



AGENDA

SAN RAFAEL CITY COUNCIL - MONDAY, AUGUST 21, 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-2023-08-21>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 444-9171

ID: 860-6190-5675

One Tap Mobile: +16694449171,,86061905675# 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 - 5:30 PM

Dial-in: (669) 900-9128, Meeting ID# 820-2978-5066#

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

Government Code section 54956.9(d)(1): 2 cases

1. *Shaleeta Boyd, et al. v. City of San Rafael, et al.* (U.S. District Court, N.D. Cal., Case No. 23-cv-04085-EMC)
2. *Mark Rivera v. City of San Rafael, et al.* (U.S. District Court, N.D. Cal., Case No. 23-cv-03804-YGR)

Present: Councilmember Bushey
Councilmember Hill
Councilmember Kertz
Mayor Pro Tem Llorens Gulati

Absent: Mayor Kate

Also Present: City Manager Cristine Alilovich
City Attorney Robert Epstein
City Clerk Lindsay Lara

Mayor Pro Tem Llorens Gulati called the meeting to order at 7:04 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present, except for Mayor Kate.

City Attorney Robert Epstein announced that no reportable action was taken at the closed session held before the meeting or at the closed session held on July 27, 2023.

Mayor Pro Tem Llorens Gulati provided opening remarks, which included a land acknowledgment.

City Clerk Lindsay Lara announced the process for Spanish interpretation for the evening. She 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

- Kevin addressed the City Council regarding homelessness.
- Stephen Gates addressed the City Council regarding parking on Robert Dollar Drive.
- Elizabeth Braunstein addressed the City Council regarding theft and threatening, inappropriate behaviors in the parking lots of Bayview Business Park, near Target and Home Depot.
- Chris Brown addressed the City Council regarding Ordinance 2030 and camping restrictions.
- Carey MacCarthy addressed the City Council regarding a noise complaint.
- Marina Palma addressed the City Council regarding prostitution in the Canal neighborhood.
- Aurelia Vargas addressed the City Council regarding prostitution in the Canal neighborhood.
- Darlin Ruiz addressed the City Council regarding prostitution in the Canal neighborhood.
- Veronica Duarte addressed the City Council regarding prostitution in the Canal neighborhood.
- Eva Calderon addressed the City Council regarding prostitution in the Canal neighborhood.
- Eva Chrysanthe addressed the City Council regarding the death of Jimmy Sanders.

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 Cristine Alilovich:

- Introduced and welcomed the new Assistant City Manager, John Stefanski
- Invited City Attorney Robert Epstein to comment on camping ordinances and the Martin v. Boise case law
- Announced National Fentanyl Prevention & Awareness Day
- Police Advisory and Accountability Committee (PAAC) Community Outreach Update
 - PAAC Open Houses with City Councilmembers and Staff
 - Open House at B Street Community Center with Councilmember Hill, to be held Friday, August 25, 12-6pm
 - Open House at Al Boro Community Center with Vice Mayor Llorens Gulati, to be held Wednesday, August 30, 12-6pm
- Marin Wildfire Prevention Authority to host a tour/hike event on San Rafael/San Anselmo Fuel Reduction Zone Project Tuesday, August 29, 10-noon, meet at end of Ridgewood Drive
- Movies in the Park Update

- Gerstle Park featuring Puss in Boots, to be held Friday, August 25. Event starts at 5pm and movie to start 15 minutes after sunset

City Councilmember Reports:

