



## MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, NOVEMBER 21, 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-2022-11-21>

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

Listen by phone: (669) 900-9128

ID: 899-2635-9885#

One Tap Mobile: US: 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](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

**OPEN SESSION - THIRD FLOOR CONFERENCE ROOM - 6:15 PM**

*Dial-in: (669) 444-9171, Meeting ID# 832-5158-3140#*

*One Tap Mobile +16694449171,,83251583140# US or +12532050468,,83251583140# US*

1. Mayor Kate to announce Closed Session items.

**CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 6:15 PM**

2. Closed Session:

- a. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)  
1 case: Crimmins v. CSR

Mayor Kate 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.

City Attorney Robert Epstein announced that no reportable action was taken in the Closed Session held prior to the meeting.

Mayor Kate provided opening remarks, which included the hybrid City Council meeting, gratitude to City Staff, United Against Hate Week and a land acknowledgment.

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 TIME FOR PUBLIC EXPRESSION**

- Amy Likover, Federation of San Rafael Neighborhoods addressed the City Council honoring Judy Schriebman.
- Kate Powers, addressed the City Council honoring Judy Schriebman.

**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:

- San Rafael Economic Development Strategic Plan Update
- Downtown San Rafael's Parade of Lights and Winter Wonderland to be held Saturday, November 26 at 1 -5 p.m., with a lighted classic car parade at 5:30 p.m.

Councilmember Reports:

- Councilmember Kertz reported on United Against Hate Week, the opening of 920 Grand Avenue (Progress Foundation residential treatment center) and an upcoming Marin Wildfire Prevention Authority (MWPA) meeting.

- Councilmember Bushey reported on Loch Lomond Oversight Committee and San Rafael Public Library Foundation Board meetings.
- Councilmember Llorens Gulati reported on her recent Community Conversation and an HOA meeting with Spinnaker, Bay Point and Bahia.
- Councilmember Hill reported on the opening of the Grand Avenue project.
- Mayor Kate reported on the Chamber of Commerce Leadership Institute, SMART, the November 8, 2022 City Council election.

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.

4. Consent Calendar Items:

- a. **Approval of Minutes**  
**Approve Minutes of the City Council Regular and Special Meetings of November 7, 2022 and the City Council Special Meeting of November 2, 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 15159 - 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. **Downtown Business Improvement District (BID) Business Assessment Annual Renewal**  
**Resolution Declaring the City Council’s Intention to Levy an Annual Assessment for Calendar Year 2023 for the Downtown San Rafael Business Improvement District (ED)**  
*Resolution 15160 - Resolution Declaring the City Council’s Intention to Levy an Annual Assessment for Calendar Year 2023 for the Downtown San Rafael Business Improvement District*
  
- d. **Accepting Grant Funds to Support Resilience Planning**  
**Resolution Accepting the Grant of Funds from the State Coastal Conservancy and Marin Community Foundation for the Canal Community Resilience Planning Project and Appropriating Funds in the Amount of \$762,000 for Project #31100 (CM)**  
*Resolution 15161 - Resolution Accepting the Grant of Funds from the State Coastal Conservancy and Marin Community Foundation for the Canal Community Resilience Planning Project and Appropriating Funds in the Amount of \$762,000 for Project #31100*

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

## **PUBLIC HEARING**

### 5. Public Hearing:

#### a. **Triennial Building Code Ordinance Amendments**

**Final Adoption of Ordinance 2021: 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 (CD)**

Robert Epstein, City Attorney introduced the item and Don Jeppson, Chief Building Official presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Eric Quanbeck, Eric Bledsoe, Electronic Innovations, Name withheld, Michael Reed, American Fence Association, Kate Powers

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt Ordinance No. 2021; and the City Clerk read the title of the ordinance.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

*Final adoption of Ordinance No. 2021*

#### b. **Ordinance Amending Green Building Codes**

**Introduction of an Ordinance Amending Title 12 (Building Regulations) of the Municipal Code of the City of San Rafael, by Amending the 2022 California Green Building Standards Code for Electric Vehicle Chargers; Amending the 2022 California Mechanical Code and the 2022 California Plumbing Code to Limit Fuel Gas in Existing Single Family Homes and Duplexes, and Prohibit Fuel Gas in New Construction with Limited Exceptions; and Adopting Findings of Fact Supporting the Amendments to the Codes (CD)**

Cory Bytof, Sustainability Program Manager and Don Jeppson, Chief Building Official presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Sebastian Khan, MCE, name withheld, Bill Carney, Sustainable San Rafael, Manaal Shafi, Bloom Energy, Pam Reaves, Marin Conservation League, Belle Cole, Organizing for Action in Marin, David Moller, Marin Sonoma Building Electrification Squad

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Bushey seconded to waive further reading of the ordinance and refer to it by title only and introduce the ordinance; and the City Clerk read the title of the ordinance.

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

*Waived further reading of the ordinance and referred to it by title only, and introduced the ordinance*

c. [Master Fee Schedule](#)

**Resolutions Amending the City of San Rafael Master Fee Schedule to Adopt a Comprehensive Master Fee Update and Establishing an Annual CPI Increase with Max Annual Increase of 3%; Updating to the Affordable Housing In-Lieu Fee; and the Repeal of Resolutions Where Fees and Fee Methodology are Otherwise Referenced (Fin)**

*Continued to a future City Council meeting*

**OTHER AGENDA ITEMS**

6. Other Agenda Items:

a. [Year-End Financial Statements and Related Audit Reports](#)

**Fiscal Year 2021-2022 Annual Financial Report; GANN Appropriations Limit; Memorandum on Internal Control; Report of Required Communications; and the Child Development Program Financial Report (Fin)**

Shawn Plate, Principal Accountant introduced Whitney Crockett and Amy Meyer, Maze & Associates who presented the Staff Report.

Staff responded to questions from Councilmembers.

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

Staff provided comments.

Councilmembers provided comments.

Councilmember Hill 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*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:31 p.m., in honor of Judy Schriebman.

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LINDSAY LARA, City Clerk

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

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KATE COLIN, Mayor