

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, July 20, 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. The meeting was called to order at 7:35 p.m.

Pledge of Allegiance

Roll Call

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

CEREMONIAL

1. American with Disabilities Act Anniversary – Proclamation
2. Kohar Kojayan, Community Development Director – Commendatory Resolution

CONSENT CALENDAR

The following items, 3 through 19 were considered to be routine by the City Council; item 20 was removed to be considered separately. 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: Bonilla, Seconded: Rodriguez
Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee
Noes: None

3. City Council Meeting Minutes – Approval
Approve the minutes of the City Council Special and Regular meetings of June 15, 2020 and Special meeting of June 29, 2020.
4. Ordinance Adoptions – Municipal Code Amendments Modifying Park Fee Credit Threshold and AB1763 Covered Affordable Housing Projects Near Pubic Transit
Adopt Ordinances 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; and add 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.

Enactment: Ordinance No. 2020-09 – Amending Section 26.64.030

Enactment: Ordinance No. 2020-10 – Adding Section 27.15.080

- 5.** Permanent Local Housing Allocation State Grant Funds – Application
Adopt a Resolution to apply to the State of California for Permanent Local Housing Allocation grant program.

Enactment: Resolution No. 70 (2020)
- 6.** State Local Housing Trust Funds Grant – Joint Application
Approve an agreement to request HEART, the San Mateo County Regional Housing Trust, apply for \$2 million from the State of California Local Housing Trust Fund grant program and if awarded, grant \$2 million as matching funds to be provided to MidPen Housing for construction of affordable housing at 480 E. Fourth Avenue, and authorize the City Manager to execute the agreement in substantially the form presented.
- 7.** Transit-Oriented Development Housing Grant Program – Application
Adopt a Resolution to authorize the City to submit a grant application to the California Department of Housing and Community Development (HCD) for \$3 million dollars to provide funding for infrastructure improvements to support the proposed affordable housing development at the Downtown San Mateo Opportunity Sites.

Enactment: Resolution No. 71 (2020)
- 8.** Community Development Block Grant 2020-21 Annual Action Plan and Amendment to the 2019-2020 Annual Action Plan – Adoption
Adopt the 2020-21 Annual Action Plan for the Community Development Block Grant and HOME programs and adopt an amendment to the 2019-20 Annual Action Plan.
- 9.** VOYA Financial Retirement Solutions – Amendments
Adopt a Resolution to use an alternative purchasing method to approve amendments with VOYA Financial Retirement Solutions to administer the City's deferred compensation program for employees and retirees for the period of May 1, 2020 to April 30, 2025; and authorize the City Manager to sign the amendments.

Enactment: Resolution No. 72 (2020)
- 10.** Joinville Park Tennis Court and Los Prados Park Tennis and Basketball Court Resurface Project – Contract
Adopt a Resolution to approve the alternative purchasing procedure and award a contract to Pride Industries One, Inc. for construction to resurface the tennis courts at Joinville Park and the tennis and basketball courts at Los Prados Park in the amount of \$295,846.67; establish a contingency reserve in the amount of \$19,000; and authorize the Public Works Director to execute the contract in substantially the form presented and issue change orders within the contingency amount.

Enactment: Resolution No. 73 (2020)
- 11.** On-Call Construction Management Services – Agreements
Approve on-call professional construction management service agreements with CSG Consultants, Ghirardelli Associates, and MNS Engineers, each for a three-year term with an annual amount not to exceed \$150,000, for a total of \$450,000 for each agreement, and authorize the Public Works Director to execute the agreements in substantially the form presented and execute task orders within the approved amount.
- 12.** Wastewater Treatment Plant Supervisory Control and Data Acquisition System Merger Project and the Collections System – Agreement
Award an agreement to Enterprise Automation for the design, programming, configuration, installation, testing, commissioning and training services for the Supervisory Control and Data Acquisition System Merger Project in an amount of \$787,480; establish a contingency of \$80,000 for a total not to exceed amount of \$867,480; and

authorize the Public Works Director to execute the agreement in substantially the form presented and issue change orders within the contingency amount.

