

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, March 13, 2017 - 7:00 PM
City Hall Council Chambers – 2nd Floor
333 – 90th Street, Daly City, CA 94015

Live Telecast: Comcast Channel 27, Astound 26, AT&T U-Verse 99

Webcast: www.dalycity.org/meetings

DRAFT

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:

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Supervisor David Canepa will Update the City Council on his Scheduled District Event at Jefferson High School on March 18

APPROVAL OF MINUTES:

Regular Meeting of February 27, 2017

APPROVAL OF AGENDA:

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

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.

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. Approving Use of Federal Asset Forfeiture Funds (DEA) to Contract with Hines EDI to Digitally Convert Archived Documents
2. Accepting FEMA Assistance to Firefighters Grant
3. Authorizing the City Manager to Execute a Professional Services Agreement with Faithful+Gould for a City Facilities Condition Assessment
4. Approving an Increase to Construction Contract for Civic Center Roof and Gutter Rehabilitation
5. Requesting Use of Federal Asset Forfeiture Funds (DEA) to Purchase Police Bicycles and Equipment
6. Setting Time and Place for a Public Hearing to Consider One-Year HUD Action Plan for Fiscal Year 2017-18
7. Setting Time and Place of Public Hearing Regarding Linda Vista Area of Benefit Fiscal Year 2017-2018

END OF CONSENT AGENDA

PUBLIC HEARINGS:

8. Public Hearing on Claim to Lien Property at 19 Garibaldi Street (APN 003-352-580)

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

9. Public Hearing on Claim to Lien Property at 125 Shakespeare Street (APN 003-031-010)

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

10. Public Hearing on Claim to Lien Property at 349 Bellevue Avenue (APN 004-321-350)

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

AWARD OF BIDS/CONTRACTS:

11. Appropriate Funds and Award a Construction Contract for the Civic Center North ADA Improvements Project

Staff:

Brunmeier

Recommended Action:

Adopt Resolution

Roll Call

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

APPOINTMENTS: Board/Commission Membership Committee Appointments

REPORTS:

12. Council Committee

A Council Committee Meetings, February 27 -
March 12, 2017

13. City Council

14. Staff

ADJOURNMENT:

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The meeting was called to order by Mayor Sylvester at 7:09 P.M.

ROLL CALL: Councilmembers Present:

Glenn R. Sylvester, Mayor
Juslyn C. Manalo, Vice Mayor
Raymond A. Buenaventura
Judith A. Christensen
Michael P. Guingona

Staff Present:

Patricia E. Martel, City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

PRESENTATIONS:

Proclamation Commemorating the 100th Anniversary of the Rotary Foundation "Doing Good for the World" (James Calacal, President, Rotary Club of Daly City/Colma)

Mayor Sylvester presented a proclamation to Mr. Calacal, recognizing the work of the Rotary Foundation and commemorating their 100th anniversary. Mr. Calacal thanked the Council for honoring the organization, which includes professionals, business owners, and educators whose main goal is to serve the community.

Proclaiming March 2017 Women's History Month in Daly City (Leslie Peay)

Vice Mayor Manalo and Councilmember Christensen presented a proclamation to Ms. Leslie Peay recognizing the important contributions that women have made over the years. Ms. Peay thanked the Council and was delighted to receive the proclamation on behalf of the many women who work and volunteer in Daly City.

APPROVAL OF MINUTES:

Regular Meeting of February 13, 2017

Vice Mayor Manalo made an amendment to the minutes of February 13, 2017, regarding her comments on transportation and affordable housing.

City Clerk Hipona gave an explanation of the procedure of minutes. Councilmember Buenaventura requested that all amendments and corrections be added to the minutes because it is the vote of the Council. Councilmember Christensen reminded the Council that the public can view the video which gives the public the opportunity to see and hear exactly what was said at the meeting. Councilmember Manalo expressed the need to document her dialogue as a new Councilmember, and for the sake of transparency. Mayor Sylvester stated that not everyone has

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access to a computer or the internet, and that requesting a change in the minutes to be documented after it has passed is by Robert's Rules of Order, and not by whether the City has done it in the past. City Attorney Zimmerman stated that there is no Brown Act requirement regarding minutes, and that the Daly City Municipal Code gives the discretion to the City Clerk to provide summary action minutes. The meeting itself is recorded; so that is the record. Ms. Zimmerman added, to the extent that a Councilmember does make an amendment, the City Clerk may put that as part of the minutes, or may reference that in her minutes versus a full transcript. The City Attorney addressed Council's question regarding what determines the length of the modifications as to what can be summarized.

