



**BURLINGAME CITY COUNCIL  
Unapproved Minutes  
Regular City Council Meeting on October 21, 2024**

**1. CALL TO ORDER**

A duly noticed meeting of the Burlingame City Council was held on the above date in person and via Zoom at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

The pledge of allegiance was led by Beautification Commissioners.

**3. ROLL CALL**

**MEMBERS PRESENT:** Brownrigg, Colson, Lee, Pappajohn, Stevenson

**MEMBERS ABSENT:** None

**4. REQUEST FOR AB 2249 REMOTE PARTICIPATION**

There was no request.

**5. REPORT OUT FROM CLOSED SESSION**

There was no closed session.

**6. UPCOMING EVENTS**

Mayor Colson reviewed upcoming events in the city.

**7. PRESENTATIONS**

**a. BEAUTIFICATION AWARDS**

The Beautification Commission recognized:

- Twelvemonth Restaurant for a Business Landscape Award
- Steven Dylina and Ann Nejsmich for a Residential Sustainable Landscape Award

- Park Plaza Towers for a Multi-Family Housing Landscape Award

Congratulations to all the winners of the Beautification Landscape Awards.

**b. SAN MATEO COUNTY OMBUDSMAN PRESENTATION**

Executive Director Elyse Brummer gave a presentation on the San Mateo County Ombudsman Program.

Ms. Brummer discussed the role of the County's Ombudsman Program. She explained that at the individual level, an ombudsman conducts visits to long-term care facilities and investigates complaints made by and on behalf of residents. At the systems level, the ombudsman advocates for improvements in the long-term care system that benefit residents and quality of life.

Ms. Brummer reviewed the history of the program:

- 1972 – nursing home ombudsman program established
- 1978 – Older Americans Act (OAA) amendments required all states to establish an Ombudsman Program
- 1981 – duties expanded to Assisted Living (including board and care)

Ms. Brummer reviewed the work of her office:

- Abuse investigations
- Visitation
- Community education
- Resident and staff training
- Information and assistance
- Complaint response

Ms. Brummer stated that the San Mateo County Ombudsman's Office serves 9,250 residents in 420 facilities. She noted that in Burlingame, her office serves 998 residents in 19 facilities.

Mayor Colson discussed the City's Age-Friendly Cities Plan and how the work that is done with the ombudsman is critical to the success of the plan.

Councilmember Lee thanked Ms. Brummer for her presentation.

Councilmember Brownrigg voiced his shock that the services that the ombudsman provides to our senior citizens rely on the non-profit sector and aren't funded by the government.

Mayor Colson opened the item up for public comment.

Kimberley spoke about the services that the ombudsman provided and thanked them for their service.

Mayor Colson closed public comment.

Mayor Colson stated that the City looked forward to working with Ms. Brummer and assisting the ombudsman's office in the future.

**c. CALTRANS' EL CAMINO REAL RENEWAL PRESENTATION**

Caltrans representative Rommel Pardo gave an update on the El Camino Real Roadway Renewal Project. He explained that the purpose of the project is to improve:

- Poor pavement condition
- Sidewalks that do not meet ADA standards
- Local drainage/flooding issues
- Crosswalks that need upgrades
- Visibility (sight distance)

He added that the overarching goals for the project are to retain the character and health of the grove while improving the safety of the roadway and sidewalks.

Mr. Pardo stated that the total project cost was approximately \$137 million, with \$95 million of this amount being used for construction. He reviewed the timeline of the project:

- Estimated 95% design – late 2024
- Complete 100% design – early 2025
- Ready to list/agreed to price – February to March 2025
- Start of construction – Spring 2025
- End of construction – Spring 2027

Mr. Pardo reviewed the project timeline challenges:

- Resolving all right-of-way encroachments and the sign off by property owners on the Temporary Construction Easement ("TCE") or Permit to Enter and Construct ("PTE&C")
- Completing Burlingame/PG&E undergrounding design and aligning the project schedule in order to start construction on the Roadway project
- Resolving environmental issues (i.e. migratory bird and treaty act)
- Reaching agreement with the CMGC on the Agree to Price (lack of agreement will add an additional five to six months)
- Receiving the allocation of construction funds from the CTC

Caltrans representative Kimberley White discussed the tree work that will be done on this project. She explained that Caltrans worked with the Burlingame Historical Society, State Historic Preservation Office, independent arborists and experts, and the City regarding planting trees on El Camino Real.

