

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
OCTOBER 10, 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:

Honoring the Creators of the Greetings from Daly City Mural in Top of the Hill

(GrizzArt Art Club (Jefferson High School); Dragonfly Arts; Victoria Magbilang; Shana Wu (Art Club President))

Proclaiming October 2022 as Filipino American History Month

(Chel Gilla, Tselogs; Clint Gerona, Charles Gracie Jiu Jitsu; Malou Rivera-Peoples, WSPA; Patrick Rivera-Cruz, WSPA; Christina Fargas-Newell, WSPA)

APPROVAL OF MINUTES:

Regular Meeting of September 26, 2022

It was moved by Vice Mayor Buenaventura, seconded by Councilmember Manalo and carried to approve the minutes of September 26, 2022, as amended.

APPROVAL OF AGENDA:

It was moved by Councilmember Manalo, seconded by Vice Mayor Buenaventura and carried to approve the agenda.

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Anthony Yoshida expressed concern with corruption and hate in the community and accused Councilmember DiGiovanni of harassing constituents such as calling or threatening to call Daly City Police on them. Anthony called for the resignation of Councilmember DiGiovanni, referring to racist remarks she made against the Filipino community and the alleged attack against a fellow elected official.

Note on Public Comments: For this meeting, members of the public had the option of attending in person or attending virtually 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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Lily Louie; resident, thanked Daly City's elected officials, the Police Department, and all City Departments for keeping the community safe during the height of COVID-19. Lily provided testament for Councilmember Manalo, referring to her as a compassionate, considerate individual who cares about her community.

Mitchell Vinceguerra, NorCal Carpenters, requested adopting labor standards which would result in workers having health care benefits, raising construction standards in the industry, and providing young people more work opportunities. Mitchell looked forward to speaking with the Council one-on-one on these matters.

Cheryll Catuar referred to a letter she sent to the City expressing concern with Councilmember DiGiovanni, racist remarks, and disrespect towards the Filipino community. Cheryll expressed concern with being a target of harassment by Councilmember DiGiovanni, accusing her of falsely calling the police on Cheryll at a City Hall event and a town hall meeting. Cheryll asked for Councilmember DiGiovanni's resignation from Council and to have accountability on these matters.

Fernando Montanes asked for accountability from Councilmember DiGiovanni for her behavior and her allegations of impropriety against the Saints & Sentinels project. Fernando reported the FPPC exonerated those organizations and Councilmember Manalo from Councilmember DiGiovanni's allegations. Fernando asked Councilmember DiGiovanni to step down from the Council.

Anastazja Ragasa referred to an altercation with Councilmember DiGiovanni while Anastazja was a Library Board Commissioner; Anastazja accused Councilmember DiGiovanni of hitting Anastazja across the face with a stack of political signs. Anastazja reported being repeatedly threatened by Councilmember DiGiovanni during Anastazja's time as commissioner, and asked for Councilmember DiGiovanni's resignation.

Julian Chung, local event organizer, attested to the character of Councilmember Manalo including Councilmember Manalo's devotion to public service and her commitment to the Daly City community.

Marie Brizuela provided testament for Councilmember DiGiovanni's character, referring to her constant support of the Police and Fire Departments and her service to the community and other entities. Marie asked Councilmember DiGiovanni to run for re-election, referred to a change in Councilmember Manalo, and expressed disappointment towards the rest of the Council for what was going on at tonight's meeting.

Jeff Francisco provided testament for Councilmember Manalo's character including being an inspiration to many Filipinos and youth and her advocacy for the Filipino American community. Jeff expressed concern with Councilmember DiGiovanni's denial of the allegation of assault made against her by Councilmember Manalo.

Stephanie, community member, asked for accountability and professionalism from Councilmember DiGiovanni, expressing concern over the allegation of assault against Councilmember DiGiovanni made by Councilmember Manalo. Stephanie referred to a 2021 incident in which Councilmember DiGiovanni made inconclusive accusations against local Filipino organizations of financial impropriety and conflict of interest. Stephanie asked for an internal investigation of Councilmember DiGiovanni.

Call-In User thanked the Mayor and Council for moving up the public comments to the front of the meeting as it is helpful for those who wish to participate.

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Christi, community member, denounced violence within any organization or within the City Council and requested an investigation into the allegation of assault made by Councilmember Manalo. Christi expressed concern over the actions of Councilmember DiGiovanni with regard to the assault allegation as well as Councilmember DiGiovanni's accusations against Filipino American organizations without evidence during the Saints & Sentinels event.

Henry Karnilowicz attested to Councilmember Manalo's character including her ability to communicate with various members of the community, her compassion, and her work in supporting 5M construction.

Lorenzo Listana provided testament for Councilmember Manalo and condemned any form of violence and racism. Lorenzo condemned the act of violence against Councilmember Manalo as unacceptable, requested an investigation into the matter, and requested the resignation of Councilmember DiGiovanni.