Gabriella Makstman, resident, addressed an amendment on last meeting's minutes regarding comments she made, and voiced concern that she was being singled out due to political retribution. She felt the City should spend its resources on library services, and not on providing housing or legal aid to illegal immigrants. Ms. Makstman said she did not feel safe when people at the last meeting held up signs with her name on them.

It was moved by Councilmember Christensen, seconded by Councilmember Guingona, to accept the minutes of February 13, 2017, without the amendment. The motion failed by the following vote:

Ayes: Christensen, Guingona
Noes: Buenaventura, Manalo, Sylvester

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Manalo, and carried to accept the minutes of February 13, 2017, as amended, by the following vote:

Ayes: Buenaventura, Guingona, Manalo, Sylvester
Noes: Christensen

APPROVAL OF AGENDA:

Mayor Sylvester requested to move Resolution Item #14 before Communications Item #12 on the regular section of the agenda. He also requested Item #14 be looked at in three parts (A, B, and C). It was moved by Councilmember Christensen, seconded by Councilmember Buenaventura and carried to approve the agenda, as amended.

CONSENT AGENDA

Mayor Sylvester requested for Items #1, #2, #3, #4 and #11 to be removed from the Consent Agenda for further discussion. It was moved by Councilmember Buenaventura, seconded by Vice Mayor Manalo, and carried to approve the consent agenda, as amended.

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RESOLUTIONS:

Accepting and Appropriating a \$5,000 Grant from the Daly City Public Library Associates (DCPLA)

Mayor Sylvester reported that, to date, the DCPLA have contributed \$133,000 in grant funding to the City's libraries, surpassing its initial goal of raising \$100,000. The Mayor commended members of the DCPLA for their integral role in the City.

It was moved by Mayor Sylvester, and carried to adopt the following resolution:

Resolution 17-18, Accepting and Appropriating Grant from the Daly City Public Library Associates

Authorizing Use of State Asset Forfeiture Funds for the Purchase of Promotional Items for our Community Youth

Police Chief Manuel Martinez gave a brief explanation of the source of state asset forfeiture funds. He reported that 15% of state asset forfeiture funds may be used for the purchase of promotional items. To answer the Mayor's question, Chief Martinez did note that the City could not use state asset forfeiture funds for a gun buyback program. However, if the City can get permission from the Department of Justice, it could look at its federal asset forfeiture funds to fund such a program.

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

Resolution 17-19, Authorizing Use of Asset Forfeiture Funds for Purchase of Promotional Items for the Community Youth

Accepting the Board of State and Community Corrections (BSCC) Grant Funds for Programs to Enhance Outcomes Between Law Enforcement and At-Risk Populations

Chief Martinez addressed the Mayor's question on whether the City would be paid for the Daly City Police Department acting as the fiscal agent for the local disbursement of these funds. The Chief stated the City does not receive a payment, and gave a brief explanation of the history and the source of these funds, which began three years ago. The grant provides a total award of \$512,971 for the operational period.

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

Resolution 17-20, Accepting Grant Funds from Board of State and Community Corrections

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Authorizing Use of Federal Asset Forfeiture Funds (DEA) to Contract with Maloney & Associates, LLC for POST Approved San Mateo County Basic Special Weapons and Tactics School

Chief Martinez addressed the Mayor's question on whether there is a POST control number assigned for this course. The Chief gave a brief explanation of the history of the creation of a POST-certified squad academy in San Mateo County, as it relates to the POST control number. According to the Chief, a POST number is expected to be given shortly in August.

