

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JUNE 27, 2016

The meeting was called to order by Mayor Torres at 7:45 P.M.

ROLL CALL: Councilmembers Present:

Sal Torres, Mayor
David J. Canepa, Vice Mayor
Raymond A. Buenaventura
Judith A. Christensen
Michael P. Guingona

Staff Present:

Patricia E. Martel, City Manager
Julie T. Underwood, Assistant City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

PRESENTATIONS:

John Daly Boulevard Streetscape Presentation (Hae Won Ritchie, Senior Civil Engineer)

Senior Civil Engineer Hae Won Ritchie gave a presentation of the project – a plan which will improve the visibility of the thoroughfare between Top of the Hill Mission Street and Daly City BART Station. Ms. Ritchie gave an overview of the preliminary concept design, the design elements, and the construction schedule.

Mayor Torres commended Ms. Ritchie on her work on Norwood Park. Ms. Ritchie acknowledged Engineer Ryan Brunmeier as the Project Manager for Norwood Park.

APPROVAL OF MINUTES:

Regular Meeting of May 23, 2016

It was moved by Vice Mayor Canepa, seconded by Councilmember Buenaventura and carried to approve the minutes of May 23, 2016.

APPROVAL OF AGENDA:

Mayor Torres requested item #20 be moved up before item #17 under Communications. It was moved by Vice Mayor Canepa, seconded by Councilmember Buenaventura and carried to approve the Agenda as amended.

CONSENT AGENDA:

Mayor Torres pulled item #1 from the Consent Agenda, and requested a continuance of item #12 to the July 25, 2016 Council meeting.

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Resolutions:

Adopting Resolution in Honor of Erlinda Tiongco Galeon

Councilmember Buenaventura presented a resolution honoring Ms. Galeon's life and listing her accomplishments to her daughter Audrey Galeon-Tabuso.

Audrey, along with Commissioner Perla Ibarrientos, thanked the Council for the resolution recognizing Ms. Galeon. The Council expressed their thoughts on what Ms. Galeon meant to them and what she meant to the community.

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Canepa and carried to adopt the following resolution:

Resolution 16-89, Honoring Erlinda Tiongco Galeon

Authorizing the Use of Federal Asset Forfeiture Funds (DEA) to Purchase New Ballistic Shields and Distraction Device Storage Units for the Daly City SWAT Team

Resolution 16-90, Authorizing Use of Federal Asset Forfeiture (DEA) Funds to Purchase New Ballistic Shields and Distraction Device Storage Units for the Daly City SWAT Team

Authorizing the Use of Federal Asset Forfeiture Funds (DEA) to Purchase New Ballistic Protection for the Daly City Police Department

Resolution 16-91, Authorizing Use of Federal Asset Forfeiture (DEA) Funds to Purchase New Ballistic Protection for Daly City SWAT

Amending Traffic Regulations to: (1) Install bus layover zone on the west side of Junipero Serra Boulevard; (2) Install No Parking (red) zone on Otilia Street; (3) Install red zones around the traffic island on Cerro Drive; (4) Designate No Parking on Cerro Drive; (5) Install Passenger Loading/Unloading (white) zone at 50 Northridge Drive; and (6) Install a No Parking/Tow-Away (red) zone on the south side of School Street

Resolution 16-92, Establishing Traffic Regulations

Adopting Revised Title VI Non-Discrimination Plan

Resolution 16-93, Adopting Revised Title VI Non-Discrimination Plan

Authorizing the City Manager to Renew Tree Maintenance Service Agreement with West Coast Arborist for 2016/2017 Fiscal Year

Resolution 16-94, Authorizing Renewal of the Tree Maintenance Service Agreement with West Coast Arborist Inc. for Fiscal Year 2016/2017

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Accepting Edward Byrne Memorial Justice Assistance Grant (JAG) Program Grant Funds for Forensic Laboratory Fees

Resolution 16-95, Approving Receipt of Grant from the Federal 2016 Edward Byrne Memorial Justice Assistance Grant Program for San Mateo County Forensic Laboratory Fees

Authorizing the City Manager to Execute an Agreement Between the City of Daly City and the Daly City Partnership to Manage and Operate the Community Service Center

Resolution 16-96, Authorizing Execution of Agreement Between the City of Daly City and the Daly City Partnership to Manage and Operate the Community Service Center

Approving the Contract Amendment to the Three-Year Agreement Between the Human Services Agency of San Mateo County and the City of Daly City to Extend the Term to December 31, 2016

Resolution 16-97, Authorizing Amendment to the Three-Year Agreement Between the Human Services Agency of San Mateo County and the City of Daly City

