



**BURLINGAME CITY COUNCIL  
Unapproved Minutes  
Regular Meeting on June 15, 2020**

**1. CALL TO ORDER**

A duly noticed meeting of the Burlingame City Council was held on the above date online at 7:01 p.m.

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

The pledge of allegiance was led by Mayor Beach.

**3. ROLL CALL**

**MEMBERS PRESENT:** Beach, Brownrigg, Colson, O'Brien Keighran, Ortiz  
**MEMBERS ABSENT:** None

**4. REPORT OUT FROM CLOSED SESSION**

There was no closed session.

**5. UPCOMING EVENTS**

Mayor Beach reviewed the upcoming events taking place in the city.

**6. PRESENTATIONS**

**a. NINE SPORT AWARD PRESENTATION**

Recreation Coordinator Chris Roman stated that one of his duties is to manage BIS's sports program. He explained that the goal of the program is to welcome students of all skill levels, give them the opportunity to develop new skills, enjoy sports, interact with their fellow students, and compete with athletes from neighboring cities. He stated that at the end of each academic year, the City acknowledges those students who participated in three sports each year at BIS. He explained that this year, the City is recognizing students that played eight sports and were registered or scheduled to participate in their ninth sport this spring, but due to social distancing guidelines, they were unable to participate.

Recreation Coordinator Roman recognized the following students as 2020 Nine Sport Award recipients: Miles Chan, Samuel Felton, Emmie Hou, Rohan Kohli, Cole Fleming, Coraline Haggarty, Sylvie Marie Olson, Roka Tsunehara, Eric Breazeale, Ian Gordon, Nicholas Spano, Keziah Gopalla, and Lachlan MacLaren.

Mayor Beach congratulated the recipients.

7. **PUBLIC COMMENT**

There were no public comments.

8. **CONSENT CALENDAR**

Mayor Beach asked her colleagues and members of the public if they would like to pull any item off the Consent Calendar. Vice Mayor O'Brien Keighran pulled 8f. Councilmember Brownrigg pulled 8a.

Councilmember Ortiz made a motion to adopt 8b, 8c, 8d, 8e, and 8g; seconded by Vice Mayor O'Brien Keighran.

Councilmember Brownrigg noted that 8c is to approve personnel changes and salary schedules for the upcoming fiscal year. He explained that due to the City's fiscal prudence in the past, the City is able to keep services at a high quality.

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

a. **ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A \$1,694,447 AGREEMENT WITH SUAREZ AND MUNOZ CONSTRUCTION, INC. FOR THE INSTALLATION OF THE RAY PARK FIELD AND PARKING LOT, CITY PROJECT 85750**

Councilmember Brownrigg asked how long Ray Park would be offline. Parks and Recreation Director Glomstad stated that staff is hoping to have the project done by the end of the year. She noted that the field would be ready for Burlingame Girls Softball in spring 2021.

Councilmember Brownrigg asked if this meant that people wouldn't be able to walk on the grass between when the project starts and spring 2021. Parks and Recreation Director Glomstad replied in the affirmative but noted that construction wouldn't start until February 2021.

Councilmember Brownrigg suggested putting up posters that alert the public that they won't be able to use Ray Park between February and spring 2021.

Councilmember Brownrigg stated that in an era of diminished budget resources, this project has been in the works for a long time. He asked if the City took steps to defer other significant park upgrades. Parks and Recreation Director Glomstad replied in the affirmative.

Councilmember Brownrigg explained that the staff report discusses utilizing funds from the Bayview Park Improvement project to fully fund the Ray Park improvements. He discussed the terrible condition of the state lands parcel. He asked how the City can hold the controlling parties accountable and get it cleaned up. Parks and Recreation Director Glomstad stated that State Lands reached out to the new lessee, who promised to clean up the property.

Mayor Beach noted that the Ray Park project included parking lot safety improvements. Parks and Recreation Director Glomstad replied in the affirmative.

Councilmember Colson discussed the importance of the field upgrades and thanked staff for undertaking the project.

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

Councilmember Brownrigg made a motion to adopt Resolution Number 075-2020; seconded by Councilmember Ortiz. The motion passed unanimously by roll call vote, 5-0.

- b. **ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO EXTEND THE AGREEMENT FOR JOINT USE, MAINTENANCE, OPERATION, AND FOR MAINTAINING A STRONG COLLABORATIVE RELATIONSHIP BETWEEN THE CITY OF BURLINGAME AND THE BURLINGAME SCHOOL DISTRICT FOR ONE YEAR**

City Manager Goldman requested Council adopt Resolution Number 076-2020.

- c. **ADOPTION OF A RESOLUTION APPROVING FISCAL YEAR 2020-21 PERSONNEL CHANGES AND ADOPTING SALARY SCHEDULE**

HR Director Morrison requested Council adopt Resolution Number 077-2020.

- d. **ADOPTION OF A RESOLUTION APPROVING THE TENTATIVE AND FINAL SUBDIVISION MAP (PM 20-04), SUBDIVISION OF LOT 2-A, BLOCK 3, MAP OF TOWN OF BURLINGAME NO. 1 SUBDIVISION AT 21 PARK ROAD**

DPW Murtuza requested Council adopt Resolution Number 078-2020.

- e. **ADOPTION OF A RESOLUTION ACCEPTING THE 2019 SIDEWALK REPAIR PROGRAM BY J.J.R. CONSTRUCTION INC., CITY PROJECT NUMBER 85520**

DPW Murtuza requested Council adopt Resolution Number 079-2020.

f. **ADOPTION OF A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE 2020 STREET RESURFACING PROGRAM, CITY PROJECT NUMBER 85640, AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT**

Vice Mayor O'Brien Keighran asked about the timeline for putting this project back out to bid. DPW Murtuza stated that staff would be re-advertising the project later in the week. He added that bids would be opened in July.