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

Resolution 17-21, Authorizing Use of Federal Asset Forfeiture (DEA) Funds and Enter into Contract with Maloney & Associates, LLC for POST Approved San Mateo County Basic Special Weapons and Tactics School

Amending Traffic Regulations to: (1) Convert the existing Passenger Loading/Unloading (white) zone of 6019 Mission Street, to a Limited Time Parking (green) zone; (2) Install No Parking (red) zone along the south side of Westlake Avenue; and (3) Install a 6-ft. red zone along the west side of Bayshore Boulevard, north of 2650 Bayshore Boulevard

Resolution 17-22, Establishing Traffic Regulations

Authorizing Budget Adjustment for Brokerage Fees for Leasing 350 90th Street

Resolution 17-23, Authorizing Budget Adjustment for Brokerage Fees for Leasing 350 90th Street

Approving a Contract for Professional Services to Conduct Rate Adjustment and Performance Audit of Solid Waste Franchise

Resolution 17-24, Authorizing Professional Services Contract with HF&H Consultants LLC

Setting Time and Place for a Public Hearing on Claim to Lien Property at 19 Garibaldi Street (APN 003-352-580) Set Hearing 3/13/17

Resolution 17-25, Setting Time and Place of Public Hearing Before the City Council on Claim to Lien Property Located at 19 Garibaldi Street (Hearing Date: 3/13/17)

Setting Time and Place for a Public Hearing on Claim to Lien Property at 125 Shakespeare Street (APN 003-031-010) Set Hearing 3/13/17

Resolution 17-26, Setting Time and Place of Public Hearing Before the City Council on Claim to Lien Property Located at 125 Shakespeare Street (Hearing Date: 3/13/17)

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Setting Time and Place for a Public Hearing on Claim to Lien Property at 349 Bellevue Avenue (APN 004-321-350) Set Hearing 3/13/17

Resolution 17-27, Setting Time and Place of Public Hearing Before the City Council on Claim to Lien Property Located at 349 Bellevue Avenue (Hearing Date: 3/13/17)

Check Registers for the Month of January 2017

Mayor Sylvester requested a year-to-date total on the check registers, to which Finance Director Lawrence Chiu complied.

Gabriella Makstman, resident, expressed concern over the recent City expenditures as well as random expenses on the check registers. Ms. Makstman mentioned the codes were non-descriptive, and felt that the City could do a better job in providing transparency on what these costs were used toward.

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Manalo and carried to approve the check registers.

END OF CONSENT AGENDA

RESOLUTIONS:

Resolution Affirming Commitment to Support all Community Members Irrespective of Immigration Status

Mayor Sylvester explained that this item would be looked at in three sections (A, B, and C).

(A.) Ms. Martel and Chief Martinez gave a brief report on an execution of a search warrant that occurred in Daly City, and later Santa Cruz, that fell under the jurisdiction of Homeland Security Investigations (HSI). The Daly City Police Department's (DCPD) involvement as a local agency was very limited - it was to secure the location and take a suspect into custody. Chief Martinez addressed Council's question and stated that DCPD did not ask for the immigration status of any of the occupants of the residence in question.

(B.) Ms. Martel presented Assemblymember Phil Ting's letter expressing support of the potential action the Council will take affirming Daly City's commitment to support the rights of all community members. Assemblymember Ting also noted that the State Legislature passed House Resolution 4, which he co-authored. In addition, the City also received a letter of support from the Peninsula Family Service, a pre-school program. They are concerned that immigrant families could be affected and concerned that federal funding may be affected by any action taken based on the support Council provides. There were also notes of support via the City's website for moving forward with an official statement of support for immigrants in Daly City.

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(C.) Ms. Martel presented for Council's review and approval, a resolution affirming the City of Daly City's commitment to respect and support every resident of the community in all matters related to civic life, irrespective of ethnic or national origin, race, gender, religion, sexual orientation, economic or immigration status. Ms. Martel provided some background on why this resolution came about - it was a response to the current President's order to begin enforcement on Sanctuary Cities, and those cities that would support undocumented immigrants.

