



# MINUTES REGULAR MEETING

## CITY COUNCIL CITY OF SOUTH SAN FRANCISCO

Meeting held at:  
MUNICIPAL SERVICES BUILDING  
COUNCIL CHAMBERS  
33 ARROYO DRIVE  
SOUTH SAN FRANCISCO, CA

WEDNESDAY, MARCH 11, 2020  
7:00 p.m.

### CALL TO ORDER

7:00 p.m.

### ROLL CALL

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

### PLEDGE OF ALLEGIANCE

Mayor Garbarino led the pledge of allegiance.

### AGENDA REVIEW

Assistant City Manager Ranals requested to move up Administrative Business Item No. 10 before Council Comments.

### ANNOUNCEMENTS FROM STAFF

Kathy Blandon Escobar, City of South San Francisco Census 2020 Program Manager, addressed the Council to provide an update on the City's census outreach efforts. She encouraged members of the public to participate online, by phone and/or mail.

### PUBLIC COMMENTS

Bernadette Aguilar, a resident of the Westborough area, addressed the Council to express her concern with parking and abandoned vehicles in her neighborhood. She requested an increase in enforcement to address her concerns.

### ADMINISTRATIVE BUSINESS

10. Follow-up discussion of proposed relocation of South San Francisco Farmers' Market from Orange Memorial Park to the downtown area. (*Sheri Boles, Community Programs Manager, and Jorge Vega, Regional Manager, Pacific Coast Farmers' Market Association*)

Community Programs Manager Boles introduced Director of Marketing and Promotions, Ben Palazzolo and Senior Marketing Manager, Paolo Obillo. Mr. Palazzolo provided a summary of the market's challenges and opportunities including discussion of a future relocation.

Councilmember Matsumoto expressed her concern with low attendance and relocation to the downtown due to low density and competing entities. She suggested increasing outreach efforts and advertising on the City's Shuttle buses free of charge.

Vice Mayor Addiego shared his concerns with relocating the market, outreach and marketing efforts. Mr. Palazzolo indicated that the market has seen a decline in participation despite increased promotion and vendor discounts.

Mayor Garbarino shared his concerns and encouraged Mr. Palazzolo to increase outreach efforts.

*Council provided feedback to staff. The item continued to a future meeting.*

#### COUNCIL COMMENTS/REQUESTS

Councilmember Matsumoto requested an update on the WIFI accessibility project for the Westborough area. IT Director Barrera provided an update and indicated that the target completion date is July 2020. Councilmember Matsumoto shared a concern she received from a constituent regarding the San Mateo County's Safe Gun Storage ordinance. Police Captain Scott Campbell indicated that an ordinance would be forthcoming for Council's consideration.

Councilmember Matsumoto shared her recent experience and role serving as a member of the San Mateo County Transportation Authority (TA). The TA is seeking bonds for the San Mateo US 101 Express Lanes project and as part of the bond process; the Chief Financial officer brought an attorney to discuss Disclosure Obligations under the Federal Securities and the impacts to elected officials. She inquired about the City's process of educating elected officials during the bond procurement process.

Finance Director Salisbury indicated that the Council received standard training on bond issuance, given that there is no hard and fast rule as to who has to take the disclosure training. The training designed to train appropriate individuals on material information that might affect an investor's ability to understand securities behind the bonds, written in the perspective statements. The Finance Department staff attended a disclosure training with bond council in January 2020. She indicated that the Finance Department is responsible and in charge of disclosing all the information in the official statement. Finance Director Salisbury offered Disclosure Training for Council given the concern. Councilmember Matsumoto cited the controlled person responsibilities and the possible implications to Council. Finance Director Salisbury stated that Measure W sales tax secures the bonds. She provided an overview of Council's disclosure obligations.

Councilmember Matsumoto shared her concern with the recent COVID-19 pandemic and the City's financial impact. She requested Council receive a budget report with City full-time and part-time staff, approved and pending projects and funding allocation including community benefits.

Councilmember Matsumoto expressed her concern about the addition of study session items on a regular Council meeting. She requested that Administrative Item No. 8 be agendized to a future study session. Consensus of Council to move the item to a future meeting.