Councilmember Colson asked if a person has a sidewalk issue in front of their house, can they fix it themselves, or would they need to get a permit. DPW Murtuza replied that they would need to get a permit. He added that the permit would not cost the individual any money if it was being done to remove a tripping hazard. However, if the improvements are required as part of their planning approval, they would pay a fee.

Mayor Beach opened the item up to public comment. No one spoke.

Vice Mayor O'Brien Keighran made a motion to adopt Resolution Number 080-2020; seconded by Councilmember Brownrigg. The motion passed unanimously by roll call vote, 5-0.

g. **ADOPTION OF RESOLUTIONS AWARDING A CONSTRUCTION CONTRACT TO TRINET CONSTRUCTION, INC., FOR THE CULVERT CROSSING REPAIR PROJECT, PHASE 1, IN THE AMOUNT OF \$774,400; AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TANNER PACIFIC, INC. FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE PROJECT IN THE AMOUNT OF \$161,220**

DPW Murtuza requested Council adopt Resolution Number 081-2020 and Resolution Number 082-2020.

9. **PUBLIC HEARING**

a. **PUBLIC HEARING AND ADOPTION OF A RESOLUTION REDUCING THE 2020 SAN MATEO COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT ASSESSMENTS ON HOTEL BUSINESSES WITHIN THE DISTRICT**

City Manager Goldman stated that normally the City handles assessments for the Tourism Business Improvement District ("TBID") in November and December. However, as a result of COVID-19, San Mateo County Silicon Valley Convention and Visitors Bureau asked the City to work with them to reduce the assessments. She explained that during the shelter-in-place, hotels have either been closed or their occupancy rates have dramatically decreased. She stated that the Council is being asked to modify this year's assessments as follows:

- Quarter One (calendar year) no change
- Quarter Two suspended

- Quarter Three reduced by 50%
- Quarter Four reduced by 50%

City Manager Goldman stated that because this is off-cycle, staff had the Council adopt an urgency ordinance on May 18 to allow the City to suspend penalties and interest for current assessments and establish June 15 as a hearing date to reduce assessments.

Councilmember Colson noted that last year, Palo Alto had discussed withdrawing from TBID. She asked if this situation had been resolved. City Manager Goldman stated that Palo Alto was informed that they had to give Burlingame six months' notice in order to withdraw. She added that Mr. Hutar worked with the Palo Alto Council, and she was unsure of the current status.

Mayor Beach opened the public hearing.

San Mateo County Silicon Valley Convention and Visitors Bureau President John Hutar thanked the Council and staff for helping them through this situation. He noted that many of the hotels are still closed, but they are optimistic that they will be able to reopen soon for leisure travel.

Mr. Hutar stated that they have put a lot of effort into working with Palo Alto in order to give them the attention that they need. He added that they are optimistic that Palo Alto will remain in the TBID.

Mayor Beach closed the public hearing.

Mayor Beach asked if any protests had been filed with the City. City Clerk Hassel-Shearer replied in the negative.

Councilmember Brownrigg asked what Mr. Hutar is seeing in terms of actual occupancy and what experts are predicting in the upcoming year. Mr. Hutar stated that currently the County only allows essential travel. He noted that they have been working on marketing plans for when leisure travel is allowed. He added that they are focusing their marketing efforts on a 200 mile radius because people are tired of being at home but aren't ready to get on a plane yet. He stated that he would be surprised if corporate travel resumed in 2020 and noted that international travel will be the last sector to return.

Vice Mayor O'Brien Keighran made a motion to adopt Resolution Number 083-2020; seconded by Councilmember Ortiz. The motion passed unanimously by roll call vote, 5-0.

**b. PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE BURLINGAME MUNICIPAL CODE TO ALLOW FOR A BUILDING ELECTRIFICATION REACH CODE**

Sustainability Coordinator Sigalle Michael stated that it was brought to staff's attention that a provision was left out of the proposed ordinance. She explained that revisions would be made to the proposed ordinance, and it would be introduced at the July 6, 2020 Council meeting.

Ms. Michael began with a drawing of the new Community Center. She stated that this building includes all three elements of the proposed reach code:

- All electric building
- Solar on roof
- Electric vehicle (EV) charging stations

Ms. Michael explained that reach codes are local amendments that go beyond State requirements for energy efficiency and green building. She stated that reach codes are primarily used to reduce greenhouse gas (“GHG”) emissions.

Ms. Michael reviewed Burlingame’s emissions inventory from 2015:

- Transportation – 50%
- Natural Gas – 24%
- Electricity – 21%
- Solid Waste – 4%
- Water and Wastewater – 1%

She stated that these numbers are very typical of cities in California.

Ms. Michael stated that cities are moving forward with reach codes as a result of the following:

- California mandate to be carbon neutral by 2045
- Peninsula Clean Energy (“PCE”) set to be GHG free by 2021
- City’s Climate Action Plan to reduce approximately 50,000 tons of GHG emissions by 2030
- Technical support and local advocacy

Ms. Michael noted that 15 local jurisdictions have adopted reach codes: Brisbane, Campbell, Cupertino, Los Altos Hills, Los Gatos, Menlo Park, Milpitas, Morgan Hill, Mountain View, Pacifica, Palo Alto, San Mateo, San Jose, Saratoga, and San Mateo County.

Ms. Michael discussed staff’s public outreach including: two Council study sessions, two meetings with developer stakeholders, and two meetings with the CEC of Burlingame.

Ms. Michael stated that the City’s proposed ordinance is based on Council’s direction at the study session, coupled with the PCE/Menlo Park approach. She reviewed the requirements for building electrification under the proposed ordinance. She stated that for new single-family residences, new multi-family buildings, and new commercial buildings, staff’s proposal is to require the buildings be all-electric. She explained that this means that no natural gas plumbing will be installed. She added that this requirement applies to single-family residences that undertake gut remodels where more than 50% of the structure valuation is remodeled to include a new kitchen and HVAC system.

