

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, April 22, 2013 - 7:00 PM

For those wishing to address the City Council on any Item on the Agenda or under Public Appearances/Oral Communications, please complete a Speaker Card located at the entrance to the Council Chambers and submit to a Staff Member as early in the meeting as possible.

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should call the office of the City Clerk at 991-8078 as soon as possible.

CALL TO ORDER:

Minutes:

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

7:01 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Proclaiming Week of April 21-27, 2013 as West Nile Virus and Mosquito and Vector Control Awareness Week

Minutes:

Vice Mayor Canepa presented a proclamation proclaiming the Week of April 21-27, 2013 as West Nile Virus and Mosquito and Vector Control Awareness Week to Christine Fuller, Daly City Trustee for the San Mateo County Mosquito and Vector Control District.

Robert Gay, District Manager for the San Mateo County Mosquito and Vector Control District, provided an update on their activities this past year.

7:02 PM

APPROVAL OF AGENDA:

AVAILABILITY OF PUBLIC RECORDS:

All public record to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City Clerk's Office, City Hall located at 333 90th Street, Daly City, CA during normal business hours, at the same time that the public records are distributed or made available to the legislative body.

Motion to approve the agenda.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and may be approved by one roll call vote of the City Council. There shall be no separate discussion of the matters on the Consent Agenda unless requested by a member of the City Council. If discussion is required, that item will be removed from the Consent Agenda and will be considered separately at the end of the Agenda.

Minutes:

Mayor Buenaventura stated it was requested that Item No. 8, Commending BAWSCA on the Occasion of its Tenth Anniversary, would be taken at the end of the Consent Agenda.

7:13 PM

Resolutions:

1. Authorizing Fire Safety Inspector Standby Compensation

Motion to adopt Resolution No. 13-45, Adopting the Side Letter Regarding Standby Policy for Fire Safety Inspectors

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

2. Setting the Time & Place of the Public Hearing for Daly City's National Pollutant Discharge Elimination System Program Regulatory Fee

Motion to adopt Resolution No. 13-46, Setting Time and Place of Public Hearing Re: Maintaining Adopted Regulatory Fees Necessary to Fund Local Specific Program Activities Mandated under the Stormwater Management Plan, and Requesting San Mateo County to Collect Such Fees, Hearing 5/13/13 – 7:00 P.M.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

3. Authorizing Purchase of the Tactical Equipment for the Daly City Police Department's Special Weapons and Tactics Team

Motion to adopt Resolution No. 13-47, Authorizing Use of Federal and State Asset Forfeiture Funds for the Purchase of Tactical Communications Industries (TCI) Headset for the Police Department's Special Weapons and Tactics Team

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

4. Authorizing Solicitation of Bids for 2013-14 Street Slurry Seal and Cape Seal (Original Daly City, Civic Center and Hillside Boulevard) Project

Motion to adopt Resolution No. 13-48, Approving Bid Documents and Authorizing Bid Invitations Re: 2013-14 Street Slurry Seal and Cape Seal Project (Original Daly City, Civic Center and Hillside Boulevard)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

5. Approving Professional Services Agreement for Hillside Park Restoration

Motion to adopt Resolution No. 13-49, Approving Professional Services Agreement with URS Corporation for the Restoration of Hillside Park

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

6. Setting Time and Place of Public Hearing Regarding Linda Vista Area of Benefit Fiscal Year 2013-2014

Motion to Resolution No. 13-50, Setting Time and Place of Public Hearing Re: Approve Engineer's Report and to Establish the Annual Benefit Assessments for the Linda Vista Area for Fiscal Year 2013-2014, Hearing 5/28/13, - 7:00 P.M.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

7. Requesting Appropriation of \$4,997.31 From Asset Forfeiture Funds for the Purchase of a Replacement Canon Document Scanner

Motion to adopt Resolution No. 13-51, Authorizing Use of Federal and State Asset Forfeiture Funds for the Purchase of Replacement Canon Document Scanner

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

8. Commending BAWSCA on the Occasion of its Tenth Anniversary

Minutes:

Councilmember Guingona commended Patrick Sweetland for his help on BAWSCA.

