

COUNCIL MEMBERS  
Joe Goethals, Mayor  
Eric Rodriguez, Deputy Mayor  
Rick Bonilla  
Diane Papan  
Amourance Lee

## City of San Mateo Regular Meeting Minutes City Council

City Hall  
330 W. 20th Avenue  
San Mateo CA 94403  
www.cityofsanmateo.org

**Monday, June 15, 2020  
Remote 7:00 PM  
Regular Meeting**

**CALL TO ORDER** This meeting is being held under the provisions of State of California Governor Gavin Newsom's Executive Order N-29-20; in which Brown Act regulations are relaxed to allow members to remote in due to the Coronavirus Covid-19 health emergency.

### Pledge of Allegiance

### Roll Call

Remote: Mayor Goethals, Deputy Mayor Rodriguez, Council Members: Bonilla, Papan and Lee

Emergency Action to Add an Item to the Agenda: Mayor Goethals asked Council to vote on adding an emergency item to the agenda, a situation that came up after the publication of the agenda regarding supporting Governor Newsom's executive order to go to an all mailed ballot election due to voters health concerns in the pandemic, so everyone could safely vote. A legal challenge to the Governor's order has been filed. Council concurred in the recommendation to add the emergency item to the agenda by the following vote. Motion passed 5-0. Action will be taken up at the end of the agenda. Motion carried 4-0.

Moved: Bonilla, Seconded: Goethals  
Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee  
Noes: None  
Absent: Papan

## **CONSENT CALENDAR**

The following items, 1 through 8, 10 through 21 and 24 through 25 were considered to be routine by the City Council. After the titles of the items were read by the City Clerk, the public was invited to comment and there were no speakers. Motion passed 5-0.

Moved: Papan, Seconded: Rodriguez  
Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee  
Noes: None

1. City Council Meeting Minutes – Approval  
Approve the minutes of the City Council Special and Regular meetings of June 1, 2020.
2. Electronic Document Management System – Agreement  
Approve an agreement with Complete Paperless Solutions for the implementation of a Laserfiche document management system and conversion of current records in an amount not to exceed \$138,082; and authorize the City Clerk to execute the agreement in substantially the form presented.

3. Open Container and Outdoor Dining in Public Right of Way – Ordinance Adoption  
Adopt an Ordinance to amend the San Mateo Municipal Code Section 10.04.080, "Drinking - Public Areas," to allow for alcohol consumption to the public right of way under specific permitted conditions, such as street closures for special events or outdoor dining for restaurants.
4. Vision Service Plan – Amendment  
Approve Amendment No. 5 to the agreement with Vision Service Plan for employee vision insurance for an extension of two years from July 1, 2020 to June 30, 2022; and authorize the Human Resources Director to sign the amendment.
5. Local Early Action Planning Grants Program – Application  
Adopt a Resolution to authorize the application for, receipt of and appropriation of Local Early Action Planning Grants Program funds up to \$500,000 for the preparation and adoption of planning documents to facilitate housing production.  
  
Enactment: Resolution No. 52 (2020)
6. Parking Citation Processing and Adjudication Services – Agreement Amendment  
Approve Amendment No.1 to the agreement with Turbo Data Systems, Inc. for parking citation processing and adjudication services for an extension of the term to June 30, 2021; and authorize the City Manager to execute the amendment in substantially the form presented.
7. Kohl Pumphouse – Lease Agreement  
Approve a seven-year lease agreement for the sum of \$1.00 per year with the San Mateo Arboretum Society for the use of the Kohl Pumphouse and Adjacent Greenhouses at Central Park.
8. Streetlight Data and Services – Memorandum of Understanding  
Approve a Memorandum of Understanding between the City, San Mateo County Transportation Authority, City/County Association of Governments of San Mateo County, the Cities of South San Francisco, Belmont, Burlingame, East Palo Alto, Foster City, Menlo Park, Millbrae, San Bruno, San Carlos, Atherton, Half Moon Bay, and the County of San Mateo for the Streetlight Data and Services Subscription and Cost Sharing Commitment in the amount of \$20,588 and authorize the City Manager to execute the agreement in substantially the form presented.
10. State Route (SR92) 92/El Camino Real (SR82) Interchange Highway Improvements Project – Amendment  
Adopt a Resolution to approve Amendment No. 3 to Cooperative Agreement No. 04-2448 between the City of San Mateo and California State Department of Transportation for the State Route (SR) 92/El Camino Real (SR82) Interchange Highway Improvements Project and reallocate funds to close out the project, and authorize the Mayor to execute the amendment in substantially the form presented.  
  
