

COUNCIL MEMBERS  
David Lim, Mayor  
Rick Bonilla, Deputy Mayor  
Maureen Freschet  
Joe Goethals  
Diane Papan

# CITY OF SAN MATEO

## Regular Meeting Minutes

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

### City Council

Monday, February 6, 2017  
City Hall Council Chambers 7:00 PM

### Regular Meeting

## OPENING

Pledge of Allegiance: 2016 Northern California State Champions and California State Finalist - Serra High School Football Team

### Roll Call

**Present:** 5 - Council Member Freschet, Council Member Goethals, Mayor Lim, Council Member Papan, and Deputy Mayor Bonilla

## CEREMONIAL

### 1. [Commendatory Resolutions - Lieutenants Ted Gonzales and Rick Passanisi, Police Department](#)

Adopt Commendatory Resolution No. C-3 (2017) in appreciation of Police Lt. Ted Gonzales and his many years of outstanding service to the City of San Mateo Police Department and community.

**Yes:** 5 - Council Member Freschet, Council Member Goethals, Mayor Lim, Council Member Papan, and Deputy Mayor Bonilla

Adopt Commendatory Resolution No. C-4 (2017) in appreciation of Police Lt. Rick Passanisi and his many years of outstanding service to the City of San Mateo Police Department and community.

**Yes:** 5 - Council Member Freschet, Council Member Goethals, Mayor Lim, Council Member Papan, and Deputy Mayor Bonilla

### 2. [Bridge Project Update Presentation - Caltrain](#)

Rafael Bolon, Project Manager, Consultant to Caltrain provided a presentation on San Mateo bridge project update.

## CONSENT CALENDAR – CITY COUNCIL

The following items were considered to be routine by the City Council. After the titles of the item were read by the City Clerk, the public was invited to comment; there were no speakers. Motion by Bonilla, second by Goethals, to approve the CONSENT CALENDAR - CITY COUNCIL. The motion carried by the following vote:

**Yes:** 5 - Council Member Freschet, Council Member Goethals, Mayor Lim, Council Member Papan, and Deputy Mayor Bonilla

### 3. [City Council Meeting Minutes Approval](#)

Approve the minutes of the City Council Special and Regular meetings of January 17, 2017.

4. [East San Mateo Sanitary Sewer Lift Station Rehabilitation Project - Agreement](#)

Award a professional design services agreement to Schaaf & Wheeler Consulting Civil Engineers for Phase I of the East San Mateo Sanitary Sewer Lift Station Rehabilitation in an amount not to exceed \$314,121; establish a contingency amount of \$30,000; authorize the Public Works Director to execute the agreement and issue amendments within the contingency amount.

5. [Basin 1a Sewer Collection System Improvements - Amendment](#)

Approve Amendment No. 1 for professional design services agreement with Woodard & Curran (formerly RMC Water and Environment) to authorize Phase 2 engineering design services for the Basin 1a Collection System Improvements Project in the amount not to exceed \$797,000; authorize the Public Works Director to execute the amendment and issue task amendments within the contingency amount of \$105,000.

6. [385 1st Avenue - Lease Amendment](#)

Approve the first amendment to the lease agreement with Redkix, Inc to extend the lease for a two-year term and increase the base rent for the premises located at 385 1st Avenue at the Transit Center Garage and authorize the City Manager to execute the amendment.

7. [Wastewater Treatment Plant On-Call Repair and Replacement Services - Agreement](#)

Approve an agreement with Meyers and Sons Construction LLP, for on-call wastewater treatment plant repair and replacement services for an amount of \$150,000 annually for a two-year term; authorize the Public Works Director to execute the agreement and approve annual change orders not to exceed 15% or \$22,500, for a total not to exceed amount of \$345,000 for both years.

8. [Annual Street Tree Pruning Services - Agreement](#)

Approve an agreement with Davey Tree for street tree pruning services until March 31, 2019 in the amount of approximately \$115,000 annually and authorize the Parks and Recreation Director to execute the agreement.

9. [Appointment to Mosquito Vector Control District](#)

Reappoint Ed Degliantoni as a trustee to the San Mateo County Mosquito & Vector Control District for a four-year term beginning 1/2/2017 and ending 12/31/2020.

## **PUBLIC COMMENT**

Kevin Simpson spoke regarding a sewer spill and staff responsibility.

Speaking in support of a proposed Resolution on becoming a welcoming city (whether to agendize this will be heard under Reports and Announcements): Edgardo Salazar Canda, Mike Caggiano, Cheryl Kozanitas, Harini Kirshnan, and John Farrow.

