

CITY OF SAN MATEO

Special Meeting Minutes

City Council

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

September 6, 2022
Council Chambers 6:00 PM
Special Meeting

CALL TO ORDER

Roll Call

Present: Deputy Mayor Papan, Council Members: Lee, Goethals and Rodriguez
Mayor Bonilla teleconferenced into this meeting from: 261 S. F St., Oxnard, CA

1. Boards and Commissions Rules and Procedures – Amendment

Christina Horrisberger, Community Development Department Director, provided a presentation on the Council's direction from the November 1, 2021, joint meeting with the Planning Commission in which Council requested staff return with updates to the Planning Commission Handbook, Boards and Commissions Rules and Procedures and establish annual Planning Commission / City Council joint meetings. She presented staff's recommendation to rescind the Planning Commission Handbook, reviewed recommended changes to the Boards and Commissions Rules and Procedures to include items specific to the Planning Commission and recommended using the Institute of Local Government arm of the League of California Cities (CalCities) Planning Commission Handbook which is updated regularly in lieu of creating the City's own. It was also recommended that all new Planning Commissioners attend the Planning Commissioner Academy put on by CalCities annually and all commissioners annually as needed. Council asked questions of staff.

Laura Hietter – commenting on the Planning Commission meeting regarding 415 Fairfax, requested that the rules should include commissioner conduct. Dianne Whitaker stated the importance of public comment as part of the decision-making process be treated with courtesy and respect. Laurie Watanuki spoke of the courage it takes to speak up under public comment and to treat commenters with dignity, courtesy and respect and take an unbiased point of view. Taso Zografos stated public comments should never be discouraged or denied and that we have a duty to protect it. Maggie Trinh noted that housing is an issue in San Mateo sometimes discourtesy is just disagreement and nothing more. Max Mautner stated a need for commissioners to fearlessly speak to social justice issues especially housing issues. Michael Weinbauer stated important to strengthen the guidelines and extend the same to council members. Jonathan New stated Ebnetter and Patel spoke passionately addressing the elephant in the room. Nicole Fernandez stated commissioner Patel and Ebnetter should be extended commendations. Skye noted all of the commissioners are doing hard work for very little personal benefit and commissioners should have free speech. Jordan Grimes stated that Planning Commission and Council should take a more active role in policy development and commissioners should be protected from attacks.

Deputy Mayor Papan supports the proposed revisions and noted the importance of applying the law to the project. She stated commissioner should not sit as judge and jury and speculate on what is in someone's heart. Commissioner can be removed if not following the rules.

Council Member Rodriguez stated commissioners did a reasonable job of explaining their reasonings and they should keep comments, clear, concise and on topic. He expressed concern with the need for a well-defined process for accountability including some procedures to assist helping commissioners ensure they are operating in their role. He expressed concern that more clearly defined rules regarding when using a city email address should or should not be allowed.

Council Member Goethals stated that free speech is an important issue that allow for public forums and public debate and free speech rights need to be protected in all ways. He expressed concern with using city emails for communications to outside agencies. He agreed with staff recommendation and noted listening to opinions of people who disagree with us is part of what we do, even if we don't agree with reasons or conclusions.

Council Member Lee stated she appreciates the commenters and the public who have the courage to speak up. Strongly support staff recommendations as it is efficient and thorough. She is satisfied current procedures in place are working as checks in place are present. She is amenable to examining use of city email to outside agency or better guidelines to state that a commissioner is commenting in their position as a member of the public.

Mayor Bonilla stated the public is very well engaged and paying close attention and from time-to-time a decision has been made or not made, that has stirred some public ire. He noted on the 415 Fairfax project the law is on the side for approval of the project. Noting he has no problem with public comment. If discipline is needed, it should be progressive discipline. And encouraged civility when conducting difficult conversations. He noted he supports the recommended changes.

City Attorney Prasanna Rasiah noted that a Planning Commissioner may not communicate with another government agency or third parties unless authorized by the Planning Commission on behalf of the body; but may comment as a private citizen.

City Manager Drew Corbett stated staff would bring forward additional changes proposed to a future meeting for consideration.

Motion to Adopt a Resolution to amend the Boards and Commissions Rules and Procedures to address specific guidance for the Planning Commission and to rescind the Planning Commission Handbook. Motion passed 5-0.

Moved: Lee, Seconded: Papan

Ayes: Bonilla, Papan, Lee, Goethals and Rodriguez

Noes: None

Enactment: Resolution No. 89 (2022)

ADJOURNMENT – The meeting adjourned at 7:15 p.m.

APPROVED BY:

SUBMITTED BY:

Rick Bonilla, Mayor

Patrice Olds, City Clerk