Rob Chua expressed pride in the celebration of Filipino History Month. Rob expressed concern with the allegations against Councilmember DiGiovanni and supported Councilmember Manalo for speaking out about her assault. Rob referred to patterns of bias and anti-Filipino rhetoric by Councilmember DiGiovanni and asked that the investigation into the case is treated seriously.

Elmira Lagundi attested to Councilmember Manalo's compassion and her work with seniors. Elmira asked that the allegations by Councilmember Manalo are investigated and that violence against Asians is not tolerated.

Call-In User, John Daly, requested a response to e-mails sent to the City, stating a person is innocent until proven guilty. John expressed concern with Vice Mayor Buenaventura for bringing up the allegation to the public at the last meeting and asked for proof and a police report from management and police to resolve the matter. John expressed concern with David Canepa for giving his opinions on the allegation, and commended the police for their work in determining a resolution to the allegation.

Sug Smith referred to an incident in which Councilmember DiGiovanni attended Sug's event and made racist remarks after not being allowed to make a campaign speech. Sug asked Councilmember DiGiovanni to vacate her seat on the Council.

Dorie Paniza expressed appreciation to Councilmember DiGiovanni for appointing her as Arts & Culture Commissioner, but expressed concern with the verbal abuse she received from Councilmember DiGiovanni. Dorie referred to a City event, where she was yelled at and insulted by Councilmember DiGiovanni. Dorie asked Councilmember DiGiovanni for professionalism and to show respect for others.

Luis Landos accused Councilmember DiGiovanni of slapping Luis during a campaign event. Luis denounced any violent act from councilmembers and supported equal treatment for all. Luis asked for a police investigation of Councilmember DiGiovanni for her actions and asked for Councilmember DiGiovanni's resignation from Council.

CONSENT AGENDA:

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried to approve the consent agenda except item numbers 7, 9, 11, and 12, which were removed for discussion.

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Resolutions:

Authorize the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361

Resolution 22-168, 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

Authorize Application to the Pedestrian and Bicycle Program Cycle 6 for Measures A and W Grant Funding for the Daly City Vision Zero Design Standards Project

Resolution 22-169, Vision Zero Design Standards Project And Submitting An Application To The San Mateo County Transportation Authority For Cycle 6 Pedestrian And Bicycle Program Funding

Authorize Application to the Pedestrian and Bicycle Program Cycle 6 for Measures A and W Grant Funding for the Lake Merced Boulevard Lane Reconfiguration and Bicycle Lane Protection Project

Resolution 22-170, Supporting The Lake Merced Boulevard Lane Configuration And Bicycle Lane Protection Project And Submitting An Application To The San Mateo County Transportation Authority For Cycle 6 Pedestrian And Bicycle Program Funding

Adopt Resolution in Support of the Caution Against Racially and Exploitative Non-Emergencies (CAREN) Act

The Council discussed the proposed resolution including its intent and its legality. City Attorney Rose Zimmerman addressed questions regarding the language used in the resolution, its legality, and its intent as a statement of support.

It was moved by Councilmember Manalo and seconded by Vice Mayor Buenaventura to make an amendment to include all complaints that are made to all City Departments. The motion carried by unanimous roll call vote to adopt the following resolution, as amended:

Resolution 22-171, In Support of the Caution Against Racially and Exploitative Non-Emergencies (CAREN) Act

Request Use of Federal Asset Forfeiture Funds to Purchase Protective Ballistic Shields for the Daly City Police Department

Resolution 22-172, Authorizing Use Of Federal Asset Forfeiture (DEA) Funds To Purchase Protective Ballistic Shields

Notice of Completion for the Polaris Park Improvement Project Playground Equipment Installation

Assistant to the Director of Public Works Jeff Fornesi provided the staff report.

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

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Resolution 22-173, Accepting Completion Of Certain Project In The Department Of Public Works (Polaris Park Improvement Project Playground Equipment Installation)

Set Time and Place for a Public Hearing to Consider an Ordinance for the Adoption of New Building Codes & Building and Construction Municipal Code Updates (Set Hearing 11/14/22)

Resolution 22-174, Setting Time And Place Of Public Hearing For Proposed Ordinance Adopting New Building And Fire Code Updates

Set Time and Place of Public Hearing - Proposed Adoption of Ordinance for Unlawful Possession of Catalytic Converters (Set Hearing 10/24/22)

Acting Police Chief Cameron Christensen provided the staff report and addressed questions on the thefts of catalytic converters and the types of prosecution pursued for these thefts.

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

Resolution 22-175, Setting Time And Place Of Public Hearing For Proposed Ordinance Amending Chapter 9.56 To The Daly City Municipal Code Re: Unlawful Possession Of Catalytic Converters

Adopt Resolution in Support of the City and County Association of Government's (C/CAG) Transportation Demand Management (TDM) Program

Director of Economic and Community Development Tatum Mothershead provided the staff report.

