

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, August 11, 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 7:00 P.M.

7:01 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Actuary's Report on City Pension Liabilities

Minutes:

Director of Finance and Administrative Services Lawrence Chiu introduced John Bartel of Bartel Associates, LLC.

Mr. John Bartel gave a PowerPoint presentation on the pension actuary report for the miscellaneous and safety members.

7:02 PM

APPROVAL OF MINUTES:

Special Meeting of May 27, 2014 and Regular Meetings of June 9, June 23, and July

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.

14, 2014

It was moved by Councilmember Torres, seconded by Vice Mayor Klatt to approve the minutes of May 27, June 9, June 23 and July 14, 2014.

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

APPROVAL OF AGENDA:

It was moved by Vice Mayor Klatt, seconded by Councilmember Torres 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 Canepa requested Item 10, Concerning the Potential Sale of the Daughters of Charity Health System and Seton Medical Center be taken at the end of the Consent Agenda.

Resolutions:

1. Authorizing Bay Area Water Supply and Conservation Agency to Initiate, Defend and Settle Arbitration on behalf of Daly City Related to the Water Supply Agreement with the City and County of San Francisco

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt Resolution No. 14-126, Authorizing the Bay Area Water Supply and Conservation Agency to Initiate, Defend and Settle Arbitration Related to the Water Supply Agreement with the City and County of San Francisco

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

2. Authorizing Expansion of Existing Work Scope with HydroFocus Inc. to Update Existing Groundwater Model of the Westside Basin Aquifer

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt Resolution No. 14-127, Authorizing Expanding Existing Work Scope with Hydrofocus Inc. (Groundwater Model of the Westside Basin Aquifer)

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

3. Adopting Composite Summary Memorandum of Understanding and Salary Schedules between the City of Daly City and Specific Employee Organizations

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt Resolution No. 14-128, Adopting Composite Summary Memorandum of Understanding with AFSCME Local 829 (August 1, 2014 to Sunset November 30, 2015)

Resolution No. 14-129, Adopting Composite Summary Memorandum of Understanding with Teamsters Local 856 Clerical Technical Unit (September 1, 2014 through August 31, 2015)

Resolution No. 14-130, Adopting Composite Summary Memorandum of Understanding with Teamsters Local 856 Safety Inspectors (August 1, 2014 to July 31, 2015)

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

4. Accepting and Appropriating a \$5,000.00 Grant from the Thelma Doelger Charitable Trust

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt Resolution No. 14-131, Approving Receipt of Grant from the Thelma Doelger Charitable Trust for Youth Library Programs

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

5. Accepting and Appropriating a \$1,000 Donation from the Lapachet Family

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt Resolution No. 14-132, Accepting and Appropriating Donation from the Lapachet Family

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

6. Authorizing Contract with CDW-G and Hewlett-Packard for Network Storage Equipment

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt

Resolution No. 14-133, Authorizing Contract with CDW-G and Hewlett Packard for Network Storage Equipment

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

7. Approving Assignment of Assistant Director of Public Works/City Engineer classification to Range 346 of Executive Management Salary Schedule

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt Resolution No. 14-134, Authorizing Establishment of Assistant Director of Public Works/City Engineer

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

8. Amending Traffic Regulations as Follows: (a) Remove Yellow Curb in Front of 45 Washington and Convert to Two (2) 1-Hour Metered Parking Spaces (TSR 15/04); (b) Install STOP Sign on East Market Street at Price Street (TSR 15/06); and (c) Designate 20-Minute Limited Time (Green) Parking Zones on West Side of Santa Barbara and North Curb of Los Olivos (TSR 15/07)

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt Resolution No. 14-135, Establishing Traffic Regulations

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

9. Setting Time and Place of Public Hearing to Amend Daly City Ordinances Concerning Parking Meters, Permits and Fees

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt Resolution No. 14-136, Setting Time And Place of Public Hearing for Proposed Ordinance to Amend Sections 10.36.060, 10.40.120, 10.40.130 and 10.40.150 of the Daly City Municipal Code Re: Parking Meters, Permits and Fees (Hearing Date: September 8, 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)

10. Concerning the Potential Sale of the Daughters of Charity Health System and Seton Medical Center

Minutes:

City Manager Patricia Martel stated at the request of the Mayor, the Council has

been provided with a resolution for your consideration. The Council is aware that the Daughters of Charity Health System has been planning to sell its healthcare system due to financial difficulties in providing services at several hospitals throughout California including Seton Medical Center and Seton Coastside.

