



MINUTES

SPECIAL MEETING

**CITY COUNCIL
CITY OF SOUTH SAN FRANCISCO**

**WEDNESDAY, FEBRUARY 10, 2021
6:00 p.m.**

Teleconference via Zoom

*City Council conducted this meeting in accordance with
California Governor Newsom's Executive Orders N-25-20 and
N-29-20 and COVID-19 pandemic protocols.*

CALL TO ORDER

Mayor Addiego called the meeting to order at 6:00 p.m.

ROLL CALL

Present: Councilmembers Coleman and Nicolas, Vice Mayor Nagales, and Mayor Addiego.

AGENDA REVIEW

City Manager Futrell requested Item 3 be pushed to a future meeting. The Council agreed.

REMOTE PUBLIC COMMENTS - comments are limited to items on the Special Meeting Agenda.

- 1. Members of the public wishing to participate were encouraged to submit public comments in writing in advance of the meeting via GoogleDoc by 4:00 p.m. on the day of the meeting. The following individuals provided remote public comments:*

PRESENTATIONS

2. Oath of Office to be administered by Assemblymember Kevin Mullin and incoming remarks from Councilmember Flores. (Mark Addiego, Mayor)

Assemblymember Mullin administered the Oath of Office to appointed Councilmember Flores. Councilmember Flores provided incoming remarks and thanked his family for the support.

3. Presentation on HIP Housing services provided to South San Francisco residents and an overview of the program by Leila Perreras, Board Member. (Kristian Romasanta, Community Development Coordinator)

Item not heard

4. Presentation on COVID-19 testing, vaccines, and more. (Dr. John Skerry, KP.org)

Dr. Skerry, from Kaiser Permanente provided an overview of the current status of COVID-19 vaccine efforts.

Mayor Addiego complimented Dr. Skerry and Councilmember Nicolas for hosting a successful flu clinic in the City Hall parking lot.

Councilmember Nicolas inquired whether non-members could be vaccinated at their facility. Dr. Skerry stated that everyone was entitled to a vaccine from the State, and they are allowing non-members to get vaccinated at their facility.

Councilmember Flores inquired about COVID-19 testing. Dr. Kwak, from Kaiser Permanente provided an overview of the current testing process.

Councilmember Coleman inquired what the process would be for someone without insurance to get vaccinated at their facility. Dr. Skerry indicated that the rollout process was difficult and provided an overview of the vaccination process.

5. Update on Public Safety Vaccines. (Police Chief Azzopardi, and Fire Chief Magallanes)

Police Chief Azzopardi provided an update to the community on the status of public safety staff vaccines and thanked Kaiser Permanente staff. Fire Chief Magallanes provided an update on his staff.

The following individuals provided public comments:

- Eddy Holman

ADMINISTRATIVE BUSINESS

6. Report regarding an urgency ordinance requiring large grocery stores in South San Francisco to pay employees an additional four dollars (\$4.00) per hour in “hazard pay” during the coronavirus (COVID-19) pandemic (Alex Greenwood, Director of Economic & Community Development, and Sky Woodruff, City Attorney)

City Attorney Woodruff presented the report and provided an overview of the urgency ordinance. He provided background information on hazard pay ordinances in California. At least a dozen local jurisdictions in California were currently considering a version of a “hazard pay” ordinance that would provide extra hourly pay to certain types of retail workers during the COVID-19 pandemic in recognition of the heightened health risks associated with their work.

The ordinances considered by the jurisdictions all take a similar approach. They require large stores to pay all non-managerial workers an additional hourly wage during the COVID-19 pandemic; smaller, mom-and-pop stores are excluded. Within this framework, however, the proposals being considered vary between cities in how they are tailored in terms of: (1) the specified rate of pay, (2) what types of retail stores are covered, (3) the specific size or other threshold requirements that determine which retailers are covered, and (4) how long the hazard pay is required. The recitals contained in the ordinance establish the basis for the urgency, including citing studies reflecting the

dangers faced by the workers who would be eligible for the hazard pay and how the additional compensation would further the immediate preservation of the public health and safety.

Councilmember Coleman expressed his support for the proposed urgency ordinance and provided data on companies' profits during the pandemic. He requested that the urgency ordinance be expanded to include drug stores and retail food workers.