The following individuals expressed support and gratitude for the resolution and its message of solidarity for every member of the community. Speakers thanked the Council and staff for holding the space to discuss immigration concerns in relation to the current political climate. Individuals conveyed to Council that the resolution would help in alleviating fears and anxieties that were expressed by youth and undocumented families in their communities. Speakers also communicated that the resolution provided compassion and would make the community feel safe and engaged. While most speakers felt the resolution contained a strong message of commitment to all residents, another felt it could go further by having a more strongly-worded resolution to show that the City is unintimidated by the Trump administration. Individuals reiterated that everyone in this country is or was an immigrant via their immigrant families.

Speakers looked to the Council for leadership and urged them in taking further action when it comes to supporting its immigrant and undocumented residents. Ideas to support the immigrant populations were wide-ranging and included: providing assistance in legal defense, community outreach, offering programs to assist undocumented immigrants, avoiding use of harmful terms such as "illegal aliens," getting certain representatives elected in Congress, and conducting open forums where residents can obtain information about their rights. Individuals also expressed concern about potential attacks and hateful rhetoric against the most vulnerable and most targeted residents in the community.

Joel Canilao Nino, San Mateo County Park Foundation
Gabriella Makstman, resident
Sylvia Alvarez Lynch, ODCPA
Matthew Ledesme, 4NC
Sergio Robledo-Maderazo, AFT 1481, 4NC
Julie Lind, San Mateo Central Labor Council
Melinda Dart, American Federation of Teachers 3267
Stan Kiino, San Mateo Central Labor Council, Asian Pacific American Labor Alliance
Steve Arguelo
Nikki Victoria, Migrante – NSMC
Pamela DiGiovanni, resident
Greg Brown, Intl. Association of Machinists and Aerospace Workers Dist. 141

The Council expressed support for the resolution as an important step of action. However, the Council debated the language provided in the resolution on whether it was bold enough in its commitment. Concerns were voiced that the resolution may not be bold enough, that the City has a responsibility to designate itself as a Sanctuary City in the resolution, and that

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the City should remain unintimidated by the President's executive order. On the other hand, concern was voiced that adding Sanctuary status to the resolution would be reckless and put federal funding at risk, which includes funding for social programs helping very low-income families and the most vulnerable in the community. The Council mentioned other resources available to the public including legal workshops and multilingual pamphlets to resist anti-immigration actions.

It was moved by Councilmember Guingona, and seconded by Councilmember Christensen to adopt the resolution. Councilmember Buenaventura moved to add an amendment - a final statement to the resolution which states that Daly City hereby designates itself as a Sanctuary City. The maker of the motion did not allow for the amendment. The motion carried to adopt the following resolution by unanimous roll call vote.

Resolution 17-30, Affirming the City of Daly City's Commitment to Support and Respect the Rights of all Community Members, Irrespective of Ethnic or National Origin, Gender, Race, Religion, Sexual Orientation, Economic or Immigration Status

Councilmember Guingona left the chambers at 9:44 PM, and was absent for the rest of the meeting.

COMMUNICATIONS:

**Use Permit UPR-6-15-11014 and Design Review DR-06-15-11015 —
Expansion of Existing Retail and Office Building at 7322/7330 Mission Street**

Interim Planning Manager Michael Van Lonkhuysen presented the applicant's request to construct a mixed-use building, which requires a use permit. He gave an overview of modifications to the two-story building and driveway, the existing site context, building floor plans and elevations, and conditions of approval. The project proposes to expand the existing retail and office building to include three two-bedroom apartment units. Mr. Van Lonkhuysen reported that the Planning Commission recommended Council to adopt the findings and approve the use permit. Discussion ensued with Mr. Van Lonkhuysen addressing Council's questions about the conditions of approval.

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

Resolution 17-28, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-6-15-11014 and Design Review DR-06-15-11015 for Expansion of Existing Retail and Office Building (7322/7330 Mission Street)

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**Use Permit UPR-8-16-12255 and Design Review DR-08-16-12256 —
Modification to Chevron Service Station at 2690 Bayshore Boulevard**

Interim Planning Manager Michael Van Lonkhuysen presented the applicant's request to convert an auto-repair base into a 1,512 square foot convenience market, and convert a tire service area into a drive-through carwash at the subject site. He gave a project overview which included site context, site plan, parking provisions, vehicular flow, and potential use impacts such as car wash noise. According to Mr. Van Lonkhuysen, the conducted noise study showed that there were no mitigation measures necessary. He reported that the Planning Commission's recommendation was for Council to adopt the findings and approve the required use permit and design review for the project.

