

In the Council Chambers of the City of San Rafael, Monday, November 4, 2019



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 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.

Mayor Phillips called the City Council meeting to order at 7:01 p.m.

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

[Salamah Locks, Marin Commission on Aging, provided a report on the Commission](#)

CITY MANAGER’S REPORT:

3. City Manager’s Report:

- City Manager Jim Schutz announced a couple of upcoming community workshops on housing challenges, on Wednesday November 6, 2019 at the San Rafael Corporate Center from 7-9 p.m. and on Thursday November 14, 2019 in the Council Chambers from 7-9 p.m.; and gave a presentation on the PGE Public Safety Power Shutoff and the Emergency Operations Center activity from October 26, 2019 and introduced Emergency Management Coordinator Quinn Gardner who provided comments
- Mayor Phillips expressed thanks to staff for their work during the PGE Public Safety Power Shutoff

CONSENT CALENDAR:

4. Consent Calendar Items:

Items 4.d and 4.e are held from the Consent Calendar

Mayor Phillips invited public comment on the remaining items, however there was none

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, October 21, 2019 (CC)
[Regular Meeting Minutes 2019-10-21](#)
Approved minutes as submitted

- b. **Special Library Parcel Tax Committee Vacancy**
Call for Applications to Fill One Unexpired Four-Year Term on the Special Library Parcel Tax Committee Due to the Resignation of Pamela Cook (CC)
[Special Library Parcel Tax Committee Vacancy](#)
Approved staff recommendation

- c. **Revision of the City of San Rafael Alarm Ordinance**
Final Adoption of Ordinance 1973: An Ordinance of the City of San Rafael City Council Amending Chapter 8.20 of the San Rafael Municipal Code Regulating Intrusion Detection Alarm Systems (CC)
[Revision of the City of San Rafael Alarm Ordinance](#)
Final Adoption of Ordinance 1973

- f. **Janitorial Services for the Downtown Library, Child Care Centers and Terra Linda Pool Restrooms**
Resolution Authorizing the City Manager to Execute A One-Year Agreement with Trinity Public Sector Solutions to Provide Janitorial Services at the Downtown Library, Child Care Centers and Terra Linda Pool Restroom In An Amount Not to Exceed \$90,000 (PW)
[Janitorial Services - Downtown Library, Child Care Centers and Terra Linda Pool](#)
RESOLUTION 14735 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR AGREEMENT WITH TRINITY PUBLIC SECTOR SOLUTIONS TO PROVIDE JANITORIAL SERVICES AT THE DOWNTOWN LIBRARY, CHILD CARE CENTERS AND TERRA LINDA POOL RESTROOM IN AN AMOUNT NOT TO EXCEED \$90,000

- g. **Termination of Local Emergency**
Resolution Proclaiming the Termination of a Local Emergency (CC)
[Termination of Local Emergency](#)
RESOLUTION 14736 - RESOLUTION PROCLAIMING THE TERMINATION OF A LOCAL EMERGENCY

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

The following items were held from the Consent Calendar:

Councilmember McCullough provided comments on both items 4.d and 4.e

Mayor Phillips invited public comment on Items 4.d and 4.e, however there was none

Councilmember McCullough moved and Councilmember Bushey seconded to pass Charter Ordinance No. 1974 to print

- d. **Tri-Annual Building Code Ordinance Amendments**
Introduction: An Ordinance of the City of San Rafael City Council Amending Title 12 of the San Rafael Municipal Code Adopting the 2019 California State Construction Codes with Amendments and Setting a Public Hearing Date for Adoption (CD)

[Tri-Annual Building Code Ordinance Amendments](#)

Ordinance No. 1974 passed to print

ORDINANCE NO. 1974 - AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING TITLE 12 (BUILDING REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY REPEALING TITLE 12 AND AMENDING TITLE 12 THEREOF; ADOPTING THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA EXISTING BUILDING CODE, THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE CALIFORNIA ENERGY CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE WITH APPENDICES AND AMENDMENTS HEREIN; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE INTERNATIONAL POOL AND SPA CODE WITH AMENDMENTS HEREIN; ADOPTING ADMINISTRATIVE AND PROGRAM PROVISIONS FOR THE CODES; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE CODES.

- e. **Tri-Annual Fire Code Ordinance Amendments**
Introduction: An Ordinance of the City of San Rafael City Council Amending Chapter 4.08 of the San Rafael Municipal Code to Adopt By Reference the California Fire Code 2019 Edition with Amendments, the International Fire Code 2018 Edition, and Appendix A of the 2018 International Wildland-Urban Interface Code and Adopting Findings of Fact Supporting the Amendments to Such Codes and Setting a Public Hearing Date for Adoption (FD)

[Tri-Annual Fire Code Ordinance Amendments](#)

Ordinance No. 1975 passed to print

ORDINANCE NO. 1975 - AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL AMENDING CHAPTER 4.08 OF THE SAN RAFAEL MUNICIPAL CODE TO ADOPT BY REFERENCE THE CALIFORNIA FIRE CODE 2019 EDITION WITH AMENDMENTS, THE INTERNATIONAL FIRE CODE 2018 EDITION, AND APPENDIX A OF THE 2018 INTERNATIONAL WILDAND-URBAN INTERFACE CODE AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO SUCH CODES

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

SPECIAL PRESENTATION:

5. Special Presentation:

a. Presentation of Helen Putnam Award to the City of San Rafael by League of California Cities

City Manager Jim Schutz provided background on the Helen Putnam Award and commented on the Together San Rafael initiative

Senior Planner Ali Giudice, Police Detective Todd Berringer and Engineering Technician Dylan Frisbie commented on their experience with Together San Rafael and how it had impacted the agency.

