



MINUTES
CITY COUNCIL
CITY OF SOUTH SAN FRANCISCO

REGULAR MEETING
MUNICIPAL SERVICES BUILDING
COUNCIL CHAMBERS
33 ARROYO DRIVE
SOUTH SAN FRANCISCO, CA

WEDNESDAY, AUGUST 28, 2019
7:00 p.m.

CALL TO ORDER

7:00 p.m.

ROLL CALL

Present: Councilmembers Addiego, Nagales and Nicolas, Vice Mayor Garbarino, and Mayor Matsumoto.

PLEDGE OF ALLEGIANCE

Mayor Matsumoto led the Pledge of Allegiance.

AGENDA REVIEW

No changes.

ANNOUNCEMENTS FROM STAFF

City Clerk Acosta announced that the City Clerk's Office offers Notary Public services to members of the public and is awaiting final approval to become a Passport Acceptance Facility.

PRESENTATIONS

1. Presentation of a proclamation recognizing September as National Childhood Cancer Awareness Month in South San Francisco. (Karyl Matsumoto, Mayor)

Vice Mayor Garbarino read into the record a proclamation recognizing September as National Childhood Cancer Awareness Month in honor of Juliana Pena. He indicated that City Hall would be adorned with gold lights and the tree on Sign Hill would be lit in gold to raise awareness and education on the topic of Childhood Cancer. Jesus Pena, parent of Juliana Pena and co-founder of Julian's Journey Foundation thanked Council and accepted the proclamation in memory of Alec Garcia, native of South San Francisco, who passed away from colon cancer a few months ago.

2. Presentation of a proclamation recognizing September 15- October 15 as National Hispanic Heritage Month in South San Francisco. (Karyl Matsumoto, Mayor)

Mayor Matsumoto read into the record a proclamation designating September 15 – October 15 as National Hispanic Heritage month and recognized the contributions of inspirational Hispanic American leaders. Parking Place Commissioner Monzon accepted the proclamation on behalf of the Hispanic community and thanked Council for the recognition.

3. Presentation of New Employees. (Mich Mercado, Human Resources Manager)

Human Resources Manager Mercado presented newly hired employees who introduced themselves to Council as follows:

Kathy Borg	Administrative Assistant 1
Yolanda Longboy	Accounting Assistant II
Sarah Henricks	Management Analyst II
Nickolas Alaimo	Building Inspector
Kathryn Alexander	Librarian I
Frances Ulrich	Literacy Services Coordinator
Catherine Misener	Administrative Assistant I
Andrew Hyde	Police Officer
Justin Sakurai	Police Officer
Gina Tassone	Communications Dispatcher
Monterey Gordon	Library Assistant II

PUBLIC COMMENTS

Edith Arias, resident of South San Francisco, addressed the Council and provided an overview of the Community Collaborative for Children Success (CCCS) group. She shared her experience in facilitating a Spanish-speaking parent engagement meeting at South San Francisco High School and encouraged parents to participate in their children’s education. She expressed her support of the City's efforts to increase the minimum wage.

Meeting recessed: 7:31 p.m.
Meeting resumed: 7:40 p.m.

COUNCIL COMMENTS/REQUESTS

Vice Mayor Garbarino recognized and congratulated staff on the successful Cultural Arts Commission BBQ event. He recognized September as both National Childhood Cancer and Prostate Cancer Awareness month. He stressed the importance of cancer screening, especially for men, since it’s estimated that 25,000 California men will be diagnosed with prostate cancer this year alone. He informed the community about a rise in vehicle burglaries and encouraged residents to be more vigilant and not leave items of value in their unattended cars.

Councilmember Nagales discussed his concern about pedestrian accidents and requested statistics. Police Chief Azzopardi indicated that in 2018 there were 25 accidents in South San Francisco involving vehicles and pedestrians. Of those 25 accidents, 21 of them found to be the driver’s fault and four found to be pedestrian’s fault. The primary vehicle collision factor was failing to yield to pedestrians. In 2019 so far, there have been 17 collisions. He provided an overview of the department’s accident documentation process. Chief Azzopardi indicated that the department refers some issues to the Traffic Advisory Committee (TAC) for review of areas throughout the City that may require additional signage and speed limits.

