



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, NOVEMBER 6, 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-2023-11-06>

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. This meeting is being streamed to YouTube at 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 by 4:00 p.m. the day of the meeting.

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

OPEN SESSION - THIRD FLOOR CONFERENCE ROOM - 5:00 P.M.

1. Mayor Kate announced Closed Session items.

CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 5:00 P.M.

2. Closed Session:

- a. Conference with Labor Negotiators – Government Code Section 54957.6
Lead Negotiators: Timothy L. Davis and Allison B. Hernandez (Burke, Williams & Sorensen)
Agency Designated Representatives: Cristine Alilovich, Paul Navazio, Marissa Sanchez, Sylvia Gonzalez, Angela Nicholson, and Angela Robinson Piñon
Employee Organizations: San Rafael Police Mid-Management Association; Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers' Association; San Rafael Police Mid-Management Association; San Rafael Fire Chief Officers' Association; Unrepresented Mid-Management; Unrepresented Executive Management
- b. 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)

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

Absent: Councilmember Hill
Also Present: City Manager Cristine Alilovich
City Attorney Robert Epstein
Deputy City Clerk Brenna Nurmi

Mayor Kate called the meeting to order at 7:04 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, as well as, on October 2. Regarding the Closed Session held on October 16, Council provided authority and settlements have been concluded in connection with two actions that were pending that were both mandate proceedings: Theo Emison v. City of San Rafael was resolved for \$75,000 and California Newspapers Partnership v. City of San Rafael was resolved for \$87,083.68. And, with those settlement dismissals filed, those actions concluded.

Mayor Kate provided opening remarks, which included appreciation to City staff, public comment going forward will be from the public physically present in Chambers, the recent war started in the Middle East, the recent Maine mass shooting and 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:

City Manager Cristine Alilovich announced:

- City Hall to be closed on Friday, November 10, in observance of Veterans Day
- Seeds of Hope event at B Street Community Center held earlier today – Next event to be held February 5, 2024
- San Rafael received an award for 4th on SMU DataArts' nationwide Top 40 Arts-Vibrant Communities of 2023
- Drugs in the Age of Fentanyl Film Screening and Panel Discussion to be held Tuesday, November 7, at 5:30 pm at Marin County Office of Education
- Marin County Participatory Budgeting – Voting is now open
- Inspire Teaching Artist Show, presented by Youth in Arts, to be held Friday, November 10, at 4pm at 917 C Street

City Councilmember Reports:

- Vice Mayor Llorens Gulati reported on the Police Accountability & Advisory Committee (PAAC) interviews, an East San Rafael businesses with Supervisor Rodoni event, a MCE monthly board meeting, the Mill Vally Film Festival, a Voces del Canal with SRPD community meeting, the Women of Industry Awards, a BayWAVE meeting and the Canal Dia de los Muertos event.
- Councilmember Kertz reported on an Exchange Bank ribbon-cutting, the PAAC interviews and a Marin County Council of Mayors and Councilmembers (MCCME) meeting.
- Councilmember Bushey reported on the Mill Valley Film Festival, the PAAC interviews and other Board, Commission & Committee (BCCs) interviews, a San Rafael Sanitation District board meeting, a Central Marin Sanitation Agency board meeting, a

Transportation Authority of Marin meeting, a Marin Transit board meeting, a Point San Pedro Road Coalition annual meeting, a MCCMC meeting in Novato and a MCCMC Water Committee meeting.

- Mayor Kate reported on SMART, a Safe Routes to Schools Walk & Roll, a Bicycle & Pedestrian Advisory Committee (BPAC) meeting, a webinar on homeless encampments near Davidson Middle School, a Marin Realtors Government Affairs event, an Arbor Day Celebration and a meeting with the Federated Indians of Graton Rancheria.

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

CONSENT CALENDAR:

Mayor Kate held item 4.d from the Consent Calendar.

Mayor Kate invited public comment on the Consent Calendar, not including Item 4.d.; however, there was none.

