



Minutes subject to approval at the January 16, 2024 meeting

MINUTES

**SAN RAFAEL CITY COUNCIL SPECIAL MEETING
WEDNESDAY, DECEMBER 20, 2023 AT 5:00 P.M.**

In-Person:

**San Rafael City Hall
Third Floor Conference Room
1400 Fifth Avenue, San Rafael, CA 94901**

Watch online:

Watch on Zoom Webinar: <https://tinyurl.com/ccsm-2023-12-20>

Listen by phone: (669) 444-9171

ID: 846-6162-5441#

One Tap Mobile: +16694449171,,84661625441# US

Present: Councilmember Bushey
Councilmember Kertz
Mayor Kate

Absent: Councilmember Hill
Vice Mayor Llorens Gulati

Also Present: City Manager Cristine Alilovich
Assistant City Attorney Genevieve Coyle
Deputy City Clerk Brenna Nurmi

Mayor Kate called the special meeting to order at 5:02 p.m. and invited Deputy City Clerk Brenna Nurmi to call the roll. All members of the City Council were present, except Councilmember Hill and Vice Mayor Llorens Gulati.

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

1. [Appeals Disputing 48-Hour Abatement Orders](#)

Appeals of 48-Hour Notice of Removal of Unsafe Structure or Equipment on Public Property (FD/CD)

- a. Appoint the Mayor and City Council as the Board of Appeals, and Thereby Convene Hearings in a Dual Capacity as the Building Board of Appeals, and as the Hearing Body for Appeals of the Fire Code**
Recommended Action – Appoint the Mayor and City Council as the board of appeals, and thereby convene hearings in a dual capacity as the building board of appeals, and as the hearing body for appeals of the fire code
- b. Resolution Denying an Appeal of the 48-Hour Notice of Removal of Unsafe Structure or Equipment on Public Property Filed by Brian Nelson**
Recommended Action – Adopt Resolution
- c. Resolution Denying an Appeal of the 48-Hour Notice of Removal of Unsafe Structure or Equipment on Public Property Filed by Bruce Gaylord**
Recommended Action – Adopt Resolution

Assistant City Attorney Genevieve Coyle provided opening comments and introduced outside counsel Marc Tran of Burke, Williams & Sorensen, LLP.

Councilmember Bushey moved and Councilmember Kertz seconded to appoint the Mayor and City Council as the Board of Appeals, and thereby convene hearings in a dual capacity as the building Board of Appeals, and as the hearing body for appeals of the fire code.

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

Appointed the Mayor and City Council as the Board of Appeals, and thereby convened hearings in a Dual Capacity as the Building Board of Appeals, and as the Hearing Body for Appeals of the Fire Code

Mayor Kate opened the appeal hearing for Appellant Brian Nelson.

Appellant Brian Nelson provided his statement.

Don Jeppson, Chief Building Official, and Acting Fire Chief Abraham Roman provided their statements.

Mayor Kate invited public comment.

Speakers: Jeff Jacob Chase, Jason Sarris, Erin West, Heidi, Steve, Matt Butler, Mark Rivera, Lyn Gardner, Robbie Powelson, Gregory Taylor, James, Tara Evans Boyce

Appellant Brian Nelson provided his rebuttal.

Don Jeppson, Chief Building Official, and Acting Fire Chief Abraham Roman provided their rebuttals.

Councilmembers provided comments.

Staff responded to questions from the City Council.

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution denying an appeal of the 48-hour notice of removal of unsafe structure or equipment on public property filed by Brian Nelson.

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

Resolution 15266 - Resolution Denying an Appeal of the 48-Hour Notice of Removal of Unsafe Structure or Equipment on Public Property Filed by Brian Nelson

Mayor Kate opened the appeal hearing for Appellant Bruce Gaylord.

Appellant Bruce Gaylord provided his statement.

Robbie Powelson provided his statement, on behalf of Appellant Bruce Gaylord.

Don Jeppson, Chief Building Official, and Acting Fire Chief Abraham Roman provided their statements.

Mayor Kate invited public comment.

Speakers: Jason Sarris, Name Withheld, Name Withheld, Name Withheld

Appellant Bruce Gaylord provided his rebuttal.

Robbie Powelson provided his rebuttal, on behalf of Appellant Bruce Gaylord.

Don Jeppson, Chief Building Official, and Acting Fire Chief Abraham Roman provided their rebuttals.

Councilmembers provided comments.

Staff responded to questions from the City Council.

Councilmember Kertz moved and Councilmember Bushey seconded to adopt the resolution denying an appeal of the 48-hour notice of removal of unsafe structure or equipment on public property filed by Bruce Gaylord.

AYES: Councilmembers: Bushey, Kertz & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: Hill & Llorens Gulati

Resolution 15267 - Resolution Denying an Appeal of the 48-Hour Notice of Removal of Unsafe Structure or Equipment on Public Property Filed by Bruce Gaylord

ADJOURNMENT:

Mayor Kate adjourned the meeting at 6:21 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

KATE COLIN, Mayor