Speaking in opposition of a proposed Resolution on becoming a welcoming city: Justin Deland

and Tim Roehm.

15 minutes were allotted at this point in the meeting for items not on the agenda. Additional public comment will be taken up in this meeting prior to Reports and Announcements and following all the agenda items.

## **PUBLIC HEARING**

10. [Hillsdale Terraces, 2700, 2728, 2790 South El Camino Real - Mixed-use Development \(PA15-031\) \(Continued from January 17, 2017 Council Meeting\)](#)

Note that this is a continued item from the January 17, 2017 meeting in which the public hearing was closed and all public comment taken.

Mayor David Lim stated for the record that he watched the last council meeting and outlined his involvement with applicants and neighbors.

Chief of Planning Ron Munekawa provided an update on staff responses to public comment from the public hearing on January 17, 2017.

Council discussion ensued with the following points: this project is far more complex than a single project as it meets the goals of seven existing long term plans that provide the guiding principles for growth and the City needs to use every opportunity to address the housing shortage. It was noted that there are opportunities available from parking bundling and excluding residents of the project from the residential parking program to mitigate impact on the neighborhood.

Discussion ensued on the appropriate use of the \$400,000 from childcare to pedestrian improvements. The applicant consented to making one of the very low below-market-rate units be a three-bedroom unit and confirmation that the applicant will use prevailing wages for the construction of the project.

After the Council comments, Mayor Lim stated he could not support the project due to concerns about the process and neighborhood involvement; additional community amenities are needed to justify the project and he is concerned the building height will create adverse shadow in the neighborhood.

Motion by Bonilla, second by Papan, to Adopt a Resolution, as amended, to approve the Hillsdale Terraces project to include the Mitigated Negative Declaration; the Site Plan and Architectural Review Planning Application (SPAR) with a density bonus increase to 35% to allow 68 condominium units, including 6 very low income affordable units with one incentive/concession for an FAR of 2.5; a height increase to 55 feet along El Camino Real; the Site Development Planning Applications (SDPAs) for grading and tree removal; and a Vesting Tentative Subdivision Map for 2700, 2728, and 2790 South El Camino Real, based on the Findings for Approval and subject to the Conditions of Approval with amendments to include prevailing wage, bundled parking, exclusion from neighborhood permit parking program and the direction to bring back to Council a discussion of the \$400,000 to a future meeting. The motion carried by the following vote:

**Yes:** 4 - Council Member Freschet, Council Member Goethals, Council Member Papan, and Deputy Mayor Bonilla

**No:** 1 - Mayor Lim

Enactment No: RES No. 8 (2017)

Meeting recessed at 8:48 p.m. and reconvened at approximately 9:00 p.m.

**11. [ABC Chauffeured Limousines Community Relations Commission Decision - Appeal](#)**

Jesse Medina, Code Enforcement Officer, presented the staff report recommending the Council Adopt a Resolution denying the appeal of administrative citation 1411, in which the Community Relations Commission had a 2-2 tie with regard to this item, and affirm the decision of the Community Relations Commission and order the Appellant to cease all vehicle repair activity at the subject property. The Mayor opened the Public Hearing.

Appellants Presentation: Legal Counsel Gregory J. Rubens provided comments from the appellant stating it is not appropriate to put a condition on a ministerial application on a business license application; citing due process issues - they have a right to a decision and request Council make a finding that limited auto repair use is a reasonable accessory use on the site. Appellant Don Mahnke, Owner, ABC Limousines, provided information on his company's business on this site for the past 18 years. He noted he had been verbally advised by City counter staff that the car repair on his own fleet is an accessory use and as long as it is not a commercial business; and he is being pursued by a different interpretation of the code from the past and he requests a reasonable accommodation.

Mayor Lim recommended returning this item to the Community Relations Commission unless the appellant wants the Council to decide now and are willing to waive their right to a decision by the Community Relations Commission at any subsequent legal review of the City Council's decision. The applicant confirmed they are not prepared to waive rights for review if this is sent back to the Commission.

Public Comment: Charlie Drechsler stated he is in the neighborhood and noted the business has no consideration of the neighborhood citing fences damaged by the vehicles, and he would like to see the cars held somewhere else. Dianne Whitaker commented that a split vote is equivalent to a denial on other commissions. There being no further speakers, the Mayor closed the Public Hearing.

Mayor Lim commented that the City does not have regulations defining what to do in the event of a tie vote, and there are no prohibitions on returning an item to the Commission to rehear it and ensure there is a full attendance of all commissioners.

