

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 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

PRESENTATION:

Proclamation for International Women's Day
(Mayor Manalo)

APPROVAL OF MINUTES:

Regular Meeting of February 22, 2021

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried to approve the minutes of the regular meeting of February 22, 2021.

APPROVAL OF AGENDA:

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni 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.

Check Registers:

Check Registers for the Month of February 2021

END OF CONSENT AGENDA

Note on Public Comments: For this meeting, members of the public were encouraged to watch the meeting via livestream at <https://bit.ly/dalycityfeb22> 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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PUBLIC HEARINGS:

Ordinance Amending Chapter 10.12 of the Daly City Municipal Code - Speed Limits

Traffic Engineer Shirley Chan presented the recommended speed limits resulting from speed survey evaluations conducted by staff. Decreased speed limits were recommended for four roadway segments, specifically in areas with a high concentration of fatalities or serious injuries for pedestrians and bicyclists (Hickey Blvd., John Daly Blvd., Junipero Serra Blvd. and St. Francis Blvd.). Staff answered questions regarding speed enforcement methods, cost recovery, and posted speed limit signs.

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

Resolution 21-19, Approving the Engineering and Traffic Study 2021

It was moved by Mayor Manalo for City Attorney to Read by Title Only

Councilmember Sylvester introduced the following ordinance:

Ordinance 1444, Repealing and Replacing Chapter 10.12 of the Daly City Municipal Code Re: Speed Limits

Urgency Ordinance to Require Grocery Stores to Provide Hazard Pay to Their Employees

City Attorney Rose Zimmerman requested a public hearing to consider an ordinance requiring large grocery stores to provide hazard pay to their employees; the urgency ordinance proposed a hazard pay at a rate of \$5 per hour in addition to the base wage for covered workers.

Mayor Manalo motioned to make the following amendments to the ordinance: include drug stores to the ordinance; change the number of grocery workers who tested positive with COVID-19 from 700 to 2,000; reduce 12,000 sq. feet to 10,000 sq. feet for store size; change the size requirement of space dedicated to household foodstuffs from “70% or more” to “10% or more”; and, add the provision of COVID-19 vaccination paid leave for covered employees.

Councilmember Buenaventura recommended considering the hazard pay be increased to \$6 per hour. Councilmember Sylvester recommended pharmacists to be included in the covered employees and to exclude shifts during non-operational hours when stores are closed.

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

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The following speakers voiced support for passing the hazard pay in Daly City, thanking the Council for the proposed ordinance. Commenters made the following requests: for the inclusion of shelf stockers and confidential workers; for the inclusion of retro-active pay; to revisit the City's minimum wage and work towards a living wage; and, to ask neighboring cities to follow suit in passing hazard pay ordinances. Speakers listed a variety of reason for the necessity of hazard pay, including: current working conditions for retail workers involving high risk of COVID exposure; grocery workers not having the luxury of working from home that others do; grocery workers facing stresses while continuing to serve the community; hazard pay could help recover lost income for those in need; chain stores continue to have record profits without extending benefits to their workers; the lack of a clear timeline for vaccinations; and, how crucial grocery and retail workers are at keeping the economy running.

Nick Occhipinti	Julie Lind, San Mateo County Central Labor Council
Cynthia Lewkowitz	Leon Wong, UFCW5
Richard Hodges	Eduardo Gonzalez, resident
Dan Larsen, President of United Food and Commercial Workers (UFCW) Local 648	

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

Discussion ensued between Council regarding the proposed amendments and the public input received. Ms. Zimmerman provided some parameters with potential challenges to the proposed amendments, particularly retroactivity. Ms. Zimmerman answered questions regarding other jurisdictions' hazard pay amounts and the judgment in the City of Long Beach's hazard pay ordinance. Staff and Mr. Larsen clarified questions on confidential workers and the effective retroactive date.

Councilmember Buenaventura added the friendly amendment to the initial motion to raise the hazard pay to \$7 per hour and to have the hazard pay be retro-active to March 8, 2021. Mayor Manalo concurred.

It was moved by Mayor Manalo, seconded by Councilmember Buenaventura and carried by unanimous roll vote to adopt the following ordinance, as amended.

Ordinance 1445, Urgency Ordinance Adding Chapter 5.106 to the Daly City Municipal Code to Require Certain Grocery and Drug Stores in City of Daly City to Pay Employees Hazard Pay During the Novel Coronavirus (COVID-19) Pandemic

At 9:50 PM, it was moved by Mayor Manalo to reconsider this item for a revote after receiving new information. The motion was seconded by Councilmember Buenaventura and carried by unanimous roll call vote to reconsider this item for a revote.

It was moved by Mayor Manalo to bring the hazard pay back to the standard \$5 per hour due to information received from UFCW indicating that raising it higher could potentially cause layoffs of these employees; the existing aforementioned amendments remained unchanged except for the pay rate amount. The motion was seconded by Councilmember Sylvester and carried by unanimous roll call vote to adopt the Ordinance 1445, as amended.

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COMMUNICATIONS:

Requesting Use of State Asset Forfeiture Funds to Purchase Patrol Car Computers and Communication Headsets for the Police Department

Police Captain Cameron Christensen requested use of the subject funds to purchase 23 patrol car computers and 25 police radio headsets. Captain Christensen answered questions regarding budget allocation for deferred maintenance of police technology and the GPS capabilities of the requested technology. Councilmember Sylvester requested the consideration of using asset forfeiture funds towards programs or events to benefit the whole community.