- Councilmember Bushey reported on a meeting with Supervisor Sackett and discussed a bridge/causeway on China Camp Road, met with the Loch Lomond Oversight Committee to discuss temporary structures on the site and getting the playground re-opened, met with San Rafael Sanitation District Board and discussed review and revisions to policy concerning reserves, met with the Marin Transit Board and discussed acquisition of a site and attended a Water Managers meeting and discussed water supply.
- Councilmember Hill announced his Police Advisory and Accountability Committee Open House to be held Friday, August 25, 12-6pm in City Council Chambers. He will attend from 1:30 – 3pm.
- Councilmember Kertz reported that the Northgate Design Review Board (DRB) meeting has moved from August 22 to September 6, gave an Age Friendly San Rafael update, attended National Night Out and thanked the police department, reported on the Homeless Policy Steering Committee, met with Supervisor Sackett to discuss a new facility on 30 Joeseeph Court for additional housing services for people experiencing homelessness, reported on a Marin Wildfire Prevention Authority (MWPA) meeting discussing what to learn from Maui and was appointed as Vice President of MWPA. She will attend the field trip for the San Rafael/San Anselmo Fuel Reduction Zone Project event.
- Mayor Pro Tem Llorens Gulati reported on Marin Clean Energy and discussed conserving energy from 4-9pm, attended ribbon-cuttings at the AC Marriot Hotel and the new Marin Mazda dealership, attended a quarterly meeting with Supervisor Dennis Rodoni to talk about their shared district and attended a Voces del Canal fundraiser.

Mayor Kate invited public comment.

Speaker: Al Vetere, Name withheld, Name withheld

CONSENT CALENDAR:

Mayor Pro Tem Llorens Gulati invited public comment.

Speakers: Annika Osborn, Sustainable San Rafael, Craig Yates, Name withheld, Phillip Mooney, Eva Chrysanthe, Sue Saunders

Staff responded to public comment.

Councilmember Bushey moved and Councilmember Hill seconded to approve the Consent Calendar.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the Regular City Council Meeting of July 17, 2023 (CC)

Approved minutes as submitted

b. **Designation of Voting Delegate for the League of California Cities Annual Conference & Expo**

Designation of Councilmember Eli Hill as Voting Delegate for the 2023 League of California Cities Annual Conference & Expo in Sacramento – September 20-22, 2023 (CC)
Approved designation of Councilmember Eli Hill as voting delegate

- c. **Legal Services Contract**
Professional Services Agreement with Burke, Williams & Sorensen, LLP for General Municipal Legal Services, in an Amount not to Exceed \$170,000 (CA)
Authorized the City Manager to execute the agreement
- d. **Transportation Authority of Marin (TAM) Fee Agreement**
Resolution Authorizing the City Manager to Execute a Fee Agreement Between the Transportation Authority of Marin (TAM) and Marin County, Towns and Cities (CM)
Resolution 15245 - Resolution Authorizing the City Manager to Execute a Fee Agreement Between the Transportation Authority of Marin (TAM) and Marin County, Towns and Cities
- e. **SEIU Local 1021 Side Letter Agreement and FY 2023-24 Authorized Positions in the Childcare Program**
Resolution Approving the Side Letter Agreement and Amending FY 2023-24 Authorized Positions in the Childcare Program (HR/LR)
Resolution 15246 - Resolution Approving the Side Letter Agreement and Amending FY 2023-24 Authorized Positions in the Childcare Program
- f. **Special Event Street Closures**
Resolution Authorizing the Temporary Closure of Streets for Two Special Events (PD)
Resolution 15247 - Resolution Authorizing the Temporary Closure of Streets for Two Special Events
- g. **Southern Heights/Courtright/Pearce Retaining Walls Project**
Award the Construction Agreement for the Southern Heights/Courtright/Pearce Retaining Walls Project to Valentine Corporation in the Amount of \$993,369 (PW)
Authorized the City Manager to award and execute the agreement
- h. **Grand Avenue Cycle Track Project and Grant Funding Agreements**
 - i. **Award the Construction Agreement for the Grand Avenue Cycle Track Project to Ghilotti Bros., Inc. in the Amount of \$1,432,887 (PW)**
Authorized the City Manager to award and execute the agreement
 - ii. **Resolution Approving and Authorizing the City Manager to Execute a Master Agreement and Program Supplement Agreement with Caltrans to Receive State Funds (PW)**
Resolution 15248 - Resolution Approving and Authorizing the City Manager to Execute a Master Agreement and Program Supplement Agreement with Caltrans to Receive State Funds
- i. **Rotary Manor Culvert Replacement Project**
Authorize the City Manager to Negotiate and Enter into a Professional Services Agreement with Coastland Civil Engineering, Inc. for Construction Management, Inspections, Testing, and Environmental Compliance Services Related to the Rotary Manor Culvert Replacement Project, in the Amount of \$335,035 (PW)
Authorized the City Manager to execute the agreement

