



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, OCTOBER 17, 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-2022-10-17>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128

ID: 899-2635-9885#

One Tap Mobile: US: +16699009128,,89926359885#

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
Councilmember Hill
Vice Mayor Kertz
Councilmember Llorens Gulati
Mayor Kate

Absent: None

Also Present: City Manager Jim Schutz

City Attorney Robert Epstein
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 7:03 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

City Attorney Robert Epstein announced that no reportable action was taken in the Closed Session held on October 11, 2022 at 7:00 p.m.

Mayor Kate provided opening remarks, which included the hybrid City Council meeting, gratitude to City Staff, a San Rafael Cultural Arts District update, a community art project unveiling at Arbor Park to be held Saturday, October 22 11 a.m.-12:30 p.m., Dia de los Muertos Car Procession and Alter Display to be held Saturday, October 22 3-4 p.m., Trick or Treat on 4th Street to be held Saturday, October 29 1-3 p.m. 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

- Jeff Rhoads, Resilient Shore addressed the City Council regarding San Rafael sea level rise and flood risk reduction. He expressed gratitude for the City bringing onboard new Adaptation Planner, Kate Hagemann.
- Richard O'Brien addressed the City Council regarding Consent Calendar Item 4.c Citizen of the Year Award Designation.
- Eva Chrysanthe addressed the City Council regarding the services at the Service Support Area.
- Linda Lang addressed the City Council regarding residential developments planned at Northgate.
- Rose addressed the City Council regarding Consent Calendar Item 4.c Citizen of the Year Award Designation.
- John Reynolds addressed the City Council requesting updates on the recent use of force incident by San Rafael police officers, the plan for the Canal (in addition to the recent lighting and paving), and the 400 Canal Street apartment building's new ownership/evictions.

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:

- Community Conversations Update
 - Community Conversations to be held October 22 – November 14
- Recent Use of Force Incident by San Rafael Police Officers Update
 - Policing in our Community Meetings to be held at the Al Boro Community Center

(and virtually) Monday, October 24 at 6 p.m. and Thursday, November 3 at 6 p.m.

Councilmember Reports:

- Councilmember Kertz reported on Marin Emergency Radio Authority (MERA) meetings and a tour of independent housing units in Petaluma. She announced her Community Conversation to be held Saturday, October 22 at Ounces Outdoors at 12:30 p.m., following the Arbor Park art project unveiling to be held at 11 a.m.
- Councilmember Hill reported on a tour of the Downtown San Rafael Arts District with state legislators and the Canal dredging kick-off.
- Councilmember Bushey reported on the Canal dredging kick-off, as well as, San Rafael Library Foundation, Central Marin Sanitation Agency and Las Gallinas Water District meetings. She noted her Community Conversation was held last week and she thanked Mayor Kate for attending in her place.
- Councilmember Llorens Gulati reported on her interview on the weekly radio show Cuerpo Corazon Comunidad (Body Heart Community), Supervisor Dennis Rodoni's Community Conversation, an Economic Development Subcommittee meeting and the Canal dredging kick-off. She announced her Community Conversation to be held Monday, November 14 at the Al Boro Community Center at 6 p.m. She noted Dia de los Muertos is coming up on November 5 in the Canal.
- Mayor Kate reported on the Canal dredging kick-off, a Walk and Roll (Safe Routes to Schools/Transportation Authority of Marin). She announced her Community Conversation to be held Wednesday, November 3 at the Terra Linda Community Center at 5:30 p.m.

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

CONSENT CALENDAR:

Mayor Kate pulled Item 4.c from the Consent Calendar for further discussion.

Mayor Kate invited public comment on all Consent items, 4.a through 4.i.

Speaker: Eva Chrysanthe

Councilmember Kertz moved and Councilmember Hill seconded to approve the Consent Calendar, excluding Item 4.c., and the City Clerk read the title of the ordinance presented in item 4.f

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

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the City Council Regular and Special Meetings of September 19, 2022 and the City Council Regular Meeting of October 3, 2022 (CC)

Approved minutes as submitted

b. **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 15138 - 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

c. **Citizen of the Year Award Designation**

Resolution Designating "The Richard P. O'Brien and Mary Ferrario O'Brien Citizen of the Year Award" as the "Richard P. O'Brien and Mary Ferrario O'Brien Public Service Award" (CC)

This item was held from the Consent Calendar.

Lindsay Lara, City Clerk presented the Staff Report.

