

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JULY 26, 2021

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The meeting was called to order by Mayor Manalo at 7:22 P.M. by video conference call pursuant to Governor Gavin Newsom's Executive Order N-29-20.

ROLL CALL: Councilmembers Present:
Juslyn C. Manalo, Mayor
Rod Daus-Magbual, Vice Mayor
Raymond A. Buenaventura
Pamela DiGiovanni
Glenn R. Sylvester

Staff Present:
Shawna Maltbie, City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

APPROVAL OF MINUTES:

Regular Meeting of July 12, 2021

It was moved by Councilmember DiGiovanni, seconded by Vice Mayor Daus-Magbual and carried to approve the minutes of the Regular Meeting of July 12, 2021, as amended.

APPROVAL OF AGENDA:

It was moved by Councilmember DiGiovanni, seconded by Vice Mayor Daus-Magbual and carried to approve the agenda.

CONSENT AGENDA:

It was moved by Councilmember DiGiovanni, seconded by Mayor Manalo and carried to approve the consent agenda with the exception of item numbers 1 through 5, and 11, which were removed from the consent agenda for further discussion.

Resolutions:

Adopting a Resolution Observing Juneteenth National Independence Day as a City Holiday for the City of Daly City

Mayor Manalo thanked staff including Human Resources Director Natalie Sakkal for working expeditiously on the item, allowing the City to observe Juneteenth as soon as possible and work with labor unions for implementation. The holiday recognizes the history of the United States and serves as a reminder that social justice and equity must continue to be in the framework of the work being done by the City.

Note on Public Comments: For this meeting, members of the public were encouraged to watch the meeting via livestream at <https://bit.ly/dalycityjul26> and to register and speak at the meeting via Zoom, and/or submit public comments via email to cityclerk@dalycity.org prior to the public meeting. Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting were instructed to call the office of the City Clerk at 991-8078 prior to the meeting.

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It was moved by Mayor Manalo, seconded by Councilmember DiGiovanni and carried by unanimous roll call vote to adopt the following resolution:

Resolution 21-104, Adopting Observing Juneteenth National Independence Day as a City Holiday for the City of Daly City

Re-Appointing of Daly City Bicycle-Pedestrian Advisory Committee Members

Director of Public Works Richard Chiu provided information on the committee's responsibilities and staff recommendations for committee member terms and appointments. Council thanked committee members for their important work.

It was moved by Mayor Manalo, seconded by Councilmember DiGiovanni and carried by voice vote to adopt the following resolution:

Resolution 21-105, Appointing Daly City Bicycle-Pedestrian Advisory Committee Members

Accepting Edward Byrne Memorial Justice Assistance Grant (JAG) Program Grant Funds for Drug Detection Canine

Acting Chief of Police John Gamez provided information on the award funds from JAG totaling \$18,511, which will be utilized to purchase a canine to be certified in drug detection.

It was moved by Mayor Manalo, seconded by Councilmember DiGiovanni and carried by voice vote to adopt the following resolution:

Resolution 21-106, Accepting Grant from the Federal 2021 Edward Byrne Memorial Justice Assistance Grant Program to Purchase Drug Detection Canine

Accepting and Appropriating Grant from the Daly City Public Library Associates (DCPLA) for Library Summer Learning Programs

Library Services Manager Chela Anderson thanked and introduced Brian Dossey, the current chair of DCPLA. Mr. Dossey presented a grant of \$3,500 on behalf of DCPLA to fund the Library's summer learning program which assists kids from the loss in academic achievement made during the school year. The Council thanked the DCPLA for their continued and constant support of the City's libraries.

It was moved by Mayor Manalo, seconded by Councilmember Buenaventura and carried by voice vote to adopt the following resolution:

Resolution 21-107, Accepting and Appropriating Grant from the Daly City Public Library Associates

Extending Suspension of Overdue Fines for Library Materials

Library Services Manager Chela Anderson requested authorizing the Library to extend the forgiveness of overdue fines on library materials. The fines provide an unnecessary barrier to services,

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especially to lower-income residents who need libraries the most as the community recovers from the pandemic.