13. Wastewater Treatment Plant Influent Junction Box Repairs – Agreement

Adopt a Resolution to authorize an alternative purchasing method; award an agreement to H&R Plumbing and Drain Cleaning, Inc. for an amount not to exceed \$107,600; establish a contingency reserve of \$11,000; and authorize the Public Works Director to execute the agreement in substantially the form presented and issue change orders within the contingency amount.

Enactment: Resolution No. 74 (2020)

14. Wastewater Treatment Plant Nutrient Removal and Wet Weather Management Upgrade and Expansion Project Design Services – Amendment

Approve Amendment No. 3 to the agreement with Trussell Technologies Inc. for additional professional services for the Wastewater Treatment Plant Upgrade and Expansion Project in an amount not to exceed \$192,850; approve a contingency amount of \$10,000; and authorize the Public Works Director to execute the amendment in substantially the form presented and issue amendments within the contingency amount.

15. 1st, 2nd, and 3rd Avenue Caltrain Grade Crossing Improvement Project – Agreement

Approve an agreement with Peninsula Corridor Joint Powers Board for railroad construction and maintenance and authorize the City Manager to execute the agreement in substantially the form presented. There is no dollar amount for this agreement.

16. 526 & 528 North Claremont Street Condominium Conversion – Final Parcel Map

Adopt a Resolution to approve the Final Parcel Map for a condominium conversion located at 526 & 528 North Claremont Street in substantially the form presented.

Enactment: Resolution No. 75 (2020)

17. Bay Meadows Station Block 1 - Emergency Vehicle Access Easement Summary Vacation

Adopt a Resolution to vacate the Emergency Vehicle Access Easement for Bay Meadows Station Block 1, in substantially the form presented.

Enactment: Resolution No. 76 (2020)

18. Bay Meadows Community Facilities District – Special Tax Levy Fiscal Year 2020-21

Adopt a Resolution to authorize the levy of special taxes for fiscal year 2020-21 for the Community Facilities District No. 2008-1 (Bay Meadows).

Enactment: Resolution No. 77 (2020)

19. Park and Recreation, Senior Citizens, and Sustainability and Infrastructure Commission – Subcommittee Recommendations

Approve the recommendations of the appointment subcommittees to appoint Lindsey Held to the Park and Recreation Commission for a partial term ending June 10, 2023; Ellen Wang to the Senior Commission for a full term ending June 10, 2024; and Adam Loraine to the Sustainability and Infrastructure Commission for a full term ending June 10, 2024.

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

20. Caltrain Sales Tax Ballot Measure – Letter of Support

Council Member Bonilla removed this item to ask for modifications in the letter to highlight how San Mateo will be impacted specifically if this sales tax measure is not allowed to go forward.

Approve a letter of support for Caltrain's sales tax measure to be sent to the Peninsula Corridor Joint Powers Board. Motion passed 5-0.

Moved: Goethals, Seconded: Bonilla

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

PUBLIC COMMENT

Naomi Ture, mother of 5-year old, Tielan, hit by car on Claremont and 5th spoke of the need for traffic pedestrian safety. Rowan Paul, father of Tielan requested speed cushions on and signs for kids at play noting more and more traffic racing through 5th to get to 4th. Michael Weinbauer outlined the 4 pillars of the Tielan plan. Julia Mendelson thanked for work to date. Chet Lexvold stated there was not enough time to hear from the people at the 5:00 pm session. Shanu Mathur cited street safety concerns.