Staff responded to questions from Councilmembers.

Councilmembers provided comments.

Mayor Kate invited further public comment on this item.

Speakers: Richard O'Brien, Eva Chrysanthe

Due to a technical difficulty resulting in audio being muted for community members participating on Zoom, City Clerk Lindsay Lara re-presented the Staff Report, and reiterated the questions posed by the City Council.

Mayor Kate re-invited public comment on this item.

Speakers: Jonathan Frieman, Rose, Eva Chrysanthe, John Reynolds

Councilmembers provided comments.

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

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Resolution 15147 - Resolution Designating "The Richard P. O'Brien and Mary Ferrario O'Brien Citizen of the Year Award" as the "Richard P. O'Brien and Mary Ferrario O'Brien Public Service Award"

- d. **Information Technology Services Agreement Renewal**
Resolution Authorizing the City Manager to Execute a General Service Agreement with Addendum with Xantrion, Inc., for Information Technology Services from November 1, 2022 Through October 31, 2023 in an Amount Not to Exceed \$1,068,350 (DS)
Resolution 15139 - Resolution Authorizing the City Manager to Execute a General Service Agreement with Addendum with Xantrion, Inc., for Information Technology Services from November 1, 2022 Through October 31, 2023 in an Amount Not to Exceed \$1,068,350
- e. **City Quarterly Investment Report**
Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending September 30, 2022 (Fin)
Accepted report
- f. **Triannual Fire Code Ordinance Amendments**
Introduction of 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 2022 Edition with Amendments, the International Fire Code 2021 Edition, and Appendix A of the 2021 International Wildland-Urban Interface Code and Adopting Findings of Fact Supporting the Amendments to Such Codes; and Setting a Public Hearing for November 7, 2022 (FD)
Waived further reading of the ordinance and referred to it by title only, introduced the Ordinance, and set a public hearing for November 7, 2022
- g. **Sponsorship of Minor Park Amenities Policy**
Resolution Adopting the Sponsorship of Minor Park Amenities Policy, and Rescinding Resolution 8923 Donation of Park Trees and Bench Guidelines (LR)
Resolution 15140 - Resolution Adopting the Sponsorship of Minor Park Amenities Policy, and Rescinding Resolution 8923 Donation of Park Trees and Bench Guidelines
- h. **Increase Construction Contingency on Fire Stations 54 & 55 Essential Facilities Projects**
Resolution Authorizing Additional Construction Contingency Funds for Phase 2 Essential Facilities Projects – Fire Stations 54 and 55, In an Amount Not to Exceed \$450,000, For a Total Construction Contingency Amount of \$1,330,900 (PW)
Resolution 15141 - Resolution Authorizing Additional Construction Contingency Funds for Phase 2 Essential Facilities Projects – Fire Stations 54 and 55, In an Amount Not to Exceed \$450,000, For a Total Construction Contingency Amount of \$1,330,900
- i. **One Bay Area Grant (OBAG3) Resolutions**
Resolution of Compliance with State Housing Laws and Resolutions of Local Support for Four Projects: Canal Active Transportation Improvements, Canal/Southeast San Rafael PDA, Northgate PDA and Second and Fourth Street Intersection Improvements (PW/CD)
 - i. **Resolution Verifying Compliance with State Housing Laws**
Resolution 15142 - Resolution Verifying Compliance with State Housing Laws
 - ii. **Resolution Authorizing the Filing of Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Canal Active Transportation Improvements Project**
Resolution 15143 - Resolution Authorizing the Filing of Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Canal Active Transportation Improvements Project

- iii. **Resolution Authorizing the Filing of Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Canal/Southeast Area PDA Study Project**
Resolution 15144 - Resolution Authorizing the Filing of Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Canal/Southeast Area PDA Study Project
- iv. **Resolution Authorizing the Filing of Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Northgate Area PDA Study Project**
Resolution 15145 - Resolution Authorizing the Filing of Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Northgate Area PDA Study Project
- v. **Resolution Authorizing the Filing of Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Second and Fourth Street Intersection Improvements Project**
Resolution 15146 - Resolution Authorizing the Filing of Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating Assurance to Complete the Second and Fourth Street Intersection Improvements Project

SPECIAL PRESENTATION

5. Special Presentation:

- a. **Presentation of Proclamation Supporting the 2022 Great Shake Out Earthquake Drill (FD)**

Mayor Kate presented the proclamation.

Richard Diaz, Community Disaster Preparedness Coordinator provided comments in English and Spanish.