Enactment: Resolution No. 53 (2020)
11. Fire Station 25 Construction Management Services – Amendment  
Approve an amendment with Consolidated CM, Inc. in the amount of \$46,357 for additional special construction inspection and management services of the New Fire Station 25 project; create a contingency fund of \$60,000 for potential, additional services for a new total amount of \$728,397; and authorize the Public Works Director to execute the amendment in substantially the form presented and issue amendments within the contingency amount.
12. Citywide Slurry Seal Package 1-A Project – Appropriation and Agreement

Adopt a Resolution to appropriate \$1,700,000 in Flood and Street Bonds to the Citywide Street Rehabilitation Project; award an agreement to VSS International, Inc. for the Citywide Slurry Seal Package 1-A project in the amount of \$1,230,120; establish a contingency reserve of \$123,000; and authorize the Public Works Director to execute the agreement in substantially the form presented and issue contract change orders within the contingency reserve.

Enactment: Resolution No. 54 (2020)

- 13.** Wastewater Treatment Plant Upgrade Engineering Design Services During Construction – Amendment  
Approve Amendment No. 1 to the agreement with HDR Engineering, Inc. for additional engineering services during construction for the second construction package of the Wastewater Treatment Plant and Flow Management Upgrade and Expansion Project in an amount not to exceed \$419,830; and authorize the Public Works Director to execute the amendment in substantially the form presented.

- 14.** Wastewater Treatment Plant Supply of Ferric Chloride – Contract  
Adopt a Resolution to authorize the usage of an alternative purchasing method for the supply of ferric chloride; award a contract to Thatcher Company of California for the supply of ferric chloride for the amount of \$230,400, including sales tax; and authorize the Public Works Director to execute the contract in substantially the form presented.

Enactment: Resolution No. 55 (2020)

- 15.** Wastewater Treatment Plant Supply of Sodium Hypochlorite – Contract  
Adopt a Resolution to authorize the usage of an alternative purchasing method for the supply of sodium hypochlorite; award a contract to Univar USA Inc. for the supply of sodium hypochlorite in the amount of \$343,743, including sales tax; and authorize the Public Works Director to execute the contract in substantially the form presented.

Enactment: Resolution No. 56 (2020)

- 16.** Wastewater Treatment Plant Supply of Sodium Bisulfite – Contract  
Adopt a Resolution to authorize the usage of an alternative purchasing method for the supply of sodium bisulfite; award a contract to Univar USA Inc. for the supply of sodium bisulfite in the amount of \$279,636, including sales tax; and authorize the Public Works Director to execute the contract in substantially the form presented.

Enactment: Resolution No. 57 (2020)

- 17.** Gasoline Fuel Procurement and Delivery Services – Agreement  
Award an agreement to Pinnacle Petroleum, Inc. for the procurement and delivery of gasoline for one year in an amount not to exceed \$250,000, with four optional one-year extensions on the same price and terms for an estimated five-year total not to exceed \$1,250,000; establish a contingency reserve of \$125,000; and authorize the Public Works Director to execute the agreement in substantially the form presented and issue amendments within the contingency amount.

- 18.** Diesel Fuel Procurement and Delivery Services – Agreement  
Award an agreement to Bosco Oil, Inc. dba Valley Oil Company for procurement and delivery of red and clear diesel for one year in an amount not to exceed \$150,000, with four optional one-year extensions with the same price and terms for an estimated not to exceed amount of \$750,000; establish a contingency reserve in the

amount of \$75,000; and authorize the Public Works Director to execute the agreement in substantially the form presented and approve amendments within the contingency amount.

**19. Public Works Platform Truck Purchase – Contract**

Adopt a Resolution to approve an alternative purchasing process to approve a contract with National Auto Fleet Group in the amount of \$171,781.16 for the purchase of one Ford F-550 platform truck; and authorize the Public Works Director to execute the purchase contract in substantially the form presented.

Enactment: Resolution No. 58 (2020)

**20. Property Management Services – Amendment**

Approve an amendment for a six-month extension of the Commercial Property Management Contract with Capital Realty Group for City-owned commercial properties for an estimated amount of \$10,000, allow collection of service fees during the rent deferral period, and authorize the City Manager to execute the amendment in substantially the form presented.

