



## MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, NOVEMBER 20, 2023

REGULAR MEETING AT 7:00 P.M.  
San Rafael City Council Chambers  
1400 Fifth Avenue, San Rafael, CA 94901

### Watch Online:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2023-11-20>

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This meeting will be held in-person. This meeting is being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

How to participate in the meeting:

- Provide them in-person at the meeting. You are welcome to come to the meeting and provide public comment in-person. Each speaker will have 2-minutes to provide public comment.
- Submit your comments by email to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) by 4:00 p.m. the day of the meeting.

If you experience technical difficulties during the meeting, please contact [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).

### **OPEN SESSION - THIRD FLOOR CONFERENCE ROOM - 5:30 P.M.**

1. Mayor Kate to announce Closed Session items.

### **CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 5:30 P.M.**

2. Closed Session:

- a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation (Paragraph (2) of subdivision (d) of Government Code Section 54956.9): One potential case

- b. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- i. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

Government Code section 54956.9(d)(1): 1 case

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

- ii. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

1 case: Crimmins v. CSR

- iii. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Government Code Section 54956.9) 1 case:

*Anthony Alex v. City of San Rafael, et al.*

(Marin Superior Court Case No. SCV-270064)

Present: Councilmember Bushey  
Councilmember Kertz  
Vice Mayor Llorens Gulati  
Mayor Kate  
Absent: Councilmember Hill  
Also Present: Assistant City Manager Angela Robinson Piñon  
City Attorney Robert Epstein  
Deputy City Clerk Brenna Nurmi

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, except for Councilmember Hill.

City Attorney Rob Epstein announced there was no reportable action in the Closed Session held prior to the regular meeting.

Mayor Kate provided opening remarks, which included expressing gratitude to City staff and first responders, the volunteers who serve on the Boards, Commissions & Committees and the residents, as well as, a land acknowledgment.

Deputy City Clerk Brenna Nurmi informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom. She noted the two-minute timer for public comment and closed captioning on Zoom.

### **CITY MANAGER AND COUNCILMEMBER REPORTS:**

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

#### **3. City Manager and Councilmember Reports:**

Assistant City Manager Angela Robinson Piñon announced:

- Downtown San Rafael's Holiday of Lights & Winter Wonderland to be held November 25, noon to 6 pm
- San Rafael Fire Foundation Crab Feed to be held December 9, 5 pm at 618 B Street Community Center
- Downtown San Rafael's Menorah Lighting & Gelt Drop to be held on December 10, 5 pm
- Lighted Boat Parade to be held December 16, 6 pm in the Canal
- Holiday Parking to Start November 25 - Three hours of Free Parking at all City-owned Lots & Garages
- B Street Two-Way Conversion Update
- COVID-19 Health Reminder

City Councilmember Reports:

- Vice Mayor Llorens Gulati reported on the quarterly Climate Change Action Plan (CCAP) community forum, a Chamber of Commerce leadership class and a community dinner for cleaner transportation in the Canal.
- Councilmember Kertz reported on the Veterans Day Open House at Homeward Bound, the Homeless Policy Steering Committee, a town hall at Villa Marin focused on emergency preparedness, a Marin Wildfire Prevention Authority (MWPA) board meeting, the Marin County Council of Mayors and Councilmembers (MCCMC) Homeless Committee and a Terra Linda Rotary Club meeting. Also, she thanked all who worked on United Against Hate week.

- Councilmember Bushey reported on San Rafael Sanitation District, Central Marin Sanitation Agency and the San Rafael Public Library Foundation annual donor meetings.
- Mayor Kate reported on a Postpartum Support Center ribbon-cutting, a Tam Commons ribbon-cutting, a hard hat tour for the Vivalon Healthy Aging Campus and a Smart meeting.

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

**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 Regular City Council Meeting of November 6, 2023 (CC)**  
*Approved minutes as submitted*
- b. **City Council Meeting Time Change**  
**Final Adoption of Ordinance No. 2031: An Ordinance of the City Council of the City of San Rafael Amending Section 2.04.010 of the San Rafael Municipal Code Concerning Regular Meetings (CC)**  
*Final Adoption of Ordinance No. 2031*
- 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 2024 for the Downtown San Rafael Business Improvement District (ED)**  
*Resolution 15256 - Resolution Declaring the City Council's Intention to Levy an Annual Assessment for Calendar Year 2024 for the Downtown San Rafael Business Improvement District*
- d. **Agreement to Participate in a Medi-Cal Intergovernmental Transfer Cost Recovery Program**  
**Authorize the City Manager to Execute an Agreement Allowing the San Rafael Fire Department to Participate in a Medi-Cal Intergovernmental Transfer (IGT) Program with the California Department of Health Care Services (DHCS) for the Service Period of January 1, 2022 through December 31, 2022 (FD)**  
*Authorized the City Manager to execute an agreement allowing the San Rafael Fire Department to participate in a Medi-Cal Intergovernmental Transfer (IGT) program with the California Department of Health Care Services (DHCS) for the service period of January 1, 2022 through December 31, 2022*
- e. **State and Federal Summary Criminal History for Employee Background Information Resolution Authorizing the City of San Rafael to Access State and Federal Summary Criminal History for Employee Background Information Through the Department of Justice (HR)**

