



Minutes

SAN RAFAEL CITY COUNCIL - MONDAY, FEBRUARY 6, 2023

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-2023-02-06>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 444-9171

ID: 860-6190-5675#

One Tap Mobile: US: +16694449171,,86061905675#

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.
- 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.

If you experience technical difficulties during the meeting, please contact city.clerk@cityofsanrafael.org.

Present: Councilmember Bushey
Councilmember Hill
Councilmember Kertz
Vice Mayor Llorens Gulati
Mayor Kate

Absent: None

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

OPEN SESSION

1. None.

CLOSED SESSION

2. None.

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.

Mayor Kate provided opening remarks, which included gratitude to City staff, gun safety and noting the 5th Annual National Gun Violence Survivors Week 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 TIME FOR PUBLIC EXPRESSION

- Damien Oyobio, expressed gratitude and appreciation to the City for the Arbor Park community-led project for social justice work.
- Eva Chrysanthe addressed the City Council regarding the recent use of force incident by San Rafael Police Officers in the Canal neighborhood.
- Amy Likover, The San Rafael Tree Group, addressed the City Council regarding a Street Tree Ordinance relating to the General Plan 2040.
- Barry Taranto, addressed the City Council regarding the misbehavior of some Police Officers and expressed appreciation for Councilmember Kertz for getting involved with recent antisemitic behavior.
- Richard Olive, addressed the City Council regarding recent San Rafael Police activity, including dropping off a person experiencing homelessness in San Francisco and the use of force incident in the Canal neighborhood.

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/reported:

- City Council Study Session on interim housing held on January 30th
- City Council Retreat focused on teamwork held on February 2nd. It particularly focused on councilmembers representing districts and working together across districts.
- New transportation funding update

Councilmember reports:

- Vice Mayor Llorens Gulati reported on Climate Change Action Plan (CCAP), Sea Level Rise Subcommittee, 400 Canal Street landlord and BayWAVE Executive Steering Committee meetings. She attended the dedication of B Street Station.
- Councilmember Bushey reported on a Pt. San Pedro Road Coalition Loch Lomond Development Oversight Committee meeting, a San Rafael Sanitation District retreat and a Marin County Council of Mayors and Councilmembers (MCCMC) Marin Transit District meeting.
- Councilmember Kertz reported on the Police Department Award Ceremony, the Northgate Open House, and the Kaiser Permanente briefing. She announced the Age-Friendly San Rafael Celebration to be held on February 19th, 3–4:30 p.m. at the San Rafael Community Center.

- Councilmember Hill reported on a Downtown Business Improvement District (BID) meeting and the Lunar New Year Celebration at the San Rafael Community Center.
- Mayor Kate reported on Marin Gun Safety Collaborative, Bay Adapt Local Electeds Regional Task Force, and SMART meetings.

Mayor Kate invited public comment.

Speaker: Eva Chrysanthe

CONSENT CALENDAR:

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

Vice Mayor Llorens Gulati 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 Meeting of January 17, 2023 (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 15186 - 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. **Award of Public Works Contracts**
Adoption of Ordinance 2025: An Ordinance of the City of San Rafael City Council Amending Chapter 11.50 of Title 11 of the San Rafael Municipal Code, Titled Public Works Contract Policy (CC)
Final adoption of Ordinance 2025
- d. **2021 Affordable Housing NOFA Funding Recommendation - Canal Alliance Alternative Site Acquisition**
Resolution Amending Resolution 15041 by Authorizing the Expenditure of Funds for Acquisition of an Alternative Site at 105 Canal Street, in Fulfillment of the Affordable Housing Trust Fund 2021 Notice of Funding Availability (NOFA) (CD)
Resolution 15187 - Resolution Amending Resolution 15041 by Authorizing the Expenditure of Funds for Acquisition of an Alternative Site at 105 Canal Street, in Fulfillment of the Affordable Housing Trust Fund 2021 Notice of Funding Availability (NOFA)
- e. **Creek Maintenance Agreement for Marin County Flood Control Zone No. 6**
Resolution Authorizing the City Manager to Enter into the Creek Maintenance Agreement for the Five-Year Maintenance of Drainage Channels Within the City of San Rafael and Flood Control Zone No. 6 of the Marin County Flood and Water Conservation District (CD)

Resolution 15188 - Resolution Authorizing the City Manager to Enter into the Creek Maintenance Agreement for the Five-Year Maintenance of Drainage Channels Within the City of San Rafael and Flood Control Zone No. 6 of the Marin County Flood and Water Conservation District

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

SPECIAL PRESENTATIONS

5. Special Presentation:

Mayor Kate invited public comment on the Special Presentation.

Speaker: Eva Chrysanthe

a. **Presentation of Proclamation Supporting Black History Month (HR)**

Mayor Kate presented the proclamation.

David Spiller, Police Chief, accepted the proclamation on behalf of the City and provided comments.

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. **[Interim Financial Update and Budget Amendments to Reflect Operational Activity; Mid-Year Personnel Changes](#)**

i. **Fiscal Year 2022-2023 Interim Financial Update**

ii. **Resolution Adopting Amendments to the 2022-2023 Budget and Approving Mid-Year Personnel Changes (Fin)**

Shawn Plate, Principal Accountant, presented the Staff Report

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speaker: Bill Carney, Sustainable San Rafael

Councilmembers provided comments.

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 15189 - Resolution Adopting Amendments to the 2022-2023 Budget and Approving Mid-Year Personnel Changes

b. **B Street Two-Way Conversion**

Informational Report on the Conversion of B Street to Two-Way from Fifth Avenue to Second Street (PW)

April Miller, Public Works Director commended on the project and introduced Nhat Phan, Traffic Engineer who presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Phil Mooney, Frank Lindh, Susan, Name withheld, Barry Taranto, Warren Wells, Marin County Bicycle Coalition.

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Bushey 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 8:46 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

KATE COLIN, Mayor