Kyle Laurentine urged Council to think about good trouble. Marcia Silva 5th street needs safety measures. Lisa Diaz Nash stated the need to include the proposed pillars as part of any development. Michael Nash stated he is in favor of proposals. Adam Nugent queried how to pay for proposed changes. Erika Powell stated support for street calming. Vanessa S stated support for the Teilan plan. Kelly Traver thanked for the safe storage of firearm ordinance. Laura Hinz urged consideration of other alternatives for policing and urged to make the next study session more broad. Barbara Niss stated traffic calming up and down central is needed. Andrew Skelton stated a 1-minute comment per person comment period does not work.

Jordan Grimes stated Vision Zero must be a priority and the Teilan plan does not need increased police presence. Louis Velasquez encouraged the City to take a more thoughtful and considered approach to reforms to the police department. Rich Hedges noted enforcement is key to pedestrian safety. Kelsey Banes, Peninsula for Everyone, spoke in support of greater safety for pedestrians and bikes. Leo stated he is against defunding the police. Laurie Watanuki stated she supports all points of the Teilan plan.

OLD BUSINESS

Council agreed by consensus to take Item 26 under New Business out of order and hear that item first.

26. 718 Tilton Avenue – Property Owner Appeal of Relocation Benefits

City Attorney Shawn Mason recused from advising on this item, due to process concerns. Barbara H. Choi, outside counsel, was appointed to advise Council. Lance Bayer, contract counsel, assumed the role to advise Code Enforcement. Christine Civiletti, Code Enforcement Manager, provided a presentation on the conditions found at 718 Tilton Avenue and outlined the steps and actions taken to date, and noted that in her career this is the worst example of human habitation conditions. Council asked questions of staff. It was clarified that there have been four previous cases on the property.

Appellant, Praveen Narain, provided his testimony noting that master tenant 'Nidia' stated she was using the sheds for storage space only, and stated to her that she cannot have subtenants in these spaces in December 2019. However, they couldn't evict because of no evictions allowed under COVID-19 conditions.

The Tenants provided testimony: Mr. Rosales stated he was living at the property for six years and was okay living there. He was at work when the Code Enforcement actions happened, and he now has to look for another place to live. Blanca Tamal stated she was okay there and was paying rent on time. She was also at work when told she had to leave because she couldn't live there anymore. She lost a day of work and asked if they are going to get their money back, noting they paid the rent five days before the day they were asked to leave. She is looking for a shelter and can't pay rent. Mr. Rosales was living in the basement in the corner for three months with no running water and stated he was okay with living conditions and noted he was also at work when evicted. Lidia noted she had lived at the house for 12 years and was fine living there as she is used to sharing a home with others.

Rebuttal: Chris Brossey, attorney for Appellant responded via phone noting there was no privity of verbal or written contract. Lease stated maximum occupancy of 8 not 22. He stated they were there without landlord's knowledge, consent or permission. Praveen apologized to the tenants living there.

Council asked additional questions.

Public Comment: Jordan Grimes stated he is appreciative that tenant protections were put in place last year. Kelsey Banes agreed with Jordan comments. Carolina Nugent stated this is a symptom of systemic policies in place and we need to hold homeowners accountable. Diana Pettit stated she is very concerned about people in the North Central where higher levels of poverty are present. Sarah Fields stated she is glad that there is a process in place to protect this from happening.

Council provided comments and direction for the City to advance the funds for relocation, encouraged staff to look at the other properties owned by this landlord and encouraged adding more consequences in the ordinance for repeat offenders.

Motion to deny the appeal and uphold the notice to pay relocation benefits to tenants who resided at 718 Tilton Avenue, due to life-threatening and substandard living conditions pursuant to San Mateo Municipal Code Chapter 7.50 "Property Owner Obligations with Respect to Tenants Displaced from Unsafe or Substandard Units." Motion passed 5-0.

Moved: Goethals, Seconded: Papan

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

21. Ballot Measure Relating to San Mateo General Plan – Calling Election

City Attorney Shawn Mason presented information on the decisions and actions needed for placing the General Plan alternative measure on the ballot. Council was asked to provide direction on which ballot question to use; whether Council would submit an argument in opposition to the initiative measure; if Council would submit an argument in opposition of the alternative measure; if arguments are submitted how will they be prepared and approved; and direction on how rebuttal arguments should be prepared and approved.

