



MINUTES - FINAL

Tuesday, April 25, 2023

9:00 AM

<https://smcgov.zoom.us/j/99801955201>

*****IN-PERSON WITH REMOTE PUBLIC PARTICIPATION AVAILABLE*****

The meeting began at 9:02 a.m.

Public participation instructions were read in English by Sukhmani Purewal, Asst. Clerk of the Board. The instructions in Spanish were read by an interpreter from On Point Language Solutions LLC.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 5 - Supervisor Dave Pine, Supervisor Noelia Corzo, Supervisor Ray Mueller, Supervisor Warren Slocum, and Supervisor David J. Canepa

HONORING THE LIFE OF / BOARD MEMBER REMARKS

Supervisor Dave Pine honored the life of Officer David J. Chetcuti.

PUBLIC COMMENT

Verbal Comment(s) via ZOOM:

Martin Fox, Julie Neale, Brent Turner, Carlisle Ann Young, Pat Willard, Catherine, Connie C., Yvette Simon, Becca Kieler, Mulissa Willette, Parana, Aisha Baro, Alison Madden, Rod Palmquist, Elsa Schafer, and Etivise Matu.

Verbal Comment(s) from Chambers:

Nancy Goodban, Lupe Gutierrez, Monica Velez, Gabriel Maldonado, Bill Newell, Steve Tsou, and Dr. Christian Rubalcaba.

ACTION TO SET AGENDA and TO APPROVE CONSENT AGENDA ITEMS

Motion to set the agenda, postpone Items 4, 7, and 13, remove Item No. 11 from the agenda: Corzo / Second: Slocum

Yes: 3 - Corzo, Slocum, and Canepa

No: 2 - Pine, and Mueller

PRESENTATIONS AND AWARDS

1. Quarterly poetry reading by San Mateo County Poet Laureate Jorge Argueta.

Sponsors: Supervisor Warren Slocum and Supervisor Noelia Corzo

MOTION TO APPROVE CONSENT AGENDA ITEMS

Motion: Canepa / Second: Slocum

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

2. Presentation of a proclamation designating April 2023 as National Poetry Month.

Sponsors: Supervisor Warren Slocum and Supervisor Noelia Corzo

Speakers recognized by the President:

Supervisor Warren Slocum, Supervisor Noelia Corzo, and Poet Laureate Jorge Argueta.

Motion: Corzo / Second: Slocum

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Proc/Hon. Res-4559

3. Presentation of a proclamation designating April 2023 as Arts, Culture and Creativity Month.

Sponsors: Supervisor Warren Slocum and Supervisor Noelia Corzo

Speakers recognized by the President:

Supervisor Warren Slocum, Supervisor Noelia Corzo, and Robin Rodricks - Executive Director of Office of Arts and Culture.

Motion: Corzo / Second: Slocum

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Proc/Hon. Res-4560

4. Presentation of a proclamation designating the month of May 2023 Mental Health Awareness Month.

Sponsors: Supervisor Noelia Corzo

Speakers recognized by the President:

Supervisor Noelia Corzo

This Item was postponed during "Action to Set the Agenda".

- 5. Presentation of a proclamation designating April 23 through April 29, 2023 as National Crime Victims' Rights Week.

Sponsors: Supervisor Dave Pine

Speakers recognized by the President:

Supervisor Dave Pine, Steve Wagstaffe - District Attorney, Elisa Kuehl - District Attorney's Office, and Martin Fox.

Motion: Pine / Second: Canepa

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Proc/Hon. Res-4561

- 6. Update on the status of the Mack E. Mickelson Arthritis and Rehabilitation Center Therapy Pool in San Mateo.

Sponsors: Supervisor David J. Canepa and Supervisor Noelia Corzo

Speakers recognized by the President:

Supervisor David Canepa, Supervisor Noelia Corzo, and Lindsay Raike.

- 7. Climate Action Update Presentation by the Office of Sustainability.

Sponsors: Supervisor Dave Pine

This Item was postponed during "Action to Set the Agenda".

The Board went into recess at 10:58 a.m.

The Board resumed to open session at 11:12 a.m. with all Supervisors present.

MATTERS SET FOR SPECIFIED TIME

9:15 a.m.