**21. 1 Transit Center Way – Third Lease Amendment**

Approve the third lease amendment with Rise Wood-Fire, LLC to delay the start date for rent commencement from 18 months to 20 months and authorize the City Manager to execute the agreements in substantially the form presented.

**24. Fiscal Year 2020-21 General Liability and Property Insurance – Agreements**

Authorize a staff committee comprised of the City Manager, the Finance Director, and the City Attorney to select the most cost-effective program to insure the City's general liability and property risks, and authorize the City Attorney to execute all required documents to purchase the selected insurance.

**25. Fiscal Year 2019-20 Budget – Appropriations**

Adopt a Resolution to appropriate \$225,000 to the fiscal year 2019-20 Police Department operating budget.

Enactment: Resolution No. 59 (2020)

## **END OF CONSENT CALENDAR**

## **REMOVED FROM CONSENT CALENDAR**

**9. Hillsdale and Saratoga Traffic Signal Improvements – Funding Appropriation**

Council Member Bonilla pulled this item to comment on the safety of the intersection. Public Works Director Brad Underwood responded that the action was needed for pedestrian safety. Public Comment – Mark Eliot commented that this proposal makes a bad situation for bicycles even worse. Drew commented on the change.

Adopt a Resolution to appropriate \$100,000 and approve a budget transfer to the Hillsdale Corridor Improvements Project. Motion passed 4-1.

Moved: Goethals, Seconded: Papan  
Ayes: Goethals, Rodriguez, Papan and Lee  
Noes: Bonilla

Enactment: Resolution No. 60 (2020)

22. Below Market Rate Program Rental Rates, Sales Prices, and Unit Community Priorities – 2020 Revisions  
Council Member Bonilla pulled this item to comment on his concerns with raising rents for these units. Housing Program Manager Sandy Council responded to questions. Public Comment - Chet Lexvold asked if the plan accounts for unemployment. Bryce Carter commented on the visible hardship on housing. Chris Snook asked if this is for BMR only or market rate units. Council discussion ensued noting the market has ups and downs and the developers have very precise calculations to make the projects work.

Adopt a Resolution to establish 2020 maximum rental rates and sales prices for affordable housing as required by the City of San Mateo's Below Market Rate (BMR) housing program; and establish Community Priority for units containing three or more bedrooms, which may allow a developer to provide fewer BMR units in exchange for units with more bedrooms as long as all other BMR program provisions are followed. Motion passed 4-1.

Moved: Rodriguez, Seconded: Goethals  
Ayes: Goethals, Rodriguez, Papan and Lee  
Noes: Bonilla

Enactment: Resolution No. 61 (2020)

23. 2015 Climate Action Plan – Annual Progress Report  
Council Member Bonilla pulled this item to comment that he had many questions, and it should be more shared with the public and requested Council put it under discussion at a future meeting. Council by consensus concurred. This item was pulled with no action taken and will be heard at a future meeting.

## **PUBLIC COMMENT**

Drew commented on the Council's ability to put their own measure on and on delaying the measure until 2022 and the response on election costs was muddy. Christine Padilla commented on hate crimes. Feliz Mali commented on the LGBTQ flag.

## **PUBLIC HEARING**

26. Ordinance Introduction – Municipal Code Amendments Modifying Park Fee Credit Threshold and AB 1763 Covered Affordable Housing Projects Near Public Transit  
Associate Planner Phillip Brennan and Housing Program Manager Sandy Council presented information on proposed municipal code amendment due to Assembly Bill (AB) 1763 that allow for developer incentives including height increases up to 3 additional stories and a waiver from local maximum controls on density for projects within ½ mile of a major transit stop to incentive 100% affordable housing projects. Council asked questions of staff. The Mayor opened the Public Hearing.

Public Comment - Michael Nash, San Mateo United Homeowners Association, stated the group is very supportive of affordable housing and cited concerns with impact on the neighborhood. Martin spoke in support of doing everything to deliver affordable housing. Michael Weinbauer, Central Neighborhood Association (CNA), stated a special use district could be created instead of amending the municipal code. Brian Keefer stated he is fully in support of this in order to build additional affordable housing. Rich Hedges stated he is very in favor of this. Adam Loraine supports this. Laurie Watanuki, (CNA), stated the ordinance allows for too many concessions. Also speaking in support: Jordan Grimes, Joshua Hugg and Adam Nugent. The Mayor closed the Public Hearing. Council discussion ensued with comments in support for the need for affordable housing in the transit corridor.