- j. **Fleet Replacement Fiscal Year 2023-24**
Authorize City Manager to Purchase Ten (10) Vehicles for Replacement, in an Amount Not to Exceed \$2,554,150 (PW)
Authorized City Manager to purchase ten (10) vehicles for replacement, in an amount not to exceed \$2,554,150

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

PUBLIC HEARINGS

5. Public Hearings:

- a. [Tax Equity and Fiscal Responsibility Act of 1982 “TEFRA” Public Hearing for Tax-Exempt Financing – The Shining Star Foundation](#)
Resolution Approving Issuance of Revenue Obligations by the California Enterprise Development Authority (CEDA) for the Purpose of Financing, Refinancing and/or Reimbursing the Cost of Acquisition, Construction, Installation, Equipping and Furnishing of Certain Facilities for the Benefit of the Shining Star Foundation and Other Matters Relating Thereto Herein Specified Pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) (ED)

Micah Hinkle, Economic Development Director presented the staff report.

Staff responded to questions from the City Council.

Mayor Pro Tem Llorens Gulati opened the public hearing.

Speaker: None

Councilmembers provided comments.

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

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

Resolution 15249 - Resolution Approving Issuance of Revenue Obligations by the California Enterprise Development Authority (CEDA) for the Purpose of Financing, Refinancing and/or Reimbursing the Cost of Acquisition, Construction, Installation, Equipping and Furnishing of Certain Facilities for the Benefit of the Shining Star Foundation and Other Matters Relating Thereto Herein Specified Pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”)

OTHER AGENDA ITEMS:

6. Other Agenda Items:

- a. [Response to Grand Jury Report – Build More ADUs – An Rx to Increase Marin’s Housing Supply](#)

Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Entitled – Build More ADUs – An Rx to Increase Marin’s Housing Supply (CD)

Alexis Captanian, Housing Program Analyst presented the staff report.

Mayor Pro Tem Llorens Gulati invited public comment.

Speakers: Bill Carney, Sustainable San Rafael, Matt Butler, Eva Chrysanthe

Councilmembers provided comments.

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

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

Resolution 15250 - Resolution Approving and Authorizing the Mayor to Execute the Response to the Marin County Civil Grand Jury Report Entitled – Build More ADUs – An Rx to Increase Marin’s Housing Supply

b. [Automated License Plate Readers](#)

Authorize the City Manager to Execute an Agreement with Flock Group Inc. for the Lease and Installation of Nineteen Flock Automated License Plate Reader Cameras (ALPR) for a 24-Month Term in an Amount Not to Exceed \$118,200 (PD)

David Spiller, Chief of Police introduced Lt. Scott Eberle who presented the staff report along with Hector Soliman-Valdez, Flock Safety representative.

Staff responded to questions from the City Council.

Mayor Pro Tem Llorens Gulati invited public comment.

Speakers: Name withheld, Al Vetere, Robert Chatham, Veronica Duarte, Vicky Tenorio, Voces del Canal, Anabel Vicente, Cruz Vargas, Voces del Canal, Darlin Ruiz, Marina Palma, Voces del Canal, Aurelia Vargas, Voces del Canal, Zoila Rios, Voces del Canal, Eva Chrysanthe

Staff responded to public comment.

Councilmembers provided comments.

City Attorney Robert Epstein suggested a modification to the motion to authorize the City Manager to enter into an agreement in a form that the City Attorney can approve following negotiations with Flock Safety.

Councilmember Kertz moved and Councilmember Hill seconded to authorize the City Manager to execute an agreement with the Flock Group Inc. for the lease and installation of nineteen Flock automated license plate reader cameras (ALPR) for a 24-month term in

an amount not to exceed \$118,200, with the direction that the City Attorney were to amend the language with Flock's council.

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

Authorized the City Manager to execute the agreement

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Pro Tem Llorens Gulati adjourned the meeting at 10:15 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

KATE COLIN, Mayor