CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 14, 2022

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The meeting was called to order by Mayor Daus-Magbual at 7:00 P.M. by video conference call pursuant to Governor Gavin Newsom's Executive Order N-29-20.

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

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

PRESENTATIONS:

DCPLA Grant for U.S. State Books and a Rigamajig Building Kit to the Daly City Public Library
(Patricia deVera, Board President, Daly City Public Library Associates)

APPROVAL OF MINUTES:

Regular Meeting of February 28, 2022

It was moved by Councilmember Manalo, seconded by Councilmember DiGiovanni and carried to approve the minutes of February 28, 2022.

APPROVAL OF AGENDA:

It was moved by Mayor Daus-Magbual 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 #3, 4 and 9.

Communications:

2021 Qtr. 4 Investment Report

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.*

Director of Finance and Administrative Services Tim Nevin addressed questions on investments for the North San Mateo County Sanitation District and the City. Staff will correspond with the local investment pool to ensure there are no funds invested into Russia, China, or any other countries that negatively impact Ukraine.

It was moved by Councilmember Manalo, seconded by Councilmember DiGiovanni and carried by voice vote to accept the report.

Resolutions:

Accepting two $30,000 Grants from the National Fitness Campaign

Recreation Services Manager Denise Brown recommended acceptance of two $30,000 grants from the National Fitness Campaign (NFC) for two Fitness Courts at two City parks – Westlake Park and Lincoln Park. Ms. Brown presented a video displaying NFC's goal to make fitness easily accessible to neighborhood communities. Gloria Cox, NFC Partnership Development Manager, addressed questions about inclusivity, accessibility, the trademark layout of the Fitness Courts, and the availability of Fitness Courts at other sites.

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

Resolution 22-38, Accepting Two $30,000 Grants From The National Fitness Campaign For Two Fitness Courts

Accepting and Appropriating a $9,000 Grant from the Daly City Public Library Associates

Resolution 22-39, Accepting And Appropriating Grant From The Daly City Public Library Associates

Setting Time and Place for a Public Hearing to Consider Zone Change ZC-01-22-15477 Establishing Zoning Location Standards for Smoke Shops and Tobacco Stores

Resolution 22-40, Setting Time And Place Of Public Hearing For Zone Change ZC-01-22-15477 Establishing Zoning Location Standards For Smoke Shops And Tobacco Stores

Setting Time and Place for a Public Hearing to Consider One-Year HUD Action Plan for Fiscal Year 2022-23

Resolution 22-41, Setting Time And Place Of Public Hearing On Daly City's One-Year Action Plan For Fiscal Year 2022-2023 Under The Community Development Block Grant And HOME Programs

Setting Time and Place for a Public Hearing to Consider HOME ARP Allocation Plan

Resolution 22-42, Setting Time And Place Of Public Hearing To Consider Daly City's HOME ARP Allocation Plan

Annual Delegation of Authority to City Treasurer to Invest City Funds

City Treasurer Daneca Halvorson addressed questions and confirmed that funds within the state's pooled money investment account have no direct exposure to Russia and will ensure the County's pooled investments have no exposure to Russia.

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

Resolution 22-43, Renewing Delegation Of Investment Authority To The City Treasurer

Check Registers:

Check Registers for the Month of February 2022

END OF CONSENT AGENDA

PUBLIC HEARINGS:

Public Hearing - Proposed 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 presented the proposed municipal code amendments to align the City's ordinance with new state laws AB 1276 and AB 1200. AB 1200 prohibits the sale or distribution of single-use foodware comprised of paper or other plant-based natural fiber that contains intentionally added per- and polyfluoroalkyl substances (PFAS). PFAS requirements go into effect January 1, 2023 while the City's new regulation requiring food facilities to transition to non-plastic natural fiber-based alternatives go into effect October 1, 2022.

Eun-Soo Lim, Office of Sustainability, and Ms. Ramos addressed questions on the toxicity of PFAS to human health, whether any measures regarding PFAS have been taken at the federal level, and whether any outreach to businesses has been done regarding the new laws.

Mayor Daus-Magbual opened the public hearing. There were no speakers on this item.

It was moved by Vice Mayor Buenaventura, seconded by Councilmember Manalo and carried to close the public hearing.

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

Ordinance 1454, Repealing And Replacing Chapter 8.64 Of The Daly City Municipal Code Regulating The Use Of Disposable Food Service Ware By Food Facilities

Public Hearing - Proposed Ordinance Amending Chapter 2.16 of the Daly City Municipal Code Re: Arts and Cultural Commission

Mayor Daus-Magbual recused himself from the item. Assistant City Manager Stephen Stolte

provided background of the discussions between Arts and Culture Commissioners regarding their duties and referred to the letter sent by the commission to the City Council outlining requested changes to their duties. Mr. Stolte read the proposed duty revisions and requested the Council to consider the revisions. Mr. Stolte addressed questions regarding commission funds and expenses and staff's recommendation on this matter.

