

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JULY 25, 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:
Stephen Stolte, Assistant City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

Staff Absent:
Shawna Maltbie, City Manager

PRESENTATIONS:

Peninsula Clean Energy Updates
(Jan Pepper, Chief Executive Officer)

APPROVAL OF MINUTES:

Regular Meeting of July 11, 2022

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried to approve the minutes of June 11, 2022.

APPROVAL OF AGENDA:

It was moved by Councilmember Manalo, seconded by Councilmember DiGiovanni and carried to approve the agenda.

CONSENT AGENDA:

It was moved by Councilmember Manalo, seconded by Councilmember DiGiovanni and carried to approve the consent agenda.

Resolutions:

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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Accepting and Appropriating Grant Funding from CalRecycle

Resolution 22-123, Accepting And Appropriating Grant Funding From The California Department Of Resources Recycling And Recovery

Setting Time and Place for a Public Hearing to Consider Zone Change ZC-04-21-014994 and Design Review DR-04-21-014995 Set Hearing: 9/12/2022

Resolution 22-124, Setting Time And Place Of Public Hearing For Zone Change ZC-04-21-014994 And Design Review DR-04-21-014995 to Redevelop A Portion Of Westlake Center

Amending Traffic Regulations to Convert Existing 20-Ft. Commercial Vehicle Parking (Yellow) Zone In Front Of 92 Hill Street To A One-Hour Metered Parking Space (TSR 22/41)

Resolution 22-125, Establishing Traffic Regulations

Appropriating Funds and Authorizing City Manager to Execute an Amendment to the Professional Services Agreement for 2019-20 Maintenance & Repair of Mussel Rock Landfill Site Project

Resolution 22-126, Authorizing Amendment #3 To Professional Services Agreement With Tetra Tech, Inc. For 2019-20 Maintenance And Repair Of Mussel Rock Landfill Site And Appropriation Of Funds

Authorizing City Manager to Execute Amendments to the Professional Services Agreement with BKF Engineers for Design of the ADA, Sidewalk, and Parking Lot Improvements Project

Resolution 22-127, Authorizing Execution Of Amendment #1 To The Professional Services Agreement With BKF Engineers For Design Of The ADA, Sidewalk And Parking Lot Improvements Project

Authorizing City Manager to Execute a Contract Renewal for Mussel Rock Landfill Site Monitoring Professional Services with Tetra Tech, Inc.

Resolution 22-128, Authorizing Amendment #2 Of Professional Services Agreement With Tetra Tech, Inc. For Mussel Rock Landfill Site Monitoring

Authorizing City Manager to Execute a Professional Services Agreement for Project Management and Construction Support Services for Various Capital Project

Resolution 22-129, Authorizing Execution Of Professional Services Agreement With AGS, Inc. For Project Management And Construction Support Services For Various Capital Project

Authorizing the Purchase, Installation, and Construction of an Outdoor Fitness Court at Westlake Park

Resolution 22-130, Authorizing A Purchase Agreement With National Fitness Campaign LP For The Purchase, Installation And Construction Of An Outdoor Fitness Court At Westlake Park

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Authorizing the Purchase, Installation, and Construction of an Outdoor Fitness Court at Lincoln Park

Resolution 22-131, Authorizing A Purchase Agreement With National Fitness Campaign LP For The Purchase, Installation And Construction Of An Outdoor Fitness Court At Lincoln Park

END OF CONSENT AGENDA

PUBLIC HEARINGS:

Public Hearing - Abatement Lien at 499 Santa Barbara Avenue (APN 003-121-010)

Director of Economic and Community Development Tatum Mothershead presented the code enforcement action at the subject site in which the City obtained a preliminary injunction from the County and entered the property to abate a public nuisance of trash and debris. Due to the severity of the public nuisance, several clean-ups were performed and a cost recovery bill totaling \$30,987.30 was sent to the property owner in February 2022. Since the property owner has failed to submit any payment, the City is seeking recovery costs by assessment lien to be placed on the property in accordance with municipal and government codes.

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

Resolution 22- 132, Authorizing The Placement Of An Abatement Lien At 499 Santa Barbara Avenue (APN 003-121-010)

COMMUNICATIONS:

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

Assistant City Manager Stephen Stolte requested the Council to consider designating a voting delegate and up to two alternates for the subject meeting; the delegate and alternate(s) must be registered to attend the conference.