Ms. Michael explained that there are exceptions to the all-electric requirement:

- Projects submitted to the Planning Department or those that received entitlements prior to the effective date of the ordinance (*the proposed ordinance stated projects not submitted in error*)

- An all-electric compliance pathway for the building under the Energy Code is infeasible
- All-electric is infeasible due to outstanding circumstances (such as flood hazard for on-ground transformers)
- Non-residential kitchens (restaurants and cafeterias)

She noted that for all exceptions granted, appliances must be electrically prewired for future electric appliance installation.

Ms. Michael stated that to get an exception, the developer would write a letter to the City's Chief Building Official ("CBO") explaining why they need an exception, what alternatives they looked at, why they found it to be infeasible, and how they will comply with the intention of the reach code.

Mayor Beach asked if the first exception is being corrected to state that projects that have already been submitted are exempt from the reach code requirements. Ms. Michael replied in the affirmative.

Ms. Michael reviewed the proposed ordinance's requirements for solar. She stated that new single-family residences are required to have solar under CalGreen. She explained that for new multi-family buildings and new commercial buildings, staff is proposing a requirement of a minimum of 5 kilowatt PV system for buildings 10,000 square feet and larger. She added that staff proposes to extend the CalGreen exception to new multi-family buildings and new commercial buildings. The exception states that a development doesn't have to include solar if it is infeasible due to roof size, slope, shading, and other limitations.

Ms. Michael reviewed the proposed ordinance's requirements for EV infrastructure:

Housing Type	EV Infrastructure
New Single-Family Residences (1-2 units)	<ul style="list-style-type: none"><li>• 1 level 2 EV ready space</li><li>• 1 level 2 EV ready space if two parking spaces exist</li></ul>
New Multi-Family Buildings	<ul style="list-style-type: none"><li>• 10% of units with one level 2 charging</li><li>• All other units with one level 1 charging; a level 1 outlet may be shared between units</li><li>• Conduit installed for all units to accommodate potential future level 2 charging demands</li></ul>
New Commercial Buildings	<p>Office Buildings</p> <ul style="list-style-type: none"><li>• 10% of spaces with level 2 charging</li><li>• 10% with level 1 charging</li></ul> <p>Other New Commercial:</p> <ul style="list-style-type: none"><li>• 6% of spaces with level 2 charging</li><li>• 5% with level 1 charging</li></ul>

Ms. Michael explained that a level 2 charging space is a dryer plug or 240 volt space, and a level 1 charging space is a standard outlet.

Ms. Michael reviewed the exceptions to the proposed ordinance's requirements for EV infrastructure:

- EV infrastructure costs exceed \$4,500 per space
- Spaces accessible only by an automated mechanical car parking system
- Accessory Dwelling Units/Junior Accessory Dwelling Units without parking facilities
- The parking facility has no available commercial power supply
- Automated Load Management Systems may be used to decrease electrical services and transformers capacity

Councilmember Ortiz noted that at the study session, Council discussed making an exception for water heaters in multi-family units. Ms. Michael explained that it isn't an automatic exception. Instead, it would be applied for through the Building Division.

Ms. Michael stated that staff created an FAQ fact sheet. She reviewed the most asked questions.

**1. Do all electric buildings cost more to build?**

She explained that when the City considers adopting a reach code, the California Energy Commission has to approve it. For the Commission to approve the reach code, it must be demonstrated that the code is cost effective over the long-term. She explained that cities have been able to show that reach codes are cost effective by utilizing the California Codes and Standards Program's studies for residential and low commercial buildings. She stated that the studies demonstrate that it is less expensive to build an all-electric building than those that use natural gas. She noted that most of the cost savings are seen in avoiding the natural gas infrastructure and from the long-term efficiency of electric appliances. She stated based on lifetime equipment cost savings, studies found that all-electric single-family homes have an approximate savings of \$5,000, and multi-family buildings save \$2,300 per unit.

**2. Can PCE handle the additional electricity load from reach codes?**

She explained that PCE analyzed their forecasted load and for 2025, they found at most it will be a 7% increase. She stated that PCE is not anticipating any issue.

**3. Will residents accept cooking with electricity instead of natural gas?**

She explained that many people are used to and comfortable with natural gas cooking. She discussed the benefits of cooking with electricity instead of natural gas:

- Electric cooking avoids the burning of fossil fuels and is considered a safer option over natural gas
- Induction stoves are growing in popularity and deliver an equal or even improved cooking experience

**4. How will all-electric buildings be impacted by power outages?**

She explained that during power outages, there is no worry about natural gas leaks with all-electric buildings. She noted that all-electric buildings come back online much quicker than buildings with natural gas. She

stated that PCE issued a joint solicitation for the installation of battery storage for their customers. The program will provide reliable power to about 6,000 homes through the use of backup battery storage during power outages.

### **5. Are incentives available for all-electric buildings?**

She explained that currently the City doesn't have incentives for all-electric. She stated that all-electric is less expensive, and once developers learn about it, they'll see the cost savings and benefits of going all-electric.

Ms. Michael reviewed a bar chart showing the City's estimated reduction of GHG emissions from 2015 to 2020. She stated that the City has about 14 new single-family homes per year; this number includes major remodels. She added that annually there are approximately one or two multi-family projects and one commercial project. She explained that staff predicts that adoption of the reach code will reduce 3,000 tons of GHG emission by 2030. She added that as building stock gets rebuilt, the GHG emissions will get smaller and smaller.

Vice Mayor O'Brien Keighran discussed the letter that an applicant would write to the Chief Building Official to request an exception to the reach code requirements. She noted that in commercial buildings, gas stoves would be allowed and asked if commercial developers would have to write a letter requesting this exception. Ms. Michael replied in the affirmative. She stated that staff wanted restaurants to at least consider the option of electric.

Vice Mayor O'Brien Keighran asked how long the exception process would take and how a developer could appeal the City's decision. CBO Rick Caro stated that the process would be fairly quick, and if the developer wanted to appeal his decision, they would go to the Planning Commission.