Discussion ensued with Council and Chevron Representative Greg Ward agreeing to the following condition: operational hours for the convenience store and gas-pumping service from 6:00 AM - 11:00 PM, and operational hours for the carwash from 8:00 AM - 8:00 PM.

It was moved by Councilmember Christensen, seconded by Vice Mayor Manalo and carried by unanimous roll call vote to adopt the following resolution, with the amended hours of operation:

Resolution 17-29, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-8-16-12255 and Design Review DR-08-16-12256 for Modification to the Chevron Service Station (2690 Bayshore Boulevard)

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Gabriella Makstman, resident, read a letter she wrote to the Mayor expressing a perceived personal issue, the Mayor has against Ms. Makstman. She requested a one-on-one conversation with the Mayor to discover ways in which Ms. Makstman can help the City, as well as what she believed to be the core responsibilities of the Council.

APPOINTMENTS:

Appointment to San Mateo County Mosquito and Vector Control District: Discussion and Determination of City Council

Ms. Martel reported that due to the resignation of the former representative, there is a vacancy on this Board. The Council could either elect an appointed member of the Council, or appoint a public member to serve as representative. Ms. Martel passed out information on the qualifications to serve on this position.

Christine Fuller, former Board Trustee, stated she would be grateful to have Mayor Sylvester succeed her as a Board Member. Megan Sebay, San Mateo County Employee, expressed appreciation for Christine Fuller for her many years of service on the Board, and expressed her support for having Mayor Sylvester serve on the Board.

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It was moved by Councilmember Buenaventura, seconded by Vice Mayor Manalo and carried by unanimous roll call vote to appoint Mayor Sylvester to the San Mateo County Mosquito and Vector Control District.

Colma Creek Flood Control District Advisory Board: Judith A. Christensen, Member and Michael P. Guingona, Alternate

Ms. Martel requested a formal appointment be made for the subject advisory board.

It was moved by Councilmember Buenaventura, seconded by Mayor Sylvester and carried by unanimous roll call vote to appoint Councilmember Christensen as Member, and Councilmember Guingona as Alternate, to the Colma Creek Flood Control District Advisory Board.

Mayor Sylvester went over regional committees and which Councilmember(s) is assigned to them, and requested the list be posted on the City's website:

ABAG General Assembly 2017: Sylvester (Manalo as delegate)
Airport Committee Roundtable: Sylvester (Buenaventura as alternate)
BAWSCA: Manalo
C/CAG: Christensen (Sylvester as alternate)
Airport Land-use Committee: Sylvester
City Selection Committee: Sylvester (Manalo as alternate, Buenaventura as 2nd alternate)
League of CA Cities: all Councilmembers
League of CA Cities Peninsula: all Councilmembers
North County Fire Authority: Sylvester (Manalo alternate)
Peninsula Clean Energy: Sylvester (Buenaventura alternate)
Peninsula Traffic Congestion/Commute.org: Sylvester (Guingona alternate)
Pre-Hospital Emergency Medical Services Group: Sylvester (Manalo alternate)
SM County Home for all Initiative: Sylvester
SM County Mosquito Vector Control: Sylvester
San Mateo Operational Area Office of Emergency Services: Sylvester (Manalo alternate)

REPORTS:

Council Committee

Commute.org/Peninsula Traffic Congestion (Sylvester)
Home for all Initiative (Sylvester)
Daly City Public Library Associates (Sylvester)
PCE Clean Energy (Sylvester)

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City Council

Vice Mayor Manalo reported that, in line with what the Council passed tonight, the San Mateo Community College Federation of Teachers also adopted a resolution supporting immigrants. She handed a copy of the resolution to fellow Councilmembers.

Staff

There were no reports.

