

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
SEPTEMBER 13, 2021

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The meeting was called to order by Mayor Manalo at 7:19 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

PRESENTATIONS:

North County Business Resource Center Overview of Services

(Amanda Anthony, Center Manager)

Proclaiming September 2021 as Prostate Cancer Awareness Month

(Barry Chauser, M.D. Director, Radiation Oncology Department, AHMC Seton Medical Center)

Proclaiming August 2021 as Black Business Month

(Keith Richardson, Owner, Keith's Chicken and Waffle and Charles Hill, Daly City Small Business Commissioner, Black Business Owner)

Proclaiming September 2021 as National Preparedness Month

(Sean Kavanaugh, Deputy Fire Chief, North County Fire Authority)

APPROVAL OF MINUTES:

Regular Meeting of July 26, 2021

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Daus-Magbual and carried to approve the minutes of the Regular Meeting of July 26, 2021, as amended.

APPROVAL OF AGENDA:

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

Note on Public Comments: For this meeting, members of the public were encouraged to watch the meeting via livestream at <https://bit.ly/dalycitysep13> 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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CONSENT AGENDA:

It was moved by Vice Mayor Daus-Magbual, seconded by Councilmember Buenaventura and carried to approve the consent agenda with the exception of item numbers 11 and 12, which were removed from the consent agenda for further discussion.

Communications:

2021 Qtr. 2 Investment Report

Resolutions:

Accepting Emergency Access Easement from Habitat for Humanity Greater San Francisco for the Development at 3001 Geneva Avenue

Resolution 21-117, Authorizing Acceptance of a 4-Foot-Wide Emergency Access Easement Deed from Habitat for Humanity Greater San Francisco for the Development at 3001 Geneva Avenue

Accepting and Appropriating Grant Fundings as a Partner Agency

Resolution 21-118, Accepting and Appropriating an Additional \$1,000 Grant from the California School-Age Consortium

Approving the Consolidated Annual Performance Evaluation Report (CAPER) for the Fiscal Year (FY) 2020-21 One-Year Action Plan

Resolution 21-119, Approving Submission to the Federal Department of Housing and Urban Development (HUD) for Fiscal Year 2020-2021 Consolidated Annual Performance Evaluation Report for the Community Development Block Grant and HOME Programs

Amending Traffic Regulations to: (1) Remove accessible parking (blue) zone and extend existing passenger loading zone 22 ft. north to the school driveway at 251 Whittier Street for George Washington Elementary School (TSR 21/31); and (2) Remove one (1) metered parking stall on the north side of Washington Street, and install 64 ft of No Parking Zone (TSR 21/44)

Resolution 21-120, Establishing Traffic Regulations

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Authorizing the City Manager to Execute a License Agreement with Eskabo Daan Filipino Martial Arts SF for the Use of Certain Portions of the Doelger Arts Center (200 Northgate Avenue)

City Attorney Rose Zimmerman and Mr. Bautista (Eskabo Daan Filipino Martial Arts) addressed questions on the rental property, the pricing, the organization's license status, funds raised, and Eskabo Daan's relationship with Saints and Sentinels. According to Mr. Bautista, Eskabo Daan provided the self-defense classes free of charge to assist the community. (*PD) Councilmember DiGiovanni requested Mayor Manalo and Councilmember Buenaventura recuse themselves due to a conflict of interest, citing that elected officials may not use their titles or organizations with their name attached and stated Saints and Sentinels is unregistered to raise funds. (*PD) Councilmember DiGiovanni noted from the previous meeting: Vice Mayor Daus-Magbual referred to Councilmember DiGiovanni as a "white woman"; Councilmember Sylvester mentioned this issue did not pertain to race referring to the Vice Mayor calling Council DiGiovanni a "white woman"; and that Councilmember Sylvester stated he is at the top of the food chain referring to BIPOC, meaning black. (*JM) Mayor Manalo provided clarification on the collective effort between different organizations, including the Pilipino Bayanihan Resource Center (PBRC), the Filipino Mental Health Initiative, and Eskabo Daan, to combat the attacks on the AAPI community and to be able to support its residents with resources such as self-defense classes and safety kits; the Mayor stated she was saddened the event is being questioned for taking place at a City park. (*JM) Mayor Manalo stated she spoke with City Attorney Zimmerman, stating she was given documentation clarifying there was no conflict of interest.

It was moved by Councilmember Buenaventura and seconded by Mayor Manalo to adopt the resolution. Discussion ensued with the Council and City Attorney Rose Zimmerman addressing questions on parliamentary procedures, the order of motions during a City Council, issues of conflicts of interest, information on current tenants at 200 Northgate, license fee costs, and available rental spaces at the facility. (*PD) City Manager Shawna Maltbie addressed Councilmember Sylvester's question on whether the City supported the May 23 event by responding that the City allowed the event to take place at no charge.

It was carried by the following roll call vote to adopt the resolution:

Ayes:	Buenaventura, Daus-Magbual, Sylvester, Manalo
Noes:	None
Abstained:	DiGiovanni

Resolution 21-121, Approving Execution of License Agreement with Eskabo Daan Filipino Martial Arts SF (Doelger Art Center 200 Northgate Avenue, Daly City, California)

Adopting Resolution Approving Proposed Revisions to the Rules and Regulations of the Classified Service

Director of Human Resources Natalie Sakkal requested approval of the proposed revisions to the *Rules and Regulations* after having met and conferred in good faith with all bargaining units.

