



## MINUTES

SAN RAFAEL CITY COUNCIL – TUESDAY, FEBRUARY 22, 2022

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/cc-2022-02-22>

Watch on YouTube: [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael)

Listen by phone: (669) 900-9128

ID: 899-2635-9885#

One Tap Mobile: US: +16699009128,,89926359885#

### **CORONAVIRUS (COVID-19) ADVISORY NOTICE**

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held virtually using Zoom and is being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

How to participate in the meeting:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to [city.clerk@cityofsanrafael.org](mailto: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 provide verbal public comment.

Any member of the public who needs accommodations should contact the City Clerk (email [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

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

Absent: None

Also Present: City Manager Jim Schutz  
City Attorney Robert Epstein  
City Clerk Lindsay Lara

### **OPEN SESSION**

1. None.

### **CLOSED SESSION**

2. Closed Session: - None.

Mayor Kate called the meeting to order at 7:01 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

Mayor Kate provided opening remarks, which included a land acknowledgment, gratitude to City staff and an update on in-person meetings.

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

the community that the meeting would be 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 or through Zoom.

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

- Yavar Amidi and Erick Bejarano, Alcohol Justice, addressed the City Council regarding a current youth program campaign.
- Eva Chrysanthe, addressed the City Council regarding services at the Service Support Area.

### **CITY MANAGER'S REPORT:**

#### 3. City Manager's Report:

City Manager Jim Schutz announced:

- Downtown Transit Center Update
- Photo exposition about lighting in the Canal to be held on February 26, 1-4 p.m.

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

### **COUNCILMEMBER REPORTS:**

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

#### 4. Councilmember Reports:

- Councilmember Kertz reported on Chamber of Commerce Government Advisory Committee, Age-Friendly Committee, Point-in-Time Count, Marin Wildfire Prevention Authority (MWPA), and Community Conversation District 4 meetings, as well as, the Oakmont ribbon cutting.
- Councilmember Bushey reported on Central Marin Sanitation Agency, San Rafael Sanitation District, MCCMC Water Committee, Marin Municipal Water District and Community Conversation District 3 meetings.
- Councilmember Hill reported on MCCMC Water Committee, Marin Municipal Water District and Community Conversation District 2 meetings.
- Councilmember Llorens Gulati reported on Canal Policy Working Group, Voces del Canal, Economic Development Subcommittee, Catalina speed calming, Marin Clean Energy (MCE) and MCCMC Economic Recovery meetings.
- Mayor Kate reported on MCCMC Economic Recovery, San Rafael Sanitation District, Canal Policy Working Group, SMART and Department of Energy meetings, as well as, a Mayor Kate walkabout.

[Mayor Kate invited public comment.](#)

**Speakers:** Eva Chrysanthe, Lori Schiffrin

### **CONSENT CALENDAR:**

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

Councilmember Llorens Gulati moved and Councilmember Hill seconded to approve the Consent Calendar.

