

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, May 11, 2015 - 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.

7:04 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Proclaiming May 17-23, 2015 as National Public Works Week (John Fuller, Director of Public Works)

Minutes:

Councilmember Canepa presented a proclamation proclaiming May 17-23, 2015 as National Public Works Week to Director of Public Works John Fuller.

7:17 PM

APPROVAL OF AGENDA:

It was moved by Councilmember Canepa, seconded by Councilmember Guingona and carried 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 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.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Sal Torres, Judith Christensen; 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. Executing Memorandum of Understanding with the San Francisco Public Utilities Commission Regarding Westlake Pump Station Design Services

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to adopt Resolution No. 15-62, Authorizing Execution of Memorandum of Understanding with the San Francisco Public Utilities Commission Re: Westlake Pump Station Services

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

2. Amending Traffic Regulations: Designate 48-ft. of No Parking Zone Along the South Side of Bismark Street, 24 ft. East of the Curb Return of Mission Street (TSR 15/61)

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to adopt Resolution No. 15-63, Establishing Traffic Regulations

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

3. Accepting San Mateo County Narcotics Task Force DARE Funds for the Purchase of Promotional Items for Children

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to adopt Resolution No. 15-64, Accepting San Mateo County Narcotics Task Force DARE Funds for Purchase of Promotional Items for Children

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

4. Commending Jeanne Koga on the Occasion of her Retirement

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to adopt Resolution No. 15-65, Commending Jeanne Koga on the Occasion of Her Retirement

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

5. Commending Debra Payne on the Occasion of her Retirement

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to adopt Resolution No. 15-66, Commending Debra Payne on the Occasion of Her Retirement

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

6. Adopting a Resolution of Intent to Adopt the City's Annual Appropriations Limitation (Gann Limit)

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to adopt Resolution No. 15-67, A Resolution of Intention of the City Council of the City of Daly City to Adopt Its Appropriations Limitation for the Fiscal Year 2015-2016 on June 22, 2015

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

Check Registers:

7. Check Registers for the Month of April 2015.

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to approve Check Registers for the Month of April 2015

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

8. Public Hearing - National Pollutant Discharge Elimination System Local Stormwater Program Regulatory Fee

Staff:

Sweetland

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes:

Director of Water and Wastewater Resources Patrick Sweetland, stated staff proposes the continuation of the current regulatory fee enacted under Ordinance No. 1219 in 1995 to finance local specific responses to the mandate of the Stormwater Pollution Prevention Program. The funding accounts for \$460,000 of local NPDES stormwater fees.

Staff is requesting the Council adopt a resolution maintaining the National Pollutant Discharge Elimination System regulatory fees necessary to fund Daly City's local specific program required under the State mandated stormwater management plan.

Mayor Buenaventura opened the public hearing.

7:04 PM

It was moved by Vice Mayor Torres, seconded by Councilmember Guingona to close the public hearing.

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

It was moved by Councilmember Canepa, seconded by Vice Mayor Torres to adopt Resolution No. 15-68, M Plan Program Activities as to the National Pollutant Discharge Elimination System (NPDES) and Maintaining Regulatory Fees Necessary to Fund the City's Local Specific Stormwater Management Authorizing their Collection on the Property Tax Roll

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

9. Public Hearing on Claim to Lien Property at 43 Pinehaven Drive (APN 006-038-140)

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes:

Code Enforcement Officer Kathy Campbell stated staff is requesting a special assessment lien be placed on the property located at 43 Pinehaven Drive (APN 006-038-140) for abatement cost and fees totaling \$12,906. The subject property is a vacant single family home. The property was found to be a public nuisance on October 23, 2014 with overgrown vegetation in the rear yard, likely harboring rats, vermin, and other nuisances, and unsecured vent openings to the house.

Ms. Campbell provided background information on the administrative board hearing and order to correct the cited violations. The City obtained a warrant from the San Mateo County Superior Court and abated the property on February 3, 2015. The property owner was assessed the abatement cost of \$3,576 and administrative fees of \$9,330 for failure to correct the cited violations.

Staff is requesting the Council adopt a resolution allowing the abatement costs and administrative fees to become a lien on the subject property.

Mayor Buenaventura opened the public hearing.

Robert Kaufman, property owner, wanted to address the issue of the removal of his plants. He complained about them removing all his plants and just leaving some trees.

7:06 PM

It was moved by Councilmember Canepa, seconded by Vice Mayor Torres to close the public hearing.

