



## AGENDA

SAN RAFAEL CITY COUNCIL - MONDAY, NOVEMBER 7, 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-2022-11-07>

Watch on YouTube: [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)

Listen by phone: (669) 900-9128

ID: 817-3692-0337#

One Tap Mobile: US: 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](http://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](mailto: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](mailto: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 7:06 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

Mayor Kate provided opening remarks, which included the hybrid City Council meeting, gratitude to City Staff, San Rafael being one of three cities in the U.S. awarded Best Place to Work in Local Government in 2022 (by Engaging Local Government Leaders), and a land acknowledgement.

City Clerk Lindsay Lara 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**

- Name Withheld, addressed the City Council regarding texting the moderator of the City Council meeting.
- Dave Rhoads, addressed the City Council expressing gratitude for the City holding hybrid meetings.
- David Moller, addressed the City Council regarding the Green Building Reach Codes item heard in the Study Session prior to tonight's regular meeting.

### **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:

- Appointments made at the November 2, 2022, Boards & Commissions Interviews
- Marin County Overdose Prevention Summit to be held on Tuesday, November 15 at Embassy Suites at 4 p.m.
- November 5, 2022, Dia de los Muertos Recap

Councilmember Reports:

- Councilmember Kertz reported on the Arbor Park art installation, her and Councilmember Hill's Community Conversations, Leadership for Equity and Opportunity (LEO), a Glenwood Elementary visit, a San Rafael Chamber of Commerce coffee chat, and Dia de los Muertos.
- Councilmember Hill reported on the Arbor Day Tree Planting ceremony, a City County Schools Liaison meeting, a Glenwood Elementary visit, recent Boards and Commissions Interviews and a County Priority-Setting Committee meeting.
- Councilmember Bushey reported on two San Rafael Sanitation District meetings, a Marin County Council of Mayors and Councilmembers (MCCMC) meeting and the recent Boards and Commissions Interviews.

- Councilmember Llorens Gulati reported on a Tiscornia Marsh Project community meeting, Arbor Day Tree Planting ceremony, City's Quarterly Climate Action Forum, a MCCMC Climate Action Committee meeting, two Policing in Our Community meetings and Dia de los Muertos. She announced her Community Conversation to be held on Monday, November 14 at Pickleweed Park at 6 p.m.
- Mayor Kate reported on her Community Conversation and one she covered for Councilmember Bushey, a ribbon cutting for ESPIN Electric Bikes, a Marin Latino Leaders luncheon, as well as, Marin Transit and SMART meetings.

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

#### **CONSENT CALENDAR:**

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

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

#### 4. Consent Calendar Items:

##### a. **Approval of Minutes**

**Approve Minutes of the City Council Regular Meeting of October 17, 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 15152 - 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. **Tri-Annual Building Code Ordinance Amendments**

**Introduction of an Ordinance Amending Title 12 (Building Regulations) of the Municipal Code of the City of San Rafael, to Adopt by Reference the 2022 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 Construction Standards Code, the California Historical Building Code, the California Energy Code, and the California Referenced Standards Code, with Appendices and Amendments Herein; to Adopt by Reference the 2021 Edition of the International Property Maintenance Code and the International Swimming Pool and Spa Code, with Amendments Herein; Adopting Administrative and Program Provisions for the Codes; Adopting New Chapter 12.350 with Administrative and Program Regulations on Gate Safeguards; and Adopting Findings of Fact Supporting the Amendments to the Codes; and Setting a Public Hearing for November 21, 2022 (CD)**

*Waived further reading of the ordinance and referred to it by title only, introduced the Ordinance, and set a public hearing for November 21, 2022*

##### d. **Sun Valley Park Playground Project**

**Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Sun Valley Park Playground Project, City Project No. 11391, to Bauman**

**Landscape and Construction, Inc. in the Amount of \$453,709, and Authorizing Contingency Funds of \$66,291 for a Total Appropriated Amount of \$520,000 (PW)**

*Resolution 15153 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Sun Valley Park Playground Project, City Project No. 11391, to Bauman Landscape and Construction, Inc. in the Amount of \$453,709, and Authorizing Contingency Funds of \$66,291 for a Total Appropriated Amount of \$520,000*

**e. Pickleweed Park Enhancement Project**

**Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Gates + Associates for Landscape Architectural and Engineering Design Services Associated with the Pickleweed Park Enhancement Project, City Project No. 11376, in the Amount Not to Exceed \$498,734 (PW)**