#### 5. Consent Calendar Items:

- a. **Approval of Minutes**

**Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, February 7, 2022 (CC)**

*Approved minutes as submitted*

- b. **Use of Teleconferencing for Public Meetings During State of Emergency  
Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of the San Rafael City Council and City Boards and Commissions During the Continuing State of Emergency Relating to the COVID-19 Pandemic (CA)**  
*Resolution 15036 - Resolution Pursuant to Assembly Bill 361 Making Findings and Confirming the Need for Continued Use of Teleconferencing to Hold Public Meetings of the San Rafael City Council and City Boards and Commissions During the Continuing State of Emergency Relating to the COVID-19 Pandemic*
- c. **Amend City Council Appointments to Committees  
Approve the Appointment of Mayor Kate Colin and Councilmember Maribeth Bushey to Serve on the Marin County Council of Mayors and Councilmembers City/County Services Subcommittee for 2022 (CC)**  
*Approved Appointment*
- d. **The Neighborhood at Los Gamos Ordinance  
Ordinance No. 2003: An Ordinance of the City of San Rafael Approving a Zone Change (ZC 20-002) from Planned District - Hillside Development Overlay District (PD-H) and Residential - Hillside Development Overlay District (R2A-H) to Planned Development District (PD) (CD)**  
*Approved Final Adoption of Ordinance No. 2003*
- e. **Annual Audit of Federal Grant Expenditures  
Single Audit Report for the Year Ended June 30, 2021 (Fin)**  
*Accepted report*
- f. **SB 1383 Local Assistance Grant  
Resolution Authorizing Submittal of Applications for All CalRecycle Grant and Payment Programs and Related Authorizations for Which the City of San Rafael is Eligible (CM)**  
*Resolution 15037 - Resolution Authorizing Submittal of Applications for All CalRecycle Grant and Payment Programs and Related Authorizations for Which the City of San Rafael is Eligible*
- g. **Annual Measure G Oversight Committee Report  
Measure G Cannabis Business Tax Oversight Committee Report for Fiscal Year 2020-2021 (ED)**  
*Accepted report*
- h. **Land and Water Conservation Fund Application for Pickleweed Park Enhancement Project  
Resolution Approving the Application for Land and Water Conservation Fund for the Pickleweed Park Enhancement Project (LR)**  
*Resolution 15038 - Resolution Approving the Application for Land and Water Conservation Fund for the Pickleweed Park Enhancement Project*

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

**PUBLIC HEARINGS AT 7:30 PM:**

6. Public Hearings:

a. [2021-2022 City Council Redistricting Process](#)

**Third Public Hearing on Existing Council District Lines and Possible Changes (CA)**

Lisa Goldfien, Assistant City Attorney introduced Chris Skinnell, Legal Counsel from Nielsen Merksamer. He and Kristen Parks, National Demographics Corporation presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speaker:** Eva Chrysanthe

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Kertz moved and Councilmember Llorens Gulati seconded to accept the report.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

*Accepted report*

b. [Amendment to the San Rafael Municipal Code Regarding Recycling of Organic Waste to Comply with Senate Bill 1383](#)

**Consideration of an Ordinance Amending the San Rafael Municipal Code to Repeal Chapter 9.19 – Refuse and Recycled Materials Collection and Disposal and Replace It with New Chapter 9.19 – Solid Waste Collection and Disposal and Edible Food Recovery (CM)**

Coty Bytof, Sustainability Program Manager, Rose Radford, R3 and Elinor Nichols, Sustainability Fellow presented the Staff Report.

Staff recommended the following changes to the Ordinance:

Conduct Public Hearing and Pass to Print with the Following Additions (underlined) as Amendments:

**9.19.110 Collection containers.**

B. Except as otherwise provided by the city's franchise agreement with the authorized collector, each dwelling unit shall be required to have a minimum garbage service of one (1) thirty-two (32) gallon cart for garbage collection; one (1) thirty-two (32) gallon cart for recyclable materials collection; and one (1) thirty-two (32) gallon cart for organic materials collection. Except in the case of multifamily dwellings of more than four (4) dwelling units, no two (2) or more dwelling units shall share communal waste collection services or approved collection containers except with the permission of the authorized collector.

Staff, including Marin Sanitary Service staff, responded to questions from Councilmembers.

Mayor Kate invited public comment.

**Speakers:** Andy Naja-Riese, Agricultural Institute of Marin, Bill Carney, Sustainable San Rafael, Belle Cole, Organizing for Action Marin/Marin Biomass Project, Arlin Benavidas, Sustainable San Rafael, Annika Osborn, Sustainable San Rafael, Eva Chrysanthe, Larry Minikes

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to pass Ordinance No. 2004 to print, with the edits as presented by staff.

*Passed to print Ordinance No. 2004 Amending the San Rafael Municipal Code to Repeal Chapter 9.19 - Refuse and Recycled Materials Collection and Disposal and Replace It with New Chapter 9.19 - Solid Waste Collection and Disposal and Edible Food Recovery*

**SAN RAFAEL SUCCESSOR AGENCY:**

1. Consent Calendar: - None

**ADJOURNMENT:**

Mayor Kate adjourned the meeting at 9:48 p.m.

-----  
LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022

-----  
KATE COLIN, Mayor