



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, OCTOBER 3, 2022

REGULAR MEETING AT 7:00 P.M.

In-Person:

San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901

Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/CC-2022-10-03>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

One Tap Mobile: US: +16699009128,,81736920337#

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held in-person, virtually using Zoom and is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting in-person:

- Stay home if you are experiencing COVID-19 symptoms.
- Face coverings are recommended for attendees.
- Use the sign-in sheet (optional) which allows notification of potentially exposed individuals if contact tracing reveals COVID-19 transmission may have occurred in a given meeting.
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to city.clerk@cityofsanrafael.org.
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and press *9 to raise your hand, and *6 to unmute yourself, then provide verbal public comment.

Any member of the public who needs accommodations should contact the City Clerk (email city.clerk@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Present: Councilmember Bushey
Vice Mayor Kertz
Councilmember Llorens Gulati

Absent: Councilmember Hill
Mayor Kate

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

Mayor Pro Tem Kertz called the meeting to order at 7:00 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present, except for Councilmember Hill and Mayor Kate.

Mayor Pro Tem Kertz provided opening remarks, which included the hybrid City Council meeting, gratitude to City Staff, National Disability Employment Awareness Month, and a land acknowledgment.

City Clerk Lindsay Lara announced the process for Spanish interpretation for the evening. She informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom, and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone, through Zoom and in-person.

OPEN SESSION

1. None.

CLOSED SESSION

2. None.

OPEN TIME FOR PUBLIC EXPRESSION

- Gina Silvestri, Gerstle Park Neighborhood Association, addressed the City Council regarding the Third Annual San Rafael PorchFest. She expressed gratitude for the City's participation.
- Salamah Locks, Commission on Aging, announced an upcoming meeting entitled "Building a Healthier Marin: Covid and Beyond" with Dr. Matt Willis, Marin County Public Health Officer to be held Thursday, October 6, 10am-12:30pm.
- Sophillia Tagaba addressed the City Council on the recent use of force incident by San Rafael Police Officers.

CITY MANAGER AND COUNCILMEMBER REPORTS:

(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

3. City Manager and Councilmember Reports:

City Manager Jim Schutz announced:

- Caltrans Harbor Bridge Project (at the northbound 101 Central San Rafael offramp) update
- West End Village Culture Crawl to be held Saturday, October 8, 1-5 pm
- Trick or Treat on 4th Street to be held Saturday, October 29, 1-3 pm
- Dia de los Muertos coming up in beginning of November

Councilmember Reports:

- Councilmember Bushey reported on San Rafael Sanitation Agency, Loch Lomond Oversight Committee, Marina Boulevard Neighborhood Association and Marin County Council of Mayors & Councilmembers (MCCMC) meetings.
- Councilmember Llorens Gulati reported on a meeting regarding the 400 Canal Street apartment building's new ownership and evictions, the Marin Business Showcase, a Latinas in Power luncheon, a Movies in the Park event at Pickleweed Park, a California Community Choice Association (CalCCA) Gala, and BayWAVE and East San Rafael Task Force meetings.
- Mayor Pro Tem Kertz reported on a Marin Wildfire Prevention Authority meeting, a Spirit of Marin Awards event, a First 5 food insecurity forum, a North Bay Leadership Council event, the Marin Business Showcase and a Marin County Council of Mayors & Councilmembers (MCCMC) meeting.

Mayor Pro Tem Kertz invited public comment; however, there was none.

CONSENT CALENDAR:

Mayor Pro Tem Kertz invited public comment.

Speakers: Gina Silvestri, Gerstle Park Neighborhood Association and The Tree Group, Arlin Benavides, Sustainable San Rafael

Jim Schutz, City Manager responded to public comment.

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to approve the Consent Calendar.