Vice Mayor Addiego attended the groundbreaking event of the new Police Operations & 911 Dispatch Center and thanked staff for their hard work and the community for their support.

Councilmember Nagales attended the groundbreaking event and expressed his appreciation for staff's hard work and efforts. He shared emergency department visit statistics for Kaiser Hospital and Seton Hospital and discussed the possible impacts to Kaiser Hospital if Seton Hospital were to close. He praised San Mateo County Board of Supervisors for awarding \$20 million dollars in gap funding to assist the buyer of Seton Hospital.

Councilmember Nicolas attended the Planning Commission Academy in Sacramento and shared her experience and knowledge in planning and land use. She expressed her disappointment with cancellation of events due to COVID-19, but noted the importance to follow the Health Officers orders.

Mayor Garbarino apprised Council on his participation of daily COVID-19 updates with the County of San Mateo; he addressed event cancellation and the importance of protecting members and staff of the community. He expressed his appreciation for the donations given to the SSF Police Association Widows' fund due to the cancellation of the St. Patrick's Day event. He informed Council and the community that Reynold FitzPatrick's services postponed until further notice. He informed the community that PG&E strongly encourages residents who live in a high fire-threat area to update their contact information by calling 1-866-743-6589 or visiting [www.pge.com/mywildfirealerts](http://www.pge.com/mywildfirealerts)

Mayor Garbarino visited Sunshine Gardens Elementary School and read to a third grade class. He encouraged Council and staff to participate in future events.

Chief Magallanes provided an update to the Council and the community on the status of COVID-19 now categorized as a pandemic. He shared information, prevention, and recent cases in San Mateo County. Chief Magallanes discussed the Health Officer's Order where the cancelation or postponement of all non-essential gatherings is highly encouraged with precautions to persons aged 60 years and older due to the potential high risk. He indicated that staff would continue to work on canceling and/or postponing City events through March 31, 2020. The community can get up to date information on COVID-19 by visiting the City's website at [www.ssf.net](http://www.ssf.net)

Vice Mayor Addiego inquired about visitor restrictions for skilled nursing facilities. Assistant City Manager Ranals indicated that the adult day care facility of the City closed under the recommendation of the Health Officers.

### CONSENT CALENDAR

*The City Clerk duly read the Consent Calendar, after which Council voted and engaged in discussion of specific item as follows: Items # 1, 2, and 4 pulled for further discussion.*

Item #1: Councilmember Matsumoto discussed items discussed in the reference minutes and requested updated bike maps. Assistant City Manager Ranals indicated staff would update the bike maps and provide copies to Council and the South San Francisco Chamber of Commerce.

Item #2: Councilmember Matsumoto inquired about the 2% yearly service agreement increase and requested clarification on the calculation process. Police Captain Mike Remedios indicated that increases factor in salary increases and PERS increases.

Item #2: Vice Mayor Addiego requested a breakdown of call volumes between cities. Police Captain Mike Remedios indicated that the department assess call volume on a monthly basis.

Item #4: Councilmember Matsumoto suggested consistency in member definitions for the various boards and commissions. City Attorney Woodruff indicated that the member definitions presented to Council taken from existing sections of the municipal code.

1. Motion to approve the Minutes for the meetings on January 8, 2020 and January 15, 2020. (Rosa Govea Acosta, City Clerk)
2. Report regarding Resolution No. 27-2020 approving an amendment to the service agreement between the City of South San Francisco and the Town of Colma for Police Communication Services. (*Mike Remedios, Police Captain*)
3. Report regarding Resolution No. 28-2020 approving an amendment to the service agreement between the City of South San Francisco and the City of Pacifica for Police Communication Services. (*Mike Remedios, Police Captain*)
4. Report regarding adoption of Ordinance No. 1596-2020 amending Title 2, Chapters 2.52, 2.56, 2.60, 2.62, 2.64, and 2.80, of the South San Francisco Municipal Code pertaining to eligibility requirements for City commissioners. (*Rosa Govea Acosta, City Clerk*)

Motion—Vice Mayor Addiego/Second—Councilmember Nicolas: to approve Consent Calendar items 1-4. Unanimously approved by roll call vote.

