

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
OCTOBER 24, 2022

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The meeting was called to order by Mayor Daus-Magbual at 7:00 P.M.

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

Staff Present:
Tom Piccolotti, Interim City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

PRESENTATIONS:

Art & Lit Fest and Daly City Youth Poet Laureate

(Aileen Cassinotto, 2019-2022 San Mateo County Poet Laureate & Victoria Magbilang, DCPLA Executive Director)

San Mateo County Shared Micromobility Feasibility Study and Implementation Plan

(Kim Weaver, Transportation Program Specialist, C/CAG)

Proclamation - Domestic Violence Awareness Month

(Anastasia Flores Jr., President, ALLICE Kumares and Kumpares)

Proclamation - National Breast Cancer Awareness Month

APPROVAL OF AGENDA:

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

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Anthony Yoshida expressed concerns with the community's trust in the City due to no action being taken since the last meeting. Anthony requested Councilmember DiGiovanni step down from Council, referring to a loss of trust from constituents, and requested the Council take action to right these wrongs.

Brendan Sinclair voiced concern with aggressions by Councilmember DiGiovanni towards Councilmember Manalo, referring to the recent allegation of assault. Brendan questioned the implication of Councilmember DiGiovanni's actions, her focus, and the example she is setting for the youth, and questioned how Councilmember DiGiovanni's decisions shape the community.

Mabel Tai expressed concern with the opening of a cannabis shop near Skyline Plaza and its promotion of drug use to teenagers whose brains are still developing. Mabel reported on addiction to nicotine, on fake IDs being created and used to purchase cannabis, and on people smoking and vaping at Fernando Rivera and Westmoor Schools.

Dorie Paniza expressed concerned with parking problems at King Plaza Shopping Center, particularly around the Manila Oriental supermarket. Dorie requested Council's assistance in this matter and asked for fairness with regards to parking.

Cheryll Catuar thanked Council for the City proclamation on domestic violence awareness, referred to being a survivor, and thanked the police. Cheryll reported of being subjected to harassment and intimidation after sending a letter to the City with regards to racist remarks by Councilmember DiGiovanni. Cheryll stated Councilmember DiGiovanni asked police to have Cheryll removed from the premises on two occasions. Cheryll requested Councilmember DiGiovanni respond to the allegations made against her by the community at a town hall.

Lorenzo Listana, Tenderloin Filipino Association, voiced concern with the alleged assault against Councilmember Manalo and attested to Councilmember Manalo's work to help Filipino Veterans and low-income families. Lorenzo denounced any violence, proclaiming the alleged assault was racist and asked for Councilmember DiGiovanni's accountability and resignation.

Elmira Lagundi, Samahang Pinoy Canon, attested to Councilmember Manalo's work to help seniors in the community. Elmira requested further investigation into the alleged assault against Councilmember Manalo, denouncing the act as unacceptable.

Alyssa Tolentino denounced the alleged assault against Councilmember Manalo and referred to Councilmember DiGiovanni's lack of professionalism. Alyssa denounced people in power using violence as a weapon in politics or promoting hatred and racism and called for Councilmember DiGiovanni's resignation.

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Call-In User, the Truth, requested October 10, 2022 meeting minutes, and being an artist, reported coming up with an idea to showcase art in the City. The Truth accused Councilmember Manalo of perjury and filing a false police report, stating Councilmember DiGiovanni is free due to a lack of evidence. The Truth voiced concern with Vice Mayor Buenaventura controlling the matter to secure re-election, accused Mayor Daus-Magbual of racism, and asked the community to wake up and get educated.

Call-in User, translating for Marianne Martinez, voiced concern with the allegations made by Councilmember Buenaventura for Councilmember Manalo, questioned why Councilmember Manalo did not initially contact police, and referred to Councilmember DiGiovanni not being in police custody. Caller denounced convicting someone without proof, denounced the racism within the Council, and asked for Vice Mayor Buenaventura and Councilmember Manalo's resignations due to a lack of trust.

David Mesa, National Filipino American Lawyers Assoc., acknowledged the accomplishments of FilAm lawyers and community members and Councilmember Manalo as the first FilAm woman voted into Daly City Council. David expressed support for Councilmember Manalo and expressed optimism that the investigation will justify appropriate disciplinary action for Council DiGiovanni.