Councilmember Nagales requested an update on the Downtown Wireless project. IT Director Barrera indicated that the project began earlier this year in partnership with San Mateo County who

is providing project funding. He provided an overview of the project and stated that Phase 1 will have access points around City Hall; Phase 2 scheduled to begin September 2019 and extend to Grand Avenue and Airport Boulevard. He requested expansion of this Pilot Program into other portions of the community such as Westborough community to address the digital divide-affecting students. IT Director Barrera indicated that he would explore options.

Councilmember Nicolas expressed her appreciation for the Boards and Commissions Recognition event with kudos to the City Clerk. She also thanked Vice Mayor Garbarino for representing Council in the recent electric vehicles event. She and Councilmember Addiego attended the Paradise Valley community meeting. Councilmember Nicolas thanked Mayor Matsumoto for her donation to the raffle for the Cultural Arts Commission BBQ. Councilmember Nicolas also attended the Westborough Community meeting regarding the City's General Plan and the Mayor's Town Hall. She requested to adjourn the meeting in memory of Lucila Nicdao, former resident of South San Francisco.

Councilmember Addiego congratulated City Clerk Acosta for the efforts she has done in improving services to the community. He discussed an article posted on the Daily Journal regarding an individual in crisis and the SSF PD involvement in the incident. He congratulated Chief Azzopardi and his team for their prompt response and collaboration.

CONSENT CALENDAR

The City Clerk duly read the Consent Calendar, after which Council voted and engaged in discussion of specific items as follows: Mayor Matsumoto pulled Item 4. Councilmember Nagales pulled Items 5 and 8.

6. Motion to cancel the regular meeting of the City Council for September 11, 2019.
7. Report regarding a motion to accept the construction improvements of the South San Francisco ADA Curb Ramp Replacement Project (Project No. st1903) as complete in accordance with plans and specifications (Total Construction Cost \$195,642.00). (Matthew Ruble, Principal Engineer)
9. Report regarding Resolution No. 111-2019 approving the Second Amendment to a Consulting Services Agreement with Metropolitan Planning Group for staff augmentation services for an additional amount of \$130,000 and a total contract amount of \$320,000, and authorizing the City Manager to execute the second amendment. (Tony Rozzi, Principal Planner)
10. Report regarding adoption Ordinance No. 1585-2019 amending Title 20 of the South San Francisco Municipal Code to make minor revisions, corrections, and clarifications; and improve and streamline the development standards in accordance with the General Plan (Tony Rozzi, Principal Planner).
11. Report regarding Resolution No. 112-2019 rejecting all bids for the Linden Ave. Complete Streets(Aspen to Miller) Phase II/ Spruce Ave (Lux Ave to Maple Ave) Project. (Matthew Ruble, Principal Engineer)

Motion – Vice Mayor Garbarino /Second – Councilmember Addiego: To approve Consent Items 6, 7, 9, 10 and 11. Unanimously approved by roll call vote.

ADMINISTRATIVE BUSINESS

12. Report recommending the adoption Resolution No. 113-2019 to approve Consulting Services Agreement with Matrix Consulting to conduct a Comprehensive User Fee Study, Cost Allocation Plan, and Impact Fee Study Review in an amount not to exceed \$100,000. (Heather Enders, Management Analyst II)

Finance Director Salisbury presented the report and indicated that staff issued a Request for Proposals (RFP) for a Comprehensive User Fee Study, Cost Allocation Plan, and Impact Fee Study. This recommendation comes as a result of a formal RFP process, issued July 2019.

She indicated that the City received three timely responses - from Matrix Consulting Group; Harris and Associates who was to be a sub-contracting on the user fee study via Clearsource; and Willdan Financial Services. The firms were evaluated and by an internal panel comprised of the Director of Finance, Financial Services Manager, Deputy Director of Economic and Community Development, and Management Analyst II.

