

# CITY OF DALY CITY

## Regular Meeting - CITY COUNCIL

### AGENDA

Monday, March 10, 2014 - 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 Canepa at 7:03 P.M.**

**7:03 PM**

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Proclaiming March 2014 Women's History Month (Dorothy Fertado)

#### Minutes:

**Mayor Canepa presented a proclamation proclaiming March 2014 as Women's History Month to Dorothy Fertado. Ms. Fertado thanked the Council and invited everyone to attend the National Women's History Month Celebration and Award Ceremony on March 13, 2014.**

**7:04 PM**

APPROVAL OF AGENDA:

Motion to approve the 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 90<sup>th</sup> 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.*

**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.

### Resolutions:

1. Requesting Use of Federal Asset Forfeiture (DEA) to Purchase a Cardiff Pines Burn Safe and Gas Ram for the Daly City SWAT Team

Motion to Resolution No. 14-28, Authorizing Use of Asset Forfeiture Funds to Purchase One Cardiff Pines Burn Safe and One Cardiff Pines Gas Ram for the Daly City SWAT Team

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

2. Approving Use of Federal Asset Forfeiture Funds to Purchase Individual First Aid Kits for Daly City Police SWAT Members

Motion to adopt Resolution No. 14-29, Authorizing Use of Asset Forfeiture Funds to Purchase Individual First Aid Kits for SWAT Members

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

3. Setting Time and Place for Public Hearing to Consider Repeal of the City's Inclusionary Housing Ordinance and Adoption of an Affordable Housing Ordinance

Motion to adopt Resolution No. 14-30, Setting Time and Place of Public Hearing to Consider Repealing the Inclusionary Housing Ordinance and Adopting an Affordable Housing Ordinance (Hearing Date: April 14, 2014, Time: 7:00 P.M.)

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

4. Setting Time and Place for a Public Hearing to Consider One-Year HUD Action Plan for Fiscal Year 2014-2015

Motion to adopt Resolution No. 14-31, Setting Time and Place of Public Hearing on Daly City's One-Year Action Plan for Fiscal Year 2014-2015 Under the Community Development

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

5. Accepting as Complete - Muirwood Drive and Teresa Street Water Mains Improvement Project

Motion to adopt Resolution No. 14-32, Accepting Completion of Certain Project (Muirwood Drive and Teresa Street Water Main Improvement Project)

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

6. Approving Use of Federal Asset Forfeiture Funds to Purchase Police Department Computers

Motion to adopt Resolution No. 14-35, Authorizing Use of Asset Forfeiture Funds to Purchase Laptops, Tablets, Associated Software and Protective Cases

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

END OF CONSENT AGENDA

COMMUNICATIONS:

7. Resolution Approving City Treasurer Stipend

**Staff:**

Martel

**Recommended Action:**

Adopt Resolution

Roll Call

**Minutes:**

**City Manager Patricia Martel requested the Council adopt a resolution establishing a monthly stipend in the amount of \$1,666 for the Office of the City Treasurer. Ms. Martel stated this will ensure compensation commensurate with the duties of the City Treasurer being part-time, and will be the sole compensation paid to the City Treasurer. The fiscal impact will result in a budgetary savings of approximately \$100,000 annually.**

**7:07 PM**

Motion to adopt Resolution No. 14-34, Establishing a Monthly Stipend for the Position of

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

8. Consideration of Appointment to Fill unexpired Term of City Treasurer

**Staff:**

Martel

**Recommended Action:**

Adopt Resolution

Roll Call

**Minutes:**

City Manager Patricia Martel stated the Council has the opportunity to consider the appointment of a qualified elector to fill the remaining unexpired term of the City Treasurer. Government Code provides the vacancy created by Mr. Zidich's retirement shall be filled by the Council within 30 days from the commencement of the vacancy either by appointment, or by calling a special election.

The person assuming office is required to be a qualified voter of the City, eighteen years of age and a Daly City resident. The Deputy City Treasurer has been an employee of the City since 2001 and, as Deputy, has served as the City Treasurer in the absence of the Treasurer for the last ten years. She is both qualified and experienced to perform such duties as well as a qualified voter of the City.

If the Council elects to appoint the Deputy City Treasurer, the new City Treasurer would serve the remainder of the unexpired term of the former incumbent, until November 2016, at which time the incumbent would be required to stand for election.

The appointment of the Deputy City Treasurer to be City Treasurer will result in cost savings, because the City would not be required to call for a Special Election to fill the vacancy.

7:10 PM

**Minutes:**

Former City Treasurer Anthony Zidich stated Ms. Halvorson is well qualified to perform the duties of City Treasurer and looks forward to her being the next City Treasurer for many years.