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried by unanimous roll call vote to designate Mayor Rod Daus-Magbual as Voting Delegate, and Councilmember Juslyn Manalo as Alternate, by adopting the following resolution:

Resolution 22-133, 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

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Variance VARC-6-22-15750 — Parking Variance to Allow Retail/Residential Expansion at 6157 Mission Street

Planning Manager Michael Van Lonkhuysen presented staff’s recommendation to approve the variance at the subject site; he provided an overview of the proposal to expand the ground floor of an existing grocery store and to expand the floor plans on the second and third floors with family room additions. No additional parking is required by the proposal.

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

Resolution 22-134, Affirming Categorical Exemption (CEQA), Adopting Findings Of Fact And Imposing Conditions Of Approval On Variance (VARC-6-22-15750) To Allow Retail Residential Expansion At 6157 Mission Street

Approval of Transfer of Franciscan Mobile Home Park to Franciscan Residents Advisory Committee (FRAC); Approval of Early Redemption and Defeasance of Daly City Housing Development Finance Agency (DCHDFA) Mobile Home Park Refunding Revenue Bonds (Franciscan Mobile Home Park Acquisition Project), Series 2007A, 2007B and 2007C and Mobile Home Park Fourth Tier Revenue Bond (Franciscan Mobile Home Park Acquisition Project) Series 2002D; and Approval of Regulatory Agreement

City Attorney Rose Zimmerman presented recommended actions regarding the Franciscan Mobile Home Park (the Park), including its transfer to FRAC, the defeasance of all outstanding DCHDFA bonds, and the authorization to enter a new regulatory agreement. Ms. Zimmerman provided background for the Park, the issued bonds, and addressed questions on the terms of the proposed regulatory agreement.

The following speakers requested postponing the vote for this item. The Park residents expressed concerns with FRAC including its rulings, its lack of transparency and communication, its unequal treatment of Park residents, harassment by FRAC towards residents, FRAC’s lack of experience, and the lack of proper notice for tonight’s public hearing. Others cited missing information from the term agreements and financial reports. Some speakers questioned how FRAC will protect Park residents and recommended LLC ownership of the Park instead.

Piperjan, Park resident
Pastor Bob Eusebio II, Park resident
Mark Roy, Park resident

David McLaughlin, Attorney with LLC
Robert Greco, Park resident

The following speakers supported the transfer of the Park to FRAC to ensure control of rent increases, to maintain amenities, to have ongoing monitoring of the Park, to ensure fiscal integrity, and to keep the Park affordable to low-income households. Individuals referred to the poor job being done by the current management and acknowledged the Park residents who are currently not in support of the transfer. Speakers also cited the amount of work that has been done by FRAC regarding the transfer and urged for Council’s approval on this matter.

Carlos Medal, Park resident
Bob Quinn, FRAC & Park resident
Maryann Mann, Park resident

“Franciscan Park”, Park resident
Pedro Gonzales, FRAC President

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Call-in User John Daly requested translators for public speakers on the meeting and requested postponing the matter.

The Council discussed the history of the Franciscan Park, the importance of having a cooperative, the importance of ownership, and the importance of affordable housing in the City. Jeff Stryper, FRAC Attorney, addressed questions on the rents, the pro forma, the locations of the low-income housing units within the Park, the role and purpose of the cooperative, how the FRAC membership amount was established and payment options. Ms. Zimmerman addressed questions on how long staff has spent working on the transfer.

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

Resolution 22-135, Authorizing The Early Redemption And Defeasance Of The Daly City Housing Development Finance Agency Mobile Home Park Revenue Refunding Bonds (Franciscan Mobile Home Park Acquisition Project), Series 2007a, 2007b And 2007c And The Daly City Housing Development Finance Agency Mobile Home Park Fourth Tier Revenue Bonds (Franciscan Mobile Home Park Acquisition Project) Series 2002d; Approving An Escrow Agreement And A Regulatory Agreement And Declaration Of Restrictive Covenants, And Other Documents Related Thereto; Approving The Transfer Of The Franciscan Mobile Home Park To Franciscan Advisory Resident Committee; And Authorizing Certain Other Actions In Connection Therewith

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Lindsay Raike, CEO of Warm Water Wellness, encouraged Council to support re-opening the Mickelson Therapy Pool in San Mateo by way of a resolution. A rally to support the re-opening of the pool was attended by patients, pool users, and various elected officials.