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

Resolution 22-176, Supporting City And County Association Of Government's Transportation Demand Management Program

Check Registers

Check Registers for the Month of August 2022

END OF CONSENT AGENDA

AWARD/REJECTION OF BIDS/CONTRACTS:

Reject All Bids for the Mussel Rock Sediment Removal Project

Director of Public Works Department Richard Chiu provided the staff report and referred to the September 9th City Council Study Session where staff made recommendations regarding the project. Mr. Chiu addressed questions regarding the bids received, the erosion activity happening at the site, and other studies that may be needed at the site.

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

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Resolution 22-177, Approving Rejection Of All Bids For The Mussel Rock Sediment Removal Project

RESOLUTIONS:

Developer Selection and Authorization to Prepare an Agreement to Negotiate Exclusively for 1837 Junipero Serra Blvd. Daly City, California (Requesting Motion to Continue to 10/24/2022)

Ms. Mothershead requested continuance of the item to the meeting of October 24, 2022, in order to have the full availability of consultants. Ms. Mothershead addressed questions regarding the dates.

It was moved by Councilmember Sylvester, seconded by Councilmember Manalo and carried to continue the item to the regular meeting of October 24, 2022.

Response to the San Mateo County Civil Grand Jury Report "The Other Water Worry: Is Your Water Provider Prepared for the Big One?"

Acting Department of Water and Wastewater Joshua Cosgrove provided the staff report which included the City's response to the grand jury report.

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

REPORTS:

City Council

Councilmember Sylvester attended a CalCities seminar to discuss Prop. 47 which has resulted in an increase in catalytic converter thefts and retail thefts; discussion around thefts looked at the 4 D's (dismantle, disrupt, deter and divert). Councilmember Sylvester proposed the creation of a task force to include the community, victims, retail stores, and law enforcement to look at these thefts and to create a database. Councilmember Sylvester requested this matter is brought back for consideration by Council. Councilmember Sylvester recommended setting up a fund for residents to have a unique number etched onto their catalytic converters to thwart thefts. Councilmember Sylvester requested agendaizing a Park and Recreation Department item involving problems the use of T.R. Pollicita's field. Councilmember Sylvester reported on a young child being injured at Gellert Park and requested Park and Recreation to look into the safety of the park for younger children, suggesting using rubber paddings at the facility. Councilmember Sylvester commended the Finance IT staff, Ms. Ramos, and Mr. Piccolotti and his staff for putting the first hybrid Council meeting together.

Vice Mayor Buenaventura commended the Recreation staff, the Arts & Culture staff and everyone involved with putting together the Kasayahan celebration. Vice Mayor Buenaventura acknowledged the event's success and commended the lineup, the music, the food and everyone who participated.

Councilmember Manalo commended the Recreation staff for their work on cultural events including the Filipino American History Month events and the Latinx Hispanic Heritage Event at Gellert Park; Councilmember Manalo acknowledged the cultural dancers, the vendors, the music and the food at the aforementioned events. Councilmember Manalo commended Mayor Daus-Magbual for his leadership

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and City staff for executing the process of putting together tonight’s in-person meeting. Councilmember Manalo reported on working with Interim City Manager Piccolotti to host an art piece honoring the legacy of Larry Itliong and which continues the celebration Filipino American History Month. Councilmember Manalo acknowledged the Mayor and the youth for speaking truth to power at the Filipino American History Month Event.

Mayor Daus-Magbual gave kudos to the producers and the directors of *Lumpia with a Vengeance*, including Director Patricio Ginelsa; the movie is currently showing at theaters across the nation. The Mayor commended Denise Brown and Recreation staff for their work on the Senior Gala events and all the other events in Daly City. Mayor Daus-Magbual commended City staff for putting the hybrid meeting together. The Mayor acknowledged former City employee Angie Padilla, thanking her for her work and requested honoring her at a future meeting. Mayor Daus-Magbual acknowledged World Mental Health Day.

Councilmember DiGiovanni commended the Recreation staff, Opal Fuller and Redi-Wheels for the senior event at Pacelli Center. Councilmember DiGiovanni acknowledged the vendors at the Filipino American Heritage event and acknowledged the continuation of Hispanic Heritage Month at Gellert Park. Councilmember DiGiovanni acknowledged Indigenous Day, Italian Heritage Month, and Oktoberfest for Germans and Austrians in the community. Councilmember DiGiovanni acknowledged police officers for wearing their pink patches in support of Breast Cancer Awareness Month and recommended annual mammogram checks for early detection.

Staff:

Mr. Piccolotti acknowledged the Mayor’s leadership, City Manager’s staff and the staff behind the scenes, particularly Cielo Lima and Matthew Juhl, for their work in ensuring a smooth transition into hybrid meetings, which enhances public participation. Mr. Piccolotti reported staff will look into City park safety issues and into the task force as recommended by Councilmember Sylvester. Mr. Piccolotti commended the Recreation Department for all their work on City events.

ADJOURNMENT:

Mayor Daus-Magbual adjourned the meeting at 9:43 PM in memory of the victims of the Las Vegas stabbing.

Approved as submitted, this 14th

day of November, 2022.

City Clerk

Mayor