Appointed City Treasurer Daneca Halvorson thanked the Council for the opportunity to serve as the City Treasurer. She looks forward to expanding her duties and working with the Council and the community.

**7:15 PM**

Motion to adopt Resolution No. 14-35, Appointing Daneca Halvorson City Treasurer for the Remaining Unexpired Term of this Office

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

**PUBLIC HEARINGS:**

9. Public Hearing on Claim to Lien Property at 26 Edgemar Street (APN 004-411-170)

**Staff:**

Campbell

**Recommended Action:**

Open/Close Hearing

Adopt Resolution

Roll Call

**Minutes:**

Code Enforcement Officer Kathy Campbell stated staff is requesting a lien be placed on the property at 26 Edgemar Street for fees and fines totaling \$11,994. The subject property was found to be a public nuisance on December 11, 2012 for construction without a permit. An administrative order was issued to the property owner to correct the violations. The property owner responded to the order and submitted plans. However, the plan check expired and there has been no further action taken to correct the cited violations.

A Notice of Violation was placed on the property through the San Mateo County Recorder's Office and will remain on the title to prevent sale or transfer of ownership without disclosure of the cited violations. The property owner was assessed enforcement fees that totaled \$1,994 and penalty fines totaling \$10,000 for failure to correct the cited violations as stipulated in the administrative order.

**7:16 PM**

Motion to open the public hearing.

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

**Minutes:**

Michael J. Lavorini, property owner, explained he hired an engineer and made

several attempts to mitigate the violations but additional items were identified during this process. He stated he wants to get into a repayment program and move forward but was concerned about showing bad faith if unable to meet the schedule because of his financial situation. He asked the Council for additional time to complete the work.

Javier Chavarria, civil engineer of JC Engineering, was present to add further testimony on this matter.

The Council was concerned about why it has taken so long for Mr. Lavorini to respond to the complaints and submitting the plans. The Council was also concerned about the property owner's ability to complete the work considering the amount of the work needed and his financial situation.

**7:19 PM**

Motion carried 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 continue this matter for six months.

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

10. Public Hearing on Claim to Lien Property at 563 Delong Street (APN 002-252-250)

**Staff:**

Campbell

**Recommended Action:**

Open/Close Hearing

Adopt Resolution

Roll Call

**Minutes:**

Code Enforcement Officer Kathy Campbell stated staff is requesting a lien be placed on the property at 563 Delong Street for unpaid code enforcement fees and fines totaling \$11,794. The subject property was found to be a public nuisance on October 25, 2012 for construction without a permit.

An administrative order was issued to the property owner, Amavelis A. Tobar, to correct the violations. To date, the property owner has not taken the required action to correct the cited violations. A Notice of Violation was placed on the subject property through the San Mateo County Recorder's Office and will remain on the title to prevent sale or transfer of ownership without addressing the violations.

The property owner was assessed code enforcement fees that total \$1,994 and penalty fines totaling \$10,000 for failure to correct the cited violations as stated in the administrative order. A payment of \$200 was made on December 12, 2012. The amount currently owed is \$11,794.00.

**7:56 PM**

Motion to open the public hearing.

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

**Minutes:**

Mayor Canepa asked if the property owner Ms. Amavelis Tobar was present. Ms. Tobar was not present.

**7:58 PM**

Motion carried 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)**

11. Public Hearing on Claim to Lien Property at 661 Sylvan Street (APN 006-453-210)

**Staff:**

Campbell

**Recommended Action:**

Open/Close Hearing

Adopt Resolution

Roll Call

**Minutes:**

Code Enforcement Officer Kathy Campbell stated staff is requesting a lien be placed on the property at 661 Sylvan Street for unpaid code enforcement fees and fines totaling \$13,074. The subject property was found to be a public nuisance on September 27, 2012 for property maintenance problems. An administrative order was issued to the property owners, J. Mason & Anne Stubblefield to correct the violations. To date the owners have not taken the required action to correct the cited violations.

A Notice of Violation was placed on the subject property through the San Mateo County Recorder's Office and will remain on the title to prevent sale or transfer of ownership without addressing the violations. The property owners were assessed code

**enforcement fees that total \$3,074 and assessed \$10,000 in penalty fines for failing to correct the cited violations as stipulated in the administrative order. Total amount owed is \$13,074.**

**7:59 PM**

Motion to open the public hearing.