Based on the evaluation panel scores, Matrix Consulting Group demonstrated that they had the appropriate experience level desired and demonstrated that they were wholly available to staff throughout the entire project and beyond.

Councilmember Nicolas inquired about comparison City's. The Consultant, Ms. Ramos indicated that the selection of the City would be dependent on the types of services offered.

Mayor Matsumoto complimented staff on their due diligence and expressed her support.

Motion – Vice Mayor Garbarino/Second –Councilmember Nicolas: To adopt a Resolution No.113-2019 to approve consulting services agreement with Matrix Consulting to conduct a Comprehensive User Fee Study, Cost Allocation Plan, and Impact Fee Study Review in an amount not to exceed \$100,000. Unanimously approved by roll call vote

13. Report regarding Resolution No. 114-2019 approving the final parcel map for 988 El Camino Real, authorizing the City Manager to execute the improvement agreement, encroachment and maintenance agreement, storm drain easement encroachment agreement, COM (construction, operation, and maintenance) agreement, storm water treatment measures maintenance agreement, and authorizing the recordation of the final parcel map, the improvement agreement and all related documents. (Jason Hallare, Associate Civil Engineer)

Associate Civil Engineer Hallare presented the report and indicated that on February 28, 2018, the City Council approved an entitlements request by Summerhill Homes ("Developer") to construct a new six-story mixed-use building with a total of 172 residential units and approximately 10,900 square feet of retail at 988 El Camino Real.

The City is working extensively with the Developer to ensure that the Developer reaches the construction milestone as quickly as possible. The Developer has completed several building permit submittals and is anticipating approval of the building permit shortly. The approval of the final parcel map, improvement agreement, encroachment and maintenance agreement, and storm drain easement encroachment agreements are required for the Developer to obtain the building permit and begin vertical construction.

The City Engineer and the City's technical reviewer, with concurrence of all affected City departments and divisions, have determined that the final parcel map for 988 El Camino Real, described in Exhibit A of the attached resolution, the on-site and off-site improvements, and all related documents and plans are in compliance with the Subdivision Map Act, the City's Subdivision Ordinance, and all applicable tentative map conditions of approval for said development.

The final parcel map for 988 El Camino Real will merge the existing parcels into one (1) parcel to construct a mixed-use building, which includes one-hundred seventy-two (172) residential units and two (2) commercial units. All units will be served by public roads (El Camino Real and Chestnut Avenue), sewers, storm drains, and other private utilities.

He indicated that pursuant to South San Francisco Municipal Code Chapter 19.44.090, the Subdivider is required to execute a subdivision improvement agreement for all improvements to be constructed in the subdivision. The subdivision improvement agreement has been reviewed by the Engineering Division and City Attorney's office. Additionally, the Engineering Division and City Attorney's Office have reviewed the preliminary title report and the deed restrictions; both are acceptable and the final parcel map is ready for submission to the City Council. Lastly, the subdivider will provide the City with appropriate security for the faithful performance of the improvements contemplated in the improvement agreement.

The improvement agreement is an agreement between the Developer and the City which requires that the Developer construct the various public improvements ("Improvements") adjacent to the subdivision. The Improvements are described in Exhibit B of the attached resolution, which consists of the civil improvement plans and cost estimate related to the public improvements the Developer will perform. The developer has placed a bond in the amount of 110% of the cost of the Improvements.

The Encroachment and Maintenance Agreement is an agreement between the Developer and the City which allows the Developer to install certain improvements within the City Right-of-Way ("ROW") and requires the Developer to maintain these certain improvements and all landscape along the frontage of the property. The limits of the encroachment and maintenance agreement are described in Exhibit C of the attached resolution.

The Storm Drain Easement Encroachment Agreement is an agreement between the Developer and the City that provides indemnification regarding an existing box culvert within the property, and includes proposed improvements serving the development and memorializes an understanding between the City and the Developer regarding future repairs to the existing box culvert and surface improvements installed by the development. The location of storm drain easement encroachment agreement is described in Exhibit D of the attached resolution.