4. Consent Calendar Items:

- a. **Use of Teleconferencing for Public Meetings During State of Emergency
Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic (CA)**
Resolution 15132 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for the Use or Continued Use of Teleconferencing to Hold Public Meetings of the City's Legislative Bodies During the Continuing State of Emergency Relating to the Covid-19 Pandemic
- b. **Board of Library Trustees Ordinance Updates
Adoption of Ordinance 2017 - An Ordinance of the City of San Rafael Amending Sections 2.16.030 Through 2.16.033 of the San Rafael Municipal Code Related to the Board of Library Trustees (CC)**
Final adoption of Ordinance 2017
- c. **Design Review Board Ordinance Updates
Adoption of Ordinance 2018 - An Ordinance of the City of San Rafael Amending Section 14.25.070 and Adding Sections 2.16.120 Through 2.16.122 of the San Rafael Municipal Code Related to the Design Review Board (CC)**
Final adoption of Ordinance 2018

- d. **Fire Commission Ordinance Updates**
Adoption of Ordinance 2019 – An Ordinance of the City of San Rafael Amending Sections 2.16.010 Through 2.16.013 of the San Rafael Municipal Code Related to the Fire Commission Board (CC)
Final adoption of Ordinance 2019

- e. **General Plan**
General Plan Annual Progress Report (GPAPR) for 2021 (CD)
Accepted report

- f. **On-Call and Environmental Planning Consulting Services Agreement**
Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with M-Group for On-Call Contract Planning and Environmental Consulting Services In An Amount Not to Exceed \$100,000 (CD)
Resolution 15133 - Resolution Approving and Authorizing the City Manager to Execute an Agreement for Professional Services with M-Group for On-Call Contract Planning and Environmental Consulting Services In An Amount Not to Exceed \$100,000

- g. **National Disability Employment Awareness Month**
Proclamation Supporting National Disability Employment Awareness Month (CD)
Received and filed

- h. **San Rafael Fire Department Fleet Replacement FY 2022-23**
Resolution Approving and Authorizing the City Manager to Purchase Three (3) Fire Department Vehicles for Replacement, In an Amount Not to Exceed \$998,000 (PW)
Resolution 15134 - Resolution Approving and Authorizing the City Manager to Purchase Three (3) Fire Department Vehicles for Replacement, In an Amount Not to Exceed \$998,000

- i. **Proposed Fees for Pilot Fall/Winter Aquatics Program**
Resolution Approving Fees for Pilot Fall/Winter Aquatics Program at the Terra Linda Community Pool (LR)
Resolution 15135 - Resolution Approving Fees for Pilot Fall/Winter Aquatics Program at the Terra Linda Community Pool

AYES: Councilmembers: Bushey, Llorens Gulati & Mayor Pro Tem Kertz
 NOES: Councilmembers: None
 ABSENT: Councilmembers: Hill & Mayor Kate

SPECIAL PRESENTATION

5. Special Presentation:

- a. [Presentation from Mark Brown on the Marin Wildfire Prevention Authority \(FD\)](#)

Darin White, Fire Chief introduced Mark Brown, Marin Wildfire Prevention Authority (MWPA) Executive Director who gave a presentation.

Mark Brown, MWPA Executive Director and Darin White, Fire Chief responded to questions from Councilmembers.

Mayor Pro Tem Kertz invited public comment.

Speaker: Jonathan Frieman

b. [Proclamation Supporting Fire Prevention Week \(FD\)](#)

Mayor Pro Tem Kertz presented the proclamation.

Darin White, Fire Chief provided comments.

Mayor Pro Tem Kertz invited public comment; however, there was none.

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. [“Streetaries” Outdoor Eating Areas Standards and Fees](#)
“Streetaries” Outdoor Eating Areas Standards, Fees & Ordinance (PW)

April Miller, Public Works Director presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Pro Tem Kertz invited public comment; however, there was none.

Councilmembers provided comments.

Discussion regarding modifying language (that Staff recommended in the presentation) regarding removing gender specific language to ordinance and standards.