The City Council discussed the following issues: the commission's role as an advisory body, the language used in the proposal, whether there should be changes to the language of the proposal, the commitment displayed by the commissioners, and the proposal's impacts on the Arts and Culture Commission and the City Council.

Arts and Culture Commissioner Nancy Rodriguez provided clarification on the intent of their proposal. Ms. Rodriguez stated the goals of their proposal include keeping commissioners more accountable, widening the scope of fine art and re-defining art, providing advisory support to find ways to fund arts and culture projects, to better organize the commissioner and obtain more support, and to acknowledge the diversity in art.

It was moved by Vice Mayor Buenaventura and seconded by Councilmember Manalo to adopt the ordinance as presented.

City Manager Shawnna Maltbie addressed questions and provided clarification on the administration behind changing the policy, referring to the correspondence sent from City Manager's Office. Ms. Maltbie stated there is no formal adopted policy for agendizing an item; the informal policy is for a Councilmember to request the Mayor to agendize the item.

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

The motion failed by the following roll call vote:

Ayes:	Buenaventura, Manalo
Noes:	DiGiovanni, Sylvester

Public Hearing - Claim to Lien Property at 262 Crocker Avenue (APN 004-082-150)

Engineer Alexander Yuen provided background on the 48-inch-deep sinkhole discovered in front of the subject site. The City authorized contractor Kingdom Pipelines, Inc. to abate the immediate life, health and safety hazards caused by the broken sewer lateral. To recover the emergency repair fees, totaling $12,371.63, a lien was placed on the property. Mr. Yuen addressed questions on what constitutes an emergency repair and the timeline of events pertaining to the incident.

It was moved by Councilmember DiGiovanni, seconded by Councilmember Manalo and carried to open the public hearing.

Mario Flores, property owner, provided background on owning various properties in Daly City and dealing with maintenance of those properties. Mr. Flores acknowledged responsibility of the sewer repair but claimed he was not contacted by the City and did not have the opportunity to do the repairs at a more effective cost.

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

Director of Public Works Richard Chiu addressed questions on the City's process in handling these types of emergency situations, on whether the City has access to property owners' contact information, and the timeframe of events. Due to a lack of a motion, the item failed.

Public Hearing - Proposed Ordinance Amending Title 15 and Adding Chapter 15.80 of the City of Daly City Municipal Code by Establishing an Expedited Permit Process for Electric Vehicle Charging Stations as Required by Government Code Section 65850.7

Chief Building Supervisor Mario Sigala provided information on AB 1236, requiring jurisdictions to establish procedures for expedited, streamlined permitting of electric vehicle (EV) charging stations. Mr. Sigala addressed questions timeframe for permitting and limitations to charging spaces. The Council thanked staff for their work on ensuring the City moves towards having more EVs in the community.

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

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

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

Ordinance 1455, Adding Chapter 15.80 To Title 15 Re "Electrical Vehicle Charging Stations" To Provide Expedited And Streamlined Permitting Process Consistent With State Law; Affirming The Planning Department's Determination Under The California Environmental Quality Act

COMMUNICATIONS:

Status Update on the Community Wellness and Crisis Response Team for the City of Daly City Police Department

Police Captain Ronald Mussman provided an update on the City's pilot program Community Wellness and Crisis Response Team, and acknowledged Clinician Cathy Maguire's vital role in the team. Captain Mussman provided information on Ms. Maguire's extensive experience in dealing with individuals in crisis. The pilot program is a collaborative effort between the Daly City Police Department, San Mateo County Behavioral Health and Recovery Services, Star Vista, and the John W. Gardner Center.

Ms. Maguire summarized the program's goal of responding with the safest and least restrictive plan for the client's well-being; her priority is to support the community, especially those who are in crisis. Ms. Maguire also provides support to individuals in crisis by following up and linking them with resources through her networks and collaborations with various County agencies.

Dr. Daryl Tilghman, Star Vista Associate Director, who provides the operational oversight of the program, acknowledged Ms. Maguire's experience and the positive feedback the program received from the community. Dr. Jaymes Pyne, Stanford University Research Associate, presented collected data from the implementation and outcome studies they conducted to find ways to improve the response program.

The City Council expressed their support for the program, expressed the need to address mental health in the community, and commended the collaborative work being done by Ms. Maguire and the rest of the Response Team. Recommendations included having a debriefing with the police officers involved, providing updates on the pilot program and potential expansion of the program over time. Ms. Maguire addressed questions on what other trainings, if any, she provides for new police officers.

Developer Interview and Consideration of Proposal for Hotel Parcel at 1837 Junipero Serra Boulevard

Director of Economic Community and Development Tatum Mothershead provided a summary of the February 15 meeting wherein the City Council received presentations and interviewed four teams interested in developing the subject parcel. Ms. Mothershead introduced LF George Properties Corp., the final team who will present tonight and be interviewed by the Council. If LF George is selected to progress to the second round, staff will work with the developer to submit a term sheet.