*Resolution 15154 - Resolution Approving and Authorizing the City Manager to Execute a Professional Services Agreement with Gates + Associates for Landscape Architectural and Engineering Design Services Associated with the Pickleweed Park Enhancement Project, City Project No. 11376, in the Amount Not to Exceed \$498,734*

**f. Special Event Street Closures in Downtown San Rafael**

**Resolution Authorizing the Temporary Closure of Fourth Street Between Lincoln Avenue and Cijos Street for the Annual Parade of Lights and Winter Wonderland Event (PD)**

*Resolution 15155 - Resolution Authorizing the Temporary Closure of Fourth Street Between Lincoln Avenue and Cijos Street for the Annual Parade of Lights and Winter Wonderland Event*

**g. Investment Management and Advisory Services**

**Resolution Approving and Authorizing the City Manager to Execute an Agreement with Chandler Asset Management to Provide Investment Management and Advisory Services for Three (3) Years with an Option to Extend for an Additional Two (2) Years (Fin)**

*Resolution 15156 - Resolution Approving and Authorizing the City Manager to Execute an Agreement with Chandler Asset Management to Provide Investment Management and Advisory Services for Three (3) Years with an Option to Extend for an Additional Two (2) Years*

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

**SPECIAL PRESENTATION**

**5. Special Presentation:**

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

**a. [Presentation of Proclamation Supporting United Against Hate Week \(CM\)](#)**

Mayor Kate presented the proclamation.

Bernadette Sullivan, Senior Management Analyst (City Manager Office) provided comments.

**b. [Presentation of Proclamation to Stacey Laumann for Her Service on the Park & Recreation Commission \(LR\)](#)**

Mayor Kate presented the proclamation.

Stacey Laumann provided comments.

## **PUBLIC HEARING**

### 6. Public Hearing:

#### a. [Triannual Fire Code Ordinance Amendments](#)

**Final Adoption of Ordinance No. 2020: An Ordinance 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 (FD)**

Robert Sinnott, Deputy Fire Chief presented the Staff Report.

Staff responded to questions from Councilmembers.

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

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to adopt Ordinance No. 2020.

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

*Final adoption of Ordinance No. 2020*

## **OTHER AGENDA ITEMS**

### 7. Other Agenda Items:

#### a. [US 101/I-580 Multimodal and Local Access Improvement Project](#)

**Informational Report from Transportation Authority of Marin (TAM) on the US 101/I-580 Multimodal and Local Access Improvement Project and Additional Interchange Proof of Concept on Interstate 580 (PW)**

April Miller, Public Works Director introduced Anne Richman and Connie Fremier, Transportation Authority of Marin (TAM) who presented the Staff Report.

Staff responded to questions from Councilmembers.

Connie Fremier, Transportation Authority of Marin (TAM) continued with the presentation.

Staff responded to further questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Jeff Rhoads, Resilient Shore, Evan Cross, Bill Carney, Sustainable San Rafael

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to accept the report.

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

*Accepted report*

b. [San Rafael Cannabis Industry Tax Rate Setting](#)

**Resolution Setting Lower Cannabis Industry Tax Rates for Cannabis Delivery Businesses, for the Period of January 1, 2023 Through December 31, 2024 (ED/CM)**

Bernadette Sullivan, Senior Management Analyst (City Manager Office) presented the Staff Report.

Staff responded to questions from Councilmembers.  
Mayor Kate invited public comment.

**Speakers:** Name withheld, Danielle Span, Moonflower, Monica Gray Fong, Nice Guys Delivery

Councilmembers provided comments.

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

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

*Resolution 15157 - Resolution Setting Lower Cannabis Industry Tax Rates for Cannabis Delivery Businesses, for the Period of January 1, 2023 Through December 31, 2024*

c. [Update to the Unrepresented Executive Management Salary Schedule](#)

**Resolution Approving the Adjustment of the Compensation Schedule for the City Manager Position and Recruitment (AS)**

Nadine Hade, Administrative Services Director presented the Staff Report.

Staff responded to questions from Councilmembers.

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

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

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

*Resolution 15158 - Resolution Approving the Adjustment of the Compensation Schedule for the City Manager Position and Recruitment*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:41 p.m.

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LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

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KATE COLIN, Mayor

DRAFT