ADJOURNMENT:

Mayor Sylvester requested a moment of silence and adjourned the meeting in memory of Tony Lauron, Teresita Moya and Albert E. Polonsky at 10:24 P.M.

City Clerk

Approved as submitted, this 13th
day of March, 2017.

Mayor



City Council Meeting Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: Use of Federal Asset Forfeiture Funds (DEA) to Contract with Hines EDI to Digitally Convert Archived Documents

Recommended Action

Staff recommends Council approve the use of Federal Asset Forfeiture Funds (DEA) to contract with Hines EDI to digitally convert approximately one million documents for SIRE storage.

Background

The Daly City Police Department is required by law to retain certain categories of police investigations. These investigative cases are physically stored in an archive room in the Police Department facility. The documents are from investigations dating back to the 1970's.

Discussion

For the past 10 years, the Police Department has used personnel, often on overtime to scan archived police reports into our image storage system, SIRE. Although Police Department personnel have reduced the amount of documents, there are still approximately one million documents still in need of digitizing. I contacted three vendors, Hines EDM (\$54,320.00), Iron Mountain (\$117,216.00) and BMI Imaging Systems (\$58,600.00) to develop a quote. The quotes are based on number of documents per file and number of files per linear foot. All three vendors used the same system to develop quotes. Hines EDM was the lowest bid. Hines EDI is currently a vendor for digitizing of engineering documents for the City. The true cost of the project will be determined by the actual number and type of files being digitized. Based on the potential for increased cost, I am requesting a 10% contingency which can be returned to the Asset Forfeiture Account should it not be needed.

Fiscal Impact

Funds are available through the use of Federal Asset Forfeiture Funds (DEA). Staff is requesting the one time cost of **\$59,752.00**. This includes the quoted cost of \$54,320.00 plus a 10% contingency of \$5,432.00. There are no recurring costs or matching funds requested.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

John Gamez
Captain

Manuel Martinez Jr.
Chief of Police



City Council Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: APPROVAL OF FEMA ASSISTANCE TO FIREFIGHTERS GRANT

Recommended Action

It is requested that City Council accept and appropriate the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant awarded to the Fire Department.

Background

Since 2001, FEMA has enhanced the safety of the public and firefighters with respect to fire-related hazards through Assistance to Firefighters Grants (AFG) that provide direct financial assistance to eligible fire departments for the acquisition of apparatus, purchasing of firefighting equipment, specialized training, and firefighter wellness and fitness programs. AFG grants are not for the hiring of firefighters or other fire department support personnel.

Discussion

The Fire Department was awarded the AFG grant for the replacement of the air compressor and fill stations used for maintenance and refilling of firefighter Self-Contained Breathing Apparatus (SCBA). The cost of replacing two of the units is approximately \$104,454.00. The Fire Department is required to provide a grant match in the amount of \$10,445.00, or 10 percent of the federal contribution. This new equipment will allow for the continued maintenance of the Department's SCBA's and refilling expended air bottles to the high pressures used in the newest generation of firefighter breathing apparatus.

Fiscal Impact

The North County Fire Authority's grant match is \$10,445.00. The cities of Brisbane, Daly City and Pacifica are authorized to proportionally share in this funding match. Daly City's portion of matching funds is \$6,841.48; Brisbane's match is \$1,044.50; and, Pacifica's is \$2,559.02.

Summary/Conclusion

The City Council is requested to accept the FEMA Assistance to Firefighters Grant, which will benefit the fire agencies represented by the North County Fire Authority, by providing needed firefighter safety equipment, which will enhance firefighter safety and the efficiency of fire operations. Each of the three (3) cities will assist in contributing to the required match, with the new equipment purchases occurring by August 10, 2017.

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Subject:

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Staff is available to provide any additional information desired by the Mayor or City Council Members.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Myers", with a stylized flourish at the end.