Vice Mayor Llorens Gulati moved and Councilmember Kertz seconded to approve the remainder of the Consent Calendar.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the Special and Regular City Council Meetings of October 2, 2023 and Special City Council Meetings of October 16, 2023 and October 23, 2023 (CC)

Approved minutes as submitted

b. **Fire Commission Appointments**

Appointment of John Chung and Brian Waterbury to Fill Two Four-Year Terms as Alternate Members to the End of October 2027 on the Fire Commission (CC)

Approved Appointments

c. **Pickleweed Advisory Committee**

Resolution Adopting New Bylaws for the Pickleweed Advisory Committee and Appointing Mydung Nguyen as an Alternate Member to the End of October 2027 on the Pickleweed Advisory Committee (CC)

Resolution 15255 - Resolution Adopting New Bylaws for the Pickleweed Advisory Committee and Approved Appointment

d. **Proclamation in Recognition of Native American Heritage Month 2023 (CM)**

Agenda Item 4.d was held from the Consent Calendar.

Mayor Kate presented the proclamation to Lorelle Ross, Tribal Vice-Chair of the Federated Indians of Graton Rancheria

Lorelle Ross, Tribal Vice-Chair of the Federated Indians of Graton Rancheria provided comments.

Vice Mayor Llorens Gulati moved and Councilmember Kertz seconded to approve Item 4.d.

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

Received and filed

- e. **City Quarterly Investment Report**
Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending September 30, 2023 (Fin)
Accepted Report
- f. **Professional Services Agreement for Labor Negotiations Services**
Professional Services Agreement with Burke, Williams & Sorensen, LLP for Labor Negotiation Services, In an Amount Not to Exceed \$150,000 (HR)
Authorized the City Manager to Enter into Agreement
- g. **Albert Park Netting and Fencing Project**
Albert Park Netting and Fencing Project Bid Rejection (PW)
Rejected the Bid for the Albert Park Netting and Fencing Project and Directed Staff to Develop Design Alternatives
- h. **Essential Facilities Construction Project – Fire Station 55 Site Improvements**
Authorize the City Manager to Approve Contract Amendments to the Construction Agreement with Michael Paul Company, Inc. for Miscellaneous Unforeseen Conditions Associated with the Fire Station 55 Site Work Project (PW)
Authorized the City Manager to Approve Contract Amendments

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

SPECIAL PRESENTATIONS

5. Special Presentations:

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

- a. **Presentation of Proclamation in Recognition of United Against Hate Week 2023 and Support for Not in Our Town (CM)**

Mayor Kate presented the proclamation.

Councilmember Kertz provided comments.

- b. **Presentation of Proclamation in Recognition of Mark Machado, Former Park and Recreation Commissioner, for 16 Years of Service (LR)**

Mayor Kate presented the proclamation to Mark Machado, former Park & Recreation Commissioner.

Mark Machado provided comments.

PUBLIC HEARINGS

6. Public Hearings:

- a. **Marin Sanitary Service Rates for 2024**
Recommended Action - Removed from agenda
- b. **City Council Meeting Commencement Time**
Consideration of An Ordinance Amending Section 2.04.10 of the San Rafael Municipal Code Concerning Regular Meetings (CC)

Lindsay Lara, City Clerk presented the Staff Report.

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

Councilmembers provided comments.

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

An Ordinance Amending Section 2.04.10 of the San Rafael Municipal Code Concerning Regular Meetings

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

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

OPEN TIME FOR PUBLIC EXPRESSION

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

SAN RAFAEL SUCCESSOR AGENCY:

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

Member Bushey moved and Member Kertz seconded to approve the Consent Calendar.

1. Consent Calendar:

- a. **Successor Agency Quarterly Investment Report**
Acceptance of Successor Agency Quarterly Investment Report for the Quarter Ending September 30, 2023 (Fin)
Accepted Report

AYES: Members: Bushey, Kertz, Llorens Gulati & Chair Kate
NOES: Members: None
ABSENT: Members: Hill

ADJOURNMENT:

Mayor Kate adjourned the meeting at 7:50 p.m.

OPEN SESSION – COUNCIL CHAMBERS – FOLLOWING ADJOURNMENT

7. Mayor Kate to announce Closed Session items.

CLOSED SESSION – THIRD FLOOR CONFERENCE ROOM – FOLLOWING ADJOURNMENT

8. Closed Session:

- a. Conference with Labor Negotiators – Government Code Section 54957.6
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LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

KATE COLIN, Mayor