As part of the potential sales process for the Daughters of Charity Healthcare System, Attorney General Kamala Harris is required to review the potential sale because the Daughters of Charity Healthcare System is a non-profit healthcare system. The final decision about the potential sale will be reviewed by the Attorney General.

The Attorney General will have to comment on the provision of on-going emergency medical services as well as the continuity of care for those who cannot afford care or do not have insurance, also what will happen with all existing employee contracts.

The following individuals were in support of the resolution and were concerned about the potential buyers continuing the commitment and promise to provide full service health care in this community regardless of one's economic status or ability to pay.

**Steve Bates, RN at Seton Medical Center
Debra Amour, Nurse at Seton Medical Center
Simpson Sanusi, ER Nurse
Phuong Tran, CNA**

Mike Crilly, Board of Directors of Seton Medical Center and Seton Coastside, urged the Council to not support this resolution. He believes the process should go forward. The Daughters of Charity have the interest of all the employees, physicians and community.

The Council expressed support in maintaining the current level of service.

Councilmember Torres proposed amending the second “Be it resolved” as: “Be It Resolved that the City Council urges the Attorney General Kamala Harris, to insure the hospital maintain the same level of service and commitment to its employees and patients”.

7:33 PM

It was moved by Councilmember Torres, seconded by Councilmember Buenaventura to adopt Resolution No. 14-137, Concerning the Potential Sale of the Daughters of Charity Health System and Seton Medical Center

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:

11. Adoption of Urgency Ordinance on Rules and Regulations for Rationing Outdoor Water Use During a Water Shortage Emergency and Penalties for Violation

Staff:

Sweetland

Recommended Action:

Open/Close Hearing

Motion for City Attorney to Read by Title Only

Councilmember Introduce Ordinance

Adopt Ordinance

Roll Call

Minutes:

Director of Water and Wastewater Resources Patrick Sweetland stated tonight's public hearing on the adoption of an urgency ordinance on restricting and rationing certain outdoor water uses has been properly noticed and published. It comes in response of the action of the State Water Resources Control Board and endorsed by the State Office of Administrative Law.

Mr. Sweetland gave a PowerPoint presentation outlining the restrictions and requirements for outdoor water use and defines non-essential uses as well as penalties for violations.

Marian Mann stated she was asked why the City parks are so green and she told them that the city uses recycled water. When she was asked why they could not use recycled water, she told them it would be impossible to get recycled water.

8:06 PM

It was moved by Councilmember Guingona, seconded by Mayor Canepa 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)

It was moved by Councilmember Guingona, seconded by Councilmember Torres 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)

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona that Ordinance No. 1383 be read by title only by the Assistant City Attorney.

Vice Mayor Klatt introduced the following ordinance:

Ordinance No. 1383, An Urgency Ordinance of the City Council of the City of Daly City
Re: Establishing Rules and Regulations for Water Rationing Outdoor Water Use During a Water Shortage Emergency and Establishing Penalties for Violations Thereof

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

It was moved by Councilmember Torres, seconded by Councilmember Buenaventura to adopt the urgency ordinance.

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

COMMUNICATIONS:

12. Major Subdivision SUB-3-14-8806 and Design Review DR-3-14-8807 – Subdivision of four parcels into 25 lots on the south side of Washington Street between Annie Street and Edgeworth Avenue (Signature Land Advisors)

- A. EA (Categorical Exemption)
- B. Findings
- C. SUB-3-14-8806, DR-3-14-8807

Staff:

Flint

Recommended Action:

Motion on A

Adopt Resolutions B & C

Roll Call

Minutes:

Contract Senior Planner Steve Flint gave a PowerPoint presentation on the project site and review of the applicant, Signature Land Advisors, Inc., application to subdivide four parcels into 25 lots for the development of single family homes at 515 Washington Street. The subject property is located two blocks south of Civic Center between Edgeworth Avenue and Annie Street, directly south of Washington Street. As proposed, each lot within the subdivision would be 25 feet wide and 125 feet deep, for a total lot area of 3,000 square feet.

The project is in compliance with the Sullivan Corridor Specific Plan Development Standards. There are two different floor plans, both around 2,100 square feet in size. They are clustered together in different configurations. Each unit has two parking spaces, side-

by-side in the garage and two additional spaces in front of the garage.

Tom Quaglia, Signature Development, was present to answer Council's questions regarding the architectural design of the homes and the noise complaints about the garbage provider next to the property.