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

It was moved by Vice Mayor Torres, seconded by Mayor Buenaventura to adopt Resolution No. 15-69, 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 (43 Pinehaven Drive, Daly City, California)

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

AWARD OF BIDS/CONTRACTS:

10. **Appropriate Funds and Award of Construction Contract for the 2015-16 Skyline Slurry Seal Project**

Staff:

Chan

Recommended Action:

Adopt Resolution

Roll Call

Minutes:

Traffic Engineer Shirley Chan stated staff is requesting the City Council accept all

bids and award a construction contract to American Asphalt Repair and Resurfacing Co. of Hayward in the amount of \$1,003,128.70 for the subject project. The full cost of the project with contingency and administrative costs is \$1,164,000. Staff is also requesting the Council appropriate funds in the amount of \$1,000,000, ahead of the 2015-16 Fiscal-Year and transfer \$164,000 of unused funds from last year's slurry seal project.

7:20 PM

It was moved by Councilmember Canepa, seconded by Councilmember Guingona to adopt Resolution No. 15-70, Authorizing Execution of Construction Contract with American Asphalt Repair and Resurfacing Co. of Hayward, California (2015-16 Skyline Slurry Seal Project)

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

11. Award of Purchase Contract for Fourteen 2015/16 Ford Vehicles

Staff:

Shiosaka

Recommended Action:

Adopt Resolution

Roll Call

Minutes:

Motor Vehicle Supervisor Thomas Shiosaka recommended that the City Council approve the purchase contract from Towne Ford of Redwood City in the total amount of \$301,245.90 to purchase fourteen vehicles for the Police Department to replace four patrol cars, two administrative cars and eight fusions.

Discussion ensued with staff answering Council's questions regarding the size of the vehicles and fair market value of a Ford Fusion, and Joe Miller's question regarding how officers felt about the smaller cars.

7:04 PM

It was moved by Councilmember Canepa, seconded by Councilmember Guingona to adopt Resolution No. 15-71, Authorizing Bid Award for the Purchase of Fourteen 2015/16 Ford Vehicles

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

ORDINANCES:

12. Urgency Ordinance - Establishing Rules and Regulations During a Water Shortage Emergency

Staff:

Sweetland

Recommended Action:

Open/Close Hearing

Motion for City Attorney to Read by Title Only

Adopt Ordinance

Roll Call

Minutes:

Director of Water and Wastewater Resources Patrick Sweetland gave a PowerPoint presentation on the urgency ordinance that establishes rules and regulations for the water shortage emergency. He provided background information and review on the urgency ordinances in response to the State Water Resources Control Board Resolutions 2014-0038 and 2015-0013, as well as addressing the executive order from Governor Jerry Brown mandating urban water agencies to cut water use by 25% across the state, as outlined in the agenda report.

Mayor Buenaventura opened the public hearing.

7:38 PM

It was moved by Councilmember Canepa, seconded by Councilmember Guingona to close the public hearing.

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

It was moved by Councilmember Canepa, seconded by Councilmember Guingona that Ordinance No. 1389 be read by title only by the City Attorney.

Ordinance No. 1389, An Urgency Ordinance of the City Council of the City of Daly City
Re: Establishing Rules and Regulations for Water Use During a Water Shortage Emergency and Establishing Penalties for Violations Thereof

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

It was moved by Councilmember Guingona, seconded by Vice Mayor Torres to adopt Urgency Ordinance No. 1389.

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

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:

Barry Rodriquez was concerned about the lack of dedicated handicapped parking at the Westlake Village Apartments and the configuration of the intersection at John Daly Boulevard, Poncetta and Sheffield Drive. He asked how the city gets revenue from abandoned buildings. He also asked, if the Daly City Police Department uses stingray cell phone interception systems, and what kind of evasive information technology they use.

7:44 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

There were no appointments.

7:52 PM

REPORTS:

13. Council Committee

A Council Committee Meetings, April 27 - May 10,
2015

Minutes:

The Council Committee reported on the CEDAW Council Committee Meeting on Friday, May 1, 2015 (Canepa/Torres)

7:53 PM

14. City Council

Minutes:

Councilmember Canepa asked when the next Council meeting will be held.

City Manager Patricia Martel stated, due to the legal holiday (Memorial Day) on Monday, May 25, 2015, the next Council meeting will be held on Tuesday, May 26, 2015.

Councilmember Guingona reported he attended the Youth Leadership Institute 18th Annual Communities Action Youth Event on Friday, May 8th in Burlingame. He stated he has a resolution for Council’s consideration at a future meeting urging the Federal Consumer Financial Protection Bureau to take some control over the payday lending industry.

7:54 PM

15. Staff

Minutes:

There were no reports.

7:57 PM

ADJOURNMENT:

It was moved by Councilmember Canepa, seconded by Vice Mayor Torres to adjourn the meeting at 8:00 P.M. in memory of Lonny Baker, Jose Vicente Ruiz, Richard Feyisayo A. Soyombo, James “Jim” A. Herlihy and Ernesto “Ernie” Trono Jopanda.

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