Amending Traffic Regulations to: (1) Install commercial loading zone along the north side of John Daly Boulevard; (2) Install No Parking (red) zone on the west curb of St. Francis Boulevard; (3) Install red zones along N. Mayfair Avenue and Oaklawn Drive; and (4) Extend the existing red zone on 92nd Street

Resolution 16-98, Establishing Traffic Regulations

Approving the Adoption of Appropriations Limit for Fiscal Year 2017

Resolution 16-99, Establishing City's Appropriations Limitation for Fiscal Year 2016-2017

Setting Time and Place of Public Hearing Amending Urgency Ordinance Establishing Rates and Regulations for Water Use During a Water Shortage Emergency

Resolution 16-100, Setting Time and Place of Public Hearing for Proposed Amendment to Ordinance No. 1389 Establishing Rules and Regulations for Water Use During a Water Shortage Emergency

Check Registers:

Check Registers for the Month of May 2016

END OF CONSENT AGENDA

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It was moved by Councilmember Christensen, seconded by Councilmember Guingona and carried to approve and adopt the Consent Agenda as amended.

Approving the Annual Agreement Between the City of Daly City and the Daly City/Colma Chamber of Commerce for Fiscal Year 2016-2017

Mayor Torres requested a meeting with the City Manager and the Chamber Director before rescheduling this item to a future meeting.

Marie Brizuela, Broadmoor resident, questioned what activities the Chamber of Commerce has been doing with the annual City funds. Ms. Brizuela also asked whether Colma contributes the same amount of money into the Chamber of Commerce.

Pam DiGiovanni, resident, wondered whether the City should reassess how much money it contributes to the Chamber due to the budget crisis and other programs being cut.

It was moved by Mayor Torres, seconded by Councilmember Guingona and carried to continue this item to the Council meeting of July 25, 2016.

PUBLIC HEARINGS:

Notice of Lien and Special Assessment to Real Property

Director of Finance and Administrative Services Lawrence Chiu reported that the Daly City Municipal Code requires all commercial and residential rental property pay a business license tax based on the gross rental income collected. On May, 23, 2016, Notices of Intent to Lien Real Property were mailed to past due and unresponsive property owners. This Notice provided the property owners the opportunity to clear the possible lien and validate the information provided by the County of San Mateo. All unpaid taxes will be assessed on the upcoming Fiscal Year 2016/17 property tax bill. Staff recommended Council approve the Notice of Lien and Special Assessments to Real Property for properties listed in the agenda report.

Mayor Torres opened the public hearing.

Sharon Keenan, resident, asked for clarification on which properties are being assessed by the City.

Alex Wong, resident, claimed business license tax fees continued to accumulate for his home despite becoming the primary resident of that household. Mr. Wong requested information on how properties are assessed and how refunds are handled if fees were assessed incorrectly. Mr. Chiu requested his staff to assist Mr. Wong with these issues.

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Discussion ensued with Mr. Chiu clarifying for Council the Municipal Code (Chapter 5.16.050) which classifies rental property as a home-based business.

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

It was moved by Vice Mayor Canepa, seconded by Councilmember Christensen and carried by roll call vote to adopt the following resolution:

Resolution 16-101, Approving Notice of Lien and Special Assessment to Real Property

National Pollutant Discharge Elimination System (NPDES) Local Stormwater Program Regulatory Fee

Director of Water and Wastewater Resources Patrick Sweetland presented staff's proposal to continue the current regulatory fee enacted under Ordinance 1219 in 1995 to finance local specific responses to the mandate of the Stormwater Pollution Prevention Program. The fee would generate approximately \$463,000 towards program costs.

Discussion ensued with Mr. Sweetland giving an explanation of the NPDES and addressing the nature of an unfunded mandate.

Mayor Torres opened the public hearing. There were no speakers on this matter.

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

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

Resolution 16-102, Maintaining Regulatory Fees Necessary to Fund the City's Local Specific Stormwater Management Plan Program Activities as to the National Pollutant Discharge Elimination System (NPDES) and Authorizing their Collection on the Property Tax Roll

COMMUNICATIONS:

Adoption of Comprehensive Biennial Operating and Capital Budget for Fiscal Years 2017 & 2018

City Manager Patricia Martel reported the budget was presented over a series of evenings to the Council for each of the departmental budgets. During those sessions, staff went over the major changes in fiscal years (FY) 2017 and 2018 general fund operating budget. According to Ms. Martel, the budget reflects the changes the Council directed to make, including reduction in certain services and staffing.

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Director of Finance and Administrative Services Lawrence Chiu highlighted the proposed citywide expenditures budgets and the major changes in general fund operating budgets for FYs 2017 and 2018. Mr. Chiu presented the general fund summary, including the projected deficits for each fiscal year. Mr. Chiu explained that in order to cover the deficit and balance the budget, the City needs to transfer from the general fund reserve \$3.4 million and \$2.6 million in FYs 2017 and 2018 respectively.