Director of Water and Wastewater Resources Patrick Sweetland stated tonight's activity is to endorse the ten year anniversary of BAWSCA.

7:14 PM

Motion to adopt Resolution No. 13-53, Commending BAWSCA on the Occasion of its Tenth Anniversary

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

9. Adopting the Electronic Communications Policy for Members of the City Council, Commissions, Boards, and Committees

Motion to adopt Resolution No. 13-52, Adopting the Electronic Communications Policy for Members of the City Council, Commissions, Boards, and Committees

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

END OF CONSENT AGENDA

PUBLIC HEARINGS:

10. Public Hearing on Claim to Lien Property at 88 Crestline Avenue (APN 008-035-430)

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes:

Code Enforcement Officer Kathy Campbell reviewed the case involving a single-family residence at 88 Crestline Avenue of which a building permit was obtained to construct a retaining wall. The permit expired resulting in a potential threat to the adjoining neighbor's property due to the excavation of soil.

The Administrative Hearing Board ordered the owner, Masahiro Handa, to hire a

licensed engineer to submit plans and obtain a permit to correct the cited violation. To date, the property owner has not taken any action to correct the violation.

The administrative cost and penalty fines assessed by the Administrative Order totaled \$6,546.00. Staff is requesting that the Council adopt a resolution allowing all unpaid code enforcement fees and penalty fines to become a lien on the subject property.

Mayor Buenaventura opened the public hearing.

7:16 PM

Motion to close the public hearing

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion to adopt Resolution No. 13-54, Confirming and Adopting the Findings of the Administrative Appeal Board, Declaring Residential Premises to be a Public Nuisance, and Allowing Such Costs, Penalties and Assessments to be, Rendered and Recorded as a Lien or Assessment (88 Crestline Avenue, Daly City, California)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

11. Public Hearing on Claim to Lien Property at 117 / 119 Chester Street (APN 006-481-270)

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes:

Code Enforcement Officer Kathy Campbell reviewed staff's request to place a lien on the duplex located at 117/119 Chester Street for penalty fines totaling \$10,000. Ms. Campbell stated the subject property was found to be a public nuisance for construction without permit of a non-permitted kitchen added to rooms in the garage area, which included a reconfiguration of the garage area.

The Administrative Hearing Board order was issued to the owner to correct the violation. To date, the property owner has not corrected the cited violations. The property owner has remitted all code enforcement fees but was assessed penalty fines for failing to

correct the cited violation.

Mayor Buenaventura opened the public hearing.

Kimba Chiu explained he was told they could keep the configuration as is, but they had to remove the kitchen, and get an engineer to prepare plans. Mr. Chiu submitted the plans but the building department rejected the plans. He further explained that the addition was done with a permit almost twenty years ago. However, the configuration was different from what exists right now, because the bathroom was on the other side.

Discussion ensued with Mr. Chiu and Staff answering Council's questions and concerns regarding the removal of the kitchen and the other cited violations, and the owner's lack of action since the September 2012 Administrative Board's order.

7:00 PM

Motion to close the public hearing.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion to adopt Resolution No. 13-55, Confirming and Adopting the Findings of the Administrative Appeal Board, Declaring Residential Premises to be a Public Nuisance, and Allowing Such Costs, Penalties And Assessments to be, Rendered And Recorded as a Lien or Assessment (117 / 119 Chester Street, Daly City, California)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

12. Planned Development PD-2-10-1726 (PD-66) AND CEQA-3-12-5237, west of Martin Street and Steve Courter Way, APN (005-042-020)

- A. EA (Mitigated Neg. Dec.)
- B. Findings
- C. PD-2-10-1726

Staff:

Mothershead

Recommended Action:

Motion on A

Adopt Resolutions B & C

Roll Call

Minutes:

Planning Manager Tatum Mothershead gave a PowerPoint presentation on the

project site and stated the applicants, David Beaumont of CKS Environmental and Tom Carey, representing Birma LLC, submitted an application for a General Plan Amendment and Planned Development for a future 16 lot subdivision of an existing 1.84 acre, undeveloped lot on Martin Street.

Mayor Buenaventura opened the public hearing.

