

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, August 17, 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

CEREMONIAL

1. National Women's Suffrage Month – Proclamation

CONSENT CALENDAR

The following items, 2 through 21 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: Bonilla, Seconded: Lee

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

2. City Council Meeting Minutes – Approval

Approve the minutes of the Special and Regular meetings of July 20, 2020 and the Special meeting of August 3, 2020.

3. City-Wide Fire, Life, and Safety Inspection, Testing and Maintenance Services

Adopt a Resolution to approve the use of alternative purchasing procedures to approve a five-year agreement with APi National Service Group, Inc. for inspection, testing, and maintenance of Citywide fire, life, and safety systems in the amount of \$383,080; approve a contingency reserve of \$40,000 for potential additional inspections; 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. 82 (2020)

4. Pavement Management and Smooth Streets Program Management Services Agreement – Amendment

Approve Amendment No. 1 to the agreement with Freyer & Laureta, Inc. for Program Management Services for the Smooth Streets and Pavement Management programs in an amount not to exceed \$213,000; establish a contingency of \$20,000; and authorize the Public Works Director to execute the amendment in substantially the form presented and issue change orders within the contingency amount.

5. Central Park Tennis Court Garage Repair – Contract

Adopt a Resolution to approve the alternative purchasing procedure and award a contract to Newton Construction, Inc. for construction to repair the Central Park Tennis Court Garage in the amount of \$747,831.76; establish a contingency reserve in the amount of \$75,000; 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. 83 (2020)

6. Poplar Avenue at the Golf Course Trash Capture Project – Agreement

Approve an agreement with Schaaf & Wheeler Consulting Civil Engineers to provide professional design services for the Poplar Avenue at the Golf Course Trash Capture Project in the amount of \$104,210; establish a contingency reserve in the amount of \$10,000; and authorize the Public Works Director to execute the agreement in substantially the form presented and execute change orders within the contingency reserve.

7. 710 S. B Street Parking In-Lieu Fee – Agreement

Approve a parking in-lieu fee agreement with Lawrence H. Shane for fourteen (14) parking spaces for the 710 S. B Street property and authorize the City Manager to execute the agreement in substantially the form presented.

8. Marina Lagoon Vegetation and Water Quality Management Professional Services Agreement – Amendment

Approve Amendment No. 2 to the agreement with Waterworks Industries, Inc. to provide additional professional services for Marina Lagoon Vegetation and Water Quality Management in an amount of \$44,770; and authorize the Public Works Director to execute the amendment in substantially the form presented.

9. Gramercy Drive Subdrain Improvement Project – Agreement

Approve an agreement with D&D Pipelines, Inc. for the Gramercy Drive Subdrain Improvement Project in an amount not to exceed \$71,800; establish a contingency reserve in the amount of \$7,000; and authorize the Public Works Director to execute the agreement in substantially the form presented and issue change orders within the contingency amount.

10. Laurie Meadows and Woodbridge Lift Station Project – Pacific Gas & Electric Company Easement

Adopt a Resolution to grant an easement to Pacific Gas & Electric Company for the Laurie Meadows and Woodbridge Lift Station project at Laurie Meadows Park and authorize the City Manager to execute the easement deed in substantially the form presented.

Enactment: Resolution No. 84 (2020)

11. Underground Flow Equalization System Project – Pacific Gas & Electric Company Easement

Adopt a Resolution to grant an easement to Pacific Gas & Electric Company for the Underground Flow Equalization System project at the adjacent Bay Meadows Pump Station site and authorize the City Manager to execute the easement deed in substantially the form presented.

Enactment: Resolution No. 85 (2020)