Ms. Martel gave a summary of the staff eliminations the City has made across all departments since 2009. To date however, the City has not addressed public safety when it comes to balancing the budget. Due to the structural deficit that has existed over a number of years, the City must make even more stringent reductions which means addressing public safety as well. According to Ms. Martel, had the City not addressed public safety in its budget, it would have meant closure of libraries. However, Council gave the direction that libraries are an important part of the City. Ms. Martel noted the difficulty of preparing a budget that incorporates all the reduced levels of services across all departments while still remaining intact the quality of services that residents expect of this City.

Discussion ensued with Mr. Chiu answering Council's questions about ERAF funds. Mr. Chiu concluded his presentation and stated that the City's Reserve Policy is to maintain a General Fund unassigned fund balance equal to 15% of annual budgeted expenditures.

Mayor Torres called on public speakers.

Pam DiGiovanni, resident, asked for support of placing a public safety tax measure on the ballot to assist the City's fire department. She also expressed concern regarding the lack of discussion of the Chamber of Commerce and the Daly City Partnership funds at the budget study sessions.

Marie Brizuela, Broadmoor resident, reported on forming a committee to put a tax measure on the ballot, which would provide safety, and restore a fire engine to the City's fire department. Ms. Brizuela prioritized safety first over library hours.

Jewel Drexler, resident, expressed pride in the fire department and the work they perform during emergencies.

Mayor Torres:

Discussion ensued with the Council giving their thoughts about the proposed budget. Ms. Martel and Mr. Chiu addressed questions regarding the numbers on the budget. The Council discussed the idea of placing a tax measure on the ballot to build revenue partially for use to restore a fire engine. Ms. Martel explained that when a governing body does not approve the budget by the budget deadline, services will come to a halt, employees will not be paid, and the City's bills cannot be paid.

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It was moved by Councilmember Guingona, seconded by Councilmember Christensen and carried by the following vote to adopt the resolution. Mayor Torres added the amendment to have City Manager work with a subcommittee for a parcel tax measure for the November 2016 ballot, or for the soonest possible election.

Ayes: Christensen, Guingona, Torres

Noes: Buenaventura, Canepa

Resolution 16-106, Adopting Comprehensive Biennial Operating Budget and Capital Budget for Fiscal Years 2017 and 2018

Mayor Torres stated he would talk to the Council to decide who will serve on the subcommittee. Mayor Torres left the Council Chambers at 9:40 P.M. for the remainder of the meeting.

Minor Subdivision SUB-04-16-12018, Use Permit UPR-04-16-12019, and Design Review DR-04-16-12020 – Four Condominiums at 1645 Edgeworth Avenue

Interim Planning Manager Michael Van Lonkhuysen presented the applicant's request to construct two two-unit condominiums which would consist of approximately 2,000 square feet each of habitable area. He gave a project overview which included the proposed subdivision map, site context, floor plans, elevation plans and architectural details. The Planning Commission recommended adopting the findings and approving the minor subdivision.

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

Resolution 16-103, Adopting Findings of Fact and Imposing Conditions of Approval of Minor Subdivision SUB-04-16-12018, Use Permit UPR-04-16-12019 and Design Review DR-04-16-12020, to Construct Two Two-Unit Condominiums (1645 Edgeworth Avenue)

Use Permit UPR-4-16-12046 – Tattoo and Body Piercing Business at 6074A Mission Street

Associate Planner Tendai Mtunga presented a proposal to operate a tattoo and body art business at an existing commercial space in a C-1 Light Commercial zone. Mr. Mtunga gave an overview of the business operational requirements, the vicinity map, site location, proposed floor plan, and use permit considerations. The Planning Commission recommended adopting the findings and approving the use permit subject to the conditions outlined in the agenda report.

Discussion ensued with Mr. Mtunga addressing Council's questions regarding the necessity of a use permit for this type of business.

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

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Resolution 16-104, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-4-16-12046, to Operate a Tattoo and Body Piercing Business at 6074A Mission Street

Approving Proposed Reassignment of Assistant Director of Public Works/City Engineer Classification to Range 359 of Executive Management Salary Schedule

City Manager Patricia Martel requested a salary range adjustment of a 5% increase for the position of Assistant Public Works Director/City Engineer. The proposal would combine the Assistant City Engineer and Assistant to the Director of Public Works Director classifications into a single position for cost savings purposes. According to Ms. Martel, the City has been unable to attract qualified candidates to fill this position due to the salary and benefits package not being competitive with other cities' packages. The range reassignment within this Executive Management position would allow the Public Works Department to effectively recruit to carry the department into the future, as senior staff retires.