Ms. White stated that when selecting replacement trees, it was important that the trees were:

- Consistent in appearance to the original tree species
- Mimic the overall visual character of the tree row
- Resilient to future conditions
- Suitable to an urban transportation corridor

She noted that the patriot elm and lemon-scented gum were selected. She reviewed a map that showcased the new trees and the spacing between the trees.

Ms. White reviewed the tree replacement specifics:

- Within the tree row
  - Remove 368 trees
  - Retain 193 trees (136 of these are historic or contributing)
  - Plant 400 trees
- Project area total
  - Remove 382 trees
  - Retain 193 trees and dozens that are north and south of the row
  - Plant 429 trees

She then showed a drive-through simulation of Caltrans' design.

Mayor Colson opened the item up for public comment.

Jennifer Pfaff discussed how the project would improve safety while maintaining the character of the tree row. (Comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Theresa talked about the importance of preserving as many trees as possible. (Comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Tony Paul asked about the depth that the would be used to plant the trees in order to prevent the sidewalks from separating. Ms. White stated that Caltrans would be planting 24-inch box trees.

Hadia Khoury voiced her support for the trees that were selected.

Kimberley voiced concern about the continued care of the trees after they are planted.

Mayor Colson closed public comment.

Councilmember Brownrigg thanked Caltrans for their partnership on this project. He discussed how significant the project is for the State.

## **8. PUBLIC COMMENTS**

There were no public comments.

**9. APPROVAL OF CONSENT CALENDAR**

Mayor Colson asked the Councilmembers and the public if they wished to remove any item from the Consent Calendar. Councilmember Brownrigg pulled 9c, and members of the public pulled 9d.

Councilmember Pappajohn made a motion to approve items 9a, 9b, 9e, and 9f; seconded by Councilmember Brownrigg. The motion passed unanimously by roll call vote, 5-0.

**a. APPROVAL OF CITY COUNCIL MEETING MINUTES FOR THE OCOTOBER 7 2024 CITY COUNCIL MEETING**

City Clerk Hassel-Shearer requested Council approve the City Council meeting minutes for the October 7, 2024 City Council Meeting.

**b. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A \$289,133 CONSTRUCTION CONTRACT WITH TK ELEVATOR CORPORATION FOR THE DONNELLY PARKING GARAGE ELEVATOR MODERNIZATION, CITY PROJECT NO. 86430, AND APPROVING A FUND TRANSFER OF \$165,000 FROM THE PARKING ENTERPRISE FUND**

DPW Murtuza requested Council adopt Resolution Number 123-2024.

**c. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COST SHARING AGREEMENT WITH THE TOWN OF HILLSBOROUGH AND CITY OF MILLBRAE FOR THE HIGHLINE PIPELINE PROJECT**

Councilmember Brownrigg thanked the Town of Hillsborough for running point on the project.

Mayor Colson opened the item up for public comment. No one spoke.

Councilmember Brownrigg made a motion to adopt Resolution Number 124-2024; seconded by Vice Mayor Stevenson. The motion passed unanimously by roll call vote, 5-0.

**d. ADOPTION OF RESOLUTIONS AWARDDING A \$6,674,000 CONSTRUCTION CONTRACT TO AZUL WORKS, INC. FOR THE TOWN SQUARE PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AND NEGOTIATE AND EXECUTE AMENDMENTS THERETO, CITY PROJECT NO. 86120; APPROVING A \$400,000 PROFESSIONAL SERVICES AGREEMENT WITH NICKITAS 7280 FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE PROJECT; AND APPROVING A \$305,225 AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH SWA GROUP, FOR A TOTAL COMPENSATION OF \$929,850, FOR ENGINEERING AND DESIGN SUPPORT DURING CONSTRUCTION**

Parks and Recreation Director Glomstad stated that this item awards construction contracts for the Town Square Project. She noted that the project went out to bid on September 5 and closed on October 3. The City received four bids and selected the low bid from Azul Works, Inc.