Motion by Lim, second by Papan, to affirm citation 1410 (permits) with regard to the Community Relations Commission decision as to that citation, and send citation 1411 back to the Community Relations Commission with instructions to rehold a hearing on that citation. The motion carried by the following vote:

**Yes:** 5 - Council Member Freschet, Council Member Goethals, Mayor Lim, Council Member Papan, and Deputy Mayor Bonilla

**12. [Ordinance Introduction - Accessory and Junior Accessory Dwelling Units Zoning Code Amendments](#)**

Lorraine Weiss, Contract Planner, introduced an Ordinance to amend San Mateo Municipal Code

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Chapter 27.19, with regard to Secondary Units, in accordance with new state law regarding accessory and junior accessory dwelling units. Council asked questions of staff. The Mayor opened the public hearing.

Public Comment: Steve Lesley is concerned that this would make parking and traffic worse and asked if this includes garage conversions and Airbnb. Dianne Whitaker urged consideration of adopting a tiered system. Noveed Safipour stated it would be good to have 30-day minimum on rentals. There being no further speakers, the Mayor closed the Public Hearing.

Council comments and discussion included requiring a 30-day minimum lease agreement Citywide; utilizing resources such as HIPhousing; the value of using a tiered system or limiting to 640 square feet; concerns that this does not do much to address housing affordability; needs to be done in a thoughtful manner and consider neighborhood quality of life; requirements for parking for accessory dwelling units noting tandem parking only works in some places; exempt from street parking; and an interest in what other jurisdictions are doing. Deputy Mayor Bonilla expressed concern about affordability and more time is needed to study this issue.

Motion by Freschet, second by Papan, to Introduce an Ordinance to amend San Mateo Municipal Code Chapter 27.19, Secondary Units, in accordance with new state law regarding accessory and junior accessory dwelling units to include a limit of 640 square feet per accessory dwelling unit and a requirement that the property must be used for rental terms longer than 30 days. The motion carried by the following vote:

**Yes:** 4 - Council Member Freschet, Council Member Goethals, Mayor Lim, and Council Member Papan

**No:** 1 - Deputy Mayor Bonilla

The City Council recessed for 10 minutes and then reconvened.

## **OLD BUSINESS**

### **13. [Trash Load Reduction Requirements - Update](#)**

Sarah Scheidt, Regulatory Compliance Manager, Public Works provided a staff report regarding Trash Load Reduction Compliance per the Municipal Regional Stormwater Permit and related trash reduction compliance and capital improvements needed when setting future priorities. Public Comment: There were no speakers.

## **NEW BUSINESS**

### **14. [Ordinance Introduction - Prohibit the Cultivation, Processing or Sale of Marijuana](#)**

Susan Manheimer, Chief of Police, provided the staff report to add Chapter 7.45 to the San Mateo Municipal Code to prohibit the use of property for outdoor cultivation or sale of marijuana.

Public Comment: Noveed Safipour stated concern with the term possession in the proposed ordinance.

Motion by Freschet, second by Bonilla, to Introduce an Ordinance to add Chapter 7.45 to the San Mateo Municipal Code to prohibit the use of property for outdoor cultivation or sale of marijuana. The motion carried by the following vote:

**Yes:** 5 - Council Member Freschet, Council Member Goethals, Mayor Lim, Council Member Papan, and Deputy Mayor Bonilla

Public Comment (continued)

Speaking in opposition to a proposed resolution on sanctuary City: Bill Tauskey and Anna Kuhre.

In support of the proposed resolution: Noveed Safipour, Noelia Corzo, Jordan Grimes, Justin Alley, Trinidad, Edgardo Canda, Amourence Lee and Charlie Drechsler.

## REPORTS AND ANNOUNCEMENTS

Mayor Lim outlined his request that a discussion regarding a proposed resolution of welcome/sanctuary city status be placed on a future agenda. Council provided comments with interest to fully explore it or wait for the State. Council by consensus decided to put this item on as a study session item at the March 6, 2017 meeting.

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

## RECESS TO CLOSED SESSION

The City Council adjourned to closed session at 12:21 p.m.

### 15. [Conference with Legal Counsel - Anticipated Litigation](#)

Following an opportunity for public comment, there were no speakers, Council convened into closed session on the following matter:

Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9: one potential case

## ADJOURNMENT

The meeting adjourned at 12:35 p.m.

APPROVED BY:

SUBMITTED BY:

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David Lim, Mayor

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Patrice M. Olds, City Clerk