Introduce an Ordinance to amend Municipal Code Section 26.64.030, "Private Park and Recreational Facility Credit," to waive the minimum threshold requirement for 100% affordable housing projects in order for them to receive credits against the Park Impact Fee for on-site recreational amenities

Moved: Lee, Seconded: Bonilla

Ayes: Goethals, Rodriguez, Papan, Bonilla and Lee

Noes: None

Introduce an Ordinance to amend Municipal Code Section 27.15.080, "Affordable Housing Projects Near Transit", to provide waivers or reductions from development standards for 100% affordable housing projects covered by AB 1763 near major public transit.

Moved: Lee, Seconded: Bonilla

Ayes: Goethals, Rodriguez, Papan, Bonilla and Lee

Noes: None

**27. Fiscal Year 2020-21 Operating and Capital Budgets and Gann Appropriations Limit Adoption; Fiscal Years 2020-25 Capital Improvement Program Approval**

Finance Director Rich Lee provided a presentation outlining the 2020-21 operating and capital budgets, the Gann appropriation limits adoptions and the five-year 2020-25 capital improvement program. He focused on the upcoming budget noting total resources is \$129 million with total requirements of \$136.8 million leaving a deficit of -\$7.8 million. He provided an overview of expense distribution by department and included an overview of the Police Department budget including an analysis of personnel as percentage of total budget. He further explained the steps being taken to meet the structural deficit through employee compensation, strategic permanent elimination of vacant positions, a proposed ballot measure with a possible furlough, and by taking a pause on Capital Improvement Program funding. Council asked questions of staff.

Public Comment (16) – Brian Keefer commented on the Police budget and urged not to approve; Chris Snook commented on cutting the Police budget; Chet Lexvold urged to defund the Police by \$20 mill; Martin urged not to support approving as is and stated do not punt a difficult conversation; Petra Siltan noted this is a unique moment in time and we need to talk about how we are using policing in the city; Sharmin Nabi urged to defund the Police. David Usher urged to defund the Police and called for a public debate; Adam Loraine stated the need to continue this conversation and take a look at Police budget in a more granular sense; Sarah Fields stated looking at the budget calls for a local and nuanced approach; Heather Cleary, Peninsula Family Services, urged Council to have a study session on Police budget citing they are asked to do too much; Jordan Grimes urged Council to spend more on social services; Murph Finnicum urged rolling the Police budget back to 2013 levels; Debra Carlson stated her support for the Police Activities League (PAL), and urged not to cut funding to Police; Lawrence comment that PAL does not help kids feel better connected with Police; Dan commented that rash decisions are not needed he urged approving the budget and continue the discussion with our Police about Police services; and Joshua Hugg noted the City has a reputation for community dialogue.

Police Chief Ed Barberini noted a Town Hall on community policing was being held Wednesday 6/17/2020 at 3:00 p.m. Deputy Mayor Rodriguez stated he is in favor of approving the budget and beginning a lengthy conversation to look at Policing policy with a deeper dive similar to the General Plan model. Council Member Papan stated her support for PAL noting how they have responded to the community's needs in the pandemic; and stated she would approve the budget and welcomes the conversation and the transparency to look more closely at the budget. Council Member Lee also noted her support for PAL and stated there is an incredible willingness to have this conversation with the Police Officers Association and the Chief as thought partners in the process and she is supportive of a study session and perhaps the Community Relations Commission has a role to meet this moment. Council Member Bonilla stated the public wants a seat at the table, and we need to ensure they have it, and

noted the conversation is going to take weeks or months, he urged the formation of a committee dedicated to looking at police policies and budget. Council concurred in the recommendation to hold a study session on the Police budget at the July 20, 2020 meeting including looking at the context around the budget and talking about alternatives.

Adopt Resolutions to approve the fiscal year 2020-21 operating and capital budgets and the Gann appropriations limit, and the fiscal years 2020-25 Capital Improvement Program.

Moved: Rodriguez, Seconded: Bonilla  
Ayes: Goethals, Rodriguez, Papan, Bonilla and Lee  
Noes: None

Enactment: Resolution No. 62 (2020) – Fiscal Year 2020-21 Operating and CIP Budget  
Enactment: Resolution No. 63 (2020) – Fiscal Year 2020-25 Capital Improvement Program  
Enactment: Resolution No. 64 (2020) – Fiscal Year 2020-21 Gann Appropriation

## OLD BUSINESS

- 28.** Emergency Ordinance – Suspension of Minimum Parking Requirements and Direction on Outdoor Dining Options  
Assistant City Manager Kathy Kleinbaum presented that due to the hardships from the closing of business due to COVID-19, restaurants are suffering from a 70% loss of revenue and in order to assist with helping them operate safely in the required social distancing environment the County has amended the health order to allow for outdoor dining. She explained that this ordinance will temporarily suspend minimum parking space requirements and other zoning code provisions to allow for outdoor dining in private lots for 90 days from adoption. Council asked questions of staff. Discussion ensued on street layouts.