Ron D. Myers
Fire Chief

Reference Number	Building Name	Address	Year Built	Area (Sq/ft)	Number of Floors
<u>Bayshore</u>					
1	Bayshore Community Center & Library	450 Martin St	2006	26,000	3
2	Lawson Hall	125 Accacia St	1915	4,400	2
<u>Civic Center</u>					
3	City Hall	333 90th St	1967	65,000	3
4	Imagination Station	280 92nd St	2000	4,600	1
5	204 92nd St	204 92nd St	1949	1,000	2
<u>Corporation Yard</u>					
		792 Niantic Ave			
6	PW Maintenance Administration	792 Niantic Ave	1962	4,042	1
7	Electrical Storage	794 Niantic Ave	1970	887	1
8	Parks Maintenance	794 Niantic Ave	2001	13,190	2
9	Facilities Maintenance	501 Citrus Ave	1940	8,234	1
10	Motor Vehicles Maintenance	798a Niantic Ave	1970	5,085	1
11	Streets Maintenance	798b Niantic Ave	1960	8,410	1
12	Electrical/Sign/Tire Shops	798c Niantic Ave	1970	887	1
<u>Gellert Park</u>					
13	Serramonte Library	40 Wembley Dr	1975	16,000	1
14	Gellert Park Clubhouse	50 Wembley Dr	1974	3,784	1
<u>Hillside</u>					
15	Hillside Park Clubhouse	222 Lausanne St	2003	1,200	1
16	Teglia Community Center	285 Abbot St	1989	3,000	1
<u>Lincoln Park</u>					
17	Lincoln Park Community Center	901 Brunswick St	2003	5,600	1
<u>Marchbank Park</u>					
18	Marchbank Clubhouse	10 S Parkview Ave	2002	1,200	1
19	Marchbank Park Restrooms/Concessions	10 N Parkview Ave	2002	400	1
<u>Westmoor Park</u>					
20	Westmoor Park Clubhouse	123 Edgemont Dr	1957	2,000	1
<u>War Memorial</u>					
21	War Memorial Community Center & John Daly Library	6655 Mission St	2007	39,500	2
<u>Westlake Park</u>					
22	Larcombe Clubhouse	99 Lake Merced Blvd	1955	2,950	1
23	Westlake Community Center & Gym	145 Lake Merced Blvd	1973	20,000	1
24	Doelger Senior Center	101 Lake Merced Blvd	1957	30,000	1
<u>Westlake</u>					
25	Westlake Library	275 Southgate Ave	1998	11,500	1
<u>Fire Stations</u>					
26	Fire Station 91	151 Lake Merced Blvd	1951	6,448	1
27	Fire Station 92	18 Bepler St	2004	7,600	2
28	Fire Station 93	464 Martin St	1996	6,400	2
29	Fire Station 94 & NCEA Administration	444 Gellert Blvd	1973	10,780	2
30	Fire Station 95	191 Edgemont Dr	1960	9,092	2
31	Detached Garage/Storage	191 Edgemont Dr	1970	200	1
32	North Peninsula Food Pantry (Former Post Office)	31 Bepler St	1920	960	1
<u>Other Properties</u>					
33	Former Bayshore Library (Successor Agency)	2960 Geneva Ave	1920	1,824	1
34	Former Fire Station 93 Site (Vacant—Successor Agency)	Geneva Ave & Schwerin St		6,000	0
35	Daly City History Museum (Former John Daly Library)	6351 Mission St	1936	2,000	1



City Council Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: A Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Faithful+Gould for a City Facilities Condition Assessment

Recommended Action

It is recommended that the City Council adopt a resolution authorizing the City Manager to execute a consulting services agreement with Faithful+Gould of San Francisco, CA, in an amount not to exceed \$106,345 for services on the City Facilities Condition Assessment Project.

Background/Discussion

During the economic downturn of recent years many maintenance items and capital improvements were deferred. In addition, contracts for routine preventative service and inspection were significantly cut back, with repairs made only upon failure of a Heating, Ventilating and Air Conditioning (HVAC) unit, roof, or similar systems. With the current economic recovery, it is important to evaluate the condition, functionality, and safety of City facilities to develop a strategic plan for prioritizing, funding, and phasing needed improvements in the coming years. The strategy needs to include public as well as employee spaces and needs.