Councilmember Brownrigg asked about the due diligence that the City undertook on the winning bid. Parks and Recreation Director Glomstad replied that staff reviewed all the documentation that was submitted and conducted a reference check on Azul Works, Inc.'s previous projects.

Mayor Colson opened the item up for public comment.

Carpenters Local 217 field representative Ed Evans voiced concern about Azul Works, Inc. due to bribery charges in San Francisco against their former CEO.

Matthew Miller asked the City not to move forward with Azul Works, Inc.

Nicole Johnson asked the City not to move forward with Azul Works, Inc.

Azul Works, Inc. representative Julia Jayne discussed her company's transition away from their former CEO and their record on clean bids.

Another representative from Azul Works, Inc. discussed their bid and noted that they use union labor.

Mayor Colson closed public comment.

Councilmember Lee stated that she thought the City needed to trust the justice system and that justice was served. She added that punishing the company again by not awarding them the bid would be commensurate with double jeopardy.

Councilmember Pappajohn asked if the company was debarred in San Francisco. City Attorney Guina stated that San Francisco entered into a stipulation with Azul Works, Inc. He added that part of the stipulation is that Azul Works, Inc. doesn't bid on any projects in the City/County of San Francisco. However, he noted that pursuant to the City's RFP process, this couldn't be taken into consideration.

Councilmember Pappajohn asked what the City's choices were. City Attorney Guina stated that the City Council could accept the low bid or reject all bids.

Councilmember Brownrigg stated that he spent a lot of time thinking about this item and talked to a lot of people about it. He explained that he looked at the totality of the company and not just the former CEO. He added that there was no evidence of patterns of abuse or complaints.

Vice Mayor Stevenson concurred with Councilmember Brownrigg and Councilmember Lee.

Councilmember Brownrigg made a motion to adopt Resolution Number 125-2024; seconded by Councilmember Lee. The motion passed unanimously by roll call vote, 5-0.

Vice Mayor Stevenson made a motion to adopt Resolution Number 126-2024 and Resolution Number 127-2024; seconded by Councilmember Pappajohn. The motion passed unanimously by roll call vote, 5-0.

- e. **ADOPTION OF A RESOLUTION ACCEPTING THE PACIFIC LIBRARY PARTNERSHIP TECHNOLOGY AND INNOVATION GRANT IN THE AMOUNT OF \$9,957 FOR THE SUSTAINABLE FUTURE GRANT PROJECT AND AMENDING THE 2024-2025 BUDGET FOR THE GRANT FUND TO INCLUDE THE ADDITIONAL APPROPRIATION AND REVENUE**

City Librarian McCulley requested Council adopt Resolution Number 128-2024.

- f. **ADOPTION OF A RESOLUTION OF INTENT TO AMEND THE CITY OF BURLINGAME'S FISCAL YEAR 2024-25 MASTER FEE SCHEDULE AND SET THE PUBLIC HEARING FOR SUCH AMENDMENT FOR NOVEMBER 18, 2024 AT 7:00 P.M. AT THE CITY OF BURLINGAME CITY COUNCIL CHAMBERS**

Finance Director Yu-Scott requested Council adopt Resolution Number 129-2024.

## 10. **PUBLIC HEARINGS**

- a. **INTRODUCTION OF AN ORDINANCE REPEALING AND REPLACING CHAPTER 18.30 OF TITLE 18 OF THE BURLINGAME MUNICIPAL CODE TO ADOPT LOCAL AMENDMENTS TO PART 11 OF THE STATE BUILDING CODE AND CREATING A NEW CHAPTER 18.31 OF TITLE 18 OF THE BURLINGAME MUNICIPAL CODE TO ADOPT LOCAL AMENDMENTS TO PART 6 OF THE STATE ENERGY CODE (CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15378, 15061(b)(3))**

Sustainability Program Manager Sigalle Michael gave a background on the proposed amendments to the City's reach code:

- In 2022, Burlingame adopted an all-electric reach code for new construction.
- The California Association of Restaurants ("CRA") challenged Berkeley's similar all-electric regulation.
- In 2024, the Ninth Circuit appeals court ruled in favor of the CRA's position that Berkeley's regulation preempts federal regulation.
- Following that decision, Burlingame received a letter from the CRA challenging the City's reach code.
- PCE consultant staff is providing support to local cities to update their reach codes.