Call-In User5, John Daly, asked everyone to mute their mics to avoid background noise. John Daly commended Leilani Ramos for her work during the meetings, questioned the City Clerk's work, provided disparaging remarks for the Council, and requested for work to be done at Daly City BART.

REPORTS:

City Council

Vice Mayor Buenaventura thanked Mayor Daus-Magbual for presiding over the Alice Bulos Memorial Highway Ceremony; the historic event was to honor one of Daly City's leaders, Alice Bulos, whose effect is felt in the Peninsula and San Francisco. The Vice Mayor expressed gratitude to staff as well as the community for attending the ceremony.

Councilmember Manalo thanked Vice Mayor Buenaventura for his leadership in obtaining the Alice Bulos Memorial highway signs and for bringing it to the attention of Assemblymember Phil Ting, and thanked Mayor Daus-Magbual for his words during his tribute to Alice Bulos. Councilmember Manalo noted the amazing work Alice Bulos has done for her community and for her contribution to having Filipino-American representation. Councilmember Manalo commended the work done by the Arts & Culture Commission, Commissioners Arlene Daus-Magbual and Jo Boston for the Jo Koy Event at Daly City Hall.

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Councilmember Manalo was honored to give Jo Koy the key to the City during the event and noted Jo Koy's speech which talked about his struggles and the importance of having representation in the media, referring to his movie "Easter Sunday."

Councilmember DiGiovanni acknowledged Vice Mayor Buenaventura for his leadership in bringing about the Alice Bulos Memorial highway signs and acknowledged the leadership from Mayor Daus-Magbual during the ceremony and Assemblymember Phil Ting's support. Councilmember DiGiovanni commended Alice Bulos's positive impact in the community and her modesty. Councilmember DiGiovanni thanked Mayor Daus-Magbual, Arlene Daus-Magbual and Jo Boston of the Arts & Culture Commission, and Leilani Ramos for their work on the Jo Koy Event at City Hall.

Mayor Daus-Magbual thanked Vice Mayor Buenaventura for his efforts and leadership in making the Alice Bulos Memorial highway signs come to fruition. Mayor Daus-Magbual reported on the MidPen wall-raising, acknowledging the dignitaries in attendance, referring to MidPen as the largest affordable housing project in San Mateo County. Mayor Daus-Magbual thanked Jo Koy and Universal for coming to Daly City and for promoting a movie that is surrounded by the Filipina/Filipino/Filipinx American experience. The Mayor thanked Leilani Ramos, Charlie Morrow and staff, as well as Jeremiah Abraham, Lyle del Mundo, Arts & Culture Commissioners Nancy Rodriguez, Elizabeth Espinda, Dorie Paniza, Jo Boston and Arlene Daus-Magbual, and the artists and volunteers who all worked together to make the events happen to shine a light on Daly City.

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Kainyt expressed concern and questioned why Councilmember DiGiovanni was using a City vehicle for campaigning purposes and personal matters. Kainyt cited unfairness due to City funds coming from taxpayers.

Cheryll Catuar referred to a letter of complaint she sent regarding harassment she received from Councilmember DiGiovanni during the Jo Koy City event. According to Cheryll, she was a guest at the event, but was asked by police to leave upon Councilmember DiGiovanni's request, referring to it as an abuse of power.

Fernando Montanes expressed concern regarding the behavior of Councilmember DiGiovanni, referring to her treatment of Cheryll Catuar who is running for public office in Daly City. Fernando asked the Council for a level of accountability for Councilmember DiGiovanni's actions.

ADJOURNMENT:

Mayor Daus-Magbual adjourned the meeting at 9:39 PM in memory of the brother of John Gamez, Connie Latrenco, Carlos L. Ramillo, Wendell Pascual, and the grandmother of Leticia Fernando LeCompte Cherry.

Approved as submitted, this 12th

day of September, 2022.

City Clerk

Mayor