The Construction, Operation, and Maintenance Agreement (COM agreement) is an agreement between the Developer and the City that provides consent from City to allow the Developer to install and maintain enhancements and fitness equipment to the Centennial Trail at a location where City holds a Bay Area Rapid Transit (BART) permit over BART property. The location of the BART encroachment described in Exhibit E of the attached resolution.

The Stormwater Treatment Measures Maintenance Agreement is an agreement between the Developer and the City that requires the Developer to maintain and inspect the private stormwater treatment measures on the Development and report to the Water Quality Control Plant annually.

The stormwater treatment measures and maintenance described in Exhibit F of the attached resolution.

Vice Mayor Garbarino inquired about the timeline of the project and project inspections. Public Works Director/City Engineer Kim indicated that there are no current project delays; staff or the City's consultant will perform inspections. He inquired about egress and ingress from El Camino Real and noted the difficulty to read prints, he requested enlarged prints for future presentations.

Mayor Matsumoto inquired about (ECR state route) safety items, was the City Westborough/Chestnut/ECR due to pedestrian safety. Was the City able to expand or enlarge the median for pedestrian crossing on ECR. Jason indicated that it is a Caltran project and would be coordinated with Caltran.

Matthew Ruble Principal Engineer - median extensions along ECR are not part of this project but will be considered in the Grand Boulevard Initiative project, pending Caltran approval.

Motion – Councilmember Nicolas/Second –Councilmember Nagales: To adopt Resolution No. 114-2019 approving the final parcel map for 988 El Camino Real, authorize the City Manager to execute the improvement agreement, encroachment and maintenance agreement, storm drain easement encroachment agreement, COM agreement, stormwater treatment measures maintenance agreement, authorizing the recordation of the final parcel map, the improvement agreement and all related documents. Unanimously approved by roll call vote.

14. Report introduced regarding an ordinance increasing the Minimum Wage to \$15 per hour effective January 1, 2020. (Christina Fernandez, Assistant to the City Manager)

Assistant to the City Manager Fernandez presented the report and stated that currently the State's minimum wage is \$12.00 per hour. At a Special City Council meeting on April 9, 2019, City Council directed staff to increase the minimum wage to \$15 per hour for all city employees effective July 1, 2019, accomplished through the FY 2019-2020 City Budget, passed by City Council on June 26, 2019. In addition, Council directed staff to explore the increase of the minimum wage to \$15 per hour for all businesses citywide with a targeted effective date of January 1, 2020. At a Special City Council meeting on July 22, 2019, Council received a staff presentation on increasing the minimum wage citywide to \$15 per hour.

Council provided the following direction: Beginning January 1, 2020, employers who are subject to the City of South San Francisco Business License or who maintain a facility in the City of South San Francisco must pay each employee who performs at least two hours of work per week in the City of South San Francisco, minimum wages not less than \$15.00 per hour. Thereafter, the minimum wage adjusted annually based on the National Consumer Price Index (CPI-W).

Per California State regulation (California Industrial Welfare Commission Order No. 4-2001), an employee who is defined as a "learner" shall be paid no less than 85% of the applicable Minimum Wage for the first 160 hours of employment. Thereafter, the learner shall be paid the applicable minimum wage.

The City Manager's office, in coordination with the Economic and Community Development Department, hosted a series of four Business Town Hall meetings on July 17, 2019, June 24, 2019, June 27, 2019 and June 28, 2019. Two meetings held in the morning and two in the evening.

The City advertised the town hall meetings through mailers sent to every business license holder citywide. Approximately 6,000 mailers sent via U.S. Postal Mail to every business license address. Please see Attachment 2 for a copy of the mailer. In addition, members of the non-profit organization Gatepath personally handed out mailers to every business along Grand Avenue and Linden Avenue.

