

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
NOVEMBER 8, 2021

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The meeting was called to order by Mayor Manalo at 7:00 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:

Proclaiming Week of November 14 - 20, 2021 as United Against Hate Week
(Mayor Manalo proclaimed the week of November 14-20, 2021 as United Against Hate Week)

The following members of the public spoke to the importance of the proclamation and expressed concerns with Councilmember DiGiovanni's accusations during the September 13th Council meeting. Speakers requested public acknowledgment and an apology from Councilmember DiGiovanni for her unfounded accusations of conflicts of interest against Filipino organizations and Filipino leaders relating to the Safer Together event which took place on May 23.

Stephanie Balon

Christi Morales-Kumasawa

Fernando Montanes

Mayor Manalo reported she has obtained documented proof from the FPPC saying that there is no wrongdoing by the Mayor and that there was no conflict of interest. Mayor Manalo addressed Councilmember DiGiovanni and stated to stop vilifying and having those accusatory actions because I have been exonerated and have the proof.

Vice Mayor Daus-Magbual addressed how his words were taken out of context in a previous meeting. The Vice Mayor quoted and commended Professor Dr. Joy DeGruy's work on racism as it relates to power, noting the public comments received are a prime example of implicit bias and racism, but acknowledged there is room for growth and learning while uniting against hate. Councilmember Buenaventura reported an investigation by the FPPC determined there was no improper conduct by the Mayor and issued a rebuke of any notion of conflict of interest; the accusations filed against the Mayor were resolved in favor of the Mayor. Councilmember Buenaventura thanked and applauded the members of the public who had the courage and felt empowered to speak out when racism was evident to them.

Note on Public Comments: *For this meeting, members of the public were encouraged to watch the meeting via livestream and speak at the meeting via Zoom, and/or submit public comments via email to the City Clerk's Office 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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Proclaiming November 2021 as National American Indian Heritage Month

(Sandra Moore, American Indian Committee Chair, San Andreas Lake Chapter of the Daughters of the American Revolution (DAR))

APPROVAL OF MINUTES:

Regular Meeting of October 25, 2021

It was moved by Mayor Manalo, seconded by Councilmember Buenaventura and carried to approve the minutes of the Regular Meeting of October 25, 2021.

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 Councilmember Sylvester and carried to approve the consent agenda with the exception of items #4, 5 and 6 which were removed for further discussion.

Resolutions:

Accepting Fiscal Year 2021 Annual Report on Collection and Use of Developer Public Facility Fees

Director of Finance and Administrative Services Tim Nevin provided background on the fees and addressed questions on which types of infrastructure the developer fees can be used for.

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

Resolution 21-146, Approving Fiscal Year 2021 Annual Report On Collection And Use Of Developer Public Facility Fees

Authorizing Submittal of One Bay Area Grant 2 Application to Metropolitan Transportation Commission for the Southgate Avenue and School Street Safety Improvements Project

Director of Public Works Richard Chiu provided information on the subject grant program and the associated safety improvement project. Councilmember DiGiovanni thanked Mr. Chiu and his staff for their work on obtaining grants for safety improvement.

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

Resolution 21-147, Authorizing The Filing Of An Application For Funding Assigned To MTC And Committing Any Necessary Matching Funds And Stating Assurance To Complete The Project

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Approving Application for California Department of Parks and Recreation Specified Grant and Authorize City Manager to Execute All Grant Documents for Margate Park Improvements Project

Mayor Manalo thanked Assemblymember Phil Ting for his support and the State's contribution of \$4 million and thanked City Manager Shawwna Maltbie, Assistant to the City Manager Leilani Ramos and Director Richard Chiu for their work. Mayor Manalo noted the importance of having public open spaces, including the need for a skate park and an all-abilities inclusive playground or tot lot similar to the Magical Bridge Playground. Mayor Manalo acknowledged the \$1 million donation from the Budish family for the project. Councilmember Buenaventura thanked Assemblymember Phil Ting for his support, and as the Chair of the Budget Committee, for being instrumental in obtaining funding for Daly City, and acknowledged the relationship that the Mayor and the City has built with Assemblymember Ting and his staff. Councilmember Buenaventura reported the community concern with having a skate park in Daly City and thanked staff for looking to provide this for the community.