David Beaumont of CKS Environmental was present to answer Council's questions.

7:42 PM

Motion to close the public hearing

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion that this project will not have a significant effect on the environment and instructed that a Mitigated Negative Declaration be filed.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion to affirm the findings of the Planning Commission as contained in their communication on file in the Office of the City Clerk.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion to adopt Resolution No. 13-56, Adopting Mitigated Negative Declaration, and Adopting Findings of Fact Following Planning Commission Recommendation Re: Plan for Precise Planned Development PD-2-10-1726 (PD-66) and CEQA-3-12-5237 (West Of Martin Street and Steve Courter Way, APN 005-042-020)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion that Ordinance No. 1369 be read by title only by the City Attorney.

Councilmember Klatt introduced the following ordinance:

Ordinance No. 1369, Amending the Daly City Zoning Map - Rezoning and Certain Parcels to Planned Development (PD-66) and Adopting Planned Development Standards One Parcel, West of the Intersection of Martin Street and Steve Courter Way (APN 005-042-020), Daly City, California

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt,

Sal Torres; Against: (None); Abstain: (None); Absent: (None)

13. Consideration of the City's HUD Five-Year Consolidated Plan for July 1, 2013 to June 30, 2018 and One -Year Action Plan for Fiscal Year 2013-14

Staff:

ZoBell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes:

Housing and Community Development Supervisor Betsy ZoBell presented the City's draft Five-Year HUD Consolidated Plan for July 1, 2013 to June 30, 2018; the draft One-Year Action Plan for Fiscal Year 2013-2014; and allocate funds for various CDBG and HOME activities for Fiscal Year 2013-14. The Five-Year Plan provides long-range guidelines with proposed priorities, strategies and potential activities to address the City's housing and community development needs. For each year during the Five-Year period, the City must also prepare a One-Year Action Plan that describes the specific activities and associated costs the City will pursue.

Ms. ZoBell summarized the recommended priorities listed for the Five-Year strategic plan and the 2013-14 CDBG funding allocation as well as the HOME funding allocations for the One-Year Action Plan.

The following individuals expressed appreciation for the Council's support:

Clarice Veloso, representing HIP Housing

Diane Papan, representing John's Closet

Lily Abt, representing Rebuilding Together Peninsula

Laura Bent, representing Samaritan House

Fernando Cordova, representing Project Read

Kimberly Gillette, representing Daly City Youth Health Center

Angela Bruno-Castro, representing Mental Health Association of San Mateo County

7:52 PM

Motion to close the public hearing.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion to adopt Resolution No. 13-57, Approving the Proposed Five-Year HUD Consolidated Plan for Fiscal Year 2013-2018 and One-Year Action Plan for Fiscal Year 2013-2014 (July 1,

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

COMMUNICATIONS:

14. Use Permit UPR-1-13-6728, Design Review DR-4-12-5412—Gellert Market Place Master Sign Program and Shopping Center Redevelopment

- A. EA (Categorical Exemption)
- B. Findings
- C. UPR-1-13-6728, DR-4-12-5412

Staff:

Naughton

Recommended Action:

Motion on A

Adopt Resolutions B & C

Roll Call

Minutes:

Associate Planner Jeanne Naughton gave a PowerPoint presentation on the project site and reviewed the applicant's proposal to redevelop the existing shopping center with three separate, one-story retail pad buildings at the western end of the site, and a one-story building at the eastern end of the site. As a result of demolition of the larger retail spaces and reconstruction of smaller spaces, there will be a reduction in retail space on the site.

Peter Meier, Daly City Partner LLC, developer of the project, stated Sprouts Farmers Market is a natural organic food grocer in Southern California that is expanding to the Bay Area. Mr. Meier described what retail stores would be located at this center, the retaining wall, landscaping, and traffic circulation.

