

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
OCTOBER 28, 2019

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The meeting was called to order by Mayor Buenaventura at 7:00 P.M.

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

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

APPROVAL OF MINUTES:

Regular Meeting of October 14, 2019

It was moved by Councilmember Manalo, seconded by Councilmember Daus-Magbual and carried to approve the minutes of October 14, 2019.

APPROVAL OF AGENDA:

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

CONSENT AGENDA:

It was moved by Vice Mayor Sylvester, seconded by Councilmember DiGiovanni and carried to approve the consent agenda, with items #2 and 3 removed from the consent agenda for further discussion.

Resolutions:

Approval of the Subdivision Improvement Agreement between the City of Daly City and Absolute Best Courtesy, LLC and Approval of the Parcel Map for SUB-7-18-13562, Parcel Map of the Lands of Absolute Best Courtesy, LLC

Resolution 19-166, Approving Parcel Map For SUB-7-18-13562 and Authorizing Execution Of Subdivision Improvement Agreement Between The City Of Daly City And Absolute Best Courtesy, LLC

Restoration of Community Emergency Planning and Disaster Preparedness Position

Councilmember Manalo emphasized the importance of educating the public in times of disaster which helps the community at large.

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

Resolution 19-167, Approving Restoration Of Community Emergency Planning And Disaster Preparedness Position

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Authorizing POW/MIA Flag Ceremony on Veterans Day November 11, 2019

Mayor Buenaventura invited the public to attend the flag ceremony at City Hall on Veterans Day to recognize our war veterans, POWs, and those who are MIA.

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

Resolution 19-168, Authorizing POW/MIA Flag Ceremony On Veterans Day And Other Designated Dates

Check Registers:

Check Registers for the Month of September 2019

END OF CONSENT AGENDA

PUBLIC HEARINGS:

Introduction of an Ordinance Adding Chapter 5.92 to the Daly City Municipal Code and Adoption of the Short-Term Rental Fees

It was moved by Mayor Buenaventura, seconded by Councilmember DiGiovanni and carried by voice vote to continue the item to the City Council meeting of November 25, 2019.

Introduction to the 2019 Editions of the California Building, California Existing Building Code, Residential, California Existing Building, California Green Building Standards, California Mechanical, California Electrical, California Plumbing Codes, and the 2018 International Property Maintenance Code as Amended

Chief Building Supervisor Val Mandapat gave an overview of the recommended modifications to the municipal code and the corresponding findings of fact.

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

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

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

Ordinance 1432, Repealing and Replacing Title 15 of the Daly City Municipal Code and Replacing Chapters 15.00, 15.08, 15.10, 15.14, 15.16, 15.20, 15.22, 15.24, 15.60 and 15.64

Introduction of the Ordinance to Revise and Adopt the 2019 Edition of the California Fire Code

Deputy Fire Chief Barry Biermann presented an ordinance to adopt 2019 modifications to the California Fire Code.

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

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

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

Ordinance 1433, Repealing and Replacing Chapter 15.32 of the Municipal Code Re: Adoption of the 2019 California Fire Code Based on the 2018 Edition of the International Fire Code with Changes, Additions, Amendments and Deletions

Introduction of an Ordinance Re: Regulation of Commercial Cannabis Business Operations

City Attorney Rose Zimmerman provided background and presented the proposed ordinance allowing for the establishment of commercial cannabis business operations in the City and adopting a process for permitting and regulations of those activities.

Mayor Buenaventura opened the public hearing.

The following individuals expressed concern with passing an ordinance that could have impacts to the community and gave various reasons: easier accessibility of cannabis and increase of cannabis use among youth; increased potential for substance abuse; the proximity of other cities that already allow cannabis operations; increased DUI rates and other safety concerns; and impacts to the City's public resources and public health. Some individuals urged Council not to pass the ordinance.

Stella Chan, San Mateo Health
Mikio Akima, Prevention Collaborative, JCYC
Erika Tamura, Prevention Collaborative, JCYC
Wendy Wong, Coalition for Good Neighborhoods
Alisa Ruiz-Johnson

Danelle Go, Prevention Collaborative, JCYC
Eduardo Gonzalez, Youth Leadership Institute
Edith Cabuslay, San Mateo Health
Marie Brizuela
Meina Young

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

It was moved by Vice Mayor Sylvester, seconded by Councilmember Manalo and carried for City Attorney to read by title only. Mayor Buenaventura introduced the following ordinance:

Ordinance 1434, Adding Chapter 5.104 to the Daly City Municipal Code Re: Commercial Cannabis Regulations

Adopting an Uncodified Urgency Ordinance to Immediately Implement the Tenant Protection Act of 2019 (AB 1482) to Provide Just Cause Eviction Protections in the City of Daly City until December 31, 2019

City Attorney Rose Zimmerman provided background on Assembly Bill 1482 which was passed by the Governor and reported on the noticeably high increase in the number of "no-cause" evictions (approximately 200%) received by Daly City tenants since the passage of said bill. Under Council direction, staff has prepared an urgency ordinance consistent with AB 1482 to prohibit evictions without just-cause and would be effective through December 31, 2019.

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Mayor Buenaventura opened the public hearing.

The following speakers opposed the urgency ordinance and cited various reasons including: regulations discourages owners from renting their units reducing available housing; regulations impede owners' property rights; the problematic nature of having rent controls in other cities that have adopted it; regulations making the process of evicting bad tenants more difficult; the burden of increased legal and vacancy fees on property owners; lack of protection for landlords who rent units below market; ordinance does not address expired leases; ordinance does not distinguish between just-cause and no-cause evictions; and, the possibility of using mediation over passing a City ordinance.