- 12.** Wastewater Treatment Plant Nutrient Removal and Wet Weather Management Upgrade and Expansion Project – California Water Service Potable Water Service Extension
Approve payment of a deposit of \$272,828 to California Water Service to obtain the design plans and specifications for the construction of a new potable water/fire suppression main and service for the Wastewater Treatment Plant Upgrade and Expansion Project and authorize the Public Works Director to execute the purchase order in substantially the form presented.
- 13.** Citywide Street Reconstruction Phase 1 Project Construction Management Services – Agreement
Approve professional construction management services agreement with CSG Consultants, Inc. in an amount not to exceed \$192,080; establish a contingency of \$20,000; and authorize the Public Works Director to execute the agreement in substantially the form presented and approve amendments within the contingency amount.
- 14.** Citywide Street Reconstruction Phase 1 Project – Agreement
Award an agreement to Interstate Grading & Paving for construction of the Citywide Street Reconstruction Phase 1 project in the amount of \$3,690,553; establish a contingency reserve of \$370,000; and authorize the Public Works Director to execute the contract in substantially the form presented and issue change orders within the contingency amount.
- 15.** American with Disabilities Act Self-Evaluation and Transition Plan – Budget Transfer and Amendment
Adopt a Resolution to authorize a budget transfer of \$74,900 from the Citywide Sidewalk Repair Program to the American with Disabilities Act Self-Evaluation and Transition Plan for additional public right-of-way survey work; approve Amendment No. 1 to the agreement with Disability Access Consultants, Inc. for additional public right-of-way survey work in the amount of \$74,900, for a new agreement total of \$331,825; and authorize the Public Works Director to execute the amendment in substantially the form presented.
- Enactment: Resolution No. 86 (2020)
- 16.** General Plan Update and Housing Element Update Projects – Amendment and Appropriation
Approve Amendment No. 2 to the agreement with PlaceWorks Inc. to modify the scope of work and increase the contract amount by \$197,140 for a new agreement total of \$2,191,461; authorize the Community Development Director, or designee, to execute the amendment in substantially the form as presented and issue change orders within the contingency amount; and adopt a Resolution to authorize the appropriation of \$272,140 from available fund balance in the General Plan Maintenance Fund.
- Enactment: Resolution No. 87 (2020)
- 17.** Off-Site Building Plan Check Services – Agreements
Approve the agreements for off-site building plan check services with CSG Consultants, Inc. in the amount of \$327,385 and with 4 LEAF, Inc. in the amount of \$170,665, and authorize the Community Development Director to execute the agreements in substantially the form presented.
- 18.** Housing Element Update Consulting Services – Agreement
Adopt a Resolution to authorize the appropriation of \$129,820 from available fund balance in the General Plan Maintenance Fund; approve an agreement with Diana R. Elrod Consulting for consulting services for the Housing Element Update in the amount of \$129,820; and authorize the Community Development Department Director to execute the agreement in substantially the form presented.
- Enactment: Resolution No. 88 (2020)

19. Landscape Maintenance Services – Agreement

Adopt a Resolution to find that an alternative purchasing procedure is in the best interest of the City and award an agreement to Loral Landscaping, Inc. for landscape maintenance services for medians, islands, and right of ways in the amount of \$225,000, and authorize the Director of Parks and Recreation to execute the agreement in substantially the form presented.

Enactment: Resolution No. 89 (2020)

20. General Plan Subcommittee – Council Appointment

Appoint the two City Council General Plan Subcommittee members (Rodriguez and Bonilla) to interview the two Park & Recreation Commissioners who have expressed an interest in service on the General Plan Subcommittee in order to make a recommendation to Council regarding appointment to the vacant Park & Recreation seat on the Subcommittee.

21. Public Risk Innovation, Solutions, and Management – Insurance Program

Adopt a Resolution to approve joining Public Risk Innovation, Solutions, and Management insurance program and authorize the City Attorney and the Finance Director to act on the City's behalf on matters relating to the program.

Enactment: Resolution No. 90 (2020)

PUBLIC COMMENT

Shawneece Stevenson commented on the need for a tobacco education policy initiative and noted issues with flavored tobacco vaping. Dianne Whitaker, HANSCM stated concerns about soccer playing at the Martin Luther King park not following the County health directives. Diana Petit stated concerns with construction on Fremont.

PUBLIC HEARING

22. Transportation Impact Analysis Guidelines and General Plan – Adoption and Amendments

Principal Transportation Planner Sue-Ellen Atkinson provided an update on the CEQA analysis and local transportation analysis with regard to using Vehicle Miles Traveled as the transportation metric and formalizing use of Level of Service as a local transportation metric and identified related criteria for analysis. She noted the need for a General Plan Circulation Element Amendment to reflect the changes.

Motion to adopt a Resolution to approve the Transportation Impact Analysis Guidelines and adopt a Resolution to approve the General Plan amendments to the Circulation Element. Motion passed 5-0.

