



## MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, DECEMBER 19, 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-2022-12-19>

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: +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.
- 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  
Assistant City Attorney Genevieve Coyle  
Deputy City Clerk Brenna Nurmi

**OPEN SESSION – THIRD FLOOR CONFERENCE ROOM – 5:30 PM**

*Dial-in: (669) 444-9171, Meeting ID# 823-1668-0835#*

*One Tap Mobile +16694449171,,82316680835# US*

1. Mayor Kate to announce Closed Session items.

**CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM – 5:30 PM**

2. Closed Session:

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

Mayor Kate called the meeting to order at 7:00 p.m. and invited Deputy City Clerk Brenna Nurmi to call the roll. All members of the City Council were present.

Assistant City Attorney Genevieve Coyle announced that no reportable action was taken in the Closed Session held prior to the meeting.

Mayor Kate provided opening remarks, which included a land acknowledgement, a 2022 reflection and gratitude to City residents, local businesses, community agencies and staff.

Deputy City Brenna Nurmi 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**

- Eva Chrysanthe, addressed the City Council regarding services at the Service Support Area.
- Name withheld, addressed the City Council regarding the treatment of American citizens living on the streets.

**CITY MANAGER AND COUNCILMEMBER REPORTS:**

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

3. City Manager and Councilmember Reports:

Darin White, Fire Chief provided an update on a 3-alarm structure fire in the Canal that occurred earlier in the afternoon.

City Manager Jim Schutz announced:

- City Offices and facilities to be closed from Friday, December 23 through Monday, January 2. Public Safety Police, Fire and Paramedic services will be fully staffed and dispatching calls 24 hours a day. Public Works and Sanitation District will also respond to emergencies and needs.
- The Tuesday, January 3, 2023 City Council meeting to be cancelled. The next meeting to be held on Tuesday, January 17, 2023.

- Nominations for the 2023 Richard P. O'Brien and Mary Ferrario O'Brien Public Service Award
- Vacancies on the Planning Commission, Pickleweed Advisory Committee, and the ADA Access Advisory Committee

Councilmember Reports:

- Councilmember Kertz reported on the Marin Latino Leaders, Lighted Boat Parade, and Menorah Lighting.
- Councilmember Bushey reported on Central Marin Sanitation Agency and Transportation Authority of Marin meetings, as well as, a Business Improvement District event, Lighted Boat Parade and Menorah Lighting.
- Councilmember Llorens Gulati reported on a Policing in our Community meeting, Marin TV, Cuerpo Corazon Comunidad, Marin Latino Leaders, Voces del Canal, Lighted Boat Parade and a Marin Clean Energy (MCE) meeting.
- Councilmember Hill reported on the Lighted Boat Parade and a Walk & Roll to Sun Valley Elementary.
- Mayor Kate reported on a SMART meeting.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

**CONSENT CALENDAR:**

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

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

4. Consent Calendar Items:

- a. **Approval of Minutes**  
**Approve Minutes of the City Council Regular Meeting of November 21, 2022, and the Regular and Special Meetings of December 5, 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 15172 - 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. **Aldersly Retirement Community Project**  
**Adoption of Ordinance 2023: An Ordinance of the City of San Rafael City Council Approving a Planned Development Rezoning from Planned Development District (PD**

**1775) to Planned Development District (PD) and Development Plan Including 14 Net New Independent Living Units for the 2.9-Acre Senior Retirement Community Site Located at 308 and 326 Mission Avenue (CC)**

*Final adoption of Ordinance 2023*

- d. **Legislative Advocacy Services Agreement Renewal**  
**Resolution Authorizing the City Manager to Enter into a Two-Year Agreement with Emanuels Jones & Associates for Legislative Advocacy Services in an Amount Not to Exceed \$91,186 (CM)**  
*Resolution 15173 - Resolution Authorizing the City Manager to Enter into a Two-Year Agreement with Emanuels Jones & Associates for Legislative Advocacy Services in an Amount Not to Exceed \$91,186*
  
- e. **Canal Community Resilience Planning Project (Project #31100)**  
**Resolution Approving and Authorizing the City Manager to Execute Professional Services Agreements with Multicultural Center of Marin and Canal Alliance for the Canal Community Resilience Planning Project, In the Amount Not to Exceed \$162,000 and \$120,000, Respectively (CM)**  
*Resolution 15174 - Resolution Approving and Authorizing the City Manager to Execute Professional Services Agreements with Multicultural Center of Marin and Canal Alliance for the Canal Community Resilience Planning Project, In the Amount Not to Exceed \$162,000 and \$120,000, Respectively*
  
- f. **California State Library Grant Funding for Improvements to the Downtown and Pickleweed Libraries**
  - i. **Resolution Authorizing the Grant Acceptance and Execution of the Grant Funds from the State of California Budget Act of 2021 (SB 129) for Downtown Carnegie Library Renovation, Expansion and ADA Upgrades (LR)**  
*Resolution 15175 - Resolution Authorizing the Grant Acceptance and Execution of the Grant Funds from the State of California Budget Act of 2021 (SB 129) for Downtown Carnegie Library Renovation, Expansion and ADA Upgrades*
  
  - ii. **Resolution Authorizing the Grant Acceptance and Execution of the Grant Funds from the State of California Budget Act of 2021 (SB 129) for Pickleweed Library Renovation and Expansion (LR)**  
*Resolution 15176 - Resolution Authorizing the Grant Acceptance and Execution of the Grant Funds from the State of California Budget Act of 2021 (SB 129) for Pickleweed Library Renovation and Expansion*
  