Jamie Balandra, resident, requested further investigation of the allegations made against Councilmember DiGiovanni and asked for public announcements on how the Council plans to address this issue.

CONSENT AGENDA:

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried to approve the consent agenda except item number 7, which was removed for discussion.

Resolutions:

Adopt Resolution for the State Lands Commission Lease - Vista Grande

Resolution 22-178, Approving And Authorizing Execution Of Lease Agreement With The State Lands Commission Regarding The Vista Grande Drainage Basin Improvement Project (Lease No. 1364)

Set Time and Place for a Public Hearing on Community Development and Housing Needs, and Author

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Adopt Memorandum of Understanding and Salary Schedule between the City of Daly City and Fire Management

Resolution 22-181, Adopting Composite Summary Memorandum Of Understanding With The Daly City Fire Management Bargaining Unit (October 1, 2022 Through September 30, 2025)

Authorize the Purchase of Submersible Well Pump

Resolution 22-182, Authorizing Purchase Of Submersible Well Pump For The Sullivan Well

Check Registers:

Check Registers for the Month of September 2022

PUBLIC HEARINGS:

Introduction of Ordinance Adding Chapter 9.58 - Re: Unlawful Possession of Used Catalytic Converter

Acting Chief of Police Cameron Christensen provided the staff report and addressed questions on whether there are identifying parts for catalytic converters and the language on the proposed ordinance. Councilmember Sylvester requested having a mechanism for the owner's applied number to be engraved onto the catalytic converters to thwart theft.

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

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 DiGiovanni introduced the ordinance:

Ordinance 1460, Adding

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Ken Hira, Consultant, Kosmont, addressed questions on the following: market forecast(s) for the hotel industry as society recovers from the pandemic, the capacity and vacancy rate(s) of existing hotels, and the costs for different types of construction.

The following speakers expressed support for selecting JM McLennan Development for the project. People from the building trades were in support of owner Bob McLennan due to his engagement with the local labor groups and for signing an agreement for all-union construction of the project. Speakers listed the benefits of the project being proposed by JM McLennan including the addition of a hotel, tax revenue for the City, a conference center/event center, and a fitness facility. Individuals cited the importance of working for unions including - well-paying jobs, health benefits, safety measures and opportunities for upward social mobility. Employees, former colleagues, and community members provided testimonials for Mr. McLennan on his engagement with the community, his work to help beautify the community, his promotion of health and fitness, his charitable donations, and his efforts to have a diverse staff.

John Medina, Sprinkler Fitters 483
Stella Roberts, Planet Fitness
Nick King, Glaziers Local 718
Greg Hardeman, IUEC Local 8
Scott Beale, UA Local 467
Victoria Magbilang, resident
Moises Villeda, Carpenters Local 217
Leonard Burgo, Union 217
Weng Tam, Carpenters Local 217
Isabel Pardo, UBC
Thomas Nuris
Bart Pantoja, San Mateo Building & Construction Trade Council

Charity Garcia, resident
Father Ed Dura, St. Augustine Church
Nestor Fernandez, Telegraph Hill Neighborhood Ctr.
Anthony Nuanus, Int'l. Union of Painters & Allied Trades
Jeunesse Raymundo, St. Vincent De Paul, St. Augustine
Tom Trayer, SMART Local Union 104
Matt Russo, Elevator Constructors Local 8
Bryan Shields, Carpenters Local 217
Juan Espinoza, NorCal Carpenters
Nell DeLander, Union Carpenter of San Mateo
Anthony Viscuso, Heat and Frost Insulators Local 16

Call-in User, John Daly, voiced support for unions but expressed concern for the surrounding apartments and residents near the project. John referred to the low vacancies at

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

Resolution 22-184, Affirming Categorical Exemption (CEQA), Adopting Findings Of Fact And Imposing Conditions Of Approval On Variance (VARC-5-22-15962) For Parking Variance For Day Care Center At 92 Hill Street

Parking Variance for Restaurant Use at 6540 Mission Street – Variance VARC-5-22-15680

Mr. Paland provided the applicant's proposal for a parking variance to allow an increase in the number of patrons (12 to 39) for indoor dining at the existing restaurant. Mr. Paland addressed questions on the building code and the occupancy rating.