Albert Costa, Architect and Agent for LF George, presented two options for the development site: Project 1 consisted of a 4-story hotel (100 units) and a 10-story residential building (200 units); Project 2, a non-hotel option, is a residential mixed-use project with 300 residential units, a community center and ground-floor retail. LF George is recommending Project 2 since the landscape has changed for hotel use due to the pandemic. Mr. Costa answered interview questions including: its hiring process and its use of union labor; fair market value for the property; the timeline for project implementation; the company's financial wherewithal; community and economic benefits of project; and price ranges for the units.

It was moved by Councilmember Manalo and seconded by Vice Mayor Buenaventura. Councilmember Sylvester requested the inclusion of renditions as part of the term sheet from LF George; Councilmember Manalo accepted the amendment. The motion carried by unanimous roll call vote to adopt the following resolution, as amended.

Resolution 22-44, Selecting Developers To Progress To The Next Step For The Hotel Parcel Project At 1837 Junipero Serra Boulevard

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

City Attorney Rose Zimmerman provided background on AB 361 which allows continuation of remote teleconference public meetings for a period of 30 days by Council resolution. Assistant City Manager Stephen Stolte provided an update on requirements for universal masking, vaccination rates within the City and County, and COVID case trends. Mr. Stolte reported on safety precautions taken inside the City's Council Chambers, hybrid meeting (virtual/in-person) protocols, how the City's current policies align with other municipalities, and a tentative date of May 22 for the provision of hybrid meetings.

Staff requested City Council direction and feedback on return to in-person public meetings and a citywide masking policy. Staff addressed questions on masking policies at City libraries, on the Brown Act and whether employees were surveyed for input. The City Council supported implementing a hybrid meeting option installed for the public and requested a test run of the updated teleconferencing equipment prior to holding a hybrid meeting.

It was moved by Councilmember DiGiovanni, seconded by Councilmember Sylvester and carried by unanimous roll call vote:

Resolution 22-45, 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

AWARD OF BIDS/CONTRACTS:

Award of Contract for the Civic Center South Roof Project

Assistant to the Director of Public Works Jeff Fornesi recommended awarding a contract for the subject project to Garland DBS, Inc. in the amount of $256,339 and to execute the contract for $295,000 which includes contingency. Mr. Fornesi addressed questions regarding Garland DBS, Inc.

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

Resolution 22-46, Authorizing Execution Of Construction Contract With Garland/DBS, Inc. For The Civic Center South Roof Project

APPOINTMENTS:

It was moved by Councilmember DiGiovanni, seconded by Councilmember Sylvester and carried by voice vote to reappoint Teresa Faapua to the Library Board of Trustees. Councilmember Buenaventura voted "No".

REPORTS:

Council Committee Meetings: February 14, 2022- March 9, 2022

Affordable Housing Committee (Manalo/Sylvester)
Community Development Block Grant (CDBG) (Daus-Magbual/Manalo)

City Council

Vice Mayor Buenaventura commended the Pilipino Bayanihan Resource Center (PBRC) for its planned donation drive on April 2 for Ukraine; PBRC is requesting donations of first aid kits, wheelchairs, crutches, medicines, blankets, backpacks, vitamins, etc. PBRC will pay up to $10,000 in shipping costs to send these essential items for the people of Ukraine and deliveries will tentatively be made via an organization in Poland. Councilmember Buenaventura expressed support for flying the Ukraine flag over City Hall and referred to emails requesting this of the City. Councilmember Buenaventura raised a question on whether there is a distinction between raising a flag or displaying a banner of the flag, and whether a banner can stay up for a longer period at City Hall.

Councilmember Sylvester referred to the 262 Crocker agenda item that was on tonight's agenda. Councilmember Sylvester requested payment be made to the vendor who provided their services at that site and questioned whether the matter can be reconsidered for negotiation and be re-agendized at a later time to recover some of the cost incurred by the City.

Councilmember DiGiovanni requested information on the process of an ad hoc Council committee and whether any action can be taken during these meetings. Councilmember DiGiovanni wished all a Happy St. Patrick's Day and International Women's Day; the latter honored first responders including the women of the Police and Fire Department. Council DiGiovanni acknowledged the women who are leaders in the community and City.

Councilmember Manalo reported attendance with the Arts & Culture Commission at the International Women's Day Event and commended San Mateo County Poet Laureate Aileen Cassinetto for her poetry during the event. Councilmember Manalo reminded everyone of Daly City Public Library Associates' St. Patrick's Day Event. Councilmember Manalo reported there will be a vigil for the people of Ukraine on March 20th at 5 PM with San Mateo County Supervisor David Canepa at 400 County Ctr.

Mayor Daus-Magbual reported attendance at a meeting with the staff of Peninsula Clean Energy (PCE); the meeting discussed PCE's milestones, objectives, ways to address inequities through PCE, and the Diversity, Equity, Access & Inclusion work being done by PCE.

ADJOURNMENT:

Mayor Daus-Magbual adjourned the meeting at 11:12 PM in memory of Donna Marie Otis and Juanita Buckley.

Approved as submitted, this 28th day of March, 2022.

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City Clerk

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Mayor