

CITY OF DALY CITY
MINUTES – REGULAR MEETING – CITY COUNCIL
JANUARY 22, 2024

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The regular meeting was called to order by Mayor Manalo at 7:08 P.M.

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

Councilmember Absent:
Glenn R. Sylvester

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

PRESENTATIONS:

Commendation - Pacific Islands Together (PIT) Christmas Giveaway
(Reyna Meafua, PIT Founder)

Proclamation - National Gun Violence Survivors Week

APPROVAL OF MINUTES:

Regular Meeting of January 8, 2024

It was moved by Councilmember DiGiovanni, seconded by Vice Mayor Daus-Magbual and carried to approve the minutes of January 8, 2024.

APPROVAL OF AGENDA:

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

CONSENT AGENDA:

It was moved by Councilmember DiGiovanni, seconded by Council Buenaventura and carried to approve the consent agenda with the exception of item #8.

Communications:

Accept the Fiscal Year 2023 Annual Comprehensive Financial Report

Note on Public Comments:

To provide public comments, members of the public have the option to- 1) attend in person, 2) email the City Clerk, or 3) submit comments through the public comment portal on the City's website. Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting are instructed to call the office of the City Clerk at 991-8078 prior to the meeting.

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Resolutions:

Authorize the City Manager to Execute an Addendum Agreement with the South San Francisco Unified School District

Resolution 24-14, Authorizing Execution Of An Addendum Agreement With South San Francisco Unified School District For The Afterschool Youth Recreation Program At Junipero Serra Elementary School

Approve Recommended Position Changes in the Library Department and the Department of Recreation Services

Resolution 24-15, Approving Position Changes In The Library Department And The Department Of Recreation Services (Administrative Assistant II To Administrative Assistant III)

Approve Salary Reassignments for Specific Executive Management Positions

Resolution 24-16, Approving Salary Reassignment For The Fire Chief, Deputy Fire Chief And Chief Of Police Positions

Adopt Resolution Authorizing Execution of Amendment to the Employment Agreement of the City Manager

City Attorney Rose Zimmerman provided the staff report including the terms for the two-year extension of the City Manager's contract, the base compensation, and proposed increases in salary. The Council provided deliberations on the item and staff was asked to address how the proposed salary increase compared to the rest of the County.

Brent Turner attested to City Manager Piccolotti's reputation in the community as someone who helps people. Turner mentioned the competitive market for City Managers and believed that Piccolotti would be the best person in that capacity due to his knowledge of health, safety, infrastructure and his years of experience.

Sharon Keenan noted a big change in the City Council and the City Manager and noted the salary escalating far too fast and far too high. Keenan urged the Council to step back and think about the matter, and referred to the City Manager being paid more than the President of the United States.

Ray Keenan voiced concern with the lack of urgency in garbage not being picked up for three months after Keenan reported it to the City Manager and being told it would be taken care of the same day.

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Daus-Magbual and carried by the following roll call vote to adopt the resolution:

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

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Resolution 24-17, Authorizing Execution Of Amendment To The Employment Agreement Of City The Manager Thomas J. Piccolotti

Acceptance of Public Access Easement from Giuseppe Ruggiero, Trustee of the Ruggiero Family Revocable Trust, Subject to Exception No. 5, at 400 Castle Street

Resolution 24-18, Approving Acceptance Of The Public Access Easement At 400 Castle Street

Approve the Use of Federal Asset Forfeiture Funds to Purchase an Unmanned Ground Vehicle for the Police Department

Resolution 24-19, Authorizing Use Of Federal Asset Forfeiture (DEA) Funds To Purchase An Unmanned Ground Vehicle For The Police Department

Authorize the City Manager to Approve a Purchase Agreement for a 2024 TYMCO Model 600 Street Sweeper

Resolution 24-20, Approving A Purchase Agreement With TYMCO, Inc. For A 2024 TYMCO Model 600 Street Sweeper

Check Registers

Check Registers for the Month of December 2023

END OF CONSENT AGENDA

COMMUNICATIONS:

Resolution Admonishing Councilmember DiGiovanni

City Attorney Zimmerman provided the staff report, presenting a summary timeline for the investigation of Councilmember DiGiovanni's alleged acts of abuse, harassment and bullying. Zimmerman summarized the investigation report's findings including 21 corroborated accounts of abuse, harassment and bullying by DiGiovanni against the City Manager and City staff, and the course of recommended actions if the resolution was passed. The City Council directed the City Attorney to prepare a Resolution of Admonishment of Councilmember DiGiovanni in lieu of censure proceedings.