- g. **California State Preschool Program Continued Funding Application Fiscal Year 2023-2024**  
**Resolution Approving the City of San Rafael to Enter into a Funding Agreement with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize the Designated Personnel, Senior Recreation Supervisor, to Sign Contract Documents for Fiscal Year 2023-2024, the Continued Funding Application and All Related Contract Documents (LR)**  
*Resolution 15177 - Resolution Approving the City of San Rafael to Enter into a Funding Agreement with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize the Designated Personnel, Senior Recreation Supervisor, to Sign Contract Documents for Fiscal Year 2023-2024, the Continued Funding Application and All Related Contract Documents*

h. **2021/22 and 2022/23 Slurry Seal Projects**

**Accept the 2021/22 Slurry Seal Project (City Project No. 11410) and the 2022/23 Slurry Seal Project (City Project No. 11415) as Complete, and Authorize Filing of the Notice of Completions (PW)**

*Accepted the 2021/22 Slurry Seal Project and the 2022/23 Slurry Seal Project as completed and authorized filing of the Notice of Completions*

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

**SPECIAL PRESENTATIONS**

5. Special Presentation:

a. [Presentation of Proclamations to Kevin Hagerty and Kate Powers for Their Service on the Bicycle and Pedestrian Advisory Committee \(PW\)](#)

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

Mayor Kate presented the proclamation to Kevin Hagerty.

Kevin Hagerty provided comments.

Mayor Kate presented the proclamation to Kate Powers.

Kate Powers provided comments.

**PUBLIC HEARING**

6. Public Hearing:

a. [Proposed Master Fee Schedule Update](#)

**Proposed Master Fee Schedule Update (Fin)**

i. **Introduction of An Ordinance of the City of San Rafael City Council Repealing and Replacing Chapter 3.34 of Title 3 of the San Rafael Municipal Code, Titled Fee and Service Charge Revenue/Cost Comparison System**

ii. **Resolution Amending the City Master Fee Schedule**

iii. **Resolution Rescinding Resolution No. 11942 And Establishing an Affordable Housing In-Lieu Fee for Developments within the City of San Rafael Equal to \$362,817 for Each Affordable Housing Unit and Providing for Annual Adjustment of Fee**

iv. **Resolution Amending the City's Parking Citation Fines**

Nadine Hade, Administrative Services Director introduced the item.

Claire Coleman, Senior Management Analyst, Leslie Mendez, Planning Manager, Don Jeppson, Chief Building Official, Rafat Raie, Deputy Public Works Director, Alexis Captanian, Housing Programs Analyst, Thomas Wong, Senior Management Analyst, Jim Myhers, Parking Services Manager presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Kertz seconded to waive reading, refer to it by title only, and introduce the ordinance; and the Deputy City Clerk read the title of the ordinance.

*An Ordinance of the City of San Rafael City Council Repealing and Replacing Chapter 3.34 of Title 3 of the San Rafael Municipal Code, Titled Fee and Service Charge Revenue/Cost Comparison System*

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

*Waived reading, referred to it by title only, and introduced the Ordinance*

Councilmember Kertz 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 15178 - Resolution Amending the City Master Fee Schedule*

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 15179 - Resolution Rescinding Resolution No. 11942 And Establishing an Affordable Housing In-Lieu Fee for Developments within the City of San Rafael Equal to \$362,817 for Each Affordable Housing Unit and Providing for Annual Adjustment of Fee*

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 15180 - Resolution Amending the City's Parking Citation Fines*

## **OTHER AGENDA ITEMS**

### 7. Other Agenda Items:

#### a. **Local Agency Technical Assistance (“LATA”) Grant**

**Resolution Approving the Acceptance and Appropriation of California Public Utilities Commission (“CPUC”) Grant Funding for the San Rafael Canal Qualified Opportunity Zone Project in the Amount of \$258,620 for the LATA Project, and Authorizing the City Manager to Execute a Grant Agreement and Other Documents Related to the Grant (DS)**

Sean Mooney, Digital Service & Open Government Director and Vinh Pham, Data & Infrastructure Manager resented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Eva Chrysanthe, Damian Morgan

Staff responded to public comment.

Councilmembers provided comments.

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 15181 - Resolution Approving the Acceptance and Appropriation of California Public Utilities Commission (“CPUC”) Grant Funding for the San Rafael Canal Qualified Opportunity Zone Project in the Amount of \$258,620 for the LATA Project, and Authorizing the City Manager to Execute a Grant Agreement and Other Documents Related to the Grant*

#### b. **2023 Vice Mayor**

**Select of the Vice Mayor of the City of San Rafael for 2023 (CC)**

Mayor Kate introduced the item.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Bushey seconded to nominate Maika Llorens Gulati to be the Vice-Mayor for 2023.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

*Selected Maika Llorens Gulati as Vice-Mayor for 2023*

c. **City Council Appointments to Committees for 2023**  
**Approve of City Council Appointments to Committees for 2023 (CC)**

Mayor Kate introduced the item. Regarding the proposed Appointments for 2023, she noted an edit in that the Voter Approved Tax Oversight Committee indicated her name, but that it should indicate Rachel Kertz as the liaison.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

Councilmember Bushey moved and Councilmember Kertz seconded to approve appointments, with the aforementioned edit.

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

*Approved Appointments*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:37 p.m., recognizing Damion from Community Media Center of Marin who runs the meetings behind the scenes.

-----  
LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

-----  
KATE COLIN, Mayor