Meeting was recessed at 7:00 p.m.

Meeting resumed at 7:01 p.m.

Councilmember Nagales inquired what the range of hazard pay was from other cities and proposed 5 dollars. City Attorney Woodruff stated that the range was from 3 to 5 dollars. Councilmember Nagales stated he would like to include Costco and retail stores. City Attorney Woodruff indicated he could modify the urgency ordinance to include those types of stores.

Councilmember Nicolas stated that the Council should be looking at other hazardous jobs and not just grocery stores. She expressed her support of the urgency ordinance and requested the Council to be equitable. Councilmember Nicolas inquired about the value of information coming from the City of Long Beach lawsuit. City Attorney Woodruff provided an overview of fundamental issues with the City of Long Beach case and stated that the preliminary hearing was scheduled for February 19th.

Councilmember Flores expressed his support for the proposed urgency ordinance and reassured the community that the urgency ordinance would not apply to small businesses. City Attorney Woodruff provided an overview of the businesses covered under the urgency ordinance. Councilmember Flores inquired when the urgency ordinance would sunset. City Attorney Woodruff provided an overview of the different factors on when the urgency ordinance would sunset.

Mayor Addiego expressed he was inclined to sunset the urgency ordinance in 90-120 days and extend it if needed. He stated that it was the right thing to do; however, it was their duty to protect the city financially. Given that the preliminary hearing for the City of Long Beach was on the 19th, he was inclined to push the item to see what the initial ruling was from the judge. He favored the increase to 5 dollars and reducing the square footage to capture other grocery stores.

Vice Mayor Nagales proposed passing the urgency ordinance tonight and become effective on the 19th. City Attorney Woodruff indicated that staff could defer the effective date; however, they would hesitate to make it official based on external actions. He suggested that Council wait until the 19th and plan to have a special meeting for this item after the ruling is issued.

Councilmember Nicolas inquired how the city could prohibit additional costs to be pass on to the consumers, similar to the delivery fees. City Attorney Woodruff indicated it would need to be looked at further and required more analysis.

Vice Mayor Nagales inquired about the possible negative effects of passing the urgency ordinance tonight. City Attorney Woodruff provided different scenarios that could occur should the urgency ordinance be passed.

Councilmember Flores inquired what would happen should the County adopt a similar ordinance. City Attorney Woodruff provided an overview of the process.

The following individuals provided public comments:

- Ryan Allain, on behalf of the California Retailers Association
- Patricia M. Bajada
- Marcela
- Kimberly Hui
- Russell Lee
- Julie Lind, on behalf of the San Mateo Labor Council
- Richard Hedges
- John Gomez
- Leon Wong
- Eddy Holman
- Andrea Sims
- Erin Chazer
- Tony Vargas
- Ethan Mizzi

Mayor Addiego expressed his concerns with adopting the urgency ordinance and proposed to push the item until further information was available. He thanked Julie Lind for contacting Councilmember Coleman in bringing this item forward.

Councilmember Nicolas stated that she was not opposed to the urgency ordinance; however, she shared the mayor's concerns on any potential litigation. She was in favor of postponing the item for a few more days.

Councilmember Coleman inquired about the legal and financial impacts the city would be exposed to if the urgency ordinance was deemed unlawful. City Attorney Woodruff provided a preliminary overview of the potential costs and damages that the city could incur.

City Attorney Woodruff provided an overview of the changes discussed by the Council. Including increasing the hazard pay from four dollars to five dollars, including drug stores, Costco, and dropping the square footage to 10k square feet.

Councilmember Nicolas inquired whether other workers would be considered, such as bank tellers and hotel industry workers.

Motion— Councilmember Nicolas/Second Councilmember Flores: to table the item until the results of the City of Long Beach case, by roll call vote: AYES: Councilmembers Nicolas and Coleman, Vice Mayor Nagales and Mayor Addiego; NAYS: None; ABSENT: None; ABSTAIN: None.

ADJOURNMENT

Being no further business, Mayor Addiego adjourned the meeting at 8:07 p.m.

Respectfully submitted by:

Approved by:

Cindy Avila
Assistant City Clerk

Mark Addiego
Mayor

Approved by the City Council: ____ / ____ / ____