It was moved by Mayor Manalo, seconded by Councilmember Buenaventura and carried by voice vote to adopt the following resolution:

Resolution 21-108, Authorizing Extending Suspension of Overdue Fines for Library Materials

Approving the Subdivision Improvement Agreement between the City of Daly City and TNZ Development LLC, Green World Development LLC, and NKS Development LLC, and Approval of the Final Map SUB 8-13-7731, 55 Calgary Street 7-Lot Subdivision

Resolution 21-109, Accepting and Approving Final Subdivision Map and Authorizing Execution of a Companion Subdivision Improvement Agreement for 55 Calgary Street 7 Lot Subdivision

Accepting and Appropriating \$48,600 in Highway Safety Improvement Program State Funds for the John Daly Boulevard and Skyline Boulevard Intersection Safety Improvements Project, and Authorize the City Manager to Execute the Master Agreement for State-Funded Projects and the Program Supplement Agreement

Resolution 21-110, Accepting and Appropriating Highway Safety Improvement Program Cycle 10 State Funds for the John Daly Boulevard/Skyline Boulevard Intersection Safety Improvements Project and Authorizing Execution of Master Agreement for State Funded Projects and the Program Supplement Agreement

Authorizing Contract Renewal for Mussel Rock Landfill Site Monitoring Professional Services with Tetra Tech, Inc.

Resolution 21-111, Authorizing Amendment of Professional Services Agreement with Tetra Tech, Inc. for Mussel Rock Landfill Site Monitoring

Authorizing Amendment to Agreement for the Installation of Conduit with Intermountain Infrastructure Group, LLC

Resolution 21-112, Authorizing Amendment to Agreement with Intermountain Infrastructure Group, LLC for Installation of Conduit

Authorizing City Manager to Execute Three-Year Agreement with ePlus Technology for Rubrik Data Protection Services

Resolution 21-113, Authorizing a Three-Year Agreement with ePlus Technology for Rubrik Data Protection Services

Authorizing City Manager to Enter into Agreement with the County of San Mateo for the Second Course Meal Program

Assistant City Manager Stephen Stolte provided information on the new San Mateo County program, Second Course, which ensures continuity of meal delivery to vulnerable residents. San Mateo County will work with the City's Active Adult and Senior Services Unit to provide up to 19,500 meals over the course of the next year.

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It was moved by Mayor Manalo, seconded by Councilmember DiGiovanni and carried by voice vote to adopt the following resolution:

Resolution 21-114, Approving and Authorizing Agreement with the County of San Mateo for the Second Course Meal Program

Check Registers:

Check Registers for Month of June 2021

END OF CONSENT AGENDA

PUBLIC HEARINGS:

Introduction of Ordinance Amending Sections of Title 15 of the Daly City Municipal Code Re: Building and Construction Permit Time Limitations

Chief Building Official Mario Sigala provided information on the recommended amendments, which allow for increased time limits on permits and permit applications. It includes a 360-day extension to provide leniency relating to the events of the COVID-19 pandemic. Mr. Sigala addressed questions on costs associated with resubmission of plans and plan review fees.

It was moved by Councilmember DiGiovanni, seconded by Councilmember Buenaventura and carried to open the public hearing. There were no speakers on this matter.

It was moved by Councilmember DiGiovanni, seconded by Vice Mayor Daus-Magbual and carried to close the public hearing.

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Daus-Magbual and carried for the City Attorney to Read by Title Only.

