

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

**Tuesday, September 8, 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

Present: Mayor Goethals, Council Members: Rodriguez, Bonilla, Papan and Lee

CEREMONIAL

1. Wildfire Mitigation Plan Update – Presentation
2. Mayor's Quarterly Hero Award
3. Labor Day Proclamation

CONSENT CALENDAR

The following items, 4 through 11, and 13 through 16 were considered to be routine by the City Council. Item 12 was removed and 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: Papan, Seconded: Rodriguez
Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee
Noes: None

4. City Council Meeting Minutes – Approval
Approve the minutes of the Special and Regular meetings of August 17, 2020 and the Special meeting of September 1, 2020.
5. League of California Cities Annual Conference – Voting Delegate Designation
Designate Council member Rick Bonilla as the City's Voting Delegate for the 2020 League of California Cities Annual Conference.
6. Concar "Passage" Mixed Use Project Development Agreement Approval – Ordinance Adoption
Adopt an Ordinance to approve a Development Agreement for the Concar Passage Mixed Use Project.

Enactment: Ordinance No. 2020-13

- 7. El Camino Real Sanitary Sewer Rehabilitation Project – Agreement**
Award an agreement to EPS, Inc. for construction of the El Camino Real Sanitary Sewer Rehabilitation Project in an amount not to exceed \$1,795,328; establish a contingency reserve in an amount not to exceed \$200,000; and authorize the Public Works Director to execute the agreement in substantially the form presented and issue change orders within the contingency amount.
- 8. Citywide Street Rehabilitation Package 1-B Project – Agreement**
Award an agreement to McKim Corporation for the Citywide Street Rehabilitation Package 1-B Project in the amount of \$1,318,597.14; establish a contingency reserve of \$130,000; and authorize the Public Works Director to execute the agreement in substantially the form presented and issue contract change orders within the contingency reserve.
- 9. Contracts with Contingency Component – Update**
Receive the report on citywide contracts contingency fund expenditures for the period from July 1, 2015 through June 30, 2020.
- 10. Active Transportation Program Grant Application – Letter of Support**
Approve a letter of support to the California Transportation Commission for the Active Transportation Program Cycle 5 grant application; and authorize the Mayor to sign the letter on behalf of the City Council.
- 11. Rule 20A Utility Undergrounding – Agreements**
Approve agreements with PG&E for Rule 20A Utility Undergrounding projects and authorize the Public Works Director to execute the agreements in substantially the form presented.
- 13. California High Speed Rail Environmental Impact Report – Comment Letter**
Approve the City of San Mateo comment letter regarding the California High Speed Rail Environmental Impact Report for the San Francisco to San Jose segment.
- 14. Tree Trimming 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 Arborwell, Inc. for the pruning of 28 eucalyptus trees in the amount of \$112,195; establish a contingency reserve in the amount of \$10,000; and authorize the Director of Parks and Recreation to execute the contract in substantially the form presented and to issue change orders within the contingency amount.

Enactment: Resolution No. 95 (2020)
- 15. Community Development Department and Public Works Department – Classification Updates**
Adopt a Resolution to approve the 1) reallocation of a vacant Principal Planner to a Senior Planner; 2) consolidation of the job specifications for the classifications of Sewer Maintenance Leadworker and Street Maintenance Leadworker into one job specification for the new classification of Public Works Maintenance Leadworker; and 3) revisions to the job specification for the classification of Laboratory Analyst I-II.

Enactment: Resolution No. 96 (2020)
- 16. Merit Employees Salary Schedule – Approval**
Adopt a Resolution to authorize and approve the City of San Mateo merit employee current pay rates and ranges (salary schedule).

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

12. Public Works Bucket Truck Purchase – Contract

Council Member Bonilla pulled this item to request local purchase. Public Works Director Brad Underwood responded to questions. Council discussion ensued and it was recommended that this request be brought forward for annual goal setting discussion.

Motion to Adopt a Resolution to approve an alternative purchasing process for the contract with Downtown Ford Sales in the amount of \$198,742.02 for the purchase of one Ford F-750 bucket truck and authorize the Public Works Director to execute the purchase contract in substantially the form presented. Motion passed 5-0.

Moved: Bonilla, Seconded: Rodriguez

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

Enactment: Resolution No. 98 (2020)

PUBLIC COMMENT

Patricia Hustedt commented she has been dealing with a neighbor on code enforcement issue for four months, and she is not finding the City responsive. Adeli Skillin spoke in support of flavored tobacco regulation.

OLD BUSINESS

17. E-Cigarette and Flavored Tobacco Regulations

City Attorney Shawn Mason provided an overview of existing regulations, requested regulations, and impacts from SB793. Council asked questions of staff. Dr. Bonnie Halpern-Felsher provided a deep review of the issue.

