 38-point Wildfire Prevention and Protection Action Plan and requested a modification be made to the response to add emphasis to the adoption of the 38-point Wildfire Prevention and Protection Action Plan.

Mayor Phillips provided comments.

Mayor Phillips invited public comment

Speakers: Bell Cole, OFA Marin, Bill Carney, Sustainable San Rafael, Larry Manacus

There being no comment, Mayor Phillips closed the public comment period

Mayor Phillips provided comments.

Councilmember Bushey moved and Councilmember McCullough seconded to adopt the Resolution with the modification to the response emphasizing the adopted 38-point Wildfire Prevention and Protection Action Plan.

RESOLUTION 14688 - RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY'S RESPONSE TO THE APRIL 25, 2019 MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED, "WILDFIRE PREPAREDNESS: A NEW APPROACH"

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Gamblin

b. **Measure A Workplan and Preliminary Capital Improvement Program (CS/Fin/PW)**

1) **Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A Funds for July 1, 2019 – June 30, 2020**

2) **Accept Informational Report Regarding the Preliminary Three-Year Capital Improvement Program for FY 2019-20 through FY 2021-22**

[Capital Improvement Program and Measure A - Open Space Spending Plan](#)

Kevin McGowan, Assistant Public Works Director and Talia Smith, Senior Management Analyst, presented the staff report

Staff responded to questions from Councilmembers

Mayor Phillips invited public comment

Speakers: Bill Carney, Sustainable San Rafael, Kate Powers

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

Councilmember Bushey moved and Councilmember Colin seconded to adopt the Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A funds for July 1, 2019 - June 30, 2020

RESOLUTION 14689 – RESOLUTION APPROVING THE MEASURE A WORK PLAN FOR PROPOSED EXPENDITURE OF MEASURE A FUNDS FOR JULY 1, 2019 – JUNE 30, 2020

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

Councilmember Bushey moved and Councilmember McCullough seconded to accept the report Regarding the Preliminary Three-Year Capital Improvement Program for FY 2019-20 through FY 2021-22

Accepted report

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

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

7. Councilmember Reports:

Councilmember McCullough reported on his appointment to the subcommittee designated by the Marin Telecommunications Agency to analyze the Grand Jury Report response on behalf of the Marin Telecommunications Agency.

SAN RAFAEL SUCCESSOR AGENCY:

- 1. Consent Calendar: -None.**

ADJOURNMENT:

Mayor Phillips adjourned the City Council meeting at 9:03 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2019

GARY O. PHILLIPS, Mayor