#### PUBLIC HEARING

5. Report regarding a resolution approving a Density Bonus and Incentives Request and modifications to previous entitlements for the properties located at 418 Linden Avenue, in the Downtown Transit Core District, and 201-219 Grand Avenue, in the Grand Avenue Core District, and determination that the projects continue to be consistent with the Downtown Station Area Specific Plan Environmental Impact Report, and resolution approving a \$1,050,000 Housing Trust Fund loan agreement, resolution approving a \$2,450,000 Housing Asset Fund loan agreement, resolutions approving the fourth amendments to the 418 Linden Avenue and 201-219 Grand Avenue Purchase and Sale Agreements, and resolution approving the fourth amendment to the Development Agreement with ROEM Development Corporation. (*Billy Gross, Senior Planner and Julie Barnard, Economic Development Coordinator*)

Public Hearing opened: 8:23 p.m.

Senior Planner Gross presented the report and indicated that in December 2015, at the same time that the Council approved entitlements for the Grand and Linden Project, the Council and Successor Agency (Agency) approved a Disposition and Development Agreement (DDA). The original developer, Brookwood Equities, was unable to advance the project, and as a result, the Council and Agency terminated the DDA. According to the terms of the DDA, after termination, the City retained the project entitlements. This allowed the City to solicit a new developer with the entitled proposal. Staff conducted an extensive Request for Proposals (RFP) process, and through that

process, the Council and Agency selected ROEM Development Corporation (ROEM) as the preferred developer.

In November 2017, the Council approved one Development Agreement (DA), two Purchase and Sale Agreements (PSAs), and an Affordable Housing Agreement (AHA) (collectively “the Agreements”) with ROEM for the development of the properties. At that time, the DA included provisions requiring that 20% of the residential units in the Grand and Linden project be rented at an affordable cost for a term of 55 years; that the developer pay prevailing wage for project construction; and that project construction be completed 30 months after the DA is executed.

Following PSAs and DA execution, ROEM has completed drafts of their construction drawings, which have been through two rounds of City building review. ROEM made progress in advancing the construction aspects of the development, but continues to have trouble obtaining adequate financing. The lack of financing has led to project delays, and therefore ROEM is proposing modifications to the original project’s concept and is requesting State Density Bonus Law Incentives to reduce overall project costs. He presented modifications applicable to both projects, modifications applicable to 201-219 Grand Avenue and modifications applicable to 418 Linden Avenue.

In accordance with State Density Bonus Law (Govt. Code Section 65915(d)(2)), the applicant is entitled to a density bonus and at least three incentives if the project includes a minimum of 30% of the units restricted to lower income households. Accordingly, the City is obligated to grant the requested incentive unless it can find that the incentive is not required in order to provide for affordable housing costs, that the incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, or that the incentive would be contrary to state or Federal law.

Public Hearing closed: 8:36 p.m.

Vice Mayor Addiego inquired on the building structural condition including the adjacent property and the City’s responsibility in approving unreinforced brick projects. Economic and Community Development Director Greenwood provided an overview on the City’s efforts to acquire the adjacent property and indicated that at the time of approval the building was structurally acceptable.

Councilmember Nagales expressed his concern on the buildings current structural condition. Economic and Community Development Director Greenwood indicated that the building fused together with the adjacent building and structurally holding each other up.

Senior Planner Gross indicated that the applicant requested the City cap permit and impact fees for this project. Vice Mayor Addiego requested reassurance that the fees the developer would pay are equitable to other properties. Deputy Director of Economic and Community Development Selander provided an overview of the fees waived for the proposed project along with current permit fees.

Councilmember Matsumoto requested that staff be more thorough in listing impact fees to future reports.

At the request of Councilmember Nagales, Economic and Community Development Coordinator Barnard provided an overview of the proposed amendments and project funding.

Vice Mayor Addiego shared his support of downtown housing and indicated that the proposed project is a great example of affordable housing.