Moved: Lee, Seconded: Bonilla

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

Enactment: Resolution No. 91 (2020) – Transportation Impact Analysis Guidelines

Enactment: Resolution No. 92 (2020) – General Plan Amendment

23. City-Owned Downtown Affordable Housing and Parking Garage Site – Project Entitlements and Disposition, Development, and Loan Agreement

Assistant City Manager Kathy Kleinbaum and Mollie Naber, Applicant MidPen, provided a review of the project entitlements, the land disposition and financial terms for the development of 225 units of low-income housing and

a public parking garage on the City-Owned Downtown properties at 480 East 4th Avenue and 400 East 5th Avenue by MidPen Housing. Council asked questions of staff and the Mayor opened the Public Hearing.

Public Comment – Nicole Adler spoke of the inclusion of eight apartments with project-based vouchers for people with disabilities; Adam Loraine spoke in favor; Jonathan New spoke in favor of vouchers and noted he is pleased height maximized but the location is over parked; Samuel Deutsch spoke in support. Jan Stokley, Executive Director Housing Choices, stated support; David Grady, stated support for the project and the need for housing for people with intellectual developmental disabilities; Sheraden Nicholau, California State Council on Developmental Disabilities, spoke in support and noted the collaboration between Housing Choices, MidPen and Housing Authority.

Alex Melendrez, Housing Leadership Council, stated support; James Ruigomez, San Building and Construction Trades Council, encouraged the use of union labor; Greenbelt Alliance, Zoe, spoke in support of the project; Kelsey Banes, Executive Director Peninsula for Everyone, spoke in support; Susie Raye, lives in Central Neighborhood, appreciated the project and noted the Worker Resource Center adds great value to the community; Michael Weinbauer stated congratulations on being at this place in the project and asked for crosswalks and bulb outs as part of the conditions of the approval; Kueller spoke in support of the project.

Jordan Grimes, Peninsula for Everyone, commended the MidPen team; Alesha, advocate for the eight units designated for people with developmental disabilities; Jason Baker, spoke in support; Mike Dunham, Peninsula for Everyone, noted this is how to right the inequities that have been built into the law; Sarah Bell stated she has a broken heart; Laurie Watanuki spoke about construction routes; and Diana spoke on making traffic a number priority. There being no further speakers, the Mayor closed the Public Hearing.

Each of the City Council Members spoke of appreciation to staff for persevering through the long-haul process; noting this development demonstrates San Mateo's strong commitment to building more affordable housing; being nimble to AB 1763; in support of the eight vouchers for independent living for people with developmental disabilities; this will activate the downtown; support for 100% affordable on public land and all electric; appreciation for the partnership with MidPen; appreciation for maximizing the public benefit; and this is a rewarding project for the San Mateo community and all expressed their pride for this project.

Motion to adopt a Resolution to approve: 1) the Initial Study/Mitigated Negative Declaration as adequate to assess the environmental impacts of the project; 2) two Site Plan and Architectural Review entitlements for the demolition and construction of a new residential building and parking garage, including use of state density bonus and a waiver of building bulk and street wall area development standards, and for an on-street loading zone; a Site Development Planning Application for the removal of major vegetation including heritage trees; a Special Use Permit to allow the parking garage use in the Central Business District Support zoning district; and the Conditions of Approval; 3) the Disposition, Development, and Loan Agreement between the City of San Mateo and MP Downtown Associates L.P., including a form ground lease, license agreement and easement. Motion passed 5-0.

Moved: Papan, Seconded: Bonilla

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

Enactment: Resolution No. 93 (2020)

24. Concar "Passage" Mixed Use Project – Planning Application and Development Agreement Approvals

Council Member Papan noted that there was information out there that the Developer was proposing a change to the number of units and she requested the presentation focus on the potential changes sooner rather than later.

Associate Planner Rendell Bustos and Contract Planner Lisa Costa Sanders presented the project. Brian Myers, Applicant, responded to questions regarding the newly proposed reduction in apartments in the project from 200 to be replaced with 74 townhomes for purchase. He noted they had looked at the Environmental Impact Report to see if it is feasible and they believe that it is as it is a public benefit consideration to offer for sale housing. He noted he has been looking at this issue for some time. Council asked questions of staff and the applicant.

Discussion ensued with questions to City Attorney Shawn Mason and Interim Community Development Director Christina Horrisberger on the feasibility and legality of the proposed change.