HEALTH

- 8. Introduction of:

- A) An ordinance repealing Chapters 4.95, 4.98, and 4.99, and adopting a new Chapter 4.98 of Title 4 of the San Mateo County Ordinance Code to consolidate and clarify existing definitions and enact additional requirements

for tobacco retailer permits, and waive the reading of the ordinance in its entirety; and

- B) An ordinance repealing and replacing Chapter 4.96, related to smoking, of Title 4 of the San Mateo County Ordinance Code to remove sections relating to retail sales of tobacco products and to clarify definition of Tobacco Products, and waive the reading of the ordinance in its entirety; and
- C) An ordinance amending section 5.64.070 (collection of fees) of Chapter 5.64 (fees for enforcement of state public health laws) of title 5 (business regulations) of the San Mateo County Ordinance Code, relating to imposition of fees for enforcement of state public health laws, and waive the reading of the ordinance in its entirety.

Verbal Comment(s) via ZOOM:

Clara Boyden - Health, Salvador Zuno, Erika, Carlisle Ann Young, Camille Montemayor, Jade Chao, Shawneece Stevenson, Bob Gordon, Jen Grand-Lejano, and Etivise Matu.

Verbal Comment(s) from Chambers:

Tricia Barr and Blythe Young

Written Comment(s) read by Asst. Clerk of the Board:

Senator Jerry Hill and Rachel Mesia

Motion to continue this item to a future Board meeting: Pine / Second: Canepa

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

9:30 a.m.

HOUSING

- 9. Public Hearing regarding the Consolidated Plan and FY23-24 Annual Action Plan and Projects:
 - A) Open Public Hearing
 - B) Close Public Hearing
 - C) Adopt a resolution:
 - 1. Approving and accepting the five-year Consolidated Plan (“ConPlan”), in Attachment A, and the associated FY 2023-2024 Annual Action Plan (“Annual Action Plan”) and projects to be funded by the United States Department of

Housing and Urban Development (“HUD”) Entitlement Awards: Community Development Block Grant (“CDBG”) and Emergency Solutions Grant (“ESG”) in Attachment B; and, pending notification of the State’s ESG and Permanent Local Housing Allocation (PLHA) allocations, approve projects funded via the State’s ESG and PLHA programs, which were also included in the Winter FY 2023-2024 Notice of Funding Availability (“NOFA”), and are shown in Attachment B with adjustments to be made to individual State ESG awards on a pro rata basis once the State ESG notification has been issued; and

2. Authorizing the Director of the Department of Housing, or designee, to submit the ConPlan and associated Annual Action Plan and the projects funded by State ESG and PLHA programs shown in Attachment B, the related certifications, and all understandings and assurances contained therein to HUD, to take all necessary actions in connection with the submission of the ConPlan and Annual Action Plan, including providing additional information that the federal government may require, and to execute contracts, as approved by the County Attorney, for the programs and projects as indicated in the Annual Action Plan and for programs funded by State ESG and PLHA programs as shown in Attachment B.

Speakers recognized by the President:

Ray Hodges - Director of Housing and Karen Coppock - Dept. of Housing

Supervisor David Canepa left the chambers at 12:10 p.m.

With a verbal 4-0 vote with Supervisor David Canepa being absent, President Pine opened the public hearing.

Public Speakers:

None

With a verbal 4-0 vote with Supervisor David Canepa being absent, President Pine closed the public hearing.

Motion: Pine / Second: Mueller

Yes: 4 - Pine, Corzo, Mueller, and Slocum

No: 0

Absent: 1 - Canepa

Enactment No: Resolution-079562

REGULAR AGENDA

BOARD OF SUPERVISORS

11. Approve an amendment to introduced version of ordinance restricting the use of County resources to assist or cooperate with immigration authorities, previously introduced on April 11, 2023.

Sponsors: Supervisor Ray Mueller

This item was removed from the agenda during "Action to Set the Agenda".

12. Adopt an ordinance restricting the use of County resources to assist or cooperate with immigration authorities, previously introduced on April 11, 2023, and waive the reading of the ordinance in its entirety.

Sponsors: Supervisor Dave Pine and Supervisor David J. Canepa

Supervisor David Canepa joined the board meeting at 12:15 p.m.

