

CITY OF SAN MATEO

Regular Meeting Minutes

City Council

Monday, June 21, 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.

Pledge of Allegiance

Roll Call

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

CEREMONIAL

1. Chamber of Commerce: Year in Review - Cheryl Angeles and Erica Wood provided a Year in Review presentation. The Chamber is accepting applications for its Leadership Development Program. The Mayor stated he is a graduate of that program and highly recommends it.

CONSENT CALENDAR

The following items, 2 through 18, and item 20 were considered to be routine by the City Council. Item 19 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: Goethals, Seconded: Bonilla

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

The City Clerk gave the oath of office to Planning Commissioner Seema Patel.

2. Ordinance Adoption – "Claims for Tax Refunds" Chapter Amendments Including Electronic Claims Filing

Adopt an Ordinance to amend Municipal Code Chapter 3.35 "Claims for Tax Refunds" to provide for other forms of claims and to authorize the electronic filing of claims.

Enactment: Ordinance No. 2021-16

3. Ordinance Adoption – "Short-Term Rentals" Amendment

Adopt an Ordinance to amend Municipal Code Chapter 5.66 "Short Term Rentals" (STR) to clarify that only properties where the host is not present have an annual limit on the number of days they can be rented, that STR properties do not need to be the owner's primary residence, and that accessory dwelling units cannot be used for short-term rentals.

Enactment: Ordinance No. 2021-17

4. Ordinance Adoption – Wireless Telecommunications Facilities in the Public Right of Way

Adopt an Ordinance to amend Chapter 17.10, "Wireless Communication Facilities in the Public Right-of-Way", to the San Mateo Municipal Code Title 17 "Streets and Sidewalks" and review the proposed Design and Engineering Standards and Application Requirements.

Enactment: Ordinance No. 2021-18

5. Regional Active Transportation Program Grant Application – Resolution of Local Support

Adopt a Resolution to authorize the City's 2021 Regional Active Transportation Program grant application for the Delaware Street Safe Routes to School Corridor and confirm compliance with project delivery requirements.

Enactment: Resolution No. 55 (2021)

6. Rail Shuttle Bus Service Administration Agreement – Amendments

Approve Amendment No. 7 to the Campus Drive Rail Shuttle Bus Service Administrative Agreement and Amendment No. 7 to the Norfolk Area Rail Shuttle Bus Service Administrative Agreement with Peninsula Corridor Joint Powers Board for extension of shuttle operations for a total of \$69,700, and authorize the Public Works Director to execute the amendments in substantially the form presented.

7. Traffic Analysis Services – Memorandum of Understanding Amendment

Approve an amendment and restatement of the Memorandum of Understanding between the City and City/County Association of Governments of San Mateo County, the County of San Mateo, and various other city agencies throughout San Mateo County, for the StreetLight Data and Services Subscription and Cost Sharing Commitment to include the Cities of Brisbane and Colma, updating the terms of the contract, and increasing this year's annual cost from \$20,588 to \$29,222, and authorize the City Manager to execute the amendment in substantially the form presented and any future amendments.

8. Wastewater Treatment Plant Nutrient Removal and Wet Weather Management Upgrade and Expansion Project – Agreement

Approve an agreement with California Water Service Company for the construction of a new potable water/fire suppression main and service for the Wastewater Treatment Plant Upgrade and Expansion Project in the amount of \$1,068,349 and authorize the Public Works Director to execute the agreement in substantially the form presented.

9. Wastewater Treatment Plant Supply of Liquid Emulsion Polymer – Contract

Adopt a Resolution to approve an alternative purchasing procedure and award a contract to SNF Polydyne for the supply of liquid emulsion polymer in the amount of \$322,566, including sales tax; and authorize the Public Works Director to execute the contract in substantially the form presented.

Enactment: Resolution No. 56 (2021)

10. Collection System Construction Management Services for the Clean Water Program – Agreements

Approve agreements with two professional services firms, Tanner Pacific, Inc. and Townsend Management, Inc. to provide as-needed construction management services for various collection system projects under the Clean Water Program in amounts not-to-exceed \$3,000,000 each; and authorize the Public Works Director to execute each agreement in substantially the form presented.