*Resolution 15257 - Resolution Authorizing the City of San Rafael to Access State and Federal Summary Criminal History for Employee Background Information Through the Department of Justice*

- f. **California State Preschool Program Continued Funding Application for Fiscal Year 2024-2025**

**Resolution Approving the City of San Rafael to Enter into a Funding Agreement with the California Department of Education for the Purpose of Providing Childcare and Development Services (LR)**

*Resolution 15258 - Resolution Approving the City of San Rafael to Enter into a Funding Agreement with the California Department of Education for the Purpose of Providing Childcare and Development Services*

- g. **California Department of Parks and Recreation Division of Boating and Waterways Grant Approval**

**Resolution Approving the Acceptance and Appropriation of California Department of Parks and Recreation Division of Boating and Waterways Grant Funds in the Amount of \$76,099 for the "Boating Safety and Enforcement Equipment" Grant, and Authorizing the City Manager to Execute a Grant Agreement and any other Documents Related to the Grant (PD)**

*Resolution 15259 - Resolution Approving the Acceptance and Appropriation of California Department of Parks and Recreation Division of Boating and Waterways Grant Funds in the Amount of \$76,099 for the "Boating Safety and Enforcement Equipment" Grant, and Authorizing the City Manager to Execute a Grant Agreement and any other Documents Related to the Grant*

- h. **Police Accountability and Advisory Committee**

**Resolution Repealing and Replacing Resolution 15525 Establishing the City of San Rafael Police Accountability and Advisory Committee (PD)**

*Resolution 15260 - Resolution Repealing and Replacing Resolution 15525 Establishing the City of San Rafael Police Accountability and Advisory Committee*

- i. **Office of Traffic Safety Grant Approval**

**Resolution Approving the Acceptance and Appropriation of State of California Office of Traffic Safety Grant Funds in the Amount of \$69,000 for the "Selective Traffic Enforcement Program" ("STEP") Grant from October 1, 2023, Through September 30, 2024, and Authorizing the City Manager to Execute a Grant Agreement and any other Documents Related to the Grant (PD)**

*Resolution 15261 - Resolution Approving the Acceptance and Appropriation of State of California Office of Traffic Safety Grant Funds in the Amount of \$69,000 for the "Selective Traffic Enforcement Program" ("STEP") Grant from October 1, 2023, Through September 30, 2024, and Authorizing the City Manager to Execute a Grant Agreement and any other Documents Related to the Grant*

- j. **Special Event Street Closure**

**Resolution Authorizing the Temporary Closure of Streets for the San Rafael Winter Wonderland Event (PD)**

*Resolution 15262 - Resolution Authorizing the Temporary Closure of Streets for the San Rafael Winter Wonderland Event*

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hill

### **OTHER AGENDA ITEMS:**

#### 5. Other Agenda Items:

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

**Fiscal Year 2022-23 Annual Comprehensive Financial Report; Memorandum on Internal Control; Report of Required Communications; Child Development Program Financial Report; and Gann Appropriations Limit (Fin)**

Paul Navazio, Finance Director introduced the item and Whitney Crockett, Maze & Associates presented the Staff Report.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

**Speaker:** Al Vetere

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Bushey seconded to accept the Fiscal Year 2022-23 Annual Comprehensive Financial Report, Memorandum on Internal Control, Report of Required Communications, Child Development Program Financial Report, and GANN Appropriations Limit Report.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hill

*Accepted the Fiscal Year 2022-23 Annual Comprehensive Financial Report, Memorandum on Internal Control, Report of Required Communications, Child Development Program Financial Report, and GANN Appropriations Limit Report*

### **OPEN TIME FOR PUBLIC EXPRESSION**

- Salamah Locks, Commission on Aging addressed the City Council regarding the Commission's new meeting location, day and time. She announced the next meeting to be held Monday, December 11 at 1:30 pm at 1600 Los Gamos Drive, Third Floor. The Topic is Changing the Affordable Housing Landscape in the Bay Area - How a New Bond Measure Can Help Older Adults. Also, she noted some ACLU Know Your Rights information and had ideas for the Police Advisory and Accountability Committee (PAAC).
- Al Vetere addressed the City Council regarding the pipes along D Street, a metal pipe attack over a bicycle, the fast program and an armed robbery in Tiburon.
- Joe Mulligan, Walk/Bike San Rafael addressed the City Council regarding the Bicycle & Pedestrian Advisory Committee (BPAC).

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None.

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 7:56 p.m., in memory of Jed Greene.

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LINDSAY LARA, City Clerk

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

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KATE COLIN, Mayor

DRAFT