Public Comment – Martin stated he is in support of options; Adam Loraine commented the proposal looks great; Karim Sarraf asked questions about implementation; Nancy Bee and Ellen Bee, China Bee restaurant, requested not to block private parking lot for pick-up orders; Carl Drake noted the need for egress to the parking lot; Jordan Grimes stated his excitement for the no parking; Adam Simpson spoke about the importance of on premise dining; and Akash Kapoor recommends closing a section of B street, using Main Street for outdoor dining and the need to cap third party delivery fees.

Adopt an Emergency Ordinance to impose a moratorium on enforcement of minimum space requirements for private shopping center and restaurant parking lots to allow for the use of parking spaces for outdoor dining during the COVID-19 public health emergency and provide direction to staff on the implementation of outdoor dining options in the public right-of-way.

Moved: Rodriguez, Seconded: Bonilla  
Ayes: Goethals, Rodriguez, Papan, Bonilla and Lee  
Noes: None

Enactment: Ordinance No. 2020-07

- 29.** COVID-19 Update (#11)  
City Manager Drew Corbett provided an update on operational impacts and other City efforts related to COVID-19.

Confirm rules and regulations issued by the City Manager acting as the Director of Emergency Services in response to declared emergency, confirm the need for continuing the proclamation of a local emergency due to the COVID-19 pandemic for another 90 days through September 28, 2020 and add a special meeting on June 29, 2020 at 6:00 p.m. Motion passed 5-0.

Moved: Goethals, Seconded: Rodriguez  
Ayes: Goethals, Rodriguez, Papan, Bonilla and Lee  
Noes: None

## NEW BUSINESS

### 30. Downtown Business Improvement Area – Annual Renewal

Economic Development Manager Jennifer Chen and Lew Cohen, President Downtown San Mateo Association presented the fiscal year 2020-21 annual report. Council asked questions of Mr. Cohen and staff. Public Comment – Chris Snook, homelessness is not a cleanliness issue. Council commended Mr. Cohen for his leadership and volunteerism.

Adopt a Resolution to levy the annual assessment for the Downtown Business Improvement Area for fiscal year 2020-21.

Moved: Bonilla, Seconded: Papan  
Ayes: Goethals, Rodriguez, Papan, Bonilla and Lee  
Noes: None

Enactment: Resolution No. 65 (2020)

### 31. Voter Opinion Survey on Potential Transient Occupancy Tax Ballot Measure – Update

Communications Manager Samantha Weigel and Timothy McLarney of True North Research provided an informational report about the results of a voter opinion survey on the feasibility of a measure to increase the City's Transient Occupancy Tax (TOT) rate. Council asked questions of staff. Public Comment – Adam Loraine and Martin commented in support of putting the TOT measure on the ballot in November. Council discussion ensued and direction was given to bring back a resolution to place the measure on the ballot at the July 20, 2020 meeting.

Moved: Bonilla, Seconded: Rodriguez  
Ayes: Goethals, Rodriguez, Papan, Bonilla and Lee  
Noes: None

## EMERGENCY RESOLUTION

### Mail-in-Ballot – Resolution of Support

Mayor Goethals proposed a Resolution of support for the Governor's order to conduct an all mailed ballot election this November. He commented that his executive order is under judicial attach and in order to protect the health of citizens while ensuring the right to vote, conducting the election with primarily vote by mail ballots would meet those goals.

Moved: Goethals, Seconded: Bonilla  
Ayes: Goethals, Rodriguez, Papan, Bonilla and Lee  
Noes: None

Enactment: Resolution No. 66 (2020)

## REPORTS AND ANNOUNCEMENTS

The City Manager, City Attorney and Council Members reported on their various assignments and liaison roles.

## ADJOURNMENT

The meeting adjourned at 11:59 p.m.

APPROVED BY:

SUBMITTED BY:

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Joe Goethals, Mayor

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Patrice M. Olds, City Clerk