Public Comment: Michael Weinbauer stated sticking to symmetry and fairness makes logical sense. Diana Pettit stated concern with keeping height limits. Leora Tanjuatco stated support for putting on an alternate measure. Stephen Floor stated the need to have as much flexibility in planning as possible. Sarah Fields stated her support of housing and noted it's important to have debate and dialogue. Barbara Niss stated her support of the voters to speak on this. Tim Frank, Sustainability Neighborhoods, stated the importance to give voters the choice. Jordan Grimes stated support for the alternative measure. Martin stated he is in favor of the alternative measure.

Council discussion ensued and by consensus direction was provided to use the original ballot question language; to not write an argument against the initiative measure; and to not write an argument in opposition to the alternative measure.

Motion to Adopt a Resolution to place a City Council proposition on the November 3, 2020 election that would enact an ordinance amending the general plan with respect to building heights, densities, intensity and affordable housing programs. Motion passed 5-0.

Moved: Goethals, Seconded: Lee

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

Enactment: Resolution No. 78 (2020)

22. Increase Hotel Transient Occupancy Tax – Placing Measure on Ballot

Communications Manager Samantha Weigel provided a presentation on the City's desire to place a Transient Occupancy tax increase on the November ballot. She noted that at Council's direction Mayor Goethals and Deputy Mayor Rodriguez were appointed to a subcommittee to draft primary argument language for submission to the voters and noted it was part of the packet for comments. Council asked questions of staff and direction was given to add traffic congestion and pedestrian safety measures to the question.

Public Comment – Tom Weissmiller inquired if the hotels had been notified of the tax.

Motion to Introduce an Ordinance to amend provisions of Chapter 3.56 "Transient Occupancy Tax" of the San Mateo Municipal Code to increase the City's existing hotel transient occupancy tax by 2%. Motion passed 5-0.

Moved: Bonilla, Seconded: Lee

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

Motion to adopt a Resolution to call a general municipal election on Tuesday, November 3, 2020 for the purpose of submitting a proposed ordinance to increase the City's transient occupancy tax by 2%. Motion passed 5-0.

Moved: Bonilla, Seconded: Rodriguez

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

Enactment: Resolution No. 79 (2020)

Motion to approve an argument in support of the measure to be included in voter information pamphlet. Motion passed 5-0.

Moved: Goethals, Seconded: Rodriguez

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

23. COVID-19 Update (#13)

City Manager Drew Corbett provided an update on operational impacts and other City efforts related to COVID-19. Council asked questions of staff. Public Comment – Tom Weissmiller stated the need for access to computers in libraries.

Motion to confirm actions to defer rent for tenants of City-owned properties in August. Motion passed 5-0.

Moved: Goethals, Seconded: Bonilla

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

24. Transportation Impact Analysis Guidelines and General Plan Amendment – Review

Principal Transportation Planner Sue-Ellen Atkinson and Damien Stefanakis, Principal Planner, Kittelson & Associates, provided the presentation and answered questions regarding the proposed Transportation Impact Analysis Guidelines and General Plan Amendment. Council asked questions of staff. Public comment – there were no speakers. Council provided feedback in favor of the proposal.

25. Emergency Ordinance – Extending a Moratorium on Small Business Evictions Related to COVID-19

City Attorney Shawn Mason presented the need for the extension due to ongoing impacts from the pandemic. Council asked questions of staff. Public Comment – there were no speakers.

Motion to Adopt an Emergency Ordinance to amend the Emergency Moratorium on Small Business Evictions Caused by COVID-19 to extend the term of the moratorium through September 30, 2020. Motion passed 5-0.