Vice Mayor O'Brien Keighran stated that there was a lot of discussion on gas stoves at the Council study session. She explained that she was disappointed that these discussions were not included in the staff report. She noted that there were a lot of citizens that wanted a gas stove versus electric. She added that there was also concern about gas fireplaces and fire pits. Ms. Michael explained that at the last study session, a consensus was reached by three members of Council to move forward with the requirement for all-electric in single-family homes and multi-family dwellings without an exception for cooking. She added that if an appliance doesn't require installation of the infrastructure for natural gas, then it would be allowed.

Vice Mayor O'Brien Keighran asked if the outdoor fireplaces would have to be electric. Ms. Michael stated that if they rely on natural gas infrastructure, then they wouldn't be allowed.

Vice Mayor O'Brien Keighran asked that in the future staff include a summary of Council's discussion when there is a divide in opinions.

Councilmember Ortiz stated that in situations where the proper electric alternative doesn't exist, then it should be allowed as an exception. He discussed centralized boilers, fireplaces, and fire pits. He asked what

the alternative is for a gas furnace. PCE consultant Farhad Farahmand stated the alternative is a heat pump technology, which is basically an air conditioner that runs in reverse.

Councilmember Ortiz asked about the cost of the heat pump technology versus a gas furnace. Mr. Farahmand stated it is less expensive if you are looking to purchase both an air conditioner and a furnace.

Councilmember Colson discussed the gas stove exception for commercial kitchens. She expressed concern about requiring developers to apply for an exception and what criteria would be used to evaluate their request. She explained that different cultures require gas stoves to cook their food. Accordingly, she thought it was best to allow restaurants to choose whether to install a gas or electric stove without requesting an exception from the City.

Councilmember Colson discussed the requirement for all-electric if a single-family remodel is more than 50% of the structure valuation. She asked if this was the assessed value of the house or the market value of the house. CDD Gardiner stated that the municipal code defines the 50% threshold using construction costs. He explained that the construction cost is a number that the City continuously monitors and noted that it is currently at \$350 per square foot. He added that the number can increase as a result of higher end finishes or complicated projects.

CDD Gardiner explained that the requirement for all-electric is triggered in remodels if the application includes both the 50% threshold and a new kitchen and HVAC system. Therefore, while a second story addition that adds two bedrooms and two baths may cross the 50% threshold, the home would not be required to switch to all-electric. He explained that there is meant to be a nexus with the scale of the project as well as the nature of the work.

Councilmember Colson asked CBO Caro about the criteria that would be used to evaluate whether a commercial kitchen could install gas stoves. CBO Caro stated he wouldn't want to complicate it, and therefore if the request fell into one of the listed categories, then it would be approved.

Councilmember Colson asked if the list of exceptions was included in the proposed ordinance.

Mayor Beach stated that her impression was that there was a lot of discretion in the exceptions for outstanding circumstances like flood hazards. She explained that when she read through the staff report, it seemed to her that a non-residential kitchen for a restaurant is an exception that would be approved. Ms. Michael replied in the affirmative. She noted that staff didn't want the exception to be automatic because they wanted the developer to consider an electric stove.

Councilmember Colson stated that the proposed ordinance needed to be clarified to ensure that restaurants would get the exception. She noted that the restaurants have gone through a lot because of COVID-19, and she wanted to ensure that the City worked with restaurants.

Councilmember Brownrigg stated that by and large, the proposed ordinance tracks the Menlo Park version of the PCE recommendations. However, he noted Menlo Park's ordinance states that if there is evidence that

trying to meet the requirements will cost the developer more than \$400 per unit, then they will be exempted. He stated that this exception was not included in the City's proposed ordinance. Mr. Farahmand stated that this section wasn't actually from Menlo Park. He explained that the Menlo Park model was the building electrification section of the model ordinance, and the provision that Councilmember Brownrigg was referring to was the Electrical Vehicle section. He stated that the strike outs were based on the green building standards. He noted that the City is requiring more EV charging stations.

Vice Mayor O'Brien Keighran stated that she was still confused about the exception for restaurants. She asked if she was correct that if a restaurant wanted a gas stove, they could have it. She added that if that's the case, then she didn't think the restaurants should have to request the exception from the City.

Mayor Beach concurred with Vice Mayor O'Brien Keighran.

Mayor Beach stated that the staff report states that on average, there are about 14 single-family homes and large remodels that would trigger reach code requirements each year. She asked approximately how many remodels each year wouldn't trigger the reach code requirements. CDD Gardiner stated that he would need to get back to Council with a number. However, he explained that if a remodel is done on a 1700 square foot house at \$350 per square foot construction cost, the 50% threshold would be \$300,000. Therefore, even if a kitchen remodel is \$100,000, you wouldn't tip the threshold.

Mayor Beach discussed the exception to all-electric if it is infeasible due to outstanding circumstances (such as flood hazard for on-ground transformers). She noted that she was surprised to hear Ms. Michael discuss water heaters as being an exception too. She explained that she thought that water heaters seemed more market or performance driven rather than an outstanding circumstance. She asked how the process safeguards from developers trying to circumvent and respond to market demand versus a real hardship. CDD Gardiner stated that market preference in and of itself would not qualify for an exception. He explained that in the case of centralized boilers instead of individual water heaters, there could be a unique circumstance in relation to the construction type or the types of units that would require a centralized gas water boiler.

Councilmember Colson stated that there are a lot of nuances in remodels, and the City needs to be crystal clear on how the reach code will apply.

Mayor Beach opened the public hearing.

Jeff Londer urged the Council to pass the reach code for new construction in Burlingame. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Suzanne Emerson thanked the Council for considering a strong reach code that will reduce GHG emissions by 3,000 tons by 2030. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Bruce Naegel discussed the importance of passing a reach code in order to combat climate change for future generations. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Joe Hamilton urged the Council not to pass the reach code as he believed it to be unnecessarily costly and that more public hearings on this subject are needed. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org))

Una Kinsella asked if new detached ADUS on properties with an existing primary dwelling need to comply with all-electric and solar requirements. She also asked if a house has two separate projects (totaling 50% value combined) completed within two to five years of each other, does the reach code apply. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Jennifer LeBlance urged the Council to adopt the reach codes for health, safety, and climate change benefits. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Zack Anderson asked how the EV charging space requirement relates to the parking space requirement for multi-family projects. (comment submitted via Zoom chat).