Verbal Comment(s) via ZOOM:

Andrew Bigelow, Sue Henkin-Haas, Julie Starobin, Karla Guerra, Deni, Chaya, Victoria Becker, Michelle Koskella, Cecilia, Kate Lewis, Aisha Baro, Jennifer Rodriguez, Jessica, Kathleen Daly, Liz Gonzalez, Marisela, PJ, Patsy, 650****663, Ann, Blue Murov, Bruno Huizar, Carlisle Ann Young, D Gold, Faith In Action, Joaquin Jimenez, Jordan Grimes, Ksna Avila, Ricardo Sagastume, Sabrina Brennan, Sarait Escorza, Ximena Valdarrago, Victoria Sun, Pati Ramirez, Sisilia Afungia, Sarahi Espinoza Salamanca, 408****429, Barb Kipreos, and Beth von Emster.

Verbal Comment(s) from Chambers:

Cathy Baird, David Vallerga, Nancy Goodban, Diane Leeds, Rita Mancera, Sarah Lee, Jehan Laner, Ariana Santana, Hyun-Mi Kim, Arlae Alston, Bill Newell, Beth von Emster, Lourdes Best, Angela Chan, Nora Melendrez, Scott Sherman, Tatiana Guardado, Lorena Melgarejo, Mark Ruane, and Maricela Santos.

Motion made by Supervisor Ray Mueller, seconded by Supervisor Dave Pine to approve the amendments listed as subsection (c) to Ordinance Code Section 2.48.10 on Page 2 of the Item No. 11 memorandum:

Ayes (1) - Supervisor Ray Mueller

Nays (4) - Supervisors Pine, Corzo, Slocum, and Canepa

Motion failed to pass.

Motion to adopt the ordinance as is: Canepa / Second: Corzo

Yes: 4 - Pine, Corzo, Slocum, and Canepa

No: 1 - Mueller

Enactment No: Ordinance-4875

The Board went into recess at 2:55 p.m.

The Board resumed to open session at 3:25 p.m. with all Supervisors present.

COUNTY ATTORNEY

13. Conduct a public hearing under the Tax Equity and Fiscal Responsibility Act regarding the issuance of tax-exempt bonds by the California Municipal Finance Authority:
- A) Open public hearing
 - B) Close public hearing
 - C) Adopt a resolution approving a plan of finance for the issuance of tax exempt revenue bonds in an aggregate principal amount not to exceed \$90,000,000, by the California Municipal Finance Authority for the benefit of Middlefield Junction LLC a California limited liability company, an affiliate of Mercy Housing California, a nonprofit corporation, on behalf of Mercy Housing California 96, L.P., a California limited partnership, or another ownership entity to finance and refinance the acquisition, construction, improvement and equipping of a 179-unit affordable rental housing facility for low-income households, to be located in the unincorporated community of North Fair Oaks in the County of San Mateo at 2700 Middlefield Road, Redwood City, California.

This Item was postponed during "Action to Set the Agenda".

PARKS

14. Approve an Appropriation Transfer Request (ATR) to increase Intrafund Transfers by \$3,000,000, Salaries and Benefits by \$470,000, and Services and Supplies by \$2,530,000 for the implementation of the Parks Department's Tree Risk Management Program ("Program").

Speakers recognized by the President:

Hannah Ormshaw - Assistant Director of Parks, Carlysle Ann Young, and Fran Pollard.

Motion: Slocum / Second: Canepa

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Resolution-079563

Motion by Supervisor Dave Pine, seconded by Supervisor David Canepa and approved unanimously to postpone Item No. 10 and Item No. 39 (Closed Session Items) to a future Board meeting.

2:00 p.m.

BOARD OF SUPERVISORS

10. Study Session -- The Opioid & Fentanyl Crisis in San Mateo County: An Overview

Sponsors: Supervisor Dave Pine

This item was continued to a future Board meeting.

PUBLIC WORKS

15. Adopt a resolution authorizing:

- A) The President of the Board to execute an agreement with DeSilva Gates Construction LLC, for the San Carlos Airport Runway and Connector Taxiways Pavement Rehabilitation Project, in the amount of \$13,715,000; and
- B) The Director of Public Works to:
 - 1. Execute subsequent change orders to grant time extensions for project completion and payment up to a maximum aggregate amount not to exceed \$1,371,500, or approximately 10 percent of the agreement amount; and
 - 2. Approve payment up to the not-to-exceed amount of \$15,086,500 for items requiring adjustment based on unit bid prices without execution of a change order; and
 - 3. File a Notice of Exemption for a California Environmental Quality Act Categorical Exemption.