Public Comment – Jen Grand-Lejano, American Cancer Association, in support of an ordinance; Shawneece Stevenson, Bay Area Community Health Advisory Council, spoke to African American youth in community; Bob Gordon, San Mateo County Tobacco Coalition, encouraged support for the ordinance; Patricia McDaniel, tobacco control researcher, stated the City should mirror the County's ordinance; Tricia Barr, stated the Parent Teacher Association adopted a resolution this summer to urge banning flavored e-cigarettes tobacco products; Amaya Wooding, LGBTQ Tobacco coalition, spoke in support of the ordinance; Mayra Amador, San Mateo County Health Tobacco Prevention Program, spoke in support to restrict the sale of flavored tobacco; and Blythe Young, Community Advocacy Director for American Heart Association, stated the need for a comprehensive policy.

Council provided direction to staff to prepare an ordinance to regulate E-cigarettes and flavored tobacco products and generally were in favor of using the County's ordinance as the framework. They had questions regarding enforcement and educational outreach opportunities and encouraged staff to do this quickly.

18. COVID-19 Update

City Manager Drew Corbett provided a presentation on operational impacts and other City efforts related to COVID-19 noting: the updated health order is to Purple Tier 1; the City's continuing support for distance learning; the collaboration and community partnerships; that the City is partnering with the County on a mobile testing van for North Central; and addressing some safety concerns for parklets downtown. He noted that no Council action is

needed at this time. Council asked questions of staff. Public Comment – Lisa Tealer stated support for the mobile COVID testing in the North Central neighborhood.

NEW BUSINESS

19. Business Tax Apportionment Rules – Approval

This item was removed from the agenda and will be brought forward at a future meeting.

Council recessed from 8:54 pm to 9:00 pm.

20. Safe Gun Storage – Ordinance Introduction

City Attorney Shawn Mason provided the background on the safe gun storage movement. Council asked questions of staff. Public Comment speaking in support – Austin Traver; Nancy Gogan, Moms Demand Action; Teri Whitehair; John Selling; Kelly Traver, Moms Demand Action; Valerie Xu; Bradd Silver; and Margaret O’Connell. Council spoke in support.

Motion to Introduce an Ordinance to amend the San Mateo Municipal Code to add Chapter 10.28 "Safe Gun Storage." Motion passed 5-0.

Moved: Goethals, Seconded: Papan

Ayes: Goethals, Rodriguez, Bonilla, Papan and Lee

Noes: None

21. Racial Equality Community Public Art Project

Senior Management Analyst Heather Stewart noted she manages the Art in Public Places Program and she reviewed prior direction given and outlined funding and location issues. Council asked questions of staff. Public Comment – Nancy G stated consider a structure instead of a mural. Council discussion ensued with comments that the public needs to be involved and ideas on locations and a public process.

Deputy Mayor Rodriguez expressed concern with graffiti damage, prefers smaller installations in various locations, and noted the City could seek matching funds from the community and business community. Council Member Lee expressed concern with vandalism and the need for a protected location. She encouraged diversity by using multiple artists in multiple locations and outlined possible partnerships. Mayor Goethals advised to issue an RFP to the community to submit a project that supports racial equity and give the local community a month or two to respond. He is cautious about not depleting the money in the Civic Arts Committee fund. Council Member Papan prefers the idea of more than one location; using racial equity as a concept as it exists in different ways; utility boxes have a great deal of appeal; and need community input. Council Member Bonilla is in agreement with the suggestions.

The Civic Arts Committee will work on ideas and will return to Council.

22. Emergency Ordinance – Moratorium on Enforcement of Zoning Regulations for Outdoor Business Operations

Economic Development Manager Jennifer Chen provided a presentation on the need for the emergency ordinance to allow the temporary suspension of zoning regulations to allow certain businesses to move operations outside of an enclosed building. The emergency ordinance would be in effect for 90 days. Council asked questions of staff. Public Comment – There were no speakers.

Motion to Adopt an Emergency Ordinance to impose a moratorium on enforcement of zoning regulations to allow for restaurants, gym and fitness centers, personal care services, hair salons and barbershops, places of worship and

shopping malls to operate outside of an enclosed building 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: Emergency Ordinance No. 2020-14

23. Emergency Ordinance – Residential Eviction Moratorium

City Attorney Shawn Mason provided a presentation for Council to consider adopting an Emergency Ordinance to establish a moratorium on evictions of residential tenants impacted by COVID-19 pandemic. He outlined the laws currently impacting this. Council asked questions of staff. Public Comment – There were no speakers. Council, by consensus would like to wait and see how AB3088 plays out before taking any action on this.

REPORTS AND ANNOUNCEMENTS

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

ADJOURNMENT

The meeting adjourned at 10:21 pm.

APPROVED BY:

SUBMITTED BY:

Joe Goethals, Mayor

Patrice M. Olds, City Clerk