CDD Gardiner addressed the questions that were asked by the public. He stated that the reach code would apply to a new ADU, but he wasn't sure about solar requirements. Ms. Michael stated that for solar it would depend on CalGreen's requirements.

CDD Gardiner stated that for the EV parking space requirement, the percentage that would be required to be EV usable would be based on the number of parking spaces required for the project. Therefore, if the developer builds more than the required number, the percentage that would need to be EV ready wouldn't also increase.

Verona Teo urged the Council to adopt the reach code and discussed the importance of moving towards all-electric.

Elaine Breeze stated that SummerHill submitted comments to staff earlier in the day about some of the more technical aspects of the ordinance.

Dashiell voiced his support for keeping the hardship exemption for restaurants. He discussed his concerns with allowing restaurants to continue cooking with natural gas.

Matt Feemster voiced concerns about the ordinance but urged the Council to pass the reach code.

Bob Whitehair discussed the importance of passing the reach code and stated that induction stove tops work as well as if not better than gas stove tops. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Mayor Beach closed public comment.

Councilmember Brownrigg stated that in order to counteract climate change, the proposed ordinance would need to be a bit outside people's comfort zone and push them forward. He explained that he felt comfortable with the testimonies from architects and developers at the previous study sessions about the

prevalence of all-electric buildings throughout the country. He noted that he had been a bit conflicted about the requirement for single-family homes. However, he explained that the number of homes that will pass the 50% threshold is miniscule.

Councilmember Brownrigg talked about the Council's previous move to require fire sprinklers in new construction. He noted that it added \$45,000 to the cost of his home's remodel that is of little fire threat. However, the community was okay with this requirement. He stated that the reach code was similarly an investment in the community's safety and health.

Councilmember Colson stated that she was okay with a vast majority of the proposed ordinance. However, because the ordinance would need to come back for introduction, she urged staff to break the proposed ordinance up into three different pieces. She explained that this would allow for Council unity on most parts of the ordinance with discussions on other parts. She stated that she approved of the requirements for EV infrastructure. She noted that PCE is working to incentivize more electric vehicles. She stated that she approved of the solar requirements.

Councilmember Colson stated that she would like to review SummerHill's comments on the ordinance prior to making a decision about the all-electric requirements for multi-family buildings. CDD Gardiner stated that SummerHill sent staff a marked up version of the ordinance shortly before the Council meeting. He explained that it is very helpful and that the comments are clarifications. He stated that they aren't challenging the direction or policy approach of the ordinance, and instead are adding clarity.

Councilmember Colson stated that she is fine with the requirements for new commercial with the exception of having restaurants write a letter to be able to use a gas stove. She added that she had heard from a lot of constituents that they are concerned that they will be told that they have to take out their gas stoves and put in electric. Additionally, she suggested working with PCE to develop an incentive program around stoves and barbecues.

Councilmember Ortiz stated that he believed that the proposed ordinance was a good start. He explained that the one thing he did hear from developers concerned centralized boilers and that there wasn't a good electric solution. He added that he struggles with the single-family residence remodel requirements. He stated that until there is good electric solution for outdoor fire pits and cooking, that requirement will bother him.

Vice Mayor O'Brien Keighran stated that in regard to commercial kitchens, she didn't think that it should be mandated that they use electric and have to apply for an exception.

Vice Mayor O'Brien Keighran stated that in regard to single-family residences, she thought that an incentivized program versus a mandate would work better. She also noted that technology has not caught up with the mandates such as electric fireplaces versus gas fireplaces.

Vice Mayor O'Brien Keighran stated that she has mixed emotions about EV chargers because there are waiting lists for several types of electric cars. Therefore, she was unsure if it should be mandated until

production catches up with the need. She added that she approves of the requirement for new developments to pre-wire because then the developer has the choice.

Vice Mayor O'Brien Keighran stated that she heard the same concern as Councilmember Ortiz about centralized boilers. She discussed the disadvantages of all-electric with the increasing amount of power outages. She stated that with more people working from home, it could create power surges.

Councilmember Ortiz discussed splitting the ordinance up so that there is an ordinance for commercial, multi-family, and single-family.

Mayor Beach stated that if the Council believes there is a climate emergency and the reach codes are something that the City can do at the local policy level to make an impact, then the City should push the envelope and make themselves a little uncomfortable. She added that she was comfortable with the data from staff that it is less expensive to build all-electric, less costly to maintain, better for health and air quality, and a more sustainable source of energy.

Mayor Beach stated that for individuals that haven't been following the discussion, she didn't want them to think that the government was going to require them to rip out their gas stoves in their kitchen. She explained that this wasn't what the reach code required. Instead, the reach code focuses on substantial remodels that include kitchen and HVAC construction. She stated that this only affects approximately 14 homes a year.

Mayor Beach stated that she believed the proposed ordinance represented a lot of compromises. She explained that she wouldn't have originally approved of the exception for restaurants, but she has come around to the idea.

Councilmember Colson stated that she liked Councilmember Ortiz's idea. She explained that there is general consensus on a broad majority of the proposed ordinance. She suggested breaking the ordinance up into three codes: EV charging, solar, and building electrification. She stated that she believed the only place where there was disagreement amongst the Council was on commercial kitchens and single-family new construction.

CDD Gardiner stated that staff could break it up into different ordinances. He noted that the items he was hearing a need for clarity on are commercial kitchens, gas fireplaces, and gas firepits.

Mayor Beach stated that if there were to be an exception to allow gas fireplaces and fire pits in people's backyards, then new gas lines would need to be installed. She worried that later the owners would use that line for their kitchen.