11. South Bayside Management Authority Joint Exercise of Powers Agreement – Amendment

Adopt a Resolution to approve the third amended and restated agreement with the South Bayside Waste Management Authority Joint Powers Authority and authorize the City Manager to execute the amendment in substantially the form presented.

Enactment: Resolution No. 57 (2021)

12. Recology San Mateo County Franchise Agreement – Amendment

Adopt a Resolution to approve Amendment One to the Franchise Agreement with Recology San Mateo County to add a fourth route to the Bulky Item and Abandoned Waste Collection Programs to begin on January 1, 2022 and authorize the City Manager to execute the amendment in substantially the form as presented.

Enactment: Resolution No. 58 (2021)

13. Permanent Local Housing Allocation Housing Assistance Program – Agreement and Appropriation

Adopt a Resolution to appropriate \$341,894 of new grant funds to fund the first year of all Permanent Local Housing Allocation activities and award an agreement to LifeMoves for housing assistance with case management in the amount of \$273,515; and authorize City Manager to execute the agreement in substantially the form presented.

Enactment: Resolution No. 59 (2021)

14. General Plan 2040 Consultant Services and Outreach Status Update – Agreement Amendment, Funds Appropriation

Approve Amendment No. 3 to the agreement with PlaceWorks Inc. to modify the scope of work and increase the contract amount by \$346,609 for a new agreement total of \$2,538,070; authorize the Community Development Director, or designee, to execute the amendment in substantially the form presented; adopt a Resolution to authorize the appropriation of \$391,609 from available fund balance in General Plan Maintenance Fund; and receive information on General Plan targeted outreach activities.

Enactment: Resolution No. 60 (2021)

15. Worker Resource Center Operations – Agreement

Approve an agreement with Samaritan House for operations of the Worker Resource Center in the amount of \$195,000 per year and authorize City Manager to execute the agreement in substantially the form presented.

16. Fiscal Year 2021-22 General Liability and Property Insurance

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 for Fiscal Year 2021-22.

17. Compensation and Classification Updates – Police Department

Adopt a Resolution to approve 1) a monthly salary increase of 5% for the Police Records Specialist I-II classification; 2) a monthly salary increase of 10% for the Senior Police Records Specialist classification; 3) a 5% pay differential for Senior Records Specialists and Records Specialists when assigned to Property Unit; and 4) revisions to the job specifications of Police Records Specialist I-II, Senior Police Records Specialist and Community Services Officer I-II.

Enactment: Resolution No. 61 (2021)

18. Life/Accidental Death & Dismemberment and Long-Term Disability Insurance – Agreement Extension

Approve the extension to the agreement with Standard Insurance for Life Insurance, Accidental Death and Dismemberment, and Long-Term Disability Insurance for a two-year extension from July 1, 2021 to June 30, 2023; and authorize the Human Resources Director to sign the agreement.

20. Planning Commission - Appointment Subcommittee Recommendation

Appoint Seema Patel to the Planning Commission for an initial partial term through June 10, 2022.

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

19. COVID-19 Update

Drew Corbett gave a presentation and update related to rules and regulations issued by the City Manager acting as the Director of Emergency Services in response to declared COVID-19 emergency and confirmed the need for a continued local declaration of emergency.

Motion to confirm 60-day extension to the local emergency and to resume two-hour parking enforcement in commercial areas (except Bay Meadows) on July 12th, 2021. Motion passed 5-0.

Moved: Papan, Seconded: Bonilla

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

PUBLIC COMMENT

Public Comment: Mark Hulett – requests City reconsider salary adjustments for maintenance units. Chris Conway – asked does the City plan on addressing the letter regarding districts? Nick Imbody – Covid 19 has raised workload tremendously and requested the City negotiate a fair contract for its workers. Kenny Tanaka – requested the City consider salary adjustmenst. Derek Bahamondes – asked for a fair cost of living increase. Mark Cooper – requested action taken with contract negotiations and noted he has been denied hazard pay by the City. Jordan Grimes – stated his support for city workers for increased compensation noting they have done, and continue to do, amazing work for the City. John Chetcuti – noted a lot of challenges in bargaining and the need to have comparable wages to the other cities in order to keep good employees. Drew – maintenance workers are great and get stuff done. Raayan Mohtashemi – stated support for workers with wage increases with a cost of living increase and find ways to address housing issues.