Moved: Papan, Seconded: Bonilla

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

Enactment: Ordinance No. 2020-11

NEW BUSINESS

27. Safe Gun Storage – Ordinance Consideration

City Attorney Shawn Mason presented an update to information on safe gun storage. Council asked questions of staff. Public Comment – Kelly Traver stated her support of safe storage; Thomas Weissmiller expressed concern; Robert Whitehair supports and Diana Petit in support. Council by consensus provided direction to draft an ordinance for City Council consideration.

28. New Multifamily Construction Building Electrification – Policy Options

Sustainability Analyst Andrea Chow presented information on building electrification policies, that would require electricity in lieu of natural gas, noting this would be a Reach Code. The policy options include: Electric preferred; All-electric pathway required; or via an ordinance to prohibit natural gas infrastructure. Council asked questions of staff.

Public Comment – Adam Loraine stated support of all electric reach codes. Martin in support. Susan Rowinski commented on the Sustainability and Infrastructure recommendation. Robert Whitehair expressed appreciation for the work. Becky Schaaf supports all electric preferred. Diane Bailey stated that reach codes should require and not just encourage. Alan Mattlage all electric for all of construction and stated that Sundance Banks in support for a full electrification reach code.

Council provided feedback expressing an interest in all electric codes and an interest was expressed in revisiting previous direction.

- 29.** Resolution Supporting Black Lives Matter Movement and Consideration of Black Lives Matter Street Mural
City Manager Drew Corbett presented information about the evolution of the Resolution in Support of Black Lives Matter in response to a suggestion by Council Member Lee at the June 29, 2020 meeting. Council asked questions of staff. Council Member Lee read the resolution and commented on its development with local leaders.

Public Comment – Susan Rowinski noted that August 18 of 2020 is the 100th anniversary of earning the right of women to vote. Tom Weissmiller should read Every Black Lives Matter. Adam Loraine stated support. Josh Wright noted he asked to a place Black Lives Matter mural in the City; but he is now in favor of a more permanent mural, commissioned by black artist locally in a high traffic area, as it would be more substantial long lasting. Rev. Dr. Marlyn Bussey thrilled with the formulation of the Resolution and honored to participate and support it and requested a task force on policing issues. Jordan Grimes stated this is a great start more is needed. Arnold Rodman stated the term Black Lives Matter is racist statement. Lisa Tealer hopes it goes beyond today and leads to actionable steps. Anna Kramer supports – need more to advance equality. Sarah Fields need to specifically call out the need to lift-up black people. Stephen Floor supports resolution.

Council discussion ensued regarding the mural and direction was given to start a process to facilitate a more permanent and artistic mural and perhaps involve the Civic Arts Committee and the community more broadly in the process.

Motion to Adopt a Resolution of support for the Black Lives Matter movement reaffirming the City of San Mateo's commitment to racial equity. Motion passed 5-0.

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

Enactment: Resolution No. 80 (2020)

- 30.** Financial System Replacement – Agreement
Finance Director Rich Lee provided a presentation on the need for a financial system replacement, and he outlined the process undertaken to choose a project manager consultant who can drive the process through all five phases. Council had no questions of staff. Public Comment – there were no speakers.

Motion to Approve an agreement with Plante Moran for services related to replacement of the City's financial system in the amount of \$201,020 and authorize the City Manager to execute the agreement in substantially the form presented. Motion passed 5-0.

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

REPORTS AND ANNOUNCEMENTS

The City Manager, City Attorney and Council Members reported on their various assignments and liaison roles. Council Member Rodriguez requested the Teilan proposal be put on a future agenda study session and a discussion about traffic calming measures and look at the Traffic Action Plan as soon as possible, including communication plan and cost

projection. Staff responded that it will come back quickly. Council Member Bonilla requested staff look at increasing fines for repeat landlord offenders of unsafe living conditions.

ADJOURNMENT

The meeting adjourned at 11:59 p.m.

APPROVED BY:

SUBMITTED BY:

Joe Goethals, Mayor

Patrice M. Olds, City Clerk