Councilmember Brownrigg stated that he thought it made a lot of sense to pursue the method that Councilmember Ortiz and Councilmember Colson suggested. He stated that he would break up the ordinance based on the type of building: single-family, commercial, and multi-family. He stated that he

believed there was broad based agreement on commercial and multi-family except for the kitchen exception in commercial.

Councilmember Brownrigg concurred with Vice Mayor O'Brien Keighran that when the City can do things by incentives it is preferable.

Mayor Beach asked if staff had direction. CDD Gardiner replied in the affirmative.

**c. PUBLIC HEARING AND ADOPTION OF RESOLUTIONS (1) ADOPTING THE FY 2020-21 OPERATING AND CAPITAL BUDGETS AND AUTHORIZING THE FINANCE DIRECTOR TO ASSIGN USES OF FUND BALANCE AMOUNTS; (2) APPROVING THE GANN APPROPRIATION LIMIT; AND (3) APPROVING A CONTRIBUTION TO THE CITY'S PENSION BENEFIT TRUST ACCOUNT WITH PARS**

Finance Director Augustine stated that this is the third time the Council has reviewed the proposed budget for fiscal year 2020-21. She explained that unfortunately the mid-year report wasn't able to provide the City with a solid base for the upcoming fiscal year. She stated that since the mid-year report, COVID-19 created unprecedented havoc in the economy. She explained that for Burlingame, the combined effects of declines in personal income, travel, and consumer spending equate to a major hit to two of the City's largest revenue sources. The City had to change the way it does business and provides municipal services.

Finance Director Augustine reviewed the budget highlights for fiscal year 2020-21. She stated that there has been an economic about-face as a result of COVID-19 which resulted in:

- Major shift in City revenues
- Eliminated the transfer of funds to the Capital Investment Reserve
- Created a reliance on the City's reserves

Finance Director Augustine stated that staff had to re-examine the City's budget priorities:

- Focus on short-term to determine appropriate fiscal response
- Provide day-to-day operations and capital needs required to sustain high quality services
- Fund long-term, legally obligated liabilities
- Provide for infrastructure needs
- Advance planning of longer-term priority initiatives, policies, and strategies

Finance Director Augustine discussed an overview of the fiscal year 2020-21 proposed budget. She stated that the proposed budget does the following:

- Assumes continued weakness in General Fund revenues throughout the upcoming fiscal year
- Reduces CIP transfer out by \$6.5 million
- Utilizes \$2 million of previously set-aside funds for Debt Service of 2019 Lease Revenue Bonds
- Eliminates transfer to Capital Investment Reserve
- Continues funding for Section 115 Pension Trust Fund (\$2.25 million General Fund and nearly \$2.8 million city-wide)

- General Fund revenues down 22% from fiscal year 2019-20 adopted budget (roughly \$17.3 million)
- Total General Fund operating expenditures up 5% from fiscal year 2019-20 adopted budget
- Total General Fund balance to decrease \$5.2 million (\$2.25 million restricted for contribution to Section 115 Pension Trust Fund)

Finance Director Augustine reviewed a chart depicting General Fund revenues for the past two years. She noted that the chart showed that the current fiscal year's revenues were adjusted down. She stated that the revenues were more than \$15 million less than fiscal year 2018-19.

Finance Director Augustine discussed TOT. She reviewed a bar-chart that showed TOT revenues from fiscal year 2018-19 and fiscal year 2019-20 on a monthly basis. She noted that the revenues are severely diminished in the current fiscal year as a result of COVID-19. She stated that the TOT budget projection for fiscal year 2020-21 is \$14 million. She explained that this equates to \$1.17 million a month.

Finance Director Augustine discussed sales tax. She explained that taxable sales for the first half of fiscal year 2019-20 were down 5.2% compared to fiscal year 2018-19. She noted that the Wayfair decision boosted the fourth quarter of 2019 by 5.7%. She stated that different sectors were expected to recover at varying rates throughout fiscal year 2020-21. She explained that the adjusted budget for sales tax this year shows a decline of \$3.6 million, which is more than a 20% decrease. She stated that the projected sales tax revenue in fiscal year 2020-21 is \$12 million.

Finance Director Augustine discussed property taxes. She stated that this is the one bright spot for the City's General Fund revenue. She explained that the projection for the City's property tax was updated on June 1 to include the latest information from the County Assessor's roll. She stated that it shows a major addition to the property tax rolls in recent months, most likely due to the Burlingame Point development.

Finance Director Augustine stated that if the COVID-19 recession has an impact on property values, the City won't feel the decline until 2021. She added that secured property taxes are expected to grow at a rate higher than the current fiscal year. The assessed roll grew at 7.3% in the current fiscal year, and it is being reported that next fiscal year, it will have an 11.5% growth.

Finance Director Augustine reviewed a pie-chart depicting the City's various revenue sources. The pie-chart showed that TOT would not be the leading revenue source for the City in the upcoming fiscal year as it had been in the past.

- Property Tax – 40.9%
- Transient Occupancy Tax – 22.8%
- Sales and Use Tax – 19.5%
- Other Revenue – 16.8%

Finance Director Augustine reviewed expenditure highlights for the proposed fiscal year 2020-21 budget:

- General Fund expenditures are up compared to the current year's budget
- Increases in overall personnel expenditures (2.8%) due to added FTEs and benefit cost increases

- Other operating costs decrease slightly

*At this point in the presentation, technology difficulties arose which resulted in Finance Director Augustine having to relog into the meeting, and therefore the City Manager took over the presentation.*

City Manager Goldman reviewed a chart depicting appropriations by program. She noted that there are very small increases in the proposed budget from last year's budget. She explained that salaries and wages are always going to be where the City puts a lot of its money. She stated that the total benefit increase from last year is 5.8%, and the total personnel cost is up 2.8% from last year.

City Manager Goldman reviewed the authorized full-time equivalents for the proposed budget. She noted that there are no changes to FTEs in the upcoming fiscal year. Instead the FTE additions were approved in the current fiscal year.