Mason clarified that action for tonight's approval was advertised as a 961 unit, not a 761 unit project and changing this at this time would be a material and significant difference which was not properly noticed and he noted that there is a requirement for any Development Agreement to be approved through the Planning Commission. If Council is interested in looking at this reduced proposal, the Developer needs to take it back through the process for the Planning Commission to review first. He also outlined logistical concerns related to capturing all of the changes being brought up tonight noting these documents need to be rewritten to address these material changes. He clarified that the public has had no access to any of this information, they are hearing this for the first time, and he is concerned that this is not legally possible.

Horrisberger addressed some of the logistical constraints and noted staff would need some time to review and analyze impacts from the proposed changes. She noted Council could approve this project as it is, at 961 units, and Planning Commission could review a modified SPAR for Phase 3, the housing, so there is a path forward to consider this – however it is impossible tonight.

Council recessed from 10:00 pm to 10:08 pm. Upon reconvening, the Mayor opened the Public Hearing.

Public Comment – Jonathan Stern, Bridge Housing, stated the many benefits with affordable housing structure in the Concar plan in favor of the project either at 761 or 961; Richard Neve, cited the new plan to decrease the size is fantastic compromise on the local area impacts; Cheryl Angeles, President and CEO San Mateo Area Chamber of Commerce, stated the board fully supports this project as bringing in sorely needed new housing; James Ruigomez, San Mateo Building Trades Council, has been working with the Developer for the last two years for a letter of intent with union; Adam Loraine stated he is shocked and appalled by the direction the meeting has taken, go forward with 961 project before you.

Victoria Fierce, noted Development Agreements are authorized under State law and the City is obligated to follow RHNA, vote as presented at 961; Heather Hopkins stated she is in favor of the childcare on the site and encouraged approve the 961 project; Robert Newsom, noted that Barb Niss rallied communities around this project, and they want slightly less density have been advocating for these changes in the last two years; Jessica Manzi stated the need to prioritize housing units and approve at 961; Chai is concerned with noise; Sarah Bell approve projects at 961 units; Stephen Floor noted a diversity of housing options in San Mateo is needed.

Ronnie Kay stated he supports alteration of the plan for more housing ownership; Jason Crawford, in the middle of extreme housing crisis strongly support 961 units; Rich Hedges, stated the need to keep money in for traffic calming; Doreen Miller, requested if there was any possibility of including Rite Aid added into the project; Barbara Niss speedy process for the Developer to come back with the 761 units; Doug Chesshire, Carpenters Local 217, stated the need to approve Concar Passage project; Sonja K Trauss, stated the City will be sued for being out of compliance with state housing laws; Robin spoke in favor of the reduction to 761.

Jordan Grimes, support the 961 units; Alex Melendrez, stated please don't delay do the 961 approval tonight; Kueller expressed his frustration on hearing of the cut to 200 units in the development; Samuel Deutsch, stated don't cut the units, 20,000 jobs added in the last 10 years, and only 2,000 housing units added; Kelsey Banes

expressed her alarm at eliminating 200 homes; Mike Dunham stated he is angry about dropping 200 homes; Jonathan New, strongly in favor of the project with the maximum 961 homes; Richard Mehlinger, commented on a \$10 million judgement plus legal fees; Auros Harman, stated build as many units; Ken Abreu, stated project should stay at 961 level; Michael Weinbauer, stated the counter proposal to reduce the number of units is a very reasonable compromise; Sara Ogilvie, stated approve the 961 units as proposed.

Daniel, encouraged to approve the project at 961; Laurie Watanuki, stated 761 units would improve the quality of life for the residents in the surrounding areas and use the funds for traffic mitigation; Adina Levin stated support to approve 961 units; Madeline supports 961 homes; Drew stated he is confused about the process change, follow the process; Kevin Burke, stated we need the 961 units; Thomas Morgan stated support for 961 units; Michael Nash supports the project; Evan Adams an ownership compromise should have been undertaken before this and don't risk litigation; Martin confused and frustrated by last minute change; Lisa Taner stated having townhouses as part of this project is a wonderful idea; Diana stated don't lower the housing units. As there were no more speakers the Mayor closed the Public Hearing.