Further, the City advertised the business town hall meetings on social media platforms including the City's Facebook page, the Economic and Community Development Facebook page, NextDoor and the City's Website Calendar of Events. The Economic and Community Development department and the City Manager's office also provided e-blasts to their distribution lists. Lastly, the City also called businesses along Grand Avenue to inform them of the business town hall meeting dates.

Representatives from the hotel, restaurant, tobacco retail, and grocer industries participated in the Business Town Hall meetings. However, despite the above named outreach efforts, fewer than 20 businesses cumulatively participated.

The proposed minimum wage ordinance increases the City's minimum wage to \$15.00 per hour effective January 1, 2020 for all employees who perform at least two hours of work per week within the geographic boundaries of the city. Beginning January 1, 2021, and each January thereafter, the minimum wage will increase by a percentage amount equal to the prior year's increase, if any, in the Consumer Price Index (CPI) for San Francisco-Oakland- San José's as determined by the Department of Labor.

The City will publish and make available to employers a bulletin announcing the adjusted minimum wage rate to take effect January 1 of the following year. In conjunction with the bulletin, the City will by November 1st of each year make available to employers a notice suitable for posting by employers in the workplace informing employers of the current minimum wage rate and of their rights.

The employer will also give written notification to each employee of his or her rights under this ordinance. The City is authorized to prepare and make available to employers in the top three languages spoken by residents of the City per the U.S. Census Data a notice suitable for posting in the workplace.

The City's ordinance will not count tips or gratuities as part of the minimum wage for employees. California law prohibits an employer from using an employee's tips and gratuities as a credit against any wages due the employee from the employer. (Labor Code section 351) Thus, employers may not use tips and gratuities to discount their obligations to pay the minimum wage.

The City's ordinance will apply to all businesses regardless of size and type of business. While there is not a special exemption made for employees under the age of 18, per California Industrial Welfare Commission Order No. 4-2001, an employee who is defined as a "learner" shall be paid no less than 85% of the applicable Minimum Wage for the first 160 hour of employment. Thereafter, the learner shall be paid the applicable minimum wage. This carve-out may be applied to employees under the age of 18.

The City of South San Francisco may contract with the City of San José's Office of Equality Assurance to conduct initial investigations of complaints, resolve complaints, and provide restitution of wages to employees. Cases where the employer refuses to pay wage restitution are to be administered by the City under an existing administrative enforcement provision set forth in Chapter 1.24.

The City may take any enforcement action set forth in Chapter 1.24 of the Municipal Code to address violations. An employee may also bring an action against the employer in court to enforce the Minimum Wage Ordinance seeking remedies such as back pay, reinstatement, injunctive relief, or civil penalties. In addition, to back wages unlawfully withheld payment of an additional civil penalty in the amount of \$50 to each employee per day in violation.

City of South San Francisco employers are subject to Federal, State, and the City of South San Francisco minimum wage laws. When there are conflicts in the laws, the employer must follow the strictest standard, meaning the employers must follow the standard that is the most favorable to the employee. Since the City of South San Francisco ordinance is higher than federal and state law, covered employers are required to pay the City's minimum wage.

Public Comment

Chris DeGrande, resident of South San Francisco and small business owner, addressed the Council to express his concern with the financial impact small businesses may face with the proposed increase.

Grace Steltzon with SMC Health Policy and Planning Division addressed the Council and expressed her support of the proposed ordinance.

Rayna Lehman, addressed Council and congratulated Council for their efforts in supporting families by increasing the minimum wage citywide, she expressed her support of the ordinance.

Councilmember Addiego requested clarification on the definition of "learner". City Attorney Woodruff provided an explanation of "learner" as defined by the Department of Industrial Relations.

Councilmember Nagales indicated that a need to increase minimum wage to \$15 exists in the community and expressed his support of the ordinance.

Mayor Matsumoto expressed her concern with the possible increase to catering services due to the minimum wage increase and requested clarification of "on-call employees". Assistant to the City Manager Fernandez provided an explanation of that classification.