City Manager Goldman stated that the projected revenues for fiscal year 2020-21 are \$61 million, and projected expenditures are \$66 million. She noted that this leaves the City with a deficit of \$5 million. She added that the General Fund balance is projected to go from \$37.6 million to \$32.4 million in the next fiscal year.

City Manager Goldman reviewed the Capital Improvement Program for the upcoming fiscal year. She stated that the City has decided to delay some of the projects as a result of the decrease in revenues. However, \$3.155 million from the General Fund and \$10.95 million from other sources would be used for projects in the City.

City Manager Goldman discussed the Capital Investment Reserve. She noted that it was established in fiscal year 2014-15 with \$3 million. She stated that the reserve's balance as of June 30, 2020 would be \$24.656 million.

City Manager Goldman reviewed the Gann appropriation limit. She stated that it places a limit on the growth of expenditures for public programs. She noted that the limit is adjusted annually for changes in cost of living and population. She stated that the City is well within its limit.

Mayor Beach opened the public hearing.

Julienne Broughton voiced concern about the size of the police department's budget. She asked that the City consider refocusing funds from the police towards other public safety organizations. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Mayor Beach closed the public hearing.

Mayor Beach asked the City Manager if she would like to respond to the public comment. City Manager Goldman stated that the City has a professional police department where most if not all have college

educations. She added that the police are well-trained and work with social service agencies. She stated that the City has forty sworn officers whose work is regularly reviewed.

Councilmember Brownrigg made a motion to adopt Resolution Number 084-2020, Resolution Number 085-2020, and Resolution Number 086-2020; seconded by Councilmember Colson. The motion passed unanimously by roll call vote, 5-0.

## **10. STAFF REPORTS**

### **a. CONSIDERATION OF TWO APPOINTMENTS TO THE LIBRARY BOARD OF TRUSTEES**

City Manager Goldman stated that there were two vacancies on the Library Board of Trustees due to the expiration of Mike Nagler and Kerbey Altmann's terms. She noted that Kerbey Altmann elected not to reapply, and therefore the application period was extended. She stated that the City received seven applications, and the City Council interviewed all seven applicants on June 2, 2020. The applicants were Mike Nagler, Robin Montoya, William Glass-Husain, Kristin Larson Capkin, Jennifer Johnson, Lindsay Docto, and Cindy Lin.

City Manager Goldman stated that the Council would be appointing two people to serve three-year terms ending in June of 2023.

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

City Clerk Hassel-Shearer asked that the Council Zoom chat their votes to her.

City Clerk Hassel-Shearer read their ballots.

During the first round of voting, a majority was reached for Mike Nagler but not for the second seat. Accordingly, the Council discussed the candidates and re-Zoom submitted their ballots for the second seat.

Congratulations to Mike Nagler on being re-appointed and congratulations to Kristin Larson Capkin on her appointment.

### **b. ADOPTION OF A RESOLUTION AUTHORIZING MAYOR BEACH TO TAKE FORMER PRESIDENT BARACK OBAMA'S PLEDGE TO ADDRESS POLICE USE OF FORCE POLICIES**

*Mayor Beach moved this item up to before 10a because of the late hour and the public's interest on the item.*

Mayor Beach noted that the staff report was in response to a lot of important public engagement about use of force policies in police departments across the country. She stated that Police Chief Matteucci, City

Manager Goldman, City Attorney Kane, and she met to discuss whether this would be an appropriate item for the Council to consider.

Police Chief Matteucci stated that on June 3, 2020, in response to the tragic death of George Floyd, former President Barack Obama challenged “every mayor in this country to review (its) use of force policies with members of (the) community and commit to report on planned reforms.” He explained the pledge consists of four components:

1. Review your police use of force policies
2. Engage your communities by including a diverse range of input, experiences, and stories in your review
3. Report the findings of your review to your community and seek feedback
4. Reform your community’s police use of force policies

Police Chief Matteucci explained that the City’s Police Department contracts with the firm Lexipol to provide police policies. He stated that Lexipol is a California-based firm that specializes in this area. The company provides the City with legally sound policies written by attorneys and experts in the field. He noted that Lexipol also takes input from a variety of additional sources including reform groups.

Police Chief Matteucci stated that although staff is confident with the use of force policies that are in place, staff understands and welcomes a transparent and public review of the Police Department’s use of force policy.

Councilmember Colson thanked the Police Chief for supporting the initiative. She asked how the Police Department will be engaging with the community under the second component of the pledge. Chief Matteucci stated that he thought the City would hold a Zoom Town Hall in order to gather input.

Councilmember Colson stated that a Town Hall would be great. She asked that staff conduct public outreach throughout the city in order to get a diversity of opinions. Police Chief Matteucci replied in the affirmative.

Mayor Beach asked the Police Chief to talk about the statement that he put out to the community on the City’s use of force policy. Police Chief Matteucci stated that during the previous week, he met with the Police Officers Association (“POA”) to discuss the City’s use of force policy. He explained that at the time, the carotid hold was still in the City’s policy. He stated that the Police Department and POA agreed to immediately ban the carotid hold or any type of choke hold.

*At this point, Mayor Beach began to ask a question; however, technology issues froze her screen, and she had to relog into the meeting.*

City Manager Goldman asked Police Chief Matteucci to talk more about his meeting with the POA. Police Chief Matteucci stated that although the carotid hold was allowed under the City’s policy, it has not been used in the past fifteen years. He added that he also discussed de-escalation practices with the POA. He stated that the City’s police officers undergo de-escalation training and practice it when responding to all calls. He noted that it is not in the policy manual, and therefore the POA agreed to put this into the City’s policy.

City Manager Goldman asked Police Chief Matteucci to review the trainings that police officers are required to go through on a routine basis. Police Chief Matteucci stated that the police officers go through the following training on a routine basis:

- Force Options – He stated that this is training designed to increase awareness of what types of force they should use in a situation, including de-escalation. He explained that this is a simulator training where the officer walks through an actual event and determines how best to handle the situation.
- Defensive Tactics – He explained that this training teaches officers about the proper use of self-defense and includes de-escalation.
- Tactical Communications – He stated that this training teaches officers different de-escalation techniques and how to foster more positive relationships with the community.
- Crisis Intervention Training – He stated that this is to assist officers when they are responding to individuals with mental illness.