Speakers recognized by the President:

Ann Stillman, Director of Dept. of Public Works

Motion: Corzo / Second: Pine

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Resolution-079564

COUNTY EXECUTIVE

16. Adopt a resolution authorizing an agreement with the San Mateo County Historical Association (“Association”) for architectural and engineering work on the Carriage House, for the term of June 1, 2022 through June 30, 2023 for an amount not to exceed \$40,620.31.

Speakers recognized by the President:

Mike Callagy, County Executive

Motion: Canepa / Second: Slocum

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Resolution-079565

- 17. Adopt a resolution authorizing the County Executive Officer to enter into an agreement with GCAP Services, Inc. to conduct a supplier diversity study for the term of April 25, 2023 through April 30, 2024, for a total amount not to exceed \$456,510.

Speakers recognized by the President:

Mike Callagy, County Executive, Shireen Malekafzali - Chief Equity Officer, and Belen Seara - County Executive's Office.

Motion: Canepa / Second: Corzo

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Resolution-079566

- 18. **Measure K:** Adopt a resolution authorizing a one-time grant of district-discretionary **Measure K** funds, not to exceed \$70,000, to Community Initiatives, acting as the fiscal agent for Bay Area Community Health Advisory Council, for partial funding for the "Umoja Health Village," a two-year pilot program to help low-income residents of San Mateo County to access medical services and benefits, and authorizing the County Executive, or designee, to execute the grant agreement.

Sponsors: Supervisor Noelia Corzo

Speakers recognized by the President:

Supervisor Noelia Corzo

Motion: Corzo / Second: Canepa

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Resolution-079567

- 19. **Measure K:** Adopt a resolution authorizing a one-time grant of district-discretionary **Measure K** funds, not to exceed \$30,000, to El Concilio of San Mateo County ("El Concilio") for expansion of its Health and Wellness program, and authorizing the County Executive, or designee, to execute the grant agreement.

Sponsors: Supervisor Noelia Corzo

Speakers recognized by the President:

Supervisor Noelia Corzo

Motion: Corzo / Second: Pine

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Resolution-079568

- 20. **Measure K:** Adopt a resolution authorizing a one-time grant of district-discretionary **Measure K** funds, not to exceed \$120,000, to San Mateo Foster City School District, for STEM education and to support for homeless and foster youth students, and authorizing the County Executive or designee, to execute the grant agreement.

Sponsors: Supervisor Noelia Corzo

Speakers recognized by the President:

Supervisor Noelia Corzo and Dr. Christian Rubalcaba.

Motion: Corzo / Second: Canepa

Yes: 5 - Pine, Corzo, Mueller, Slocum, and Canepa

No: 0

Enactment No: Resolution-079569

CONSENT AGENDA

BOARD OF SUPERVISORS / SHERIFF

- 21. Adopt an ordinance amending Chapter 5.28 of the County’s Ordinance Code, known as the San Mateo County Fireworks Ordinance (“Fireworks Ordinance”), previously introduced on April 11, 2023, and waive the reading of the ordinance in its entirety.

Sponsors: Supervisor Warren Slocum and SHERIFF

Enactment No: Ordinance-4876

BOARD OF SUPERVISORS

- 22. Approve a proclamation designating April 30, 2023 as National Therapy Animal Day.

Sponsors: Supervisor Dave Pine

Enactment No: Proc/Hon. Res-4562

- 23. Approve a resolution honoring Cheryl Fama upon her retirement as Chief Executive Officer of the Peninsula Health Care District.

Sponsors: Supervisor Dave Pine and Supervisor Noelia Corzo

Enactment No: Proc/Hon. Res-4563

24. Recommendation for the appointment of Farah Yasmeen Shaikh to the San Mateo County Arts Commission, representing District 4, for an initial partial term ending December 31, 2024.

Sponsors: Supervisor Warren Slocum

COUNTY EXECUTIVE

25. Recommendation to:

- A) Adopt a resolution authorizing the County Executive Officer, or the County Executive's designee, to accept and implement the grant award from the California Department of Forestry and Fire Protection for \$298,755 to purchase vegetation management equipment for fire prevention efforts in the Santa Cruz mountains; and
- B) Approve an Appropriation Transfer Request (ATR) in the amount of \$298,755 from unanticipated revenue to a corresponding appropriation in fixed assets for the purchase of new vegetation management equipment.

