

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

CITY OF SAN MATEO

Regular Meeting Minutes

City Council

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

Tuesday, January 19, 2021
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.

Roll Call

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

CEREMONIAL

1. RethinkWaste Poster Contest – Student Winner Recognition

CONSENT CALENDAR

The following items, 2 through 15 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: Goethals

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

2. City Council Meeting Minutes - Approval

Approve the minutes of the City Council Special and Regular meeting January 4, 2021 and Special meeting of January 11, 2021.

3. Ordinance Adoption – Housing Rehabilitation Loan Committee Municipal Code Chapter Deletion

Adopt an Ordinance to delete San Mateo Municipal Code Chapter 2.25 "Housing Rehabilitation Loan Committee".

Enactment: Ordinance No. 2021-1

4. Ordinance Adoption – Transient Occupancy Tax Municipal Code Amendment

Adopt an Ordinance to amend the San Mateo Municipal Code Chapter 3.56 "Transient Occupancy Tax" to allow the City to take various actions to collect unpaid and delinquent transient occupancy tax.

Enactment: Ordinance No. 2021-2

5. City Council 2021 Regular Meeting Calendar – Adoption

Adopt the City Council Regular Meeting Schedule for calendar year 2021.

6. Personnel Board – Appointment Subcommittee Recommendation

Approve the recommendation of the Personnel Board appointment subcommittee to appoint Tony Villanueva to the unexpired term through June 10, 2024 vacated by Ellen Wang and Caiti Busch to the upcoming vacancy from Bryan Hollis terming out on June 10, 2021.

7. Microsoft Software Support – Agreement Renewal

Adopt a Resolution to approve an alternative purchasing process and authorize a three-year renewal of the City's Microsoft Enterprise Agreement for software licensing, cloud hosting, upgrades, and technical support for the City's servers, workstations, and mobile devices through CDW-G, Inc. for an amount of \$665,225.10 and authorize the City Manager to issue the purchase order.

Enactment: Resolution No. 5 (2021)

8. Contracts with Contingency Component – Update

Receive the report on citywide contracts contingency fund expenditures for the period from July 1, 2015 through October 31, 2020 and approve an additional \$2,000 contingency for the Rand Street Reconstruction Project.

9. Sewer System Management Plan – Five-Year Update and Recertification

Adopt a Resolution to recertify the 2021 update of the Sewer System Management Plan.

Enactment: Resolution No. 6 (2021)

10. Wastewater Treatment Plant Upgrade and Expansion Project – Acquisition of Easements

Adopt a Resolution to approve the Agreement Granting Easements and Escrow Instructions between the City of San Mateo and All American Self Storage, L.P. for the granting of easements for the Wastewater Treatment Plant site in the amount of \$145,000; approve payment of estimated closing costs for the transaction of approximately \$4,000; and authorize the Mayor to execute the Agreement Granting Easements and Escrow Instructions, the Easement Deed and Agreement, and Temporary Construction Easement Deed and Agreement in substantially for the form presented.

Enactment: Resolution No. 7 (2021)

11. 303 Baldwin Avenue – Final Map & Subdivision Improvement Agreement

Adopt a Resolution to approve the final map and approve the subdivision improvement agreement for the 303 Baldwin Avenue Subdivision and authorize the acting Public Works Director to sign the agreement in substantially the form presented.

Enactment: Resolution No. 8 (2021)

12. 2021 Annual Investment Policy – Approval

Adopt a Resolution to approve the City of San Mateo 2021 Investment Policy.

Enactment: Resolution No. 9 (2021)

13. 2020-21 Comprehensive Fee Schedule – Amendment

Adopt a Resolution to amend the 2020-21 Comprehensive Fee Schedule to include convenience fee charges collected by the Golf Course.

Enactment: Resolution No. 10 (2021)

14. San Mateo County Gang Intelligence Unit – Agreement

Approve an agreement with the County of San Mateo to assign one San Mateo Police Sergeant to the San Mateo County Gang Intelligence Unit for a reimbursement amount not to exceed \$120,000 annually; and authorize the Chief of Police to execute the agreement in substantially the form presented.

15. 1409 Beacon Ave – Property Owner Appeal of Temporary Relocation Costs

Adopt statement of decision denying property owner appeal of order to reimburse City for payment of temporary relocation costs.

PUBLIC COMMENT - There were no speakers.