Councilmember Buenaventura and Vice Mayor Daus-Magbual, members of the Ethics Committee, reported on the committee's review of a memo from the City Manager that was sent to the Council regarding unprofessional conduct by Councilmember DiGiovanni towards staff, and the Ethics Committee's subsequent recommendation for an independent investigation. Mayor Manalo denounced the mistreatment of City employees and noted the importance of having a safe place in the workplace.

***Vice Mayor Daus-Magbual spoke about the five major findings of the investigation including multiple violations related to using City vehicles and the harassment of City staff causing an uncomfortable working environment. Daus-Magbual referred to the need for accountability and acknowledgement from DiGiovanni for her actions that have hurt people.

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Ruth McHale, resident, spoke in support of Councilmember DiGiovanni, noting the lack of fairness as the City Council was three against one. McHale questioned the allegations of misusing City vehicles and noted that infractions may be exaggerated. McHale spoke about the remarkable work Councilmember DiGiovanni has done for the Police and Fire Departments, and the teachers of Daly City over the years.

Brent Turner supported the independent report's findings and made a suggestion for Councilmember DiGiovanni to have counseling, or to resign. Turner stated the allegations of antisemitism against the Council by Councilmember DiGiovanni were inappropriate. Turner managed to stop an activist from harassing staff and the Council during the Zoom meetings and encouraged that activist person to disassociate from DiGiovanni.

Fernando Montanes supported the independent report as a first step towards accountability for Councilmember DiGiovanni and expressed concern with the lack of remorse from DiGiovanni regarding the allegations against her. Montanes noted DiGiovanni had not taken the opportunity to address the misconducts and asked her to address the hypocrisy of using City vehicles for personal use with the taxpayers' money.

***Councilmember DiGiovanni referred to the report and allegations against her, stating it was a political witch hunt. DiGiovanni referred to being in court with Mayor Manalo, stating Manalo falsely accused DiGiovanni of assaulting her, in which the judge had no findings in the case. DiGiovanni stated she was not given enough time to prepare a rebuttal, noting the report was redacted and statements were not taken under oath. DiGiovanni questioned whether the names were redacted due to those peoples' political relationships to the other Councilmembers. DiGiovanni referred to being discriminated against by being denied a proclamation for Jewish Heritage Month and the opportunity to serve as Mayor, and referred to colleagues referring to her as a white woman of privilege. DiGiovanni stated the Ethics Committee has a conflict of interest being made up of members of the Council. DiGiovanni referred to the Closed Session meeting of January 8th, stating there were no public announcements about reconvening the meeting, questioned who was present, and cited a violation of the Brown Act. DiGiovanni stated she did not receive due process during the investigation and requested giving Councilmember Sylvester, who was not present at the meeting, an opportunity for input. DiGiovanni stated she made no response to the allegations based on the advisement of her attorney. DiGiovanni referred to her colleagues, stating she helped them during their campaigns, and stating those same colleagues did everything to keep DiGiovanni from being re-elected.

***Vice Mayor Daus-Magbual stated he had supported Councilmember DiGiovanni beginning in 2018. Daus-Magbual referred to the honor, privilege and responsibility which comes with holding a City Council seat, and the times when you have to admit you are wrong, apologize, and do better. Daus-Magbual referred to the Resolution which only asks DiGiovanni to apologize to those she treated unprofessionally and in a hostile manner, including the City Manager and City staff, and to attend anger management training in order to treat staff professionally. Daus-Magbual spoke about people's fears of retaliation referring to the redacted names, and stated that he stood by his statements in the investigation report since his name was not redacted. Daus-Magbual confronted DiGiovanni about the violations of misuse of City vehicles by DiGiovanni and asked her for an explanation and accountability regarding campaign signs found in the vehicle; Daus-Magbual also brought up an incident involving DiGiovanni throwing crumpled, borrowed money to an individual. DiGiovanni denied these allegations. Daus-Magbual referred to the democratic process and the majority vote in selecting the Mayor. Daus-Magbual stated this is not a conspiracy theory nor is it politically motivated, referring to the allegations, and that it was a matter of ethics. Daus-Magbual disavowed DiGiovanni's claims of antisemitism.

***Vice Mayor Daus-Magbual amended the minutes at the regular City Council meeting of February 12, 2024.

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Zimmerman addressed questions regarding who was present when the Closed Session meeting of January reconvened, whether there was a quorum at that meeting, and whether the investigation report will have an unredacted version.

