

In the Council Chambers of the City of San Rafael, Monday, October 21, 2019 at 7:00 p.m.



Regular Meeting

San Rafael City Council

Minutes

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

Absent: None

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

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OPEN SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 PM

1. Mayor Phillips announced Closed Session items.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM, CITY HALL – 6:00 PM

2. Closed Session:

- a. Conference with Legal Counsel - Existing Litigation
Government Code section 54956.9(d)(1)
Name of case: Rotary Manor v. City of San Rafael, Marin County Superior Court
Case No. CIV 1702340
- b. Conference with Legal Counsel - Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section
54956.9(d)(2): (One potential case)
- c. Conference with Labor Negotiators – Government Code section 54957.6
Lead Negotiator: Burke Williams & Sorensen LLP
Negotiating Team: Tim Davis, Shibani Nag, Susan Andrade-Wax, Kelly
Albrecht, Nadine Hade, Cristine Alilovich, Jim Schutz
Employee Organizations: SEIU – Child Care Unit

City Attorney Robert Epstein announced reportable action as to Closed Session item 2.a. The City Council voted unanimously, Councilmember Bushey absent, to approve a settlement agreement with Rotary Manor. The settlement agreement indicates the City would repair damages and pay a total sum of \$227,328.00, comprised of various elements including plaintiff's attorney fees and additional claims for loss of use.

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

- Carsten Andersen, Coalition of Sensible Taxpayers (COST), addressed the City Council regarding the Marin Wildfire Prevention Authority, Item 6.a on the Agenda
- Michael Parsons addressed the City Council regarding San Rafael Police Department staff and crime in San Rafael
- Lisa Levine, Baypoint Village Drive Homeowners Group, addressed the City Council regarding a city lot across the street from their homes

CITY MANAGER’S REPORT:

3. City Manager’s Report:

- City Manager Jim Schutz announced:
 - the Dia de los Muertos celebration at the Al Boro Community Center on November 2, 2019 at 3 p.m. followed by a community procession to start at 6:00 p.m. with cultural performances until 9:30 p.m.
 - the West End Village Celebration (Family Fun Day) on November 3, 2019, music starts at 11:00 a.m. and goes until 7:00 p.m.
 - the City received statewide awards from the League of California Cities for its work on the internal initiative 'Together San Rafael'. The League of California Cities would be presenting formally, and the League recognizes one jurisdiction for the award for internal administration for the City's work to modernize services and place the community at the center of service design and delivery
 - the League of California Cities honored the City with Beacon awards for Sustainability. The City won a series of Beacon awards including Greenhouse Gas reductions for the City of San Rafael, as well as the community, and the planning process. In addition, the City was one of a few cities in the state of California to receive an overall gold medal award

SPECIAL PRESENTATION:

4. Special Presentation:

a. Presentation of Proclamation to the San Rafael Pacifics

Mayor Phillips announced the presentation of the proclamation to the San Rafael Pacifics would be postponed.

CONSENT CALENDAR:

5. Consent Calendar Items:

The Mayor invited public comment on the Consent Calendar; however, there were none.

Councilmember McCullough moved and Councilmember Colin seconded to approve Consent Calendar Items:

- #### **a. Approval of Minutes**
- Approve Minutes of City Council / Successor Agency Regular and Special**

Meetings of Monday, October 7, 2019 and the Special Study Session Meeting of Thursday, October 10, 2019 (CC)

[Regular and Special Minutes 2019-10-07 - Study Session Minutes 2019-10-10](#)

Approved Minutes as Submitted

b. Formation of Cannabis Industry Tax Oversight Committee

1) Resolution Approving the Formation of the Cannabis Industry Tax Oversight Committee (ED)

2) Call for Applications to Fill Three Four-Year Terms and Two Two-Year Terms on the Cannabis Industry Tax Oversight Committee (ED)

[Formation of Cannabis Industry Tax Oversight Committee](#)

1) RESOLUTION 14731 - RESOLUTION APPROVING THE FORMATION OF THE CANNABIS INDUSTRY TAX OVERSIGHT COMMITTEE

2) Approved staff recommendation

c. Quarterly Investment Report

Acceptance of the City Quarterly Investment Report for the Period Ending September 30, 2019 (Fin)

[Quarterly Investment Report](#)

Accepted Report

d. San Rafael Community Center (on "B" Street) Bathroom Renovation Project Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the San Rafael Community Center Americans with Disabilities Act-Compliant Bathrooms, to Argos Construction in the Amount of \$180,000, and Authorizing Contingency Funds in the Amount of \$20,000 for a Total Appropriated Amount of \$200,000 (PW)

[San Rafael Community Center \(on B Street\) Bathroom Renovation Project](#)

RESOLUTION 14732 - RESOLUTION AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT FOR THE SAN RAFAEL COMMUNITY CENTER AMERICANS WITH DISABILITIES ACT-COMPLIANT BATHROOMS, TO ARGOS CONSTRUCTION IN THE AMOUNT OF \$180,000, AND AUTHORIZING CONTINGENCY FUNDS IN THE AMOUNT OF \$20,000 FOR A TOTAL APPROPRIATED AMOUNT OF \$200,000

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

OTHER AGENDA ITEMS:

6. **Other Agenda Items:**

- a. **Marin Wildfire Prevention Authority Resolution Authorizing the Mayor, on Behalf of the City of San Rafael, to Execute a Joint Exercise of Powers Agreement to Join the Marin Wildfire Prevention Authority and Requesting that the Marin County Board of Supervisors Place a Ten-Year Marin Wildfire Prevention Parcel Tax Measure on the March 3, 2020 Ballot (FD)**

[Marin Wildfire Prevention Joint Powers Authority](#)

City Manager Jim Schutz provided comments on the item and introduced Fire Chief Chris Gray who presented the staff report along with Novato Fire Chief and Marin County Fire Chief Association President Bill Tyler

Staff responded to questions from the City Council.

Mayor Phillips invited public comment

Speakers: Kelly London, Loch Lomond Homeowners' Associations President, Kingston Cole, Lincoln San Rafael Neighborhood Association, Pat Randolph, Marin Citizens for Wildfire Preparedness (CWP), Belle Cole, Marin Wildfire and Climate Coalition, Stan Burford, San Rafael Fire Commission, Larry Minikes, Marin Conservation League, Bill Carney, Sustainable San Rafael

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

Staff responded to questions asked by the City Council and the public.

The City Councilmembers provided comments.

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

RESOLUTION 14733 - RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF SAN RAFAEL, TO EXECUTE A JOINT EXERCISE OF POWERS AGREEMENT TO JOIN THE MARIN WILDFIRE PREVENTION AUTHORITY AND REQUESTING THAT THE MARIN COUNTY BOARD OF SUPERVISORS PLACE A TEN-YEAR MARIN WILDFIRE PREVENTION PARCEL TAX MEASURE ON THE MARCH 3, 2020 BALLOT

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

NOES: Councilmembers: Gamblin

ABSENT: Councilmembers: None

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

7. **Councilmember Reports:**

None.

SAN RAFAEL SUCCESSOR AGENCY

1. **Consent Calendar:**

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

- a. **Quarterly Investment Report**
Acceptance of the Success Agency Quarterly Investment Report for the Period
Ending September 30, 2019 (Fin)
[Quarterly Investment Report](#)

Accepted Report

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

ADJOURNMENT:

Mayor Phillips adjourned the City Council meeting at 8:52 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2019

GARY O. PHILLIPS, Mayor