PUBLIC HEARING

16. CONTINUED FROM JANUARY 4, 2021 MEETING: Appeal Hearing for 1, 2, 3 Waters Park Drive Residential Project – Appeal of Planning Commission Decision PA-2020-043 (Modification of PA-2018-013)

Associate Planner Wendy Lao provided an overview of the 1, 2, 3 Waters Park Drive project and outlined the Planning Commission’s decision. Council asked questions of staff. The Mayor opened the Public Hearing. The Appellant, Laurianna Ceja Diaz and her attorney, Jonathan Kathrein, outlined the reason for the appeal. The Applicant, Pulte Homes, through its attorney Gregory Powers, provided the applicant’s position. Public Comment – in support of the appeal Vincent; Marty Jones; Julie U; Angela; Pete Alioto; Christina Cabera; Sue Lombardi; Scott Lombardi; Isaac Chavez Ceja; Sheila; Renee Thierry; and David.

Applicant rebutted through its attorney and the Applicant Aaron Head. Appellant rebutted through its attorney and the Appellant. The Mayor closed the Public Hearing. Council asked additional questions, deliberated, and provided comments: concurrence that the neighborhood has had to deal with a lot; there is an opportunity to investigate the vector control and seek greater enforcement of the conditions of approval; there is no remedy for addressing COVID-19 in CEQA and no additional CEQA review is required for the proposed minor changes; the importance of providing housing; the possibility of adding conditions of approval; the legal argument dictates the need to deny the appeal; there has to be more ways to support the residents; more enforcement is needed rather than adding on to the conditions of approval. Pulte was advised that there would be greater enforcement and that the residents need greater communication.

Motion to Adopt a Resolution to deny the appeal and uphold the Planning Commission decision approving a Site Plan and Architectural Review - Planning Application Modification located at 1, 2, 3 Waters Park Drive. Motion passed 5-0.

Moved: Papan, Seconded: Lee

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

Enactment: Resolution No. 11 (2021)

Council recessed from 9:38 – 9:43 pm.

OLD BUSINESS

17. General Plan and Housing Element – Next Steps

Community Development Director Christina Horrisberger, Principal Planner Julia Klein and Joanna Jansen, consultant, provided an overview of the General Plan and Housing Element update process to date and sought feedback on the next steps. Council asked questions of staff.

Public Comment – Michael Weinbauer commented on concern with single family home study areas; Raayan Mohtashemi opted for alternative C; Karen Herrel commented on the San Mateos for a Responsive Government letter sent; Lisa Diaz Nash commented on the need for more affordable housing and work on Option A or B; Martin stated more housing is needed, don't entertain Option A; and Evelyn Stivers commented on a need for land use alternatives in more areas in the City.

Doug Handerson commented that housing progress is possible with Measure Y; Adam Loraine spoke in support of Council adjusting the project schedule and stated alternative A does not meet the need, and B and C are in conflict with measure Y; Adam Nugent spoke about the importance of the General Plan looking at the study areas as broadly as possible; Sarah Fields commented that thoughtful research has gone into the Regional Housing Needs Allowance (RHNA) numbers; Brian Keefer stated do not fight RHNA numbers; Jonathan New stated a need to expand the diversity of housing options; and Erika Powell stated the General Plan presentation was well done and urged more inclusive language.

Kueller stated the need to look at the entirety of San Mateo for study; Kelsey Banes urged to expand the study areas; Stephen Floor stated it is necessary to expand study areas; Seema Patel stated she is not clear how these options and numbers account for decades of jobs/housing imbalance; Taso Zografos commented on residents' efforts to push back on ABAG on RHNA numbers; Jordan Grimes supports Alternative C and urged reexamining the study areas; Carol Steinfeld stated the whole city should be studied; and Nicole Fernandez stated the study areas should be the whole City.

Council provided their comments on the following:

1. Should the General Plan update effort proceed with the current range of alternatives and project schedule?
2. Should the General Plan Update effort consider adjusting the range of alternatives and project schedule?
3. Does the Council have any additional direction or have other concerns?

Deputy Mayor Bonilla commented not to put time and effort into Alternative A and he is in favor of Alternatives B and C as well as studying the entire City. Council Member Goethals commented on the need to concentrate on housing close to transit; he would be in favor of going forward with all three alternatives; and he has no additional direction. Council Member Papan concurred with Goethals. Mayor Rodriguez concurs with Papan and Goethals and noted the need for additional information and he does have some nervousness about Alternative A. Council Member Lee stated no neighborhood should be exempt from change; concern with RHNA cycle 7 as a huge variable; she sees no need to adjust the range.