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

Resolution 21-148, Approving The Application(s) For Specified Grant Funds

Approving Proposed Revision and Title Change of Geographic Information System Analyst Job Specification (Civil Service)

Resolution 21-149, Adopting Revised Job Specification And Title Change For The Position Of Geographic Information System Analyst To Water And Wastewater Geographic Information Analyst

Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361

Resolution 21-150, Authorizing Remote Teleconference Meetings By The City Council And All Boards, Commissions, And Standing Committees Of The City In Accordance With Assembly Bill 361 For A Period Of Thirty Days

Setting Time and Place for Public Hearing on Community Development and Housing Needs

Resolution 21-151, Setting Time And Place Of Public Hearing Re: Assessment Of Community Development And Housing Needs

Approving the 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan

Resolution 21-152, Authorizing The Adoption Of The San Mateo County Multijurisdiction Local Hazard Mitigation Plan

END OF CONSENT AGENDA

PUBLIC HEARINGS

Public Hearing – Proposed Ordinance Adding Chapter 8.80 – Mandatory Organic Waste Disposal Reduction Ordinance

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Assistant to the City Manager Leilani Ramos provided an overview of Senate Bill (SB) 1383, its goals and requirements, and Daly City's plans to be compliant with the state mandates. Ms. Ramos reported SB 1383 is aimed at reducing greenhouse gas emissions by setting organic waste disposal reduction targets. Ms. Ramos provided the program's implementation timeline, City activities and action plan to ensure compliance. Compliance with SB 1383 includes adopting an ordinance for collection, recycling and food recovery requirements. Ms. Ramos addressed questions regarding the amount of a potential rate increase and whether the bill includes illegal dumping of debris and furniture.

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

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried to close the public hearing.

It was moved by Mayor Manalo, seconded by Councilmember DiGiovanni and carried for the City Attorney to read the ordinance by title only. Mayor Manalo introduced the ordinance.

Ordinance 1452, Adding Chapter 8.80 Of The Daly City Municipal Code Re: Mandatory Organic Waste Disposal Reduction

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni to adopt the following resolutions:

Resolution 21-153, Authorizing Execution Of Memorandum Of Understanding Between The City Of Daly City And The County Of San Mateo For An Edible Food Recovery Program

Resolution 21-154, Approving The Recovered Organic Waste Product And Recycled-Content Paper Procurement Policy

Amendments to Daly City Municipal Code Chapter 17.36 – Home Occupations Zoning Ordinance to Allow Microenterprise Home Kitchen Operations (MEHKOs) - Zone Change ZC- 9-21-15240

Planning Manager Michael Van Lonkhuysen provided definition of MEHKO as a food facility that is operated by a resident from their private home kitchen and allows them to store, handle, prepare and serve food to the public as allowed by State law (AB 626/377) like a restaurant. State law places limits on the number of meals served and revenue received, among other requirements. While San Mateo County will issue health permits for these facilities, the resident must also file for a business license with the City. Mr. Van Lonkhuysen requested the home occupation regulations in the zoning ordinance to be changed to exclude MEHKOs so that they may operate in the City.

Mr. Van Lonkhuysen addressed questions on where the food may be consumed, limitations to food preparation and delivery, the type of license and/or permit required, proposed hours of operation, and whether alcohol could be served or produced by MEHKOs.

Mayor Manalo opened the public hearing. As there were no speakers on the matter, Mayor Manalo closed the public hearing.

It was moved by Councilmember Buenaventura, seconded by Councilmember DiGiovanni and carried for the City Attorney to read the ordinance by title only.

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Mayor Manalo introduced the ordinance and thanked the team who worked on the ordinance including the Planning staff and Ms. Maltbie.