Motion – Mayor Matsumoto/ Second –Vice Mayor Garbarino: To introduce an ordinance adding Chapter 8.70 of the South San Francisco Municipal Code increasing the minimum wage citywide to \$15 per hour effective January 1, 2020, and waive further reading. Unanimously approved by roll call vote.

15. Report regarding an Ordinance adding Chapter 2.81 to the South San Francisco Municipal Code establishing a Traffic Safety Commission. (Sarah Henricks, Management Analyst II)

Management Analyst Henricks presented the report and indicated that the City of South San Francisco ("City") Municipal Code currently includes a three-member Parking Place Commission (PPC), which provides recommendations to the City Council and staff on the acquisition, administration, maintenance, operation, management and enforcement of the rules governing parking spaces and parking lots located within Parking District No. 1, encompassing most of the

downtown business district. The duties of the PPC are set forth in the California Streets and Highway Code, Sections 35100, et seq., also known as the Parking District Law of 1951.

She indicated that during a recent Boards and Commissions recruitment, the City Council expressed an interest in exploring the possibility of expanding the role of the PPC. At a May 22, 2019 Study Session, the City Attorney presented an analysis of the Parking District Law and pointed out that there is no language in state law that explicitly permits a parking place commission to assume additional duties beyond those specified in the Streets and Highway Code. The City Attorney did however state that the City could provide the members of the PPC with more duties by forming a new commission composed of those commissioners and additional appointees. The new commission would assume any additional duties beyond parking district oversight set forth in the Parking District Law.

Upon direction from the City Council, staff prepared an Ordinance establishing a five (5) member Traffic Safety Commission (TSC) composed of the three (3) members of the PPC with two (2) additional at-large members. Staff proposed that meetings of the TSC immediately follow the PPC meetings to avoid scheduling conflicts and to ensure staff and commissioner attendance efficiency. The terms of appointing the two (2) at-large commissioners would mirror those of the PPC for efficient and consistent administration of appointments: three-year terms with a four consecutive term limit. Comments from the City Council suggested that this combination of Parking Place Commissioners and two (2) at-large members would be ideal to provide greater responsibility to the Parking Place Commissioners while providing community members a forum to voice their thoughts and concerns regarding traffic issues and potential solutions.

Staff modeled the duties of the TSC on those outlined in the Cities of San Bruno and Burlingame ordinances establishing their own Traffic Safety and Parking Commissions. Staff proposed giving the TSC a broader subject matter for study and consideration, including, but not limited to policy, programming, improvements, operation, and maintenance of traffic facilities throughout the City. As an advisory body to City staff, major TSC duties include (1) providing a venue for the public to bring traffic related concerns, questions, or suggestions to the City, (2) providing recommendations to staff on traffic improvements, and (3) suggesting design and improvement techniques for lighting and traffic flow on City streets, among others.

Otherwise, the proposed ordinance models the structure of the TSC after those of the PPC under SSFMC Chapter 2.64, including term limits and compensation to commissioners. Creating a TSC with an expanded purview focused on traffic safety, while maintaining the specific parking district oversight of the PPC ensures that the PPC properly exercises its explicit authority granted by the Parking District Law. It also gives the City a new forum for exploring broader traffic related issues.

There is no fiscal impact associated with the administration of this commission as the printing of agenda packets and staff-time to prepare agenda materials and meetings is nominal and can be absorbed into the regular operating budget.

However, as outlined below, there is potential fiscal impact based on the compensation to be paid to commissioners under the proposed ordinance. This impact could vary depending on whether the City Council adopts the compensation structure as-is or amends it.

As currently drafted, all TSC commissioner would receive a \$50 stipend for each regular meeting attended under the proposed ordinance. This would result in an annual impact of approximately \$3,000 based on the compensation paid to all five (5) commissioners.

Mayor Matsumoto expressed her support of a \$50 stipend per meeting. Councilmember Nicolas inquired about the Downtown Parking District 1. Management Analyst Henricks indicated that the district is located downtown. The Parking Place Commission will maintain their current duties overseeing Parking District 1. The Traffic Safety Commission (TSC) will address traffic related issues Citywide and would address community concerns. Public Works Director/City Engineer Kim indicated that TSC could refer requests to TAC for further study.