It was moved by Councilmember Christensen, seconded by Councilmember Guingona, and carried by the following roll call vote to adopt the following resolution:

Ayes: Canepa, Christensen, Guingona
Noes: Buenaventura

Resolution 16-105, Approving Reassignment of Assistant Public Works Director/City Engineer to Range 359 of the Executive Management Salary Schedule

AWARD OF BIDS/CONTRACTS:

Award of Construction Contract for the Gellert Park Soccer Field Rehabilitation Project

Engineer Ryan Brunmeier presented staff's recommendation to dismiss the bid protest from Spinturf, uphold the bid protest from O.C. Jones & Sons, and award a construction contract to O.C Jones in the amount of \$1,111, 132.50 for the subject project. The City received 3 bids, but only 1 of them was a responsive bid. It was determined that Spinturf, the apparent lowest bidder, did not have the required Hazardous Substance Removal Certification and, therefore, their bid was deemed non-responsive.

Councilmember Buenaventura recommended giving Spinturf the contract since they were the lowest bidder and are currently applying for certification. City Attorney Rose Zimmerman clarified for the Council that the opening bid documents indicated that the contractor shall have all the licensing in place at the time of bid. An addendum also specified that the contractor shall have the hazardous waste certification in place.

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Michael Crowley, O.C. Jones & Sons employee, explained that it is standard procedure to investigate each competitor's bid. According to Mr. Crowley, their employees go through a 40-hour Hazmat training to understand the procedures and risks in dealing with hazardous waste.

It was moved by Vice Mayor Canepa, seconded by Councilmember Christensen and carried by the following vote to adopt the following resolution:

Ayes: Canepa, Christensen, Guingona

Noes: Buenaventura

Resolution 16-107, Authorizing Execution of Contract with O.C. Jones and Son and Consideration of Bid Protests (Gellert Park Soccer Field Rehabilitation Project)

Award of Construction Contract for the 2016-17 Westlake Slurry Seal Project

Engineer Ryan Brunmeier presented staff's recommendation to accept all bids, waive minor irregularities, and award a construction contract to Graham Contractors in the amount of \$905,363.69 for the subject project. According to Mr. Brunmeier, the City received five bids.

It was moved by Councilmember Christensen, seconded by Councilmember Guingona and carried by unanimous roll call vote to adopt the following resolution:

Resolution 16-108, Authorizing Execution of Construction Contract with Graham Contractors Inc. of San Jose, California (2016-2017 Westlake Slurry Seal Project)

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Christine Fuller, Trustee, San Mateo County Mosquito and Vector Control District Board, asked for Council's support in opposing AB 1362. The Council directed the City Manager to write a letter opposing the bill on behalf of the Councilmembers.

Mr. Chang, resident, reported on the recklessness of Uber drivers, one of whom almost had a head-on collision with his family. He also expressed concern with their transportation business model, which poses a negative impact on street parking.

Linda White, resident, expressed shock that Uber was given a permit to work in Daly City. Ms. White reported that the company has garbage littering the streets and that Uber drivers are causing a parking issue in the North Mayfair neighborhood.

City Manager Patricia Martel reported that she and the City Attorney went to the Uber office on John Daly Boulevard, where the manager walked them through their daily operations at that site. Although the maximum time on site for Uber drivers is only 30-45 minutes, there is still traffic and parking impacts in the area, due to the temporary nature of employees having to drive to and register at that office.

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Although Uber meets all the requirements of its lease, Ms. Martel reported she has an upcoming meeting with the property manager to address potential zoning violations regarding Uber's parking. Ms. Martel also received cooperation from the Police Chief to focus enforcement in this area for any traffic and parking violations.

APPOINTMENTS:

It was moved by Vice Mayor Canepa, seconded by Councilmember Buenaventura and carried to appointed Anastazja Ragasa to the Library Board of Trustees by roll call vote.

REPORTS:

Council Committee

There were no comments.

City Council

Councilmember Buenaventura reported on inviting the San Francisco Airport Roundtable to Daly City, where they held a meeting to discuss airplane noise. He encouraged everyone to go to the Roundtable Commission meetings to speak on noise issues that may be occurring in their neighborhoods.

Vice Mayor Canepa congratulated Councilmember Buenaventura on his appointment to the Asian American Commission by Governor Brown.

Staff

There were no reports.

ADJOURNMENT:

It was moved by Councilmember Guingona, seconded by Councilmember Christensen and carried to adjourn the meeting at 10:20 PM in the memory of Erlinda T. Galeon, Aurora Gudino-Ramos and Myrtle Marie Osner.

K. Annette Hipona
City Clerk

Approved as submitted, this 25th
day of July, 2016.

Sal Torres
Mayor