PUBLIC HEARING

21. Fiscal Year 2021-22 Operating and Capital Budgets and Gann Appropriations Limit Adoption and Fiscal Years 2021-26 Capital Improvement Program Approval

Rich Lee, Finance Director, provided a presentation on the budget, appropriations, and capital improvement programs. Council asked questions of staff.

Public Comment – Drew appreciated presentation and expressed concern with the rainy-day fund.

Motion to Adopt Resolutions to approve the fiscal year 2021-22 operating and capital budgets, the 2021-22 position budget, the fiscal year 2021-22 Gann appropriations limit, and the fiscal years 2021-26 Capital Improvement Program. Motion passed 5-0.

Moved: Papan, Seconded: Rodriguez

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

Enactment: Resolution No. 62 (2021) – Fiscal Year 2021-22 Operating and CIP Budgets
Resolution No. 63 (2021) – Fiscal Year 2021-26 Capital Improvement Program
Resolution No. 64 (2021) – Fiscal Year 2021-22 Gann Appropriations

22. Downtown Business Improvement Area – Annual Renewal

Jenifer Chen, Economic Development Manager, introduced Lew Cohen President of Board DSMA. Provided annual report presentation. Council asked questions of staff.

Public Comment – Lisa Diaz Nash – thanked everyone for their focus on making downtown everything it can be; stated we can become the heart of the peninsula with a strategic plan to clean up the downtown, combine downtown with Hillsdale, 25th and 42nd.

Motion to Adopt a Resolution to levy the annual assessment for the Downtown Business Improvement Area for fiscal year 2021-2022. Motion passed 5-0.

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

Enactment: Resolution No. 65 (2021)

OLD BUSINESS

23. Safe Streets Initiative – Evaluation

Bethany Lopez, Senior Engineer (paused due to technical difficulties).

24. Outdoor Dining – Extension of Temporary Outdoor Dining Program and Establishment of Pedestrian Mall and Parklet Program

Kathy Kleinbaum, Assistant City Manager, provided a presentation on several items regarding outdoor dining program: the extension of Downtown street closures and temporary parklet program, looking to adopt a resolution of intent to establish pedestrian malls on B Street, and discussing the adoption of guidelines for a permanent parklet program. Council asked questions of staff.

Public Comment – Drew spoke that Draegers redevelopment could help with the future of B street. Commented on some Design issues regarding parklets. Raayan Motashemi – spoke in support of permanent parklet program and noted that the use of private parking lots for parklets should be left to restaurant owners to decide.

After discussion, Council decided to change parklet fee per parking space to \$250.

Motion to Adopt a Resolution to extend the Temporary Street Closures and Outdoor Dining Program Guidelines through the end of the calendar year; adopt a Resolution of Intent to establish pedestrian malls on B Street between 1st and 2nd Avenues and on B Street between 2nd and 3rd Avenues; and adopt a Resolution to establish guidelines for a long-term Parklet Program and associated permit fees. Motion passed 5-0.

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

Enactment: Resolution No. 66 (2021) – Extension of Temporary Outdoor Dining Program
Resolution No. 67 (2021) – Establishment of Pedestrian Mall
Resolution No. 68 (2021) – Parklet Program

23. Safe Streets Initiative – Evaluation (continued)

Bethany Lopez, Senior Engineer, continued presentation on the Safe Streets Initiative. Staff recommendations are to remove current Safe Streets Initiative locations, continue evaluation and project implementation through a data driven approach, and develop the Local Roadway Safety Plan to analyze traffic safety. Council asked questions of staff. There was no public comment. Council stated support of staff recommendations.

NEW BUSINESS

25. Transition to Elections By-District – Resolution of Intention

Prasanna Rasiah, City Attorney, presented background and information on the demand letter received requiring an analysis of the move to district elections, an overview of the California Voting Rights Act and other statutes that inform the process, and noted the City has 45 days from the receipt of the demand letter to respond. The 45-day window puts a stay on litigation. He noted in front of Council is a Resolution of Intention to move to By-District elections, with an exhibit identifying the two timelines under consideration, the standard schedule which would require 90 days to complete the public hearing/public outreach process, completed by September 20, 2021; or an allowance under the law for a 90-day extension, requiring completion by December 18, 2021. Council asked questions of staff.