Motion to adopt a Resolution, as submitted, to approve the Site Plan Architectural Review, Site Development Planning Application, and Vesting Tentative Map for the development of 952-961 residential units and 40,000 square-feet of commercial uses located on Concar Drive, between S. Grant Street and S. Delaware Street; and adopt the Supplemental Environmental Impact Report to assess the environmental impacts of the project, based on the Findings for Approval and subject to the Conditions of Approval and introduce an Ordinance to approve a Development Agreement. Motion passed 5-0.

Moved: Bonilla, Seconded: Goethals

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

Enactment: Resolution No. 94 (2020)

OLD BUSINESS

25. Transient Occupancy Tax Ballot Measure – Rebuttal Argument

Samantha Weigel provided a brief presentation on the need for a rebuttal argument as Silicon Valley Tax Payers Association wrote an argument against Measure W, the City's Transient Occupancy Tax. The Council subcommittee has provided a draft rebuttal argument. Council asked questions of staff. Public Comment - Rich Hedges, stated Silicon Valley Tax Payers Association opposes all tax measures.

Motion to approve the rebuttal argument as drafted by Council subcommittee. Motion passed 5-0.

Moved: Bonilla, Seconded: Rodriguez

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

26. COVID-19 Update (#14)

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 - Ken Chin, thanked the City of San Mateo on behalf of the school district for the support for distance learning facilities; Jordan Grimes, stated support for the eviction moratorium; and Drew stated the first September meeting is the 8th.

Motion to confirm rules and regulations issued by the City Manager acting as the Director of Emergency Services in response to declared emergency with regard to temporary suspension of municipal code for personal services and fitness businesses, parking requirements and limitation on outdoor activities; and approve the general fund subsidy for support of distance learning of approximately \$52,000 through October 9, 2020. Motion Passed 5-0.

Moved: Goethals, Seconded: Rodriguez

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

NEW BUSINESS

27. Worker's Resource Center – Commercial Lease

Assistant City Manager Kathy Kleinbaum and Laura Bent Chief Operating Officer of Samaritan House, operator of the Worker Resource Center provided information on the new location and lease. Council asked questions of staff. Public Comment – Brett Barron asked questions about the doors.

Motion to approve the lease of the property at 171 North Amphlett Boulevard for a period of one year at a rate not to exceed \$64,925 for use as the Worker's Resource Center, approve the three possible one-year lease extensions, and authorize the City Manager to execute the lease on behalf of the City. Motion passed 5-0.

Moved: Bonilla, Seconded: Goethals

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

28. Emergency Ordinance – Suspension of Minimum Parking Requirements for Outdoor Business Operations

Economic Development Manager Jennifer Chen provided a presentation on the need to suspend parking requirements to allow for outdoor business operations. Council asked questions of staff. Public Comment – there were no speakers.

Motion to adopt an Emergency Ordinance to temporarily suspend minimum parking requirements for private shopping centers to allow for businesses to operate outdoors during the COVID-19 public health emergency. Motion passed 5-0.

Moved: Papan, Seconded: Bonilla

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

Enactment: Ordinance No. 2020-12

29. City Owned Commercial Properties – COVID-19 Rent Adjustments

Economic Development Manager Jennifer Chen provided a presentation on the need for a rent relief policy for City tenants, noting Council has approved that the City's eight tenants have had rent deferred from April 2020 through August 2020. At this time staff is proposing waiving the deferred rents, for business allowed to be open starting on 9/1/2020, reduce rents by 50% and continue until the City's state of emergency is lifted and for closed businesses continue to waive rents until they can reopen at which time reduce rents by 50% until the State of Emergency is lifted. Council asked questions of staff. Public Comment – there were no speakers. Council by consensus agreed to the policy as proposed by staff.

30. California High-Speed Rail Authority Draft Environmental Impact Report – Informational Update
Engineering Manager Jay Yu provided a brief presentation on the California High Speed Rail Environmental Impact Report noting some of the staff concerns including objection to proposed Alternate B that reduces grade separations, as staff feels more grade separations are needed; and a concern that intersections would be closed during peak hours for too long. Still need noise mitigation measures. Council asked questions of staff. Public Comment – Drew commented Caltrain is going to need passing tracks and stated there are some nuances here. Council concurred with the staff concerns and supported sending a letter about the concerns.

REPORTS AND ANNOUNCEMENTS

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

ADJOURNMENT

The meeting adjourned at 12:30 a.m.

APPROVED BY:

SUBMITTED BY:

Joe Goethals, Mayor

Patrice M. Olds, City Clerk