18. COVID-19 Update #23 and Consideration for Letter of Support for Assembly Bills 15 and 16

City Manager Drew Corbett provided an update on operational impacts and other city efforts related to Covid-19. There were no questions. Public Comment – Jordan Grimes, One San Mateo, supports AB 15 & 16. Adam Loraine and Michael Weinbauer concurred. Kyle Crews concurred. Council directed staff to write a letter for the Mayor's signature supporting Assembly Bills 15 and 16 and include the banks and lenders into future discussions and legislation on this issue as banks and lenders are critical stakeholders in the eviction protection process.

NEW BUSINESS

19. CONTINUED FROM JANUARY 4, 2021 MEETING: 1,2, and 3 Waters Park Subdivision – Final Map Approval
Senior Engineer Tracy Scramaglia provided a presentation on the subdivision improvement agreement and final map for the 1, 2, 3 Waters Park Development. Public Comment – Laurianna Ceja Diaz stated concern that names not be included on the map. Gregory Powers commented that this is a ministerial effort.

Move to Adopt a Resolution to approve the final map and approve the subdivision improvement agreement for Waters Park Development, creating 27 single family residential units and 163 residential condominium units, and authorize the Acting Public Works Director to sign the agreement in substantially the form presented. Motion passed 5-0.

Moved: Bonilla, Seconded: Goethals

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

Enactment: Resolution No. 12 (2021)

20. Report on Housing Leadership Council Post-Election Event

City Attorney Shawn Mason provided an overview of on the events leading up to the denial of access to two persons registered to attend Housing Leadership Council's (HLC) post-election event and the City's efforts to investigate the incident and secure release of a recording of the event for public review.

Public Comment – Taso Zografos commented on the expectation that the Council supports the outcome of an election and expressed disappointment in City Council members involvement in the meeting; Lisa Taner spoke of concern about the situation and said these actions have wounded the public trust; Kyle Crews stated it was inappropriate to have denied public access; Erika Powell stated concern with speaking with a view opposite to council members; Karen Herrel stated the real issue is public trust and the video is eye opening. David Shum commented on a need to collaborate on moving forward with both sides in the room; Laurieanna Ceja Diaz stated council members are not representative of the constituents; Seema Patel spoke in support of the Council taking the time to speak to housing advocates as a good thing; Michael Weinbauer noted he was one of the people disinvited and is concerned that the story keeps changing; and Raayan Mohtashemi stated he is in alignment with Seema Patel's comments

Council Member Goethals commented that he was sorry anyone was excluded from the meeting, he was not aware of the exclusion, noting that the Council publicly came out against Measure Y, and some on the Council were in favor of Measure R, and he still believes in density near the train stations. He commented that City Council members are not here for self-interest, being on Council is difficult and requires personal sacrifice and all of Council is not here for any one neighborhood but for the entire City. The housing crisis is one of the most critical needs of the City and he applauds fellow council Members for doing all they can to meet that challenge.

Deputy Mayor Rick Bonilla requested that the Homeowner Associations would invite him to speak with them or any individuals that feel they have positions that he needs to be informed of. He noted that the HLC meeting was offered publicly and he was not aware of the exclusion. He noted he was urging everyone to get involved in the General Plan process which he has done in any public forum; and provided facts about RHNA numbers. He acknowledged Measure Y is the law and stated the need to take steps to be more equitable in the housing market.

Council Member Lee stated it is important to be factual, noting all of Council was part of the coalition opposing Measure Y, all of the Council was in attendance at the HLC meeting, and all of Council supports an inclusive General Plan process and that has been consistent, transparent and open since the beginning. The important point of upholding the public trust and holding that as sacred does require listening and bringing all voices to the table. She was shocked to learn that members that registered for the event had been excluded. Based on her experience with the registration process, she thought it an open and public event. It appeared to be as public and non-secret as an event could be. It was widely promoted on social media, email marketing and a publicly accessible web page. There was no indication from her registration process and her visibility into the event that there would be an effort to exclude anyone. She has met with all players to have a conversation. It is her duty as a council representative to listen to everyone. That includes the affordable housing advocates, developers and business owners as well as residents. She will meet with everyone and is committed to continuing to do that. She is dedicated to upholding the integrity of process and inclusivity. The goal is that all voices can come to the table and be heard. Her take-away is that if all of Council is invited to a meeting she will convey that to the City Attorney immediately for analysis to ensure it is an open and transparent process and to ensure public trust. She cautioned against taking a comment out of context. She is committed to working on affordable housing, an open General Plan process, finding a way to meet RHNA goals and will continue to uphold a fair process.