Mayor Manalo stated there were no antisemitic sentiments from the Council.

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Daus-Magbual and carried by the following roll call vote to adopt the resolution with the amendment to refer this matter to the San Mateo County District Attorney's Office and the California Fair Political Practices Commission.

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

Resolution 24-21, Admonishing Councilmember Pamela DiGiovanni

Finding of Public Convenience and Necessity PCN-2-23-16098 to Sell Alcoholic Beverages for Off-Site Consumption at Seafood City at 1420 Southgate Avenue

Assistant Planner Brian Paland provided the staff report for applicant Seafood City's request for a PCN in order to obtain a liquor license for their grocery store at the subject site. Paland addressed questions on the square footage of the store, the percentage of alcohol being sold at the store, whether the previous grocery store at the site held a similar license, and the crime statistics on site.

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

Resolution 24-22, Adopting Findings In Response To An Application For A Type 21 Liquor License – Seafood City – 1420 Southgate Avenue

PUBLIC HEARINGS:

General Plan Amendment GPA-04-21-14998, Planned Development PD-04-21-14997, Major Subdivision SUB-04-21-14999, Design Review DR-04-21-15000, and Development Agreement – Serramonte Del Rey Campus Redevelopment

Mayor Manalo spoke with President Salahuddin of the Jefferson Union High School District (JUHSD) earlier with a request to move this item to a date uncertain. More time was necessary to give JUHSD opportunity to meet with individuals in the community and with labor unions, acknowledging Bryan Shields of Carpenters Local 217. Mayor Manalo supported JUHSD's request for continuance of this item.

Nancy Lacsamana, Community Garden Alliance, referred to a letter sent by Pacifica Social Justice, one of the groups supporting the community garden and opposing the current development, as it violated environmental concerns. Lacsamana noted the project not meeting timing requirements for inclusionary units, not distributing inclusionary units throughout the development, and being planned for predominantly market rate units.

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Nick Occhipinti, former JUHSD Trustee, was opposed to the project noting that information is being withheld, that the Brown Act is being violated, and adopting an urgency ordinance would break Civil Rights laws. Occhipinti urged the Council not to serve corporate interests and to preserve the garden, which is supported by the native community and the almost 5,000 who signed a petition.

It was moved by Mayor Manalo, seconded by Vice Mayor Daus-Magbual and carried to continue this item by unanimous roll call vote.

Introduction of Ordinance Amending Title 6 of the Daly City Municipal Code re: Animal Control

Assistant to the City Manager Leilani Ramos provided the staff report including the updates to the Animal Control Ordinance provided by the San Mateo County Board of Supervisors. Staff addressed questions on whether there is an appeal process for an animal that is designated as vicious.

It was moved by Councilmember DiGiovanni, seconded by Vice Mayor Daus-Magbual and carried to open the public hearing. There were no speakers on this matter.

Mayor Manalo moved for the City Attorney to read the ordinance by title only.

Councilmember Buenaventura introduced the following ordinance:

Ordinance 1470, Amending Title 6 Of The Daly City Re: Animal Control

APPOINTMENTS:

It was moved by Vice Mayor Daus-Magbual, seconded by Mayor Manalo and carried by unanimous roll call vote to re-appoint Ray Satorre to the Planning Commission.

It was moved by Councilmember Buenaventura, seconded by Mayor Manalo and carried by unanimous roll call vote to appoint Fernando Montanes to the Recreation Commission.

REPORTS:

City Council

Mayor Manalo invited everyone to the first Lunar New Year event at City Hall on Saturday, February 10th from 10AM-12PM and acknowledged Daly City's own Lion Dance Troupe who will perform at the event. Manalo reported on the delegation visit from Sister City Izumisano, Japan and thanked Marie and Serramonte for their collaboration in creating the well-known Senshu towel from Izumisano. Manalo welcomed everyone to the State of the City on Monday, March 18th at 6PM at Daly City Hall. Manalo thanked and acknowledged long-standing Personnel Commissioner Tita Perla Ibarrientos and PBRC staff Liza Rebertura, who were present at the meeting.

Staff

City Manager Piccolotti thanked the Council for their continued confidence in extending his employee contract and noted a section in the contract in which the City Manager has the option to defer the approved salary increases based on the City's financial forecast.

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ADJOURNMENT:

Mayor Manalo adjourned the meeting at 9:40 PM.

Approved as submitted, this 12th

day of February, 2024.

Juslyn C. Manalo
Mayor

K. Annette Ripona
City Clerk