Councilmember Nagales requested clarification on funding sources and affordability. Deputy Director of Economic and Community Development Selander provided an overview of the funding sources and tax credit funding opportunities. Councilmember Nagales inquired about the process of non-approval. City Attorney Woodruff explained the non-approval process and indicated that if the City terminated the agreement then the City would follow property disposition as mandated by the Surplus Land Act.

Councilmember Nicolas inquired about the demolition process and project funding. Alex Sanchez, Executive Vice President of ROEM Development, indicated that staff assessed the structural condition of both buildings and determined that demolition of the building was not adequate. Project pending a \$63,000 million dollar award.

- 5a. Resolution No. 29-2020 making findings and approving amendments to previous entitlements, including a Density Bonus and Incentives Request, at 418 Linden Avenue, in the Downtown Transit Core District, and 201-219 Grand Avenue, in the Grand Avenue Core District, and determination that the projects continue to be consistent with the Downtown Station Area Specific Plan Environmental Impact Report.

Motion – Vice Mayor Addiego/Second – Councilmember Nagales: To approve Resolution No. 29-2020, by roll call vote: AYES: Councilmembers Nagales and Nicolas, Vice Mayor Addiego and Mayor Garbarino; NAYS: Councilmember Matsumoto; ABSENT: None; ABSTAIN: None.

- 5b. Resolution No. 30-2020 approving the Fourth Amendment to the Development Agreement for 201-219 Grand Avenue and 418 Linden Avenue properties with ROEM Development Corporation.

Motion – Councilmember Nagales/Second – Councilmember Nicolas: To approve Resolution No. 30-2020, by roll call vote: AYES: Councilmembers Nagales and Nicolas, Vice Mayor Addiego and Mayor Garbarino; NAYS: Councilmember Matsumoto; ABSENT: None; ABSTAIN: None.

- 5c. Resolution No. 31-2020 approving the Fourth Amendment to the 418 Linden Purchase and Sale Agreement with ROEM Development Corporation

Motion – Vice Mayor Addiego/Second – Councilmember Nicolas: To approve Resolution No. 31-2020, by roll call vote: AYES: Councilmembers Nagales and Nicolas, Vice Mayor Addiego and Mayor Garbarino; NAYS: Councilmember Matsumoto; ABSENT: None; ABSTAIN: None.

- 5d. Resolution No. 32-2020 approving the Fourth Amendment to the 201-219 Grand Avenue Purchase and Sale Agreement with ROEM Development Corporation.

Motion – Councilmember Nicolas/Second – Councilmember Nagales: To approve Resolution No. 32-2020, by roll call vote: AYES: Councilmembers Nagales and Nicolas, Vice Mayor Addiego and Mayor Garbarino; NAYS: Councilmember Matsumoto; ABSENT: None; ABSTAIN: None.

- 5e. Resolution No. 33-2020 approving Budget Amendment Number 20.034, which appropriates \$2,450,000 from the City of South San Francisco's Housing Asset Fund (Fund 241) for a developer loan to ROEM Development Corporation for the development of 46 Below Market Rate units and one managers unit at 201-219 Grand Avenue.

Motion – Councilmember Nagales/Second – Councilmember Nicolas: To approve Resolution No. 33-2020, by roll call vote: AYES: Councilmembers Nagales and Nicolas, Vice Mayor Addiego and Mayor Garbarino; NAYS: Councilmember Matsumoto; ABSENT: None; ABSTAIN: None.

- 5f. Resolution No. 34-2020 approving Budget Amendment Number 20.033, which appropriates \$1,050,000 of the City of South San Francisco's Housing Trust Fund (Fund 205) as a loan to ROEM Development Corporation for the development of 36 Below Market Rate units and one managers unit at 418 Linden Avenue.

Motion – Councilmember Nicolas/Second – Councilmember Nagales: To approve Resolution No. 34-2020, by roll call vote: AYES: Councilmembers Nagales and Nicolas, Vice Mayor Addiego and Mayor Garbarino; NAYS: Councilmember Matsumoto; ABSENT: None; ABSTAIN: None.