8:20 PM

It was moved by Councilmember Buenaventura, seconded by Councilmember Torres 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)

It was moved by Councilmember Buenaventura, seconded by Councilmember Torres 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)

It was moved by Councilmember Buenaventura, seconded by Councilmember Torres to adopt Resolution No. 14-138, Affirming Categorical Exemption under CEQA, Adopting Findings of Fact and Imposing Conditions of Approval on Major Subdivision SUB-3-14-8806 to Subdivide Four Parcels into 25 Lots and Design Review DR-3-14-8807 (South Side of Washington Street Between Annie Street and Edgeworth Avenue)

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

AWARD OF BIDS/CONTRACTS:

13. Award of Construction Contract for Callan Boulevard and King Drive Resurfacing

Staff:

Ritchie

Recommended Action:

Adopt Resolution

Roll Call

Minutes:

Civil Engineering Associate Hae Won Ritchie stated staff recommends that the City Council award a construction contract to Granite Rock Company, in the amount of \$811,547.00 for Callan Boulevard and King Drive Resurfacing Project. If Granite Rock is unable to execute the contract in the time limit specified, staff recommends the second

lowest bidder, C.F. Archibald Paving, Inc., be awarded the contract. Staff further recommends the City Council affirm the NEPA determination of a categorical exemption, which was made by CalTrans and is due in part to the City receiving federal grants in the amount of \$562,000 as part of the Surface Transportation Program.

This project includes base failure repair and asphalt concrete overlay of Callan Boulevard from Hickey Boulevard to Wembley Drive and King Drive from Verducci Drive to Gellert Boulevard. This work covers a total of approximately 0.7 centerline miles of city streets.

8:39 PM

It was moved by Councilmember Guingona, seconded by Councilmember Torres to adopt Resolution No. 14-139, Authorizing Execution of Contract with Granite Rock Company for Callan Boulevard and King Drive Resurfacing Project

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

14. Award of Construction Contract for Reservoir 3 Low Roof & Facility Rehabilitation - Phase II

Staff:

Sweetland

Recommended Action:

Adopt Resolution

Roll Call

Minutes:

Director of Water and Wastewater Resources Patrick Sweetland stated staff recommends that the City Council accept the two bids, waive minor irregularities, and award a construction contract to Southwest Construction & Property Management in the amount of \$528,557 for the Phase II follow up work at Reservoir 3.

Phase II follows up on identified improvements that involve the construction of a new low roof, repair of any existing redwood damage, a site survey on property boundaries and construction of an 8-foot fence with vehicle and personnel gate entrances, as well as a new communications pole and electrical panel.

8:44 PM

It was moved by Councilmember Guingona, seconded by Councilmember Buenaventura to adopt Resolution No. 14-140, Authorizing Execution of Contract for the Reservoir 3 Low Roof & Facility Rehabilitation – Phase II

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

ORDINANCES:

15. Second Reading, Ordinance No. 1382, Amending Title 17 of the Daly City Municipal Code, Re: Payday Lending Establishments

Staff:

Schott

Recommended Action:

Adopt Ordinance

Roll Call

It was moved by Vice Mayor Klatt, seconded by Councilmember Guingona to adopt Ordinance No. 1382, Amending Title 17 of the Daly City Municipal Code, Re: Payday Lending Establishments

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:

Ray Satorre, representing Pilipino Bayanihan Resource Center, congratulated City Manager Patricia Martel for being elected in the International City Manager Association. He stated after speaking with political leaders, we can have political unity by convincing Joe Otayde not to run for City Council in November.

Joseph Otayde stated after long discussion with community leaders and advice from Ray Satorre, he will not run for Council in November in order to foster the best interest in the community.

Ray Cordoba, representing San Francisco Unified School District, commended Councilmember Guingona for receiving his Second Lieutenant Bars from the California U.S. Military Reserve this past Saturday.

8:47 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

It was moved by Vice Mayor Klatt, seconded by Councilmember Buenaventura to appoint Dorie Paniza to the Arts and Culture Commission with term expiring August 11, 2018.

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

REPORTS:

16. Council Committee

A Council Committee Meetings, July 14 - August 10, 2014

Minutes:

The Council Committee reported on Design Review Permit DR-7-14-9375, 301 Gellert Boulevard - Gellert Marketplace - Master Sign Program Revisions. (Klatt/Canepa)

8:53 PM

17. City Council

Minutes:

There were no reports.

8:56 PM

18. Staff

Minutes:

There were no reports.

8:56 PM

ADJOURNMENT:

It was moved by Councilmember Torres, seconded by Vice Mayor Klatt to adjourn the meeting at 8:59 P.M. in memory of Kamal Singh Birak, Noel Malig, Thomas Joseph Callan, Frances Bignardi, Ray Carr and Robin Williams.

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