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

***JM: Mayor Manalo made amendments to the minutes at the September 27, 2021 Council meeting**

***PD: Councilmember DiGiovanni made amendments to the minutes at the September 27, 2021 meeting**

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Resolution 21-122, Approving Revisions to the Rules and Regulations of the Classified Service

Authorizing City Manager to Execute Memorandum of Understanding (MOU) #3 with San Francisco Public Utilities Commission (SFPUC)

Resolution 21-123, Authorizing Execution of Third Memorandum of Understanding With the San Francisco Public Utilities Commission (Westlake Pump Station Modification Project)

Authorizing City Manager to Execute Professional Services Agreement for Westlake Groundwater Storage and Recovery (GSR) Pump Station Modifications Project - Consulting Services

Resolution 21-124, Authorizing Execution of Amendment #2 to the Professional Services Agreement with Brown and Caldwell for Consulting Services

Check Registers:

Check Registers for the Month of July 2021

END OF CONSENT AGENDA

COMMUNICATIONS:

Use Permit UPR-1-21-14855 and Design Review DR-4-21-14856 – McDonald’s Restaurant Reconstruction at 505 Serramonte Boulevard

Planning Manager Michael Van Lonkhuyzen presented the request to reconstruct a McDonald’s restaurant across from the Serramonte Shopping Center, which would include a drive-through area and 52 parking spaces.

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

Resolution 21-125, Adopting Findings of Fact and Imposing Conditions of Approval of Use Permit UPR-1-21-14855 and Design Review DR-4-21-14856 for Reconstruction of McDonald’s Restaurant at 505 Serramonte Boulevard

AWARD OF BIDS/CONTRACTS:

Award of Purchase Contract for One (1) Vac-Con Combination Sewer/Storm Cleaner

Assistant to the Director of Public Works Jeff Fornesi requested an appropriation of \$300,000 and recommended the subject contract be awarded to Municipal Maintenance Equipment for a total cost of \$578,448.01. Director of Water and Wastewater Services Tom Piccolotti addressed a question on whether any enterprise funds will be used for the purchase.

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

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Resolution 21-126, Approving Appropriation of Funds and Awarding a Purchase Contract for One Vac-Con Combination Sewer/Storm Cleaner

Award of Construction Contract for the Westlake Groundwater Storage and Recovery (GSR) Pump Station Modifications Project

Assistant Director of Water and Wastewater Services Joshua Cosgrove recommended the subject contract be awarded to Anderson Pacific Engineering Construction in the amount of \$3,680,000. The SFPUC is reimbursing Daly City for all costs associated with the construction contract. Mr. Cosgrove addressed a question on outreach efforts and confirmed that only one bid was received by the City.

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

Resolution 21-127, Authorizing Contract with Anderson Pacific Engineering Construction, Inc for Construction of the Westlake Groundwater Storage and Recovery Pump Station Modifications Project

ORDINANCES:

Second Reading, Ordinance No. 1450, Amending Section of Title 15 of the Daly City Municipal Code Re: Building and Construction Permit Time Limitations

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Daus-Magbual and carried by unanimous roll call vote to adopt the following ordinance:

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

Second Reading, Ordinance No. 1451, Repealing and Replacing Chapter 8.64 of the Daly City Municipal Code Re: Regulating the Use of Disposable Food Service Ware by Food Facilities

It was moved by Mayor Manalo, seconded by Vice Mayor Daus-Magbual and carried by unanimous roll call vote to adopt 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

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

John Duggan expressed concern over possible development on Westmoor Park, noting the lack of open spaces in the neighborhood as well as neglect of park maintenance. He mentioned a lack of public notice and acknowledged the school district's purview of the land.

(*GS) Unidentified caller/Call-In User_1 was concerned over the lack of body-worn cameras for the Daly City Police, requesting for everyone's resignations, making a point about the actions of the Mayor and the Vice Mayor regarding possible racial issues . The caller mentioned an email was sent to the City and claimed they would bring associates and cameras to City Hall the following day.

***GS: Councilmember Sylvester made amendments to the minutes at the September 27, 2021 Council meeting**

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Hibah H., 4DalyCity, requested updates on the Roger Allen investigation as well as the status of the officer involved in the case. She requested an alternative solution in removing the community garden and suggesting working with youth and the community.

Ray Satorre, Planning Commissioner, expressed concern with the lack of respect for the PBRC (Pilipino Bayanihan Resource Center) from Councilmembers DiGiovanni and Sylvester and for stunting economic growth in Daly City.

APPOINTMENTS:

It was moved by Councilmember Buenaventura, seconded by Mayor Manalo and carried by roll call vote to appoint Reigil Paniza to the Library Board of Trustees, with Councilmember DiGiovanni recusing herself from the vote.

It was moved by Councilmember DiGiovanni, seconded by Councilmember Sylvester and carried by roll call vote to reappoint Rick Crump to the Planning Commission, with Councilmember Buenaventura voting “No”.

REPORTS:

City Council

Councilmember DiGiovanni reported on the Fire Department’s plans for a more formal 9/11 program to be done annually starting next year. Councilmember DiGiovanni also requested maintenance of the non-working Police phone located directly outside of City Hall.

Mayor Manalo thanked Assistant to the City Manager Leilani Ramos and staff for the ribbon-cutting ceremony, which took place on the east side of Daly City and highlighted all the park renovations that have been done citywide. The Mayor expressed pride in the number of tot lots and parks that are available to Daly City residents.

ADJOURNMENT:

At 10:42 PM, Mayor Manalo adjourned the meeting in memory of Matthew Krinsky, Michael Brush, Carl Payne, Clarissa Rothe, Nicholas Salazar, Richard Trumka, the 13 Marines and all who recently lost their lives in Afghanistan, the 343 firefighters, law enforcement, first responders and all those who lost their lives on 9/11, Elsa Ramos, Tyreese Knox aka “The Great 1”, Dr. Gwen Agustin-Nodora, and Crisanta Laurente.

Approved as submitted, this 27th
day of September, 2021.

Mayor

City Clerk