Meeting Recessed: 9:21 p.m.

Meeting Resumed: 9:29 p.m.

#### ADMINISTRATIVE BUSINESS

6. Report regarding Resolution No. 35-2020 of the City Council of the City of South San Francisco proclaiming a local State of Emergency related to the Novel Coronavirus 2019 (COVID-19).  
(Sharon Ranals, Assistant City Manager)

Assistant City Manager Ranals presented the report and indicated that both the State of California and the County of San Mateo issued emergency declarations regarding the Novel Coronavirus (COVID-19) epidemic. She indicated that Chapter 2.72 of the South San Francisco Municipal Code provides the authority for Council to declare a local emergency in response to conditions of extreme peril to the safety of persons and property in South San Francisco. The declaration of local emergency could assist with receiving mutual aid resources from the State of California and neighboring jurisdictions to assist South San Francisco in containing the spread of COVID-19. The Governor proclaimed a State of Emergency and requested a Presidential Declaration; the City of South San Francisco could be eligible for cost recovery funds related to response to the COVID-19 outbreak.

Councilmember Nagales inquired on the status of the Emergency Rental Assistance Program due to COVID-19 pandemic workforce impacts. Deputy Director of Economic and Community Development Selander indicated that the contract is under final review with a request to expedite funding.

Assistant City Manager Ranals apprised Council on the leadership efforts to draft Continuity of Operations for their respective department to support both full-time and part-time staff. Human Resources Director Lockhart indicated that under State law, all government employees are declared Disaster Service Workers who can be called upon an emergency, however, the process requires consideration and extensive planning. City Attorney Woodruff informed the Council that all departments are working collaboratively.

Vice Mayor Addiego expressed his admiration to see the Administration working together to protect the City's workforce.

Motion—Councilmember Matsumoto/Second—Councilmember Nicolas: to approve Resolution No. 35-2020. Unanimously approved by roll call vote.

7. Report regarding a Fleet Procurement Policy as it relates to Electric Vehicles (*Dave Bockhaus, Deputy Director of Public Works*)

Deputy Director Bockhaus presented the proposed Fleet Procurement Policy relating to Electric Vehicles. He indicated that the San Mateo County Civil Grand Jury report summarized the Grand Jury's survey of the state of electric vehicles in the fleets of San Mateo County and the 20 cities within its boundaries. The report explored the Climate Action Plans of each jurisdiction and assessed whether the CAP addresses electric vehicles and the conversion of municipal fleets to all-electric with four recommendations; staff explored options.

Councilmember Matsumoto shared discussions with City Manager Futrell about transitioning fleet to zero-emission vehicles to protect the environment. She indicated that the City must begin to transition to electric vehicles and suggested gradual increments beginning with hybrid vehicles.

Vice Mayor Addiego expressed his support of all-electric fleet, however, the change must come during the right time, considering cost and environmental impacts.

Deputy Director Bockhaus appraised Council on the status of the current fleet inventory and indicated that since 2016 the City has not replaced the fleet. Taking into consideration the Grand Jury report staff will replace the City Manager's vehicle with a hybrid and consider domestically manufactured electric-vehicles to update the vehicle fleet and the City's Administration Instruction Section III No.6 Vehicle Replacement, Upgrade, and Additions to the Fleet Policy. A recommendation to Council will be forthcoming.

Councilmember Matsumoto inquired about a City policy requiring the City logo on all fleet vehicles noting that the City Manager and City Council pool car did not have one affixed. Deputy Director Bockhaus indicated all vehicles except executive staff and Police Department unmarked vehicles carry a City logo.