8:09 PM

Motion to concur with the Categorical Exemption under CEQA requirements.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion to affirm the findings of the Planning Commission as contained in their communication on file in the Office of the City Clerk.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion to adopt Resolution No. 13-58, Adopting Findings of Fact Following Public Hearing on Use Permit (UPR-1-13-6728), Design Review (DR-4-12-5412) for Gellert Market Place Master Sign Program and Shopping Center Redevelopment

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

AWARD OF BIDS/CONTRACTS:

15. Award of Construction Contract for the Hickey Boulevard/Callan Boulevard Traffic Signal Modifications Project

Staff:

Chan

Recommended Action:

Adopt Resolution

Roll Call

Minutes:

Traffic Engineer Shirley Chan recommended that the City Council accept all bids, waive minor irregularities, reject the bid protest submitted by W. Bradley Electric, Inc., and award a construction contract to Pacific Electric Contracting, Inc. of San Jose, California in the amount of \$160,892 for the subject project.

Ms. Chan reviewed the Agenda Report, a copy of which is on file in the Office of the City Clerk.

8:24 PM

Motion to adopt Resolution No. 13-59, Authorizing Execution of Construction Contract with Pacific Electric Contracting, Inc. (Hickey Boulevard/Callan Boulevard Traffic Signal Modifications Project)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

ORDINANCES:

16. Second Reading, Ordinance No. 1368, Amending Municipal Code Section 10.23 Re: Parking of Oversized Vehicles

Staff:

Zimmerman

Recommended Action:

Adopt Ordinance
Roll Call

Motion to adopt Ordinance No. 1368, Amending Section 10.23.150 of the Municipal Code Re: Parking of Oversized Vehicles

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

NOTE: Speakers are limited to two minutes, unless modified by the Mayor. The Council cannot take action on any matter raised under this item

Minutes:

The following individuals spoke in support of saving the Westlake Coffee Shop from closing:

**Peter Di Bono
Linda Trout
Ken Sever
Eugene Kestov
Cynthia Shaffer
JoAnn Babcock
Aaron Ramsey
Sheryl Lopez-Farragher
Maria Guillén
Christina Dwight
Winnie Woo**

Yoon Choi, owner of Westlake Coffee Shop, informed the Council that their landlord, Kimco, is raising their lease so high that it is forcing them to close the coffee shop. Ms. Choi asked for the City's help in saving their business. She submitted a written petition with 500 signatures to save the coffee shop.

Discussion ensued with the Council and the City Manager stating they will look into this issue and help in whatever way they can to keep the Westlake Coffee Shop open in Daly City.

8:30 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

There were no appointments.

7:00 PM

REPORTS:

17. Council Committee

Minutes:

There were no reports.

7:00 PM

18. City Council

Minutes:

Councilmember Klatt reported on the Annual Volunteer Luncheon that was held last Thursday at the Doelger Senior Center.

Councilmember Guingona reported on Saturday he attended the Habitat for Humanity Opening with Congresswoman Jackie Speier, and the Daly City Partnership Community Literacy and Health Event at Susan B. Anthony. Councilmember Guingona also reported he attended the Mussel Rock Allied Waste free dumping day on Saturday.

Vice Mayor Canepa reported he, Mayor Buenaventura and Police Chief Martinez had the opportunity to participate in the gun buy back at the South San Francisco Municipal Court.

Councilmember Torres announced he was confirmed as the Councilmember representing the north county on the San Mateo County Redistricting Committee. Rebecca Ayson, a Daly City resident, is also a member of the Committee. Also on the Committee are Bill Mack and Councilmember Laura Martinez from East Palo Alto representing the south county.

Councilmember Guingona reported a couple of days ago, his aunt, Mayor Ruth Guingona of Gingoog City, Philippines, was heading to the city when she was ambushed. As a result, two bodyguards gave their life to save Mayor Guingona. She was hit, but she is recovering now.

9:01 PM

19. Staff

Minutes:

There were no reports.

9:05 PM

ADJOURNMENT:

Minutes:

Mayor Buenaventura asked for a moment of silence in honor of the 186 Boston Bombing victims.

9:08 PM

Motion to adjourn the meeting at 9:10 P.M. in memory of Nimrod Himm, Paul Hupf, Lawrence Smith, Francis Alasandro, Addie Kaczmarek, Bienvenida Turoldo, and Boston Bombing Victims Lu Lingzi, Krystle Campbell and MIT Police Officer Sean Collier.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)