

In the Council Chambers of the City of San Rafael, Monday, December 16, 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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Mayor Phillips called the meeting to order at 7:02 p.m.

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

- Gabriel Spellberg, Legal Aid of Marin, addressed the City Council regarding the Marina Gardens apartment complex
- Edwin Orellana addressed the City Council regarding the Marina Gardens apartment complex
- Deysy Reyes address the City Council regarding the Marina Gardens apartment complex
- Salamah Locks, Marin Commission on Aging, announced upcoming events
 - January 2, 2020 - 2020 priorities discussion with Senator Mike McGuire, at B Street Community Center at 10 a.m.
 - February 3, 2020 - Age-Friendly San Rafael special presentation at the San Rafael City Council meeting at 7 p.m.
 - February 9, 2020 - Age-Friendly San Rafael event
 - Also, Salamah Locks thanked Public Works for the markings at the Post Office
- Mayor Phillips requested the City contact Legal Aid of Marin regarding Marina Gardens
- Cindy Salvesen addressed the City Council regarding Drag Queen StoryTime at the Library

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz announced the evening as the final City Council meeting of the year and the decade, and expressed thanks to the City Council and commented on 2019 highlights, such as multiple ribbon cuttings for the two new fire stations, the SMART Larkspur extension and quiet zone, playgrounds and capital projects such as the Grand Avenue Bridge, housing units approved and under construction, including hotel rooms and assisted living facilities - and all of the many hours that the City Council spent on various subcommittees, such as renter regulations, homelessness, cannabis, SMART, economic development, finance, essential facilities, etc.

He noted the January 6, 2020 City Council meeting would likely be cancelled, and City Hall would be closed from December 24, 2019 - January 1, 2020; however, the libraries, community centers and childcare would have different hours from City Hall and their schedules can be found online. Public safety centers, first responders and emergency response remain in operation.

Mayor Phillips provided comments and expressed thanks to the City and the City Manager Jim Schutz for his leadership

CONSENT CALENDAR:

4. Consent Calendar Items:

Mayor Phillips invited public comment on the Consent Calendar; however, there was 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 Meeting of Monday, December 2, 2019 (CC)

[Regular Minutes 2019-12-02](#)

Approved minutes as submitted

b. Annual Measure E TUT Oversight Committee Report

Accept Measure E Transactions and Use Tax (TUT) Oversight Committee Report for Fiscal Year 2018-2019 (Fin)

[Annual Measure E TUT Oversight Committee Report](#)

Accepted report

c. Special Library Parcel Tax Report FY2018-2019

Accept Special Library Parcel Tax Committee's Annual Measure D Report (LR)

[Special Library Parcel Tax Report FY2018-2019](#)

Accepted report

- d. **Rotary Manor Drainage Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Coastland Civil Engineering, Inc. for Engineering Design and Environmental Clearance Services Associated with the Rotary Manor Drainage Improvements Project in an Amount Not to Exceed \$163,526 (PW)**

[Rotary Manor Drainage](#)

Resolution 14749 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Coastland Civil Engineering, Inc. for Engineering Design and Environmental Clearance Services Associated with the Rotary Manor Drainage Improvements Project in an Amount Not to Exceed \$163,526

- e. **Land Exchange Between the City of San Rafael and the Sonoma-Marín Area Rail Transit District (SMART)**

Resolution Approving and Authorizing the City Manager to Execute a Property Exchange Agreement Between the Sonoma-Marín Area Rail Transit District (SMART) and the City of San Rafael, and a Quitclaim Deed of City Property to SMART, and to Accept the Quitclaim Deed of SMART Property on Behalf of the City of San Rafael (PW)

[Land Exchange Between the City of San Rafael and SMART](#)

Resolution 14750 - Resolution Approving and Authorizing the City Manager to Execute a Property Exchange Agreement Between the Sonoma-Marín Area Rail Transit District (SMART) and the City of San Rafael, and a Quitclaim Deed of City Property to SMART, and to Accept the Quitclaim Deed of SMART Property on Behalf of the City of San Rafael

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

PUBLIC HEARINGS

5. Public Hearings:

- a. **Marin Sanitary Service Rates for 2020 Resolution Establishing Maximum Rates Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be Effective January 1, 2020 (CM)**

[Marin Sanitary Service Rates for 2020](#)

Cory Bytof, Sustainability Program Manager, presented the staff report along with Garth Schultz, R3 Consulting Group, Inc.

Staff and consultants responded to questions from the City Council.

