



Minutes

SAN RAFAEL CITY COUNCIL - MONDAY, DECEMBER 18, 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: <http://tinyurl.com/ccsa-2023-12-18>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 444-9171

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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 to 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.

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 LEGAL COUNSEL—ANTICIPATED LITIGATION

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

- b. 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, John Stefanski, Angela Robinson Piñon, Paul Navazio, Marissa Sanchez and Sylvia Gonzalez

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

- c. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Government Code Section 54956.9: 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 Hill
Councilmember Kertz
Mayor Kate
Absent: Vice Mayor Llorens Gulati
Also Present: City Manager Cristine Alilovich
City Attorney Robert Epstein
City Clerk Lindsay Lara

Mayor Kate called the meeting to order at 7:02 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present, except for Vice Mayor Llorens Gulati.

City Attorney Rob Epstein announced there was no reportable action in the Closed Session held prior to the regular meeting or the special Closed Session held on December 6, 2023.

Mayor Kate provided opening remarks, which included expressing gratitude to City staff, announcing Employees and Teams of the Quarter for Quarters 1, 2, and 3, as well as, a land acknowledgment.

City Clerk Lindsay Lara 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:

- New Planning Manager Margaret Kavanaugh-Lynch and Interim Community Development Director Laura Simpson
- Homelessness Update
- First Police Advisory and Accountability Committee meeting to be held Wednesday, December 20th at City Hall at 6:00 p.m.
- Public Service Award for 2024
- City Administrative Offices Holiday Closure from Monday, December 25th – Monday, January 1st. Offices reopen on January 2nd. Police Department, Fire Department, Public Works and Sanitation will be working.
- City Council meetings to start at 6 p.m., starting in January. The first meeting of the new year to be held January 16, 2024.

City Councilmember Reports:

- Councilmember Bushey reported on San Rafael Sanitation District and Central Marin Sanitation Agency meetings, a Peacock Gap Homeowners Association meeting and a meeting with Supervisor Sackett.
- Councilmember Kertz reported on the Boards, Commissions & Committees (BCC) holiday reception, a Transportation Authority of Marin (TAM) meeting, a North Bay Leadership Council lunch, the City Holiday lunch, menorah lightings, EAH Housing tours, a Vivalon tour, a Marin Academy student presentation on homelessness, a Venetia Valley Family Center tour, the Contempo community holiday party and the Lighted Boat Parade.

- Councilmember Hill reported on a City/Schools County Liaison meeting and a Finance Subcommittee meeting.
- Mayor Kate reported on a ribbon-cutting for Cue the Core, a Chamber East San Rafael Working Group meeting and a Transportation Authority of Marin (TAM) meeting.

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

CONSENT CALENDAR:

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

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

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the Special and Regular City Council Meetings of December 4, 2023 (CC)

Approved minutes as submitted

b. **Update of Commercial Linkage Fees**

Final Adoption of Ordinance 2032: An Ordinance Amending the San Rafael Municipal Code Section 14.16.030 (Affordable Housing Requirement), Adopting a Commercial Linkage Nexus Study, Adopting Updated Commercial Linkage Fees, and Adopting a Commercial Linkage Fee Project List (CD)

Final Adoption of Ordinance 2032

c. **On-Call Vegetation Management Service Level Agreements**

Resolution Authorizing the City Manager to Negotiate and Enter into Service Level Agreements with Seven (7) Responsible and Responsive Contractors for Up to Four (4) Years for On-Call Vegetation Management Services in the Total Not-to-Exceed Amount of \$3,125,000 Per Fiscal Year, and Authorize a Supplemental FY 2023-24 Budget Appropriation of \$1,500,000 of Available Measure C (Fund 242) Funding to Support Wildfire Fuel Reduction Contract Costs to Be Reimbursed by the Marin Wildfire Prevention Authority (FD)

Resolution 15264 - Resolution Authorizing the City Manager to Negotiate and Enter into Service Level Agreements with Seven (7) Responsible and Responsive Contractors for Up to Four (4) Years for On-Call Vegetation Management Services in the Total Not-to-Exceed Amount of \$3,125,000 Per Fiscal Year, and Authorize a Supplemental FY 2023-24 Budget Appropriation of \$1,500,000 of Available Measure C (Fund 242) Funding to Support Wildfire Fuel Reduction Contract Costs to Be Reimbursed by the Marin Wildfire Prevention Authority

d. **Agreement to Participate in Public Provider Ground Emergency Medical Transportation Intergovernmental Transfer Program (PP-GEMT) for CY2024**

Authorize the City Manager to Execute a Certification Form for the San Rafael Fire Department to Participate in an Intergovernmental Transfer (IGT) with the California Department of Health Care Services (DHCS) for Reimbursement of Public Provider Ground Emergency Medical Transportation (PP-GEMT) Services for the Service Period of January 1, 2024, through December 31, 2024, and Transfers to DHCS Not to Exceed \$650,000 (FD)
Authorized the City Manager to execute a certification form for 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 reimbursement of PP-GEMT services for the service period of January 1, 2024, through December 31, 2024, and make transfers not to exceed \$650,000

e. **Peacock Gap Playground Project**

Authorize the City Manager to Enter into a Professional Services Agreement with Royston, Hanamoto, Alley & Abey for Landscape Architectural and Engineering Design Services for the Peacock Gap Park Playground Project in the Amount Not to Exceed \$130,000 (PW)