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

**Minutes:**

**Mayor Canepa asked if the property owner Mr. J. Mason and Anne Stubblefield were present. The property owners were not present.**

**7:03 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. 14-37, 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 (661 Sylvan 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. Amendment to Use Permit UPR-7-13-7618 - Modification to Automobile Service Station Fueling Dispensers and Canopy at 505 Skyline Drive

**Staff:**

VanLonkhuysen

**Recommended Action:**

Open/Close Hearing

Adopt Resolution A, B & C

Roll Call

**Minutes:**

**Senior Planner Michael Van Lonkhuysen gave a PowerPoint presentation on the project site and reviewed the applicant's request to amend the use permit that the Council granted last October to reconstruct a service station at 505 Skyline Drive.**

**The applicant's modification request was to modify site plan to include expanded fueling canopy, reduce parking by two spaces for expanded canopy, increase fuel dispensers from two to four, increase fueling positions from four to eight and obtain zoning ordinance authorized parking credit for half of the new fuel dispenser parking spaces.**

**Staff is recommending that the conditions of approval for the project be modified wherein the canopy would provide more architectural integration to the convenience store/auto repair building. The canopy needs to receive body and trim color, and veneer treatment.**

**Staff is recommending the Council approve the amendment to the use permit, subject to the findings and modified conditions outlined in the agenda report.**

**8:02 PM**

Motion to open the public hearing.

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

**Minutes:**

**Vaughn Jones, President of the Skyline/Palisades Homeowners Association, expressed support of the new plans and was pleased with the open communications with the new owners.**

**8:05 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 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. 14-38, Adopting Findings of Fact and Imposing

Conditions of Approval on Amendment to Use Permit UPR-7-13-7618 for the Reconstruction of Automobile Service Station (505 Skyline Drive, Daly City, California)

**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:**

**Mark Nagales, representative of Congresswoman Jackie Speier, stated the Congresswoman wanted him to remind everyone that he is the liaison from her office and if you need help, you can call the Congresswoman's office. He stated, within the last two years, our office has recovered \$4,000,000 in VA benefits. Lately, the Congresswoman has been pushing affordable housing and income equality.**

**Pamela DiGiovanni stated Mrs. Torres' husband passed away and two of her sons had been murdered by gun violence. It meant a lot to the community that Mayor Canepa came to speak to the large crowd. She said Mr. Alvaro Jose Garcia Peña was a loving man. He and his wife went to the prison to find the perpetrators who killed their sons. They did it just before Alvaro passed away.**

**Mrs. Elizabeth Torres thanked the Council for attending her husband's services. Mrs. Torres stated, when we realized we were getting nowhere in the investigation, Alvaro contacted Homeland Security, which then contacted the Daly City Police Department. As a result a more open communication had transpired between all agencies.**

**Sam Manneh wanted to take the opportunity to recognize all women, especially the women running for office and currently in office. In addition, he stated we will be honoring and recognizing Assembly Member Toni Akins, who will be the first California speaker of the house for the assembly.**

**Marian Mann reported to the Council that the Doelger Senior Bocci activity was left out of the Daly City Activity Guide Spring/Summer 2014 issue. Ms. Mann announced the Bocci group plays on Monday, Tuesday and Thursday mornings and on Wednesday afternoons.**

**8:07 PM**

**APPOINTMENTS: Board/Commission Membership Committee Appointments**

**Minutes:**

**There were no appointments.**

**8:15 PM**

REPORTS:

13. Council Committee

A Council Committee Meetings, February 24 -  
March 9, 2014

**Minutes:**

**The Council Committee gave a report on the Inclusionary Housing Ordinance Update (Guingona/Torres)**

**8:15 PM**

14. City Council

**Minutes:**

**Councilmember Guingona reported, in April 2013, he requested that we look at regulating the use of E-Cigarettes in Daly City. There is more information that may be pertinent now. The FDA has said there are some carcinogens in E-Cigarettes. He suggested forming a subcommittee to discuss this issue**

**Councilmember Guingona reported there will be a Health Care Enrollment Event on March 15, 2014 at the Broadmoor Presbyterian Church between 1:00 p.m. and 5:00 p.m.**

**Councilmember Guingona stated he received an e-mail from Nicole Sandkulla, Director of Bay Area Water Supply and Conservation Agency requesting that the City Council take a formal position in support of SB 1345, as currently written.**

**8:18 PM**

15. Staff

**Minutes:**

**City Manager Patricia Martel reported Vice Mayor Klatt and I attended a press conference at the Lake Merced Golf Club to highlight the 2014 Swinging Skirts LPGA Classic, which will be played at the Lake Merced Golf Club on April 21 to April 27.**

**8:26 PM**

ADJOURNMENT:

Motion to adjourn the meeting at 8:33 P.M. in memory of Lynn D'Amico and Alvaro Jose Garcia Peña.

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