



AGENDA

SAN RAFAEL CITY COUNCIL - MONDAY, MAY 1, 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/san-rafael-city-council>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 444-9171

ID: 844 3204 9611

One Tap Mobile: +16694449171,,84432049611# US

This meeting will be held in-person. The public may attend in-person or participate virtually using Zoom. This meeting is being streamed to YouTube at www.youtube.com/cityofsanrafael.

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.

OPEN SESSION - THIRD FLOOR CONFERENCE ROOM - 6:30 PM

Dial-in: (669) 900-9128, Meeting ID# 839-2754-6670#

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 6:30 PM

2. Closed Session:

- a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 519 Fourth Street, San Rafael (APN 014-123-06)
Agency negotiator: Gerald Ramiza, Burke, Williams and Sorensen
Negotiating parties: Chris Hart
Under negotiation: Price and terms of sale

OPEN TIME FOR PUBLIC EXPRESSION

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

3. City Manager and Councilmember Reports:

- City Attorney Status Update on Police Investigation

CONSENT CALENDAR:

The opportunity for public comment on consent calendar items will occur prior to the City Council's vote on the Consent Calendar. The City Council may approve the entire consent calendar with one action. In the alternative, items on the Consent Calendar may be removed by any City Council or staff member, for separate discussion and vote.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the Regular and Special City Council Meetings of April 17, 2023 (CC)
Recommended Action - Approve minutes as submitted

b. **Paramedic Tax Rates for Fiscal Year 2023-24**

Adoption of Ordinance 2026: An Ordinance of the City Council of the City of San Rafael Amending the Paramedic Service Special Tax Rates Within the Voter-Approved Limit, Commencing with Fiscal Year 2023-2024, for Residential Units and Non-Residential Structures in the City of San Rafael, County Service Area No. 13, County Service Area No. 19, and The Marinwood Community Services District (CC)
Recommended Action - Final adoption of Ordinance 2026

c. **Permanent Local Housing Allocation (PLHA)**

Resolution Recommending Permanent Local Housing Allocation (PLHA) Project Funding for the Calendar Year 2023 to the Marin County Board of Supervisors (CD)
Recommended Action - Adopt Resolution

d. **Proclamations**

- Proclamation Supporting Wildfire Preparedness Month (FD)
- Proclamation Supporting Public Service Recognition Week (HR)
- Proclamation Supporting Asian American and Pacific Islander Heritage Month (HR)
- Proclamation Supporting National Police Week (PD)
- Proclamation Supporting Mental Health Awareness Month (HR)
Recommended Action - Receive and File

e. **FY 2023 Local Measure A, AA and B Allocation**

Resolution Authorizing the City Manager to Execute Funding Agreement A-FY23-11 Between the Transportation Authority of Marin (TAM) and the City of San Rafael, Thereby Authorizing the Receipt of an Allocation of \$47,527 in Measure A, \$440,653 in Measure B, and \$1,322,378 in Measure AA Funding for FY 2022-2023 (PW)
Recommended Action - Adopt Resolution

f. **2023 MTC Regional Active Transportation Program Local Support**

- Resolution of Local Support Authorizing the Filing of an Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating the Assurance to Complete the Canal Active Transportation Enhancements Project (PW)
Recommended Action - Adopt Resolution

- ii. Resolution of Local Support Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the San Rafael Canal Crossing (PW)
Recommended Action - Adopt Resolution

- g. **Southern Heights/Courtright Retaining Wall Project**
Resolution Approving and Authorizing the City Manager to Execute the Property Purchase Agreement for Acquisition of a Roadway and Slope Easement with Property Owner of 78 Southern Heights Boulevard and Accept the Grant Deed for Such Property (PW)
Recommended Action - Adopt Resolution

- h. **Spinnaker Point Parking Modification Project Notice of Completion**
Accept Completion of the Spinnaker Point Parking Modification Project (City Project No. 11363), and Authorize the City Clerk to File the Notice of Completion (PW)
Recommended Action - Accept completion of the Spinnaker Point Parking Modification Project and authorize the City Clerk to file the Notice of Completion

PUBLIC HEARINGS

5. Public Hearings:

- a. **Use Permit Revocation for Nightclub at 842 Fourth Street**
Resolution Denying an Appeal (AP23-001) and Affirming the Planning Commission's March 28, 2023 Action to Revoke the Use Permit (UP05-01) Allowing the Re-Establishment of Live Entertainment and a Cocktail Lounge as Part of a New Restaurant/Supper Club Located at 842 4th Street (CD)
Recommended Action - Adopt Resolution

- b. **Reusable Foodware Ordinance**
Introduction of An Ordinance of the City Council of the City of San Rafael Amending the San Rafael Municipal Code to Repeal and Replace Chapter 10.92 - Prohibition on Use of Polystyrene Foam Disposable Food Packaging with New Chapter 10.92 - Regulation of Foodware for Retail Food Vendors (CM)
Recommended Action - Waive further reading of the Ordinance and refer to it by title only, and introduce the Ordinance

- c. **BioMarin Development Agreement**
Accept the 3rd Anniversary Annual Report for the Executed Development Agreement (Ordinance No. 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of an Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3rd Street); Case No.: P23-004 (CD)
Recommended Action - Accept the 3rd Anniversary Annual Report for the Executed Development Agreement (Ordinance No. 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of an Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3rd Street)

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. **Downtown San Rafael Business Improvement District**

Approval Of Actions Supporting the Downtown San Rafael Business Improvement District Capacity Building and Management (ED):

- i. Resolution Appropriating Funds and Authorizing the City Manager to Negotiate and Execute a Downtown Business Improvement District Management and Enhancement Agreement with the San Rafael Chamber of Commerce In an Amount of \$100,000

Recommended Action – Adopt Resolution

- ii. Resolution Appointing Downtown Business Improvement District Advisory Board Members

Recommended Action – Adopt Resolution

- iii. Resolution Authorizing the City Manager to Negotiate and Execute a Downtown Business Improvement District Transition Agreement with the Downtown San Rafael Business Improvement District (BID Corporation) In an Amount of \$5,000

Recommended Action – Adopt Resolution

- iv. Resolution Adopting the Downtown Business Improvement District Administrative Guidelines

Recommended Action – Adopt Resolution

b. **Community Development Block Grant (CDBG)**

Resolution Recommending Community Development Block Grant (CDBG) Project Funding for the Fiscal Year 2023-24 to the Marin County Board of Supervisors (CD)

Recommended Action – Adopt Resolution

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online and at City Hall, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing “711”, at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.