Councilmember Buenaventura introduced the following ordinance:

Ordinance 1450, Amending Sections of Title 15 of the Daly City Municipal Code Regarding Building And Construction: Permit Time Limitations

Introduction of Ordinance Repealing and Replacing Chapter 8.64 – Regulating the Use of Disposable Food Service Ware by Food Facilities

Assistant to the City Manager Leilani Ramos provided an overview of a County-led initiative aimed at reducing the use of plastic disposable food service ware, or single-use plastics, in Daly City, which has become a pervasive pollutant that can last hundreds of years. To address this, staff is recommending joining the County-led initiative by adopting an ordinance that is consistent with other policies in the County. Ms. Ramos highlighted the objectives of the proposed ordinance and recommended going beyond the model ordinance and include a reusable food service ware requirement wherever practicable. Staff further recommended postponing effective date of the ordinance to October 1, 2022 to allow for an additional six months for businesses to prepare and transition to natural fiber-based

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or reusable food wares.

Ms. Ramos addressed questions on the following issues: eat-in capabilities at local restaurants, types of compostable food wares and plastics, outreach for corporations, resources for certified third-party vendors, whether polystyrene coolers can be added to the list, incentive qualifications, and any oppositions by the food industry to this type of policies.

It was moved by Vice Mayor Daus-Magbual, seconded by Councilmember DiGiovanni and carried to open the public hearing.

The following speakers supported the proposed ordinance to ban single-use plastic disposable food ware in Daly City. Commenters supported the decision to include a reusable food ware requirement for dine-in since most dine-in restaurants are now using reusable food ware and diners now feel safer using reusables. Reasons listed for adopting the policy included: the ban will help business savings since there a high expense associated with single-use food ware; the ordinance will align Daly City with other cities in the County which have had success with the ban; and the profound impacts on the environment and human health from reducing plastic pollution. Individuals commended staff on research that has been done and thanked Council for taking action on the initiative.

Alejandra Warren, Sustainability Consultant
Sally Liu, Reusable San Mateo County
Daisy Fong, Reusable San Mateo County

Matt Warren
Eva Holman, Upstream
Helen Nicely

It was moved by Mayor Manalo, seconded by Councilmember Buenaventura and carried for the City Attorney to Read by Title Only with the caveat that the City provide an opportunity to support any small business in meeting new policy requirements due to a hardship.

Mayor Manalo introduced the following ordinance:

Ordinance 1451, Repealing and Replacing Chapter 8.64 of the Daly City Municipal Code Regulating the Use of Disposable Food Service Ware by Food Facilities

TEFRA Hearing/ Tax-Exempt Financing for Brunswick Street Apartments

Housing and Community Development Supervisor Betsy ZoBell requested conducting a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing regarding the reissuance of up to \$80,000,000 of tax-exempt conduit bonds to finance the development of 206 lower-income senior apartments at 4619 Brunswick Street.

Mayor Manalo opened the public hearing. There were no speakers on this matter.

It was moved by Councilmember DiGiovanni, seconded by Vice Mayor Daus-Magbual and carried to close the public hearing.

It was moved by Mayor Manalo and carried to adopt the following resolution by unanimous roll call vote:

Resolution 21-115, Approving the Reissuance by the California Statewide Communities

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Development Authority of Multifamily Housing Revenue Bonds for the Brunswick Street Apartments

COMMUNICATIONS:

Designation of 2021 Voting Delegate and Alternates for League of California Cities Annual Business Meeting

City Manager Shawna Maltbie recommended the Council select and designate a voting delegate and up to two alternates to participate in the League of California Cities Annual Business Meeting.

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Daus-Magbual and carried by unanimous roll call vote to designate Mayor Manalo as voting delegate.

It was moved by Mayor Manalo, seconded by Councilmember Buenaventura and carried by unanimous roll call vote to designate Vice Mayor Daus-Magbual and Councilmember Buenaventura as voting alternates.

Resolution 21-116, Authorizing Selection and Designation of a Voting Delegate and Alternate(s) to Cast Ballots on Behalf of the City of Daly City at the League of California Cities Annual Business Meeting

Requesting Reconsideration of Zone Change ZC-4-21-15008 — Rezone 1618 Sullivan Avenue to be included within the CC Commercial Cannabis Combining District

*** Mayor Manalo expressed disappointment in fellow Councilmember DiGiovanni and Councilmember Sylvester who chose not to postpone the decision on this matter during the June 28th Council meeting, thereby taking away opportunity for Mayor Manalo to have a voice on the issue.