Public Comment – Chris Conway – objected to the idea of district elections as a way to reduce voting power for individuals. Scott Rafferty, Plaintiff’s Attorney – stated this is a positive move and will provide for more representation, richer policy discussions and noted he is disposed to an extension.

Council asked additional questions of staff and provided their comments.

Council Member Goethals noted many cities have received this demand letter and it is not unexpected that we would receive it; however, he noted the council members have been representative of the community. He noted the way the law is written makes it very difficult to fight this. It would mean possibly millions of dollars and laying off staff. He floated the idea of an at-large mayor with four districts to increase the profile of San Mateo.

Council Member Lee noted the undeniable risk of litigation and associated costs. She personally does not feel comfortable gambling with jobs and services for this community while noting the strength of our democracy and governance does benefit from diversity. She supports adopting the resolution. Look forward to a strategic, inclusive and robust outreach process. She floated the idea of an ad hoc committee for community outreach.

Mayor Rodriguez stated that the potential cost is a big deal and noted that at this point the prudent course of action is to move forward with passing the resolution. Now is as good of time as ever to have this conversation. He expressed concern about what happens if the City does not get an extension.

Council Member Papan stated this is a business decision, and noted part of their job is to be fiscal stewards, she further noted the City is operating under budget constraints, and also emphasized how difficult this is to fight and how expensive it would be. She embraces a robust public process on how districts should be drawn - methodically engaging in a full and transparent process with public input. She is intrigued about additional time that Mr. Rafferty has discussed. This process has to be thorough, in order to do the best way outreach to our community. Deputy Mayor Bonilla stated this change is going to be hard for some people to accept. He concurs with all of the comments his colleagues have made. He appreciated some of Mr. Rafferty’s comments. And he reinforced that the City needs everyone to come to the table for this important discussion.

Motion to Adopt a Resolution to declare the City Council's intention to transition from at-large to by-district elections pursuant to California Elections Code Section 10010; adopt a Resolution to appropriate \$150,000 from the available fund balance in the General Fund to the City Clerk’s operating budget for fiscal year 2021-22 for purposes of funding a demographer study and public outreach for the move to elections by district; and adopt a

revised City Council Meeting calendar to add back the July 6, 2021 and August 2, 2021 regular meetings to the calendar. Motion passed 5-0.

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

Enactment: Resolution No. 69 (2021) – Resolution of Intention
Resolution No. 70 (2021) - Appropriation

26. “Property Maintenance” Code Amendment – Ordinance Introduction

THIS ITEM WAS CONTINUED FROM COUNCIL MEETING DATE 5/17/21.

Christine Civiletti, Code Enforcement Manager, introduced and indicated the recommended amendments. There were no questions and no public comment.

Motion to Introduce an Ordinance to amend San Mateo Municipal Code Section 7.14 “Property Maintenance” to adopt the 2021 International Property Maintenance Code and comply with the California Health and Safety Code. Motion passed 5-0.

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

REPORTS AND ANNOUNCEMENTS

City Manager, City Attorney and Council Members reported on their various assignments and liaison roles. Council Member Papan spoke of the Abortorium Society and their gracious donation to the City to make improvements to Central Park entrances off Laurel Avenue. Council Member Bonilla asked that the City consider using some of the \$19 million coming from Federal Government towards hazard pay.

ADJOURNMENT – Following a moment of silence in honor of Larry Del Santo who passed away June 11th at age of 87 - he came to San Mateo in the 1930’s and attended Serra High School and USF; served his country honorably first in ROTC, then as officer in the army; worked for Vonn’s and Lucky’s rising to great prominence as President and CEO of those organizations; he had 12 children and 37 grandchildren; his life is defined by Faith, Family and Education and will be dearly missed - the meeting adjourned at 10:26 p.m.

APPROVED BY:

SUBMITTED BY:

Eric Rodriguez, Mayor

Patrice M. Olds, City Clerk