Ordinance 1453, Amending Chapter 17.36 Of Title 17 Of The Daly City Municipal Code Re: Home Occupations

COMMUNICATIONS

Status Update for Hotel Site Request for Developer Qualifications and Proposals

Director of Economic and Community Development Tatum Mothershead reported the request for qualifications and proposals (RFQ/P) deadline to solicit hotel development firms for the 1850 Junipero Serra Boulevard site was extended from August 27 to October 15. Ken Hira, Kosmont, provided an update on the five RFQ/P submissions received for the site consisting of the following development teams: 1. AF Canta, Inc. & IBF Hospitality, 2. Majestic Hospitality & Equinox Hospitality, 3. JM McClellan Development, 4. LF George Properties Corp. and 5. Phase 3 Real Estate Partners, Inc. Mr. Hira provided a summary of each team's development proposal, on whether the team appeared to have the financial wherewithal for its proposal, and requested direction from Council for next steps.

The Council provided direction to give each of the five development teams the opportunity to give a presentation during an interview process at a City Council Study Session meeting. The Council was open to receiving and considering further proposals until the end of the year (December 31, 2021). The Council also provided the information they would like to have answered by the developer teams during the interview process. Mr. Hira took the Council's direction and stated he will work with staff and arrange for the interviews after the new year while remaining open to further development opportunities.

Cynthia Gomez, Unite Here Local 2, representing hotel workers, spoke to union members about their concerns regarding the proposed development on this site. Ms. Gomez requested that workers be able to organize a union if they choose to and for enforceable commitments from the potential developer chosen.

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Call-in User_4 voiced complaint with Daly City officials' community service, noting they have yet to receive any responses to their questions. Caller requested that Daly City officials sign off on the Governor's laws which went into effect September; the laws included SB2 SB16, AB26, AB48, AB89, AB481, AB490, AB598 (aka police reform laws) to gain the trust of the community from the Police Department. Caller noted body-worn cameras are in effect and requested the City to place this information along with the police reform laws on its website to update the community.

APPOINTMENTS:

It was moved by Councilmember DiGiovanni, seconded by Councilmember Sylvester and carried by the following roll call vote to appoint Saul Miranda Cardenas to the Recreation Commission.

Ayes: DiGiovanni, Sylvester, Daus-Magbual
Noes: Buenaventura, Manalo

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Council Committee Meetings:

Peninsula Clean Energy (PCE) (Daus-Magbual)

City Council

Councilmember Sylvester requested an update on the staff report for the police body-worn cameras to which Ms. Maltbie responded that Police staff will be ready to provide the report on the November 22 City Council meeting.

Mayor Manalo attended the 60th anniversary celebration of the Philippine Nurses Association of Northern California; the nurses have been at the forefront before, during and after the pandemic and were honored for their leadership and service. Mayor Manalo attended the 4th annual adobo cook-off at Seven Mile House; all proceeds will go to their nonprofit organization. Mayor Manalo participated as a judge, along with colleagues, for the employee Halloween costume contest; the Mayor was also a judge, along with the Mayor of Colma, for the Chamber of Commerce Halloween online photo contest. Mayor Manalo joined the Burmese community for the Save Myanmar multi-ethnic cultural show and participated in the Daly City Public Library Associates (DCPLA) book sale at Westlake Shopping Center; the Mayor commended Phyllis Rizzi, the team and the youth volunteers for their work at the book sale. Mayor Manalo joined the 6th Annual CALNET Leadership Retreat with the elected API from California; Congressional, State, County Boards and Commissions and City Councilmembers convened at the retreat.

Councilmember DiGiovanni attended the Trunk or Treat Halloween event where Daly City Police Department won first place and the Tipper family won second place; Councilmember DiGiovanni thanked David Zetzer, Denise Brown, Edgardo Bolanos, and Romeo Benson (from Recreation), Water Wastewater and North County Fire staff for the success of the drive-thru event. Councilmember DiGiovanni attended the DCPLA's used books sale event and thanked Victoria Magbilang, Rosie Tejada, Tom Nuris, Adrienne Tissier, Teresa Proano, Susan Brissenden Smith, Phyllis Rizzi, Chela Anderson and the students for their participation. Councilmember DiGiovanni reported there will be a local event to celebrate Veteran's Day. Councilmember DiGiovanni thanked Leilani, the Vice Mayor and the Mayor for judging the employee Halloween costume contest.

ADJOURNMENT:

Mayor Manalo adjourned the meeting at 9:32 PM in memory of Sophia Christina Melendrez and Wilma Chan.

Approved as submitted, this 22nd

day of November, 2021.

City Clerk

Mayor