Senior Planner Michael Van Lonkhuysen provided a summary on the zone change request by the property which would allow them to join the commercial cannabis overlay zone and have potential retail sales of cannabis onsite. Mr. Van Lonkhuysen reported that on a 2-2 vote, the Council declined the request, but the applicant, Mr. Tealdi, is requesting a reconsideration of the denial.

Mayor Manalo entertained a motion on the item from Councilmember DiGiovanni or Councilmember Sylvester. According to Ms. Zimmerman, due to the lack of motion from Councilmember DiGiovanni or Councilmember Sylvester, no motion can proceed, and motion failed.

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Helen Nicely expressed concern with the proposed development on Thornton Beach Bluff, citing it as an unstable area. Ms. Nicely urged Council to consider the disasters that have occurred on the coast as well as impacts on existing buildings and property owners in that location.

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******Mayor Manalo made amendments to the July 26, 2021 minutes during the regular Council meeting of September 13, 2021***

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REPORTS:

City Council

Councilmember Sylvester congratulated Daly City residents Mark and Baya Sagum and their daughter Dominique who won the FALEO (Filipino American Law Enforcement Officers Association) Scholarship Award in honor of Officer Nick Burko who made the ultimate sacrifice.

Mayor Manalo provided an update on the seismic work being done on Seton, the community's hospital, acknowledging the collaboration with Supervisor David Canepa's office and the extension and support from Assemblymember Phil Ting and Senator Scott Weiner. Mayor Manalo reminded everyone of the importance of water conservation at this time and recognized the residents for doing their part. Mayor Manalo reported on families and individuals who cook food for sale from their homes and the related County program MEHKO (Microenterprise Home Kitchen Operations), and would like to see how Daly City can support these small businesses. Mayor Manalo suggested ways in which Daly City can be supportive and innovative: by looking at opportunities to find an incubator kitchen site for these businesses, by looking at established models like La Cocina in San Francisco, or by partnering with North San Mateo Entrepreneur Center to ensure residents have access to those resources. Ms. Maltbie reported on the new business center in South San Francisco and what staff is looking into to assist the small home-cooking businesses. Mayor Manalo thanked Ms. Maltbie and her staff and all the employees for continuing to serve Daly City. The Mayor also thanked Leilani Ramos, Richard Chiu and Public Works, and all departments who worked on and attended the celebration at Gellert Park after its renovations.

Councilmember DiGiovanni commended the seismic retrofit of Seton Hospital and acknowledged Assemblymember Phil Ting, Senator Scott Weiner, Congresswoman Jackie Speier and Supervisor David Canepa for their support. Councilmember DiGiovanni reported on the current surge of COVID-19 cases and the nurses being understaffed at Seton and asked that all union members are supported. Councilmember DiGiovanni thanked Richard Chiu and Public Works staff, Denise Brown and Recreation staff, Tom Piccolotti and staff, Shawna Maltbie and staff, and the community for their efforts on the Gellert Park re-opening and celebration.

Vice Mayor Daus-Magbual reported participation in a delegation with San Francisco Supervisor Matt Haney, Pastor Theon Johnson III, Raquel Rodondez (Malaya Movement), and survivor Brandon Lee; they were part of a protest at the Philippine Consulate concerning the State of Union Address of the Duterte regime of the Philippines. The delegation spoke with the deputy representatives regarding the investigation of and justice for friend Brandon Lee, who targeted for assassination and shot for protecting indigenous people's lands in the Cordillera region of the Philippines.

ADJOURNMENT:

At 9:48 PM, Mayor Manalo adjourned the meeting in memory of Miles Shigeru Honda and Florence Calalang.

Approved as submitted, this _____ 13th
day of _____ September _____, 2021.

City Clerk

Mayor