Management Analyst Henricks indicated a revision to the ordinance to reflect a \$50.00 stipend to Commissioners for attending both meetings, Parking Place Commissioners will not receive a \$50.00 stipend for attending the Traffic Safety Commission meeting.

City Attorney Woodruff clarified the motion to reflect, “Commission members shall receive for their services compensation in the amount of \$50.00 for each regular meeting actually attended. *Members of the Parking Place Commission shall receive \$50.00 total for attending either a Parking Place Commission or the Traffic Safety Commission meeting or for attending both meetings and shall not receive \$100.00 stipend for attending consecutive meetings.*”

Motion – Councilmember Nicolas/Second –Councilmember Addiego: To introduce an Ordinance adding Chapter 2.81 to the South San Francisco Municipal Code establishing a Traffic Safety Commission, and waive further reading, with the City Attorney’s amendments. Unanimously approved by roll call vote

16. Report regarding Resolution No. 115-2019 determining the continued existence of an emergency and the need to continue emergency repairs for the Hillside (Terrabay) Field Light Replacement Project. (Sharon Ranals, Assistant City Manager/Parks and Recreation Director)

Assistant City Manager Ranals presented the report and indicated that in April 2019, City staff determined there exists an emergency need for the removal and replacement of a 70-foot tall athletic field light pole was damaged at Hillside (Terrabay) Ballfield, located at 1400 Hillside Boulevard. This pole was damaged severely during the winter storms in the early months of 2019. The base of the pole was compromised, resulting in a significant lean. The steel pole, fatigued from bending, presents a hazardous condition in the event it were to fall. For this reason, the portion of the field within the pole’s fall zone was and remains fenced with chain link construction fencing. Because the safety fencing encompasses nearly all of left field, the field has not been made available for youth baseball or adult softball, however the youth soccer field to the south is not within the fall zone and remains open for league play and public use. The pole currently remains in a leaning position and is a significant hazard for public health and safety in the event it collapses over the field.

Upon determining there exists an emergency need for the removal and replacement of the pole given the potential for the pole to fail and harm a park visitor, City staff informally solicited bids for the project, with only one contractor, Interstate Grading and Paving, Inc. (“Interstate Grading”) submitting a bid. Staff actively solicited bids from several other contractors, however, all of them

declined the project due to the size of the pole and the specialized equipment and expertise needed for a project of this scale.

The bid received from Interstate Grading was \$105,430. A subsequent contract change order was received in the amount of \$4,700 due to the increased size and material needed for the engineered foundation, for a total project cost of \$110,130. Since the pole was damaged during a storm, the city's liability insurance policy with York Risk Services is expected to cover the cost of the replacement, excluding a \$5,000 deductible.

In May 2019, the replacement pole was ordered. The replacement pole must be custom fabricated in order to match the height and light spread of the existing poles at the field, which are decades old. For this reason, the pole fabrication period was expected to take 12 weeks. Energy-efficient LED lamps will be mounted on the pole in lieu of the existing inefficient metal halide lamps.

Public Contract Code section 22050 authorizes the City Council to take any directly related and immediate action required by an emergency to repair or replace a public facility, and to procure the necessary equipment, services, and supplies without procuring such contracts through the competitive bidding process. Section 22050 (b) further permits the City Council to delegate such emergency authority to the City Manager, by a four-fifths vote. The City Council is required under state law to periodically review the emergency action to determine that the emergency continues to exist and the action continues to be necessary.

On September 12, 2018, the City Council adopted a resolution delegating authority to the City Manager to order any emergency action and enter into necessary contracts pursuant to the provisions and restrictions of Section 22050. Pursuant to that authority, the City Council is being asked at this time to conduct its periodic review required by state law, and determine that the emergency situation continues to exist and it is necessary for the City to continue to contract with Interstate Grading for the fabrication and repair of the pole.