Frederico Candido, King's West Coast Pizzeria owner, requested approval of the variance, supported bringing more local businesses into the community, shared information about the family-owned Brazilian restaurant, and invited the community to try their unique dishes.

Suheil Shatara, architect, requested the number of patrons be maximized to 49 seats due to ample parking across the site.

Adilene Sanchez, King's West Coast Pizzeria, supported approval of the item in order for the business to serve more customers in the community. Adilene reported plenty of parking around the area and supported allowing small businesses to thrive.

Sennai voiced support for the owners of King's West Coast Pizzeria and for having in-person dining.

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

Resolution 22-185, Affirming Categorical Exemption (CEQA), Adopting Findings Of Fact And Imposing Conditions Of Approval On Variance (VARC-5-22-15680) For Parking Variance For Restaurant Use At 6540 Mission Street

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Report of Planning Commission Action Related to Zone Change ZC-09-21-015237 – Amendment to King Plaza Planned Development Zoning (PD 47)

Planning Manager Michael Van Lonkhuysen requested Council to consider further action on the matter and provided them with three options.

The following speakers urged the City to create a parking solution at King Plaza Center. Patrons voiced concern with the difficulty in locating a parking space. Individuals recommended a time limit on spaces to increase parking turnover since some vehicles park for 4-8 hours at a time. Business owners expressed concern over the negative economic impacts as many patrons who cannot locate a parking end up leaving the plaza. While some urged the Council to make a decision at tonight's meeting using the data provided by Planning, others supported holding a public hearing.

Gaber Shalaby, patron	Tiffany Huang, patron	Sunny Kwong, patron
Tony Spitaleni, patron	Vicky Wu, patron	John B., patron
Paul Lee, patron	Edwin Ho, business owner	David Leung, patron
Joji Mercado, business owner	James Barrett, business owner	Simon Wu, patron
Steven Suen, patron	Beth Santiago, patron	Manny Cabrera, patron
Raymond Chung, patron	Nancy F. , patron	Jay, patron
Paula Deen, patron	Enrique Yuan, patron	Peter W. , patron
IM, patron	Chloe W. , patron	Anthony , patron
Cathy Wang, patron	Edwin Ho, patron	

Janet Fogarty, Attorney for King Plaza Center, discussed the parking problems at the site and expressed concern that the conditions of approval for parking and zoning, originally approved in 1998, have not been met. Janet urged the Council to schedule the item for the next available meeting to resolve the problem.

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The Council deliberated on the data and options given by staff, as well as the comments made by the community, and opted to hold a public hearing on the item on the first regular meeting of next month, specifically on November 14, 2022.

It was moved by Councilmember Sylvester and seconded by Councilmember DiGiovanni to set a public hearing date of November 14, 2022 to hear the item . The motion carried by unanimous roll call vote via the adoption of the following resolution:

Resolution 22-187, Setting Time And Place Of Public Hearing For Zone Change ZC-09-21-015237 Amendment To King Plaza Planned Development Zoning (PD 47)

REPORTS:

City Council

Councilmember DiGiovanni wished all a Happy Diwali, which is an Indian tradition.

Councilmember Manalo reported attendance at Housing Leadership Day (San Mateo County) to discuss housing issues and to look at ways to finance deeper affordability and low-income housing.

Mayor Daus-Magbual requested staff to look into the issue of misuse of City vehicles after receiving complaints from members of the public regarding a member of the Council. The Mayor wanted to discuss the matter for accountability and to set a precedent for the terms of City vehicle use.

Vice Mayor Buenaventura proposed having a City policy for the use of City vehicles so that it can be followed. The Vice Mayor also requested a status update on the recruitment of a City Manager.

Staff:

Interim City Manager Tom Piccolotti confirmed receipt of a public records request expressing concern regarding City vehicle use and reported updating the Council on his responsibilities in the matter. Staff looked at the City policy and will attempt to enforce the policy concerning to any future City vehicle misuse.