Ms. Michael explained that PCE recommends the Energy Performance Approach as an alternative approach that does not conflict with federal regulations. She stated that the Cities of San Jose, Palo Alto, East Palo Alto, Brisbane, and San Mateo have/or are in the process of adopting this approach.

Ms. Michael reviewed the Energy Performance Approach:

- Does not regulate fuel infrastructure
- Sets a target energy score that calls for more efficient buildings than required by State
- Score may be achieved by electric or mixed fuel building; electric use is more cost effective for new construction
- Includes electric readiness requirements for gas appliances
- Does not address cooking equipment, clothes dryers, or pool heaters
- Does not change the City's adopted EV infrastructure requirements for new construction

Councilmember Pappajohn asked if Ms. Michael had talked with any of the other cities that adopted this approach to see if there were any issues. Ms. Michael stated that what she's heard is that this is the preferred approach.

Councilmember Brownrigg stated that the new approach seemed complicated. He asked if this would be a hassle for homeowners. Ms. Michael replied that this approach is already in the energy codes and something that those in the industry are used to doing.

Mayor Colson asked if this approach would take up more staff time. Ms. Michael replied that it won't take any additional time.

Mayor Colson opened the public hearing. No one spoke.

Mayor Colson thanked PCE for their assistance on this project.

Councilmember Lee stated that in order for the City to put in something more stringent than the State, staff needed to show particular reasons. She explained that the City listed climate change and sea level rise. She asked that this portion of the ordinance be reworded to make it clearer why this was necessary.

City Attorney Guina stated that the City is making local amendments to the State code. He explained that when a local agency does that, it needs to make certain findings in regard to local climate. He added that staff could change the order of the sentences.

Councilmember Lee replied in the affirmative.

City Attorney Guina stated that on page 3, the sentence "These climatic conditions along with the greenhouse emissions generated from structures in both the residential and nonresidential sectors requires exceeding the energy standards for building construction established in the 2022 California Buildings Standards Code." should be moved to the end of the paragraph. Council concurred.

Councilmember Lee asked the City to include language about gas leak hazards after earthquakes on page 3, paragraph 2.



City Attorney Guina stated that it could be added to the last line in that paragraph. Council concurred.

Vice Mayor Stevenson made a motion to bring the ordinance with amended language for a second reading; seconded by Councilmember Pappajohn.

Councilmember Brownrigg asked that the Planning Commissioners be made aware of this new reach code.

The motion passed unanimously by roll call vote, 5-0.

**11. STAFF REPORTS AND COMMUNICATIONS**

**a. ADOPTION OF A RESOLUTION ADOPTING THE 2024 EMERGENCY OPERATIONS PLAN (EOP) BASIC PLAN; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15378(b)(2) AND 15378(b)(5)**

CCFD Community Risk and Resiliency Specialist Dena Gunning introduced the 2024 Emergency Operations Plan for Burlingame and Hillsborough. She noted that the plan requires revisions every five years. She added that the main changes were to the emergency support functions.

Councilmember Pappajohn discussed bushfires that occurred in her district. She asked about mitigation efforts. Ms. Gunning explained that this wouldn't be included in this plan but would be included in CCFD's Prevention Division.

Councilmember Brownrigg asked why Millbrae is not part of the plan. Ms. Gunning stated that Millbrae doesn't contract with CCFD for those services.

Mayor Colson opened the item up for public comment. No one spoke.

Councilmember Lee made a motion to adopt Resolution Number 130-2024; seconded by Vice Mayor Stevenson. The motion passed unanimously by roll call vote, 5-0.

**12. COUNCIL COMMITTEE AND ACTIVITIES REPORTS AND ANNOUNCEMENTS**

Council reviewed their committee appointments.

**13. FUTURE AGENDA ITEMS**

There were no future agenda items.

**14. ACKNOWLEDGMENTS**

The agendas, packets, and meeting minutes for the Planning Commission, Traffic, Safety & Parking Commission, Beautification Commission, Parks & Recreation Commission, and Library Board of Trustees are available online at [www.burlingame.org](http://www.burlingame.org).

**15. ADJOURNMENT**

Mayor Colson adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Meaghan Hassel-Shearer  
City Clerk