Assistant City Manager Ranals indicated that at this time, the pole remains in a fragile and hazardous condition, and if the work is terminated now and the project is subject to applicable bidding procedures, the additional time that it takes to locate a new contractor willing to undertake the project, fabricate a customized pole, and allowing time for the contractor to commence installation would prolong the dangerous and hazardous condition in which the pole currently stands.

Mayor Matsumoto suggested that staff consult with neighboring cities on how they handle emergency repairs without waiting for Council approval for efficiency. Councilmember Nicolas expressed her support of staff researching emergency repairs.

City Manager Futrell indicated that due to his signing authority of \$75k the item requires Council approval.

Motion – Councilmember Addiego/Second –Vice Mayor Garbarino: To adopt Resolution No. 115-2019 determining the continued existence of an emergency and the need to continue emergency repairs for the Hillside (Terrabay) Field Light Replacement Project. Unanimously approved by roll call vote.

ITEMS FROM COUNCIL – COMMITTEE REPORTS AND ANNOUNCEMENTS

17. Designation of Voting Delegates and Alternates in advance of the League of CA Cities Annual Conference October 16-18 (Mayor Matsumoto)

Mayor Matsumoto stated that she is unable to attend the League's 2019 Annual Conference in Long Beach and requested Council nominate and appoint a Delegate and Alternate to vote on behalf of the City of South San Francisco on resolutions that establish League policy.

Motion – Councilmember Nicolas/Second –Vice Mayor Garbarino: To appoint Vice Mayor Garbarino as Delegate and Councilmember Nagales as Alternate. Unanimously approved by roll call vote.

Consent Items resumed:

4. Motion to approve the Minutes for the meetings of July 10, 2019, July 22, 2019 and July 24, 2019.
5. Motion confirming payment registers for August 28, 2019. (Janet Salisbury, Director of Finance)
8. Report regarding Resolution No. 110-2019 approving the South San Francisco Green Infrastructure Plan in accordance with provision C.3.j of the Municipal Regional Permit. (Matthew Ruble, Principal Engineer)

Item 4: Mayor Matsumoto pulled the minutes of the July 10, 2019 Successor Agency/City Council and requested clarification on the City's current coverage. City Attorney Woodruff indicated that the minutes accurately reflect the City's coverage; the City is in the process of obtaining an additional policy.

Item 5: Councilmember Nagales inquired about the payment issued to San Mateo County Harbor District in an amount of \$3,731.12, Garage Vehicle Repairs in an amount of \$69,687 and various amounts, and a duplicate payment to Interstate Grading & Paving in the amount of \$28,125. In response, Public Works Deputy Director Bockhaus indicated that the payments for garage repairs are for a variety of operating expenses and repairs; the payment to Interstate Grading & Paving was split into two programs for Hickey/Hilton repairs to the valley gutter. Finance Director Salisbury will research the payment to the San Mateo County Harbor District and apprise Council.

Item 5: Mayor Matsumoto inquired about the payment issued to Seton Pacific Construcion under Capital Improvement \$657,214 for General Contractor Antoinette. In response, Principal Engineer Ruble indicated that this payment is for the Antoinette rule 20A undergrounding project, Seton Pacific is general contractor.

Item 8: Councilmember Nagales expressed his support of the project, but inquired about future funding. Principal Engineer Ruble indicated that funding of the program has not been determined; all possible funding sources will be considered. City Manager Futrell that the project is currently unfunded and provided an overview of possible funding sources.

Motion – Councilmember Addiego /Second – Councilmember Nagales: To approve Consent Items 4, 5, and 8. Unanimously approved by roll call vote.

ADJOURNMENT

Being no further business Mayor Matsumoto adjourned the meeting at 9:24 p.m. in memory of former resident, Lucila Nicdao.

Submitted by:



for

Rosa Govea Acosta, CMC, CPMC
City Clerk

Approved by:

Karyl Matsumoto
Mayor

Approved by the City Council: _____ / _____ / _____