Enactment No: Resolutions-079570 and 079571

26. Recommendation to confirm Iliana Rodriguez as Assistant County Executive.

COURTS

27. Recommendation for the appointment of Whitney Genevro to the Juvenile Justice & Delinquency Prevention Commission for an initial partial term ending December 31, 2024.

GOVERNING BOARD

28. Acting as the Governing Board of the Area Agency on Aging for the County of San Mateo, adopt a resolution authorizing:

- A) The approval and submission of the FY 2023-24 Area Plan Update for Services for Older Adults and Adults with Disabilities to the California Department of Aging; and
- B) The execution of the Transmittal Letter to the California Department of Aging required to complete the submission process.

Enactment No: Resolution-079572

HEALTH

29. Adopt a resolution authorizing an amendment to the agreement with Med-Metrix, LLC to provide accounts receivable services, extending the term by three months through August 31, 2023, and increasing the amount by \$200,000, to an amount not to exceed \$1,450,000.

Enactment No: Resolution-079573

30. Adopt a resolution authorizing an amendment to the agreement with San Mateo Health Commission, dba Health Plan of San Mateo, for the administration of the Access and Care for Everyone program, extending the term through September 30, 2024, and increasing the amount by \$10,680,750, to an amount not to exceed \$93,585,750.

Enactment No: Resolution-079574

31. Adopt a resolution authorizing an agreement with Grace Hassid, MD to provide infection control services for the term of May 1, 2023 through April 30, 2024, in an amount not to exceed \$288,400.

Enactment No: Resolution-079575

32. Adopt a resolution authorizing an amendment to the agreement with Mateo Lodge, Inc. for residential and mental health treatment services, increasing the amount by \$3,260,182 to an amount not to exceed \$8,881,311, and extending the term through June 30, 2024.

Enactment No: Resolution-079576

HUMAN RESOURCES

33. Adopt a resolution authorizing an amendment to the Master Salary Resolution 079043 to delete six positions, add seven positions, set the salary range for eight classifications, and convert one unclassified position; and accept the updated report of biweekly salaries by classification.

Enactment No: Resolution-079577

34. Report recommending the denial of claims (Non-culpable)

HUMAN SERVICES AGENCY

35. **Measure K:** Adopt a resolution authorizing an amendment to the agreement with Samaritan House for the Homeless Prevention and Emergency Financial Assistance program services to increase the total amount by \$803,229 for a new total amount not to exceed \$2,699,162 and to extend the contract one year through June 30, 2024.

Enactment No: Resolution-079578

PROBATION

36. Adopt a resolution authorizing the Chief Probation Officer or his designee to accept

federal funds available from May 1, 2023, to September 30, 2027, in the amount of \$956,968 through the Mobile Probation Service Centers Grant Program administered by the Board of State and Community Corrections.

Enactment No: Resolution-079579

PUBLIC WORKS

37. Adopt a resolution:

A) Authorizing the President of the Board of Supervisors to execute an agreement with Bay Area Lightworks, Inc., for the Bunker Hill Drive and Avenue Alhambra Safe Routes to Schools Pedestrian Improvements Project in the amount of \$249,943; and

B) Authorizing the Director of Public Works to:

1. Execute subsequent change orders to grant time extensions for project completion and payment up to a maximum aggregate amount not to exceed \$24,994.30, or approximately 10 percent of the agreement amount; and
2. Approve payment up to the not-to-exceed amount of \$274,937.30 for items requiring adjustment based on unit bid prices without execution of a change order; and
3. File a Notice of Exemption for a California Environmental Quality Act Categorical Exemption.

Enactment No: Resolution-079580

SHERIFF

38. Accept the report on the Inmate Welfare Trust Fund for the period of July 1, 2021 through June 30, 2022.

CLOSED SESSION

39. **Conference with Legal Counsel - Existing Litigation:**

(Gov. Code Section 54956.9(d)(1))

Reza Safaei v. Herbert Asatani, et al., San Mateo County Superior Court, Case Number 21-CIV-04966

Closed Session Items were continued to a future Board meeting.

ADJOURNMENT

The meeting adjourned at 3:48 p.m.