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

21-20, Authorizing Use of State Asset Forfeiture Funds to Purchase Patrol Car Computers and Communication Headsets for the Police Department

Restoration of Fire/Paramedic Engine Company Restoration (Engine 95) for North County Fire Authority

City Manager Shawna Maltbie reported one of the top priorities the Council unanimously identified at its recent Council retreat was the reinstatement of Engine 95, and thereby requested approval of the funding allocation for service restoration of this engine. Ms. Maltbie provided background of the service impacts of the Great Recession, the failure of 2016's Public Safety Parcel Tax (Measure V) and the passing of Daly City's Local Recovery & Relief Measure (Measure Q) in 2020. Community surveying conducted in 2020 revealed a strong level of support for emergency response services. The estimated general fund impact to restore Engine 95 is close to \$2.9 million annually.

Council thanked staff on their work on Measure Q, thanked the Daly City voters for passing the measure, and the firefighters for their hard work. Fire Chief Ron Myers answered questions regarding the estimated timeline for Engine 95 being fully operational. Council discussed the timing of this item being agendaized.

The following speakers voiced concern with allocating Measure Q funds before the public has had an opportunity for input and oversight at the upcoming March 15th townhall meeting. Commenters asked Council to postpone or table this item until after the townhall. Public commenters raised the following issues: Measure Q being mislabeled; using almost half of the estimated revenues from Measure Q for the proposed engine restoration; a previous measure to restore Engine 95 being rejected by voters in 2016; and the lack of transparency or accountability in this process. Speakers requested information on the top priorities identified from the City surveys and requested conducting public processes to have community trust. Commenters also voiced their support for firefighters, Engine 95, and first responders, pointing out that their objections were based on the timing of the decision to restore the engine.

Eduardo Gonzalez
Nick Occhipinti

Holly L.
Jay G.

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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21-21, Approving Fire/Paramedic Engine Company Restoration (Engine 95) for North County Fire Authority

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Melinda Dart commended the Council on passing the hazard pay ordinance and bringing back Engine 95. Ms. Dart also voiced concern over the possible development on Thornton Beach, citing the importance of access to nature specially during the pandemic. She encouraged Council to preserve this piece of land to be accessible for residents.

Eduardo Gonzalez requested consideration of taking oral communications and public comments in the beginning of the meetings rather than near the end to make it more accessible to the youth. Mr. Gonzalez also requested for the recent Council retreat be made available to the public via YouTube and have it be more accessible for public engagement.

Nick Occhipinti urged Council to forego the development of Thornton Beach, citing the serious climate change happening and the need for preserving the few green open spaces for future generations. Mr. Occhipinti also voiced opposition to the Serramonte Del Rey development, which would eliminate a garden and redwood trees. He urged Council to investigate the matter further before making a decision based on land developers' recommendations.

REPORTS:

Council Committee Meetings

CDBG Committee (Manalo/Daus-Magbual)
SFO Legislative Committee (DiGiovanni)
Social Justice Committee (Buenaventura)
Peninsula Clear Energy Committee (Daus-Magbual)

City Council

Councilmember Sylvester reminded the public of a PG&E rebate for using a smart thermostat in their homes. Councilmember Sylvester expressed support for the protection of Asians in the community after hearing of the targeted assaults recently being perpetrated against them. Councilmember Sylvester urged developing a plan for strict enforcement and investigations of these assaults and raise the penalty for hate crimes based on race, sexual orientation, and religion. He recommended to: strengthen public and safety communications programs and resources for the Asian American community, educate youth on the xenophobia and different types of racism, hire multi-eastern language speaking community officers, and create a program for welcoming the engagement of immigrants and non-English speaking people.

Mayor Manalo reported on the continuing COVID-19 vaccinations happening in our hyper local community including those at Jefferson High School and the Nevin Health Center, encouraging people to get vaccinated in order to reach herd immunity. Mayor Manalo reported on Ms. Maltbie working on having more vaccination sites in the local community. The Mayor announced the following events: San Mateo County's API Caucus panel discussion on hate crimes data on March 27th, and a trivia night event for Women's History Month on March 25th. Mayor Manalo recommended the idea of having an online space where businesses can look to hire locally, and individuals can search local job listings; she made the recommendation to the City's Small Business Commission.

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Vice Mayor Daus-Magbual reported attending and speaking at the Daly City Filipino American Agenda Program on March 6th to discuss issues affecting the Filipino American community. The following groups took part in the event: National Alliance for Filipino Concerns (NAFCON), the Kabataan Alliance, the Malaya Movement, the Filipino Migrant Center, and the Filipino Community Center (SF); the event was sponsored by Philippine American Democratic Club San Mateo, Pinoy/Pinay Educational Partnerships, Filipino Mental Health Initiative and Pilipino Bayanihan Resource Center (PBRC). The event focused on the topics of small businesses, education, women & LGBTQ communities, and foreign policy & immigration.

ADJOURNMENT:

At 10:33 PM, Mayor Manalo adjourned the meeting in memory of Kenneth C. P. Romano, Tim Quan, Ernesto Atienza Guevarra, Fuaa'e Martha Fa'alilo Malaga Head, Jun Garcia, David Tejada, and Angelo Quinto.

Approved as submitted, this 22nd

day of March, 2021.

City Clerk

Mayor