Nancy Hall Bennett, League of California Cities, presented the City Council with the Helen Putnam Award

Mayor Phillips accepted the Helen Putnam Award on behalf of the City and invited staff to join the City Council in the receipt of the award

b. Presentation of Proclamation to Mark Bustillos for His Service on the Park and Recreation Commission

Mayor Phillips presented the Proclamation to Mark Bustillos for his service on the Park and Recreation Commission

c. Presentation of Proclamation to the San Rafael Pacifics

Mayor Phillips presented the Proclamation to San Rafael Pacifics for their back-to-back Championship win

PUBLIC HEARINGS

6. Public Hearings:

a. Short-Term Rental Ordinance and Policy Resolution

1) Consideration of An Ordinance of the City of San Rafael City Council Amending Section 14.03.030 and Section 3.20.020 of the San Rafael Municipal Code, and Adding New Chapter 10.110 Entitled “Short-Term Rental Program” (CD)

2) Resolution of the City of San Rafael City Council Adopting Policies and Procedures for the Administration of the “Short-Term Rental Program” as Set Forth in San Rafael Municipal Code Chapter 10.110 (CD)

[Short-Term Rental Ordinance and Policy Resolution](#)

[Additional Correspondence as of 11/04/2019](#)

Community Development Professional Analyst Ethan Guy presented the staff report

Councilmembers provided comments

Mayor Phillips declared the public hearing open

Speakers: Roger Roberts, Speaker, Linda Comella Kruger, John Reynolds, Bob McAllister, Cheryl Marzich, Ravon Widgey, Charlie Comella, Sean Terheyden

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

Staff responded to questions from the public and the City Council

Councilmembers provided comments

Councilmember Colin moved and Councilmember Bushey seconded to pass Charter Ordinance No. 1976 to print

ORDINANCE NO. 1976 - AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL AMENDING SECTION 14.03.030 AND SECTION 3.20.020 OF THE SAN RAFAEL MUNICIPAL CODE, AND ADDING NEW CHAPTER 10.110 ENTITLED "SHORT-TERM RENTAL PROGRAM"

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 with an amendment that the policy be reviewed in one year

RESOLUTION 14737 - RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF THE "SHORT-TERM RENTAL PROGRAM" AS SET FORTH IN SAN RAFAEL MUNICIPAL CODE CHAPTER 10.110

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

- b. **Noise Ordinance Amendments for Utility Power Outages**
Consideration of An Ordinance of the City of San Rafael City Council Amending Chapter 8.13 of the San Rafael Municipal Code Entitled "Noise" to Add an Exemption from Noise Regulations for the Use of Generators for Emergencies and Utility Power Outages (CD)

[Noise Ordinance Amendments for Utility Power Outages](#)

Community Development Director Paul Jensen introduced Chief Building Official Don Jeppson who presented the Staff Report

Staff responded to questions from the City Council

Mayor Phillips declared the public hearing open

Speakers: Gigi Dixon, Speaker

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

Councilmembers provided comments

Councilmember Gamblin moved and Councilmember McCullough seconded to pass Charter Ordinance No. 1977 to print with an amendment to increase the decibel level to 69

ORDINANCE NO. 1977 - AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL AMENDING CHAPTER 8.13 OF THE SAN RAFAEL MUNICIPAL CODE ENTITLED "NOISE" TO ADD AN EXEMPTION FROM NOISE REGULATIONS FOR THE USE OF GENERATORS FOR EMERGENCIES AND UTILITY POWER OUTAGES

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

OTHER AGENDA ITEMS

7. Other Agenda Items:

- a. **Local 1021 - Child Care Unit Memorandum of Understanding Discussion and Consideration of a Memorandum of Understanding (MOU) Pertaining to Compensation and Working Conditions for SEIU Local 1021 - Child Care Unit (November 1, 2019 Through October 31, 2021) (HR)**
[SEIU Local 1021 - Child Care Unit Memorandum of Understanding](#)

Human Resources Coordinator Sylvia Gonzalez-Shelton presented the staff report

Mayor Phillips invited public comment, however there was none

Councilmember McCullough moved and Councilmember Colin seconded to direct staff to return with Resolution adopting MOU

Directed staff to return with Resolution adopting MOU

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

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

8. Councilmember Reports:

- Mayor Phillips reported a BioMarin Expansion Subcommittee of Mayor Phillips and Vice-Mayor McCullough was formed

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Phillips adjourned the City Council meeting at 9:06 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2019

GARY O. PHILLIPS, Mayor