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

OTHER AGENDA ITEMS

6. Other Agenda Items:

- a. **[Transit Center Relocation Draft Environmental Impact Report Update](#)
Informational Update from Golden Gate Bridge, Highway & Transportation District Regarding the New Downtown San Rafael Transit Center (PW/CD)**

Ali Giudice, Community Development Director presented the Staff Report.

Adam Dankberg and Shilpa Trisal, Golden Gate Bridge, Highway & Transportation District gave a presentation.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Jeff Rhoads, Resilient Shore, Kevin Hagerty, League of Women Voters of Marin County Transportation, Land Use & Housing Committee, Bill Carney, Sustainable San Rafael, John Reynolds, Eva Chrysanthe, Warren Wells, Marin County Bicycle Coalition, Aaron Burnett, Canal Alliance, Jonathan Frieman

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to accept the report.

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

Accepted report

b. [San Quentin Pump Station Reconstruction](#)
Adopt Resolutions for the San Quentin Pump Station Reconstruction Project, City Project No. 11334 (PW)

April Miller, Public Works Director introduced Theo Sanchez, Associate Civil Engineer who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Jeff Rhoads, Resilient Shore, Bill Carney, Sustainable San Rafael, Kate Powers, Eva Chrysanthe,

Staff responded to public comment.

Councilmembers provided comments.

i. **Resolution Awarding and Authorizing the City Manager to Execute the Construction Agreement for the San Quentin Pump Station Reconstruction Project to Thompson Builders Corporation, in the Amount of \$6,538,725 and Authorizing Contingency Funds in the Amount of \$685,275 For a Total Contract Appropriation of \$7,224,000**

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

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

Resolution 15148 - Resolution Awarding and Authorizing the City Manager to Execute the Construction Agreement for the San Quentin Pump Station Reconstruction Project to Thompson

Builders Corporation, in the Amount of \$6,538,725 and Authorizing Contingency Funds in the Amount of \$685,275 For a Total Contract Appropriation of \$7,224,000

- ii. **Resolution Authorizing and Directing the City Manager to Execute a Deductive Change Order to the Thompson Builders Corporation Construction Agreement for the San Quentin Pump Station Reconstruction Project in the Amount of \$724,000, For a Revised Contract Appropriation of \$6,500,000**

Councilmember Bushey moved and Councilmember Hill seconded to adopt the resolution.

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

Resolution 15149 - Resolution Authorizing and Directing the City Manager to Execute a Deductive Change Order to the Thompson Builders Corporation Construction Agreement for the San Quentin Pump Station Reconstruction Project in the Amount of \$724,000, For a Revised Contract Appropriation of \$6,500,000

- iii. **Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with AlphaCM, Inc. for Construction Management, Inspection, and Testing Services Associated with the San Quentin Pump Station Reconstruction Project, in the Amount Not to Exceed \$515,716**

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution.

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

Resolution 15150 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with AlphaCM, Inc. for Construction Management, Inspection, and Testing Services Associated with the San Quentin Pump Station Reconstruction Project, in the Amount Not to Exceed \$515,716

- iv. **Resolution Approving and Authorizing the City Manager to Execute a Second Amendment to the Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group, Inc. for Bid, Construction, and Environmental Compliance Support Services Associated with the San Quentin Pump Station Reconstruction Project, in the Amount Not to Exceed \$130,550, for a Revised Total Agreement Amount of \$504,567**

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

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

Resolution 15151 - Resolution Approving and Authorizing the City Manager to Execute a Second Amendment to the Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group,

Inc. for Bid, Construction, and Environmental Compliance Support Services Associated with the San Quentin Pump Station Reconstruction Project, in the Amount Not to Exceed \$130,550, for a Revised Total Agreement Amount of \$504,567

SAN RAFAEL SUCCESSOR AGENCY:

Chair Kate invited public comment; however, there was none.

Member Bushey moved and Member Kertz seconded to approve the Consent Calendar.

1. Consent Calendar:

- a. **Successor Agency Quarterly Investment Report**
Acceptance of Successor Agency Quarterly Investment Report for the Quarter Ending September 30, 2022 (Fin)
Accepted report

AYES: Members: Bushey, Hill, Kertz, Llorens Gulati & Chair Kate
NOES: Members: None
ABSENT: Members: None

ADJOURNMENT:

Mayor Kate adjourned the meeting at 10:40 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

KATE COLIN, Mayor