Authorized the City Manager to enter into a Professional Services Agreement with Royston, Hanamoto, Alley & Abey in the amount not to exceed \$130,000 and appropriate funds for the contract

AYES: Councilmembers: Bushey, Hill, Kertz & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: Llorens Gulati

PUBLIC HEARINGS:

5. Public Hearings:

a. **[Marin Sanitary Services Rates for 2024](#)**

Resolution Authorizing Maximum Rates to Be Imposed and Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services to be Effective January 1, 2024, and Determining that the City's Franchise Fees and Refuse Vehicle Impact Fees are Justified by the City's Costs of Providing Solid Waste Services, Reasonable Charges for the Use of City Property for Solid Waste Services, and the Costs of Addressing the Impacts of Solid Waste Refuse Vehicles (CM)

Cory Bytof, Sustainability Program Manager, presented the Staff Report.

Staff, including Garth Schultz, R3 Consulting Group and Patty Garbarino and Justin Wilcock from Marin Sanitary Service responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Patty Garbarino, Marin Sanitary Service, Kingston Cole, Coalition of Sensible Taxpayers, Grace Geraghty

Staff responded to questions from the community.

Councilmembers provided comments.

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

AYES: Councilmembers: Bushey, Hill, Kertz & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: Llorens Gulati

Resolution 15265 - Resolution Authorizing Maximum Rates to Be Imposed and Collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services to be Effective January 1, 2024, and Determining that the City's Franchise Fees and Refuse Vehicle Impact Fees are Justified by the City's Costs of Providing Solid Waste Services, Reasonable

Charges for the Use of City Property for Solid Waste Services, and the Costs of Addressing the Impacts of Solid Waste Refuse Vehicles

b. [Design Review Board and Planning Commission Consolidation Discussion](#)
Report on Design Review Board and Planning Commission Consolidation (CC/CD)

Lindsay Lara, City Clerk, presented the Staff Report with Margaret Kavanaugh-Lynch, Planning Manager.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Grace Geraghty, Matt Butler, Name Withheld, Susan Coleman, Shirley Fischer

Staff responded to questions from the community.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Hill seconded to accept the report and provided feedback to staff to return in several months, following the appointment of a new Community Development Director, and approve objective design standards for outside of the downtown area.

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

Accepted report and provided feedback to staff

OTHER AGENDA ITEMS:

6. Other Agenda Items:

a. [City Councilmember Appointment to Committees for 2024](#)
Approve City Councilmember Appointment to Committees for 2024 (CM)

Mayor Kate introduced the item.

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

Councilmember Bushey moved and Councilmember Kertz seconded to approve the appointments for 2024.

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

Approved appointments

b. [Elect Vice Mayor for 2024](#)
Elect Eli Hill as Vice Mayor 2024 (CM)

Mayor Kate introduced the item.

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

Councilmember Kertz moved and Councilmember Bushey seconded to approve the appointment of Eli Hill as Vice Mayor for 2024.

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

Approved appointment

OPEN TIME FOR PUBLIC EXPRESSION

- Shirley Fischer addressed the City Council regarding public engagement in the meetings.
- Jean-Pierre Guittard addressed the City Council regarding Dominican Valley development concerns.
- Kim Crawford addressed the City Council regarding Dominican Valley development concerns.
- Ronald Kleinman addressed the City Council regarding Dominican Valley development concerns.
- David Wolfensberger addressed the City Council regarding Dominican Valley development concerns.
- Belle Davis addressed the City Council regarding Dominican Valley development concerns.
- Ann Springgate addressed the City Council regarding Dominican Valley development concerns.
- Mary Bradley Quinlan addressed the City Council regarding Dominican Valley development concerns.
- Tom Quinlan addressed the City Council regarding Dominican Valley development concerns.
- Beverly addressed the City Council regarding Dominican Valley development concerns.
- Diane Poryes addressed the City Council regarding Dominican Valley development concerns.
- Polly Elkin addressed the City Council regarding Dominican Valley development concerns.
- Steve Mains addressed the City Council regarding Dominican Valley development concerns.
- Claudia Moeller addressed the City Council regarding Dominican Valley development concerns.
- Teri Hallowell addressed the City Council regarding Dominican Valley development concerns.
- Dr. Kostopoulos addressed the City Council regarding Dominican Valley development concerns.
- Al Vetere addressed the City Council regarding an impressive list of City accomplishments over the year for 2023 and the direction of the new year.
- Daniel Campbell addressed the City Council regarding Dominican Valley development concerns.
- Christina Cliff addressed the City Council regarding Dominican Valley development concerns.

City Manager Cristine Alilovich provided comments on the Dominican Valley development.

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 9:49 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

KATE COLIN, Mayor