Mayor Beach stated that it sounds like the Police Chief has instituted important regular trainings and reviews of policies. She thanked the Police Department for their willingness to further review their policies with the community in order to see where the policies can be improved.

Vice Mayor O'Brien Keighran asked how often police officers go through the trainings that the Police Chief had discussed. Additionally, she asked what the requirement is for continued education. Police Chief Matteucci stated that the State requires police officers to go through the Force Options training every two years. He noted that the City is fortunate to have a Force Option simulator of its own and therefore, the officers go through it once a year. He noted that officers go through Defensive Tactics training every two years, Tactical Communications training every two years, and Crisis Intervention Training is done regularly.

Police Chief Matteucci stated that he failed to mention earlier that officers go through Bias Training, which the State requires every five years.

Mayor Beach asked if she was correct that last year the City implemented Hate Crime training for all officers. Police Chief Matteucci replied in the affirmative. He noted that it is not a State requirement; however, staff felt it was important because of incidents that had occurred in the city.

Mayor Beach opened the item up for public comment.

Chowning Poppler voiced her support for signing on to President Obama's pledge. She listed the names of 25 individuals who had died at the hands of law enforcement in San Mateo County in the past twenty years. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Scot Rohrer voiced support for signing on to President Obama's pledge and asked how the City goes about changing its use of force policy if it is drafted by an outside company. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Kayla Bauhaus asked what the timeline would be for reviewing the Burlingame Police Department's use of force policy. She thanked the City for being open to reviewing its policy and working with the community. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Arne Hurty asked the City to audit the Police Department and consider utilizing organizations with social service expertise to assist the community. (comment submitted via [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org)).

Mayor Beach closed public comment.

Councilmember Ortiz voiced support for the Police Department. He noted that it is important that the City take this time to step back and review the Police Department's use of force policies.

Councilmember Colson stated that in 1998, the Police Department had more officers than it has today. She explained that the Police Department had been thoughtful about adding costs to the City's budget. Police Chief Matteucci stated that the Police Department's budget was trimmed in 2001 and then again after the housing crisis. He explained that in 1991, the Police Department had 51 officers, and up until a few years ago they had 37.

City Manager Goldman stated that in recent years, the City had added new police officer positions, but that the increases had been done in a thoughtful manner. She explained that the City created a community response team with two of the new positions. This team's job is to work regularly with the public and the business community and be a familiar face to all. She added that after the Council and staff held meetings with different community groups about what improvements were needed in the City, a majority of people asked for additional police resources. Accordingly, the Council approved using Measure I funds to fund a new police officer position.

Mayor Beach asked if the Community Response Team are the officers that go out when neighborhoods want the police to come and talk to their community organizations and block parties. Police Chief Matteucci replied in the affirmative.

Vice Mayor O'Brien Keighran stated that the City's Police Department has been very responsive. She noted that any time she has called the department with constituent asks, the Police Department quickly responds.

Vice Mayor O'Brien Keighran asked what the timeline would be for the Town Hall. Additionally, she asked if this would be done in one meeting or would there be several meetings. Police Chief Matteucci stated he envisioned a general meeting and then a follow up with more focused conversations.

Councilmember Brownrigg voiced his respect for the Police Department and Police Chief. He discussed the concerns that people of color have with police departments. He talked about DeRay McKesson, a leader in the Black Lives Matter movement, and his thought experiment that asks what crime could your child commit where it would be okay for a police officer to use deadly force in response. He stated that he believed the answer was none.

Councilmember Brownrigg discussed the Okobi case and stated that Mr. Okobi's death happened right outside of Burlingame's City limits. He explained that while he believed the City's Police Department did great work, there was a national conversation that was occurring about police departments' use of force policies. He stated that he believed the City could be leaders in this conversation and thought it was important to review the City's own use of force policy. Additionally, he discussed the importance of hiring a diverse staff of officers and to consider whether officers needed to be armed for all calls and interactions with the public. He noted that the National Center for Women and Policing reported that twenty years of exhaustive research demonstrates that women police officers utilize a styling of policing that relies less on physical force and more on communication skills that defuse potentially violent situations. Therefore, women police officers are much less likely to be involved in occurrences of police brutality and much more likely to effectively respond to police calls regarding violence against women, which remains the single largest category of calls to police. He stated that the Police Department's goal should be to have 50% of their officers be female.

Councilmember Brownrigg stated that he appreciated that the Police Chief was open to the review.

Councilmember Colson stated that she supported the pledge. She discussed how quickly the police department responded to her request to revisit a school district request to send officers out to verify addresses for attendance. She explained that these small adjustments will make the community feel safer.

Mayor Beach voiced her appreciation for the Police Department. She thanked them for their assistance during the previous weekend's marches. She noted that she thought the Town Hall could also address the public's questions about partnering with social service agencies and how police misconduct is handled and made public.

Councilmember Ortiz made a motion to adopt Resolution Number 087-2020; seconded by Vice Mayor O'Brien Keighran.

Councilmember Brownrigg commented on the motion, asking if it can be made clear that the entire Council is requesting that the City join President Obama's pledge.

Councilmember Colson asked if the Resolution could be amended so that all members of Council could sign on to it. City Clerk Hassel-Shearer replied in the affirmative.

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

## **11. COUNCIL COMMITTEE AND ACTIVITIES REPORTS AND ANNOUNCEMENTS**

There were no Council Committee and Activities Reports.

## **12. FUTURE AGENDA ITEMS**

There were no future agenda items.

**13. ACKNOWLEDGEMENTS**

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

**14. ADJOURNMENT**

Mayor Beach adjourned the meeting at 10:54 p.m.

Respectfully submitted,

Meaghan Hassel-Shearer  
City Clerk