8. Study Session regarding conceptual program guidelines for an Employee Down Payment Assistance Program. (*Nell Selander, Deputy Director, Economic & Community Development Department*)

*Item rescheduled to a future Study Session date.*

9. Report regarding an ordinance adding Chapter 8.72 to the South San Francisco Municipal Code Title 8 regulating the use of disposable food service ware by food facilities. (*Christina Fernandez, Assistant to the City Manager*)

Assistant to the City Manager Fernandez presented the report and indicated that City of South San Francisco is committed to sustainability, environmental preservation, and reducing greenhouse gas emissions. The City's Green Food Packaging ordinance adopted in 2008 prohibits food vendors from dispensing prepared food to customers in disposable food service ware made from



polystyrene. (SSFMC Chapter 8.60). Effective April 22, 2013, the City adopted a reusable bag ordinance that prohibited the use of single use carryout bags at retail stores. It required retailers to charge customers for recycled paper bags and reusable bags at point of sale. (SSFMC Chapter 8.64) In 2014, the City adopted the City's Climate Action Plan to meet the City's goals to reduce energy usage and greenhouse gas emissions communitywide.

In 2016, the City joined Peninsula Clean Energy, which gives residents and businesses the option to purchase energy from renewable sources. She indicated that South San Francisco encourages residents and businesses to participate in various transit options including the Free South City Shuttle service and SCOOP, the commute app.

In March 2019, the City of South San Francisco began to explore the prohibition of plastic food service ware, specifically plastic straws provided by restaurants and fast food establishments. At a Special City Council on April 9, 2019, the City Council provided staff direction to continue to explore banning plastic straws and other food service ware from restaurants and fast food restaurants. Council directed staff to reach out to the business community regarding the potential ban of plastic straws.

Of the three initiatives, plastic food service ware received the least amount of resistance from restaurants and the California Restaurant Association. The California Restaurant Association expressed concerns that plastic straws should be made readily available for customers (e.g. at dispensers on counters). The proposed Disposable Food Service Ware Ordinance includes Accessories (e.g., straws, stirrers, cup spill plugs, condiment packets, utensils, napkins, etc.) provided to consumers only upon request or at self-serve stations/dispensers. Plastics **not** allowed include traditional plastics and compostable plastics (aka bioplastics, PLA). Acceptable materials are natural fiber-based (e.g., paper, wood, bamboo, sugarcane, wheat stalk, hay, etc.). Exemptions include aluminum, plastic straws for medical accommodations (upon request) and if no reasonably feasible alternative exists.

Councilmember Nagales inquired if drive-through restaurants would also be required to comply. Assistant to the City Manager Fernandez indicated that establishments would have to provide fiber straws with a minimal amount of plastic straws on hand and available upon request. She provided an overview of outreach efforts to raise awareness amongst local merchants, but if approved, the ordinance would go into effect 30 days after adoption with operation and enforcement implemented one year after adoption.

Vice Mayor Addiego expressed his concern noting that some retailers are not complying with the reusable bag ordinance. Assistant to the City Manager Fernandez indicated that staff would increase outreach efforts to gain compliance.

Motion—Councilmember Matsumoto/Second—Councilmember Nagales: to waive reading and introduce an ordinance adding Chapter 8.72 to the South San Francisco Municipal Code Title 8 regulating the use of disposable food service ware by food facilities. Unanimously approved by roll call vote.

#### ITEMS FROM COUNCIL – COMMITTEE REPORTS AND ANNOUNCEMENTS

None

CLOSED SESSION

*Entered into Closed Session: 10:09 p.m.*

11. Conference with Legal Counsel - Existing Litigation  
(Government Code Section 54956.9(d)(1))

Name of Case: Kashiwa Fudosan America, Inc. v. City of South San Francisco  
San Mateo County Superior Court Case Number: 18-CIV-01728

*Resumed from Closed Session: 10:23 p.m.*

Report out of Closed Session by Mayor Garbarino: The City Council approved a settlement agreement that provides for the payment of a portion of plaintiff's attorneys' fees, entry of a final judgment, and dismissal of the case with prejudice.

ADJOURNMENT

Being no further business Mayor Garbarino adjourned the meeting at 10:23 p.m.

Respectfully submitted by:

Approved by:



Rosa Govea Acosta, CMC, CPMC  
City Clerk

\_\_\_\_\_  
Richard Garbarino  
Mayor

Approved by the City Council: \_\_\_\_ / \_\_\_\_ / \_\_\_\_