Mayor Phillips declared the public hearing opened

Speakers: Bill Carney, Sustainable San Rafael, Patty Garbarino, Marin Sanitary Service

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

Councilmembers provided comments and expressed thanks to Marin Sanitary Service and staff

Councilmember Colin moved and Councilmember McCullough seconded to adopt the Resolution

Resolution 14751 - Resolution Establishing Maximum Rates Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services, to be Effective January 1, 2020

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

- b. **Dominican Sisters Lourdes Convent - Transitional Housing Use**
Resolution Approving a Use Permit Amendment (UP19-039) to Permit the Continued Use of the "Yellow Hallway" Area of the Lourdes Convent as a Single Residential Unit for Transitional Housing in Perpetuity at 77 Locust Avenue (APN 015-112-23) (CD)

[Dominican Sisters Lourdes Convent - Transitional Housing Use](#)

Community Development Director Paul Jensen presented the staff report

Staff responded to questions from the City Council and provided comments

Mayor Phillips declared the public hearing opened

Speakers: Chris Dolan

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

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the Resolution subject to the following revision:

4. This Use Permit Amendment shall allow the existing transitional housing use of the "yellow hallway" area to continue as long as such use is consistent with the terms and conditions of this permit and Use Permit UP79-18. In the event the property owner determines to cease such use in this area or ceases to operate the premises as a convent, written notice shall be provided to the City. Should the property owner decide to convert the yellow hallway area to a use other than for residential convent rooms, a zoning determination shall be requested with the City to determine the appropriate permit requirements.

Resolution 14752 - Resolution Approving a Use Permit Amendment (UP19-039) to Permit the Continued Use of the "Yellow Hallway" Area of the Lourdes Convent as a Single Residential Unit for Transitional Housing in Perpetuity at 77 Locust Avenue (APN 015-112-23)

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

c. Changing Speed Limits on Three Streets in San Rafael
Consideration of an Ordinance of the City of San Rafael Regarding Speed Limit Change on Francisco Boulevard West, Woodland Avenue, and Du Bois Street Pursuant to Section 22357 of the California Vehicle Code (PW)
[Changing Speed Limits on Three Streets in San Rafael](#)

Public Works Director Bill Guerin commented on the item and introduced Traffic Engineer Lauren Davini who presented the report

Staff responded to questions from the City Council.

Mayor Phillips declared the public hearing opened; however, there were no comments and Mayor Phillips closed the public hearing

Councilmember McCullough moved and Councilmember Bushey seconded to pass Charter Ordinance No. 1978 to print

Passed Ordinance 1978 to print

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

The City Council recommended staff return to a future meeting with an analysis of the impacts caused by the speed limit increases

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. Public Safety Bargaining Unit Side Letters Extending Current Memorandums of Understanding (MOU) (HR)

i. Resolution Approving Side Letter Agreement with San Rafael Fire Chief Officers' Association

ii. Resolution Approving Side Letter Agreement with San Rafael Firefighters' Association, I.A.F.F. Local 1775

iii. Resolution Approving Side Letter Agreement with San Rafael Police Association

iv. Resolution Approving Side Letter Agreement with San Rafael Police Mid-Management Association

[Public Safety Bargaining Unit Side Letters Extending Current MOU](#)

City Manager Jim Schutz introduced Human Resources Director Shibani Nag who presented the staff report

Mayor Phillips invited public comment; however, there was none

Councilmembers provided comments

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the Resolution

Resolution 14753 - Resolution Approving Side Letter Agreement with San Rafael Fire Chief Officers' Association

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

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the Resolution

Resolution 14754 - Resolution Approving Side Letter Agreement with San Rafael Firefighters' Association, I.A.F.F. Local 1775

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

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the Resolution

Resolution 14755 - Resolution Approving Side Letter Agreement with San Rafael Police Association

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

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the Resolution

Resolution 14756 - Resolution Approving Side Letter Agreement with San Rafael Police Mid-Management Association

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

- b. **2020 Vice-Mayor**
Select Vice-Mayor for the City of San Rafael 2020 (CC)
[2020 Vice-Mayor](#)

Councilmember McCullough moved and Councilmember Bushey seconded to select Kate Colin as Vice-Mayor for 2020

Selected Vice-Mayor for 2020

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

Mayor Phillips expressed thanks to Vice Mayor McCullough

c. 2020 City Council Appointments
Approve City Council Appointments to Committees 2020 (CC)
[2020 City Council Appointments](#)

Mayor Phillips invited public comment; however, there was none

Councilmember Bushey moved and Councilmember Colin seconded to approve the 2020 City Council appointments

Approved Appointments

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

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

7. Councilmember Reports:
None

SAN RAFAEL SUCCESSOR AGENCY

1. Consent Calendar: -None.

ADJOURNMENT:

Mayor Phillips adjourned the meeting at 8:17 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

GARY O. PHILLIPS, Mayor