Victoria Lam		Gina Zari, SAMCAR
Meina Young, Bay Area Network		Andrew Peceimer
Wendy Wong, Coalition of Good Neighborhood		Kitty Cheng
Patrick Halloran, Coldwell Bank Commercial		Evangeline Mesa, resident
Edward Wong, Consolidated Property Mgmt.		Otto Catrina, CA Realtor
Amy Chu	Susan Lewis	Alisa Ruiz-Johnson
Winnie Fung	Paul Beaudreau	Bob Garrison
Gloria & Casper Leung	Lin Nay	Wayne Ho
Jason Ho	Allen Ho	Mrs. Lee
Eddy Tsang	May Law	Nu Tu
Rhovy Lyn Antonio, CA Apartment Association		

Speakers listed below, some facing eviction, supported passing the urgency ordinance citing the following reasons: the high risk of evicted tenants becoming homeless; to address the recent surge of no-cause evictions occurring in Daly City since AB 1482; to address no-cause evictions targeting marginalized communities; unreasonable rent increases; immediate protection to help recent evictees in the next eight weeks; to address property owner attorneys proactively advocating for evictions; regulations do not impede property owners' right to evict using just-cause; the impacts on mental health and stress to families and students facing eviction; and, an urgency ordinance would demonstrate compassion and address moral issues.

Evelyn Benitez, Legal Society San Mateo		Pat Bohm, Daly City Partnership
Christine Fuller		John Jimenez, Faith In action
Jeffrey Glick		Lupe Arreola, Tenants Together
Liseth Sibrian	Dalena Do	Minerva Sarte
Ethan A.	Eula C.	Keifer S.
Juan Esparza	Lalo G.	Placido Mejia
Maria Esparza	Arlens Arosteguis	Marietta Flores
Dulce Gomez, Faith In Action	Nadia Bick	Matt Alexander
Pat Plude	Eni Lemus	Giselle Alvarez
Ashley Pucasangre	Isabel Perez	Lisa Wong
Joanna Shenk	Carolina Parrales	Rebecca Goldberg
Jonathan Erwin-Frank	Wendy Cruz	

It was moved by Councilmember Manalo, seconded by Councilmember Daus-Magbual and carried to close the public hearing. Mayor Buenaventura called the meeting into recess for ten minutes.

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It was moved by Councilmember Daus-Magbual, and seconded by Councilmember DiGiovanni to add the following language to the urgency ordinance:

“From the effective date of this urgency ordinance and continuing until such time as the Tenant Protection Act of 2019 becomes effective, no landlord shall be entitled to recover possession of a rental unit covered by the terms of this ordinance unless said landlord has served a prior notice stating “just cause,” and proved the existence of “just cause” as defined below, while this urgency ordinance is in effect. The provisions of this urgency ordinance shall apply to all residential rental units not specified below as exempt, including but not limited to situations in which a notice to terminate tenancy or notice to quit any such rental unit has been served prior to, as of, or after the effective date of this urgency ordinance but where an unlawful detainer judgment has not yet been issued as of the effective date of this urgency ordinance.”

Ms. Zimmerman clarified for Council the language in the amendment and how it can be utilized as an added protection in evictions and in court cases. Due to a lack of a four-fifths vote, the motion to amend the ordinance failed by the following roll call vote:

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

It was moved by Mayor Buenaventura, seconded by Councilmember Manalo and carried by the following roll call vote to adopt the proposed urgency ordinance that is consistent with AB 1482:

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

Councilmember DiGiovanni rescinded her vote of “No.” A roll call vote was re-taken on the current motion, and the following ordinance was adopted by unanimous roll call vote:

Ordinance 1431, Adopting An Uncodified Ordinance To Immediately Implement The Tenant Protection Act Of 2019 (AB 1482) To Provide Just Cause Eviction Protections In The City Of Daly City Until December 31, 2019

COMMUNICATIONS:

Authorizing Response to 2019 Grand Jury Report Concerning Pension Costs

Director of Finance and Administrative Services Todd High presented the draft written response to the 2017/2018 San Mateo County Civil Grand Jury follow up report titled “*Soaring City Pension Costs*” and provided summary of the pension obligations. Mr. High addressed Council questions regarding the accuracy of the data presented.

It was moved by Vice Mayor Sylvester, seconded by Mayor Buenaventura and carried by voice vote to accept the report and authorize City Manager to prepare written response.

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Marian Mann, resident, expressed concern with the amount of vacancies of properties on Mission Street as well as the general maintenance of some store fronts in that area.

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APPOINTMENTS:

It was moved by Councilmember Daus-Magbual, seconded by Councilmember Manalo and carried by voice vote to appoint Joanne Fortunato Boston to the Arts & Culture Commission.

It was moved by Councilmember Manalo, seconded by Vice Mayor Sylvester and carried by voice vote to appoint Velba V. Villanueva to the Planning Commission.

REPORTS:

Council Committee Reports: (Council Committee Meetings October 13 – October 27, 2019)

Vision Zero (DiGiovanni/Sylvester)
League of California Cities (All Councilmembers)
Peninsula Clean Energy (Daus-Magbual)

City Council:

The Council gave reports on their activities, meetings, and events for the period covering October 15 – October 28: the Daly City *Love Not Hate* celebration, the Bay Area Hepatitis B awareness event, the employee recognition lunch, and the DCPD retirement dinner. Council thanked staff for coordinating many of the City events and commended Stephen Stolte for Project Green Space which helped earn Daly City the Helen Putnam Award for Excellence at the League of Cities annual conference. At that event, the City of Daly City was also the recipient of the platinum level Beacon Spotlight Award.

ADJOURNMENT:

At 11:40 PM, Mayor Buenaventura adjourned the meeting in memory of Nattie Fong and William Scott.

Approved as submitted, this 12th
day of November, 2019.

City Clerk

Mayor