Genevieve Coyle, Assistant City Attorney read the proposed language into the record: In Section 11.70.120, “his designee” will be replaced with “their designee.” In Section 11.70.130, there are two places where “his designee” will be replaced with “their designee.” And then, the standards will be updated to correspond with that language.

i. **Adoption of Ordinance 2016 - An Ordinance Adding Chapter 11.70 (“Streetaries” Outdoor Eating Areas) to Title 11 (Public Works) of the San Rafael Municipal Code; Amending Section 14.16.277 of Chapter 14.16 (Site Use and Regulations), Section 14.17.110 of Chapter 14.17 (Performance Standards), Section 14.05.020 of Chapter 14.05 (Commercial and Office Districts), Section 14.06.020 of Chapter 14.06 (Industrial Districts) and Section 14.08.020 of Chapter 14.08 (Marine District) of Title 14 (Zoning) of the San Rafael Municipal Code; and Amending Table 2.3.070.A (Use Table) of Chapter 9 (Downtown Form-Based Code) of the Downtown San Rafael Precise Plan Relating to Outdoor Eating Areas in the Public Right-of-Way**

Councilmember Llorens Gulati moved and Councilmember Bushey seconded to adopt Ordinance 2016, with modifications read by the Assistant City Attorney.

AYES: Councilmembers: Bushey, Llorens Gulati & Mayor Pro Tem Kertz
NOES: Councilmembers: None
ABSENT: Councilmembers: Hill & Mayor Kate

Final Adoption of Ordinance 2016

ii. **Resolution Approving the Streetary Program Design and Development Standards and Fees Under the Streetaries Ordinance, Chapter 11.70 of the San Rafael Municipal Code**

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to adopt the resolution.

AYES: Councilmembers: Bushey, Llorens Gulati & Mayor Pro Tem Kertz
NOES: Councilmembers: None
ABSENT: Councilmembers: Hill & Mayor Kate

Resolution 15136 - Resolution Approving the Streetary Program Design and Development Standards and Fees Under the Streetaries Ordinance, Chapter 11.70 of the San Rafael Municipal Code

b. **[FY 2022-23 City of San Rafael Canal Maintenance Dredging](#)**

Resolution Approving and Authorizing the City Manager to Award and Execute a Construction Agreement for the FY 2022-23 City of San Rafael Canal Maintenance Dredging Project, City Project No. 11423, to the Dutra Group, in a Not to Exceed Amount of \$3,468,000, and Authorizing Contingency Funds in the Amount of \$346,800, for a Total Appropriated Amount of \$3,814,800, which Includes a Transfer from the General Fund to Fund 401 in the Amount of \$649,200 to Cover the City Portion of the Dredge (PW)

April Miller, Public Works Director introduced Stephen Acker, Sr. Management Analyst (Public Works) who presented the Staff Report.

Staff, including Scott Bodensteiner, Haley & Aldrich responded to questions from Councilmembers.

Mayor Pro Tem Kertz invited public comment.

Speakers: Jonathan Frieman, Name withheld

Staff responded to public comment.

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to adopt the resolution.

AYES: Councilmembers: Bushey, Llorens Gulati & Mayor Pro Tem Kertz
NOES: Councilmembers: None
ABSENT: Councilmembers: Hill & Mayor Kate

Resolution 15137 - Resolution Approving and Authorizing the City Manager to Award and Execute a Construction Agreement for the FY 2022-23 City of San Rafael Canal Maintenance Dredging Project, City Project No. 11423, to the Dutra Group, in a Not to Exceed Amount of \$3,468,000, and Authorizing Contingency Funds in the Amount of \$346,800, for a Total Appropriated Amount of \$3,814,800, which Includes a Transfer from the General Fund to Fund 401 in the Amount of \$649,200 to Cover the City Portion of the Dredge

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Pro Tem Kertz adjourned the meeting at 8:44 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

RACHEL KERTZ, Mayor Pro Tem

DRAFT