Council Member Papan stated she went to the meeting to listen, she thought it was a public meeting, noting some of this is a sign of the times because of being in a pandemic we assumed it was treated as a public meeting and the operator of the meeting was conducting it as such. She noted that if the meeting was held in person it would be easy to physically see someone being excluded – we are at a disadvantage in a remote meeting to understand whether or not anyone is being excluded. That would have made an issue for every Council Member. A part of this job is listening to all sides, and she will continue to listen to all sides. In the future, she will take steps to ensure whoever is hosting the meeting is not excluding anyone.

Mayor Rodriguez noted that when Mr. Zografos first approached him with these concerns; he stated he wanted transparency and access to the video; and he is pleased that the video has been made public so everyone can see what happened in the meeting. He commended staff for investigating and reporting on this and noted we have done all we could have done in the spirit of transparency after learning of the issue. All Council Members have realized in the age of Zoom we have to be even more careful about how people can be excluded from meetings. Council will have to take it upon themselves more to not assume other organizers of events understand the nuance of and various aspects of the Brown Act. The Mayor thanked the public for bringing these concerns forward and noted this is a healthy conversation to have.

21. Community Wellness and Crisis Response Team Mental Health Partnership – Agreement

Police Lieutenant Matt Lethin and Chief of Police Ed Barberini provided a presentation on the multi-city effort to form a response program for mental health crisis situations. Council asked questions of staff. Chief Barberini responded and Scott Gilman County Health responded. Public Comment – expressing appreciation for implementing the program: Martin, Adam Loraine, and Stephanie Reyes.

Motion to Adopt a Resolution to approve an appropriation in the amount of \$76,937, to the Police Department's 2020-2021 operating budget; approve a two-year agreement to authorize the Police Department to collaborate with the police departments of South San Francisco, Redwood City, Daly City, and the County of San Mateo County, Behavioral Health and Recovery Services, in the formation of a mental health partnership crisis response program, with a total cost over the two years of \$156,182; and authorize the Chief of Police to execute the agreement in substantially the form presented. Motion Passed 5-0.

Moved: Bonilla, Seconded: Goethals

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

Enactment: Resolution No. 13 (2021)

22. Temporary Storage Containers in the Public Right-of-Way – Ordinance Introduction

Assistant Transportation Planner Nicolette Chan and Principal Transportation Planner Sue-Ellen Atkinson provided information on the need to amend how temporary storage containers in the public right-of-way, including approval requirements; length of time allowed for placement; fees; and encroachment permit process. Council had no questions of staff. Public Comment – There were no speakers.

Motion to Introduce an Ordinance to amend Municipal Code Chapter 17.08.020 “Placing Certain Objects in the Public Right-of-Way” to permit temporary storage containers in the public right-of-way. Motion passed 5-0.

Moved: Bonilla, Seconded: Lee

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

23. Disposable Food Service Ware Regulations – Ordinance Introduction

Sustainability Analyst Andrea Chow provided a presentation on the County of San Mateo’s disposable food service ware ordinance and other cities steps to regulate food service ware. Staff recommended repealing the current chapter with regard to food service ware and mirroring the County’s ordinance. Council asked questions of staff. Public Comment – Adam Lorrain spoke in support.

Motion to Introduce an Ordinance to repeal Chapter 5.89 “Polystyrene-Based Disposable Food Service Ware” of the San Mateo Municipal Code and adopt a new Chapter 5.89 "Disposable Food Service Ware" to regulate the use of disposable food service ware by food facilities. Motion passed 5-0.

Moved: Papan, Seconded: Lee

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

24. Mid-Year Budget Update – Supplemental Budget Appropriation – CONTINUED TO JANUARY 30, 2021

Due to the lateness of the hour, this item was not heard and was continued to January 30, 2021 Goal Setting meeting.

Receive the 2020-21 mid-year budget update and adopt a Resolution to appropriate \$0.4 million of reimbursement revenues in the General Fund for the Police Department operating budget, transfer \$0.6 million in Capital Improvement Project project funding for the Central Park Garage Repair Project from the Downtown Parking and Security Fund to the Parking In-Lieu Fund, and approve increasing the permitted funding of the Sewer Lateral Program by \$225,000 using existing Sewer Fund budget appropriations.

REPORTS AND ANNOUNCEMENTS

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

ADJOURNMENT – The meeting adjourned at 1:46 a.m.

APPROVED BY:

SUBMITTED BY:

Eric Rodriguez, Mayor

Patrice M. Olds, City Clerk