On November 7, 2016, the City of Daly City solicited Request for Proposals ("RFP") for the City Facilities Condition Assessment Project ("Project "). The Project will conduct an assessment for twenty-nine (29) City facilities, and an ADA evaluation of three (3) facilities. A list of City facilities to be evaluated is attached to this staff report. The assessment will identify and document existing conditions of these facilities, categorize and prioritize the deficient conditions, and recommend corrections for all deficiencies, including cost estimates for each correction. Additionally, the Project will deliver a preventative maintenance plan to assist the City in managing and prioritization, maintenance activities and funding processes for City buildings, to ensure potential issues are addressed in a timely manner and at least overall cost.

On November 30, 2016, staff received proposals from five (5) firms: AEI Consultants, All West Environmental Inc., CLE Engineering, Inc., EMG Corporation, and Faithful+Gould. Staff from the Fire, Police, Library and Recreation and Public Works Departments evaluated all proposals. Staff interviewed the top three (3) firms and based on the interviews, Faithful+Gould came out as the top firm. Faithful+Gould will provide a more customized product which will include an ADA evaluation of City Hall, Gellert Park Clubhouse, and the Doelger Senior Center.

Fiscal Impact

Funding for the Project is included in the FY2017 Capital Improvement Program (CIP) and sufficient funds have been allocated to cover the project cost.

Summary/Conclusion

Staff recommends executing the consulting services agreement with Faithful+Gould, of San Francisco, CA, in an amount not to exceed \$106,345 for services on the City Facilities Condition Assessment Project. This project will ensure that safety and security remains paramount and will help preserve the City's facilities over time.

Staff is available to provide additional information desired by the Mayor or Council Members.

Respectfully submitted,



Management Analyst
Public Works Department



John L. Fuller
Director of Public Works

Attachment: Professional Services Agreement
Facilities Assessment

Name of City Project: City Facilities Condition Assessment

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into as of the ___ day of _____, 20__, by and between the City of Daly City ("City") and Faithful+Gould, ("Consultant").

RECITALS

A. Consultant is specially trained, experienced and competent to perform the special and/or professional services which will be required by this Agreement; and

B. Consultant possesses the skill, experience, ability, background, licenses, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

AGREEMENT

1. Scope of Services. The Consultant shall furnish the following services in a professional manner:

Consultant shall perform the services described on Exhibit A which is attached hereto and incorporated herein by reference. Consultant shall provide said services at the time, place, and in the manner specified in Exhibit A, subject to the direction of the City through its staff that it may provide from time to time.

Consultant agrees to perform all the services as set forth as Scope of Services in Exhibit A. Exhibit A either shall be as prepared and enclosed by the City or similar Exhibit prepared and enclosed by Consultant and approved by the City.

The Consultant's work product and deliverables for each phase of work shall become the property of the CITY to do with as it wishes upon request by the City or termination of Agreement, whichever is earlier. Consultant shall deliver to City all documents prepared to that date, within five (5) calendar days after notification by the City of such request or termination.

A. City to Supply. The City will provide the following:

- i. Any available survey data and record drawings for proposed Construction areas.
- ii. A copy of the City's General Conditions, Standard Plans and Specifications.
- iii. Coordination of City plan review.
- iv. Reproduction and binding of construction documents, including

preparation and inclusion of Notice Inviting Bids, Proposal Requirements and Instruction to Bidders, and all required Proposal and Bond forms, exclusive of Bid Schedule. Preparation of the Bid Schedule shall be the responsibility of the Consultant.

v.

2. Time/Schedule of Performance. The services of Consultant are to commence upon execution of this Agreement and upon receipt of notification from City, and shall continue until all authorized work is approved by the City. All such work shall be completed no later than as set forth in Exhibit B. City will be kept informed as to the progress of work by written report, as submitted with progress payment invoices.

Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, or other events beyond the control of either the City or Consultant.

Consultant shall commence work immediately upon receipt of a notification from City. Consultant shall complete all the work and deliver to City all project related files, records, and materials after completion of all of Consultant's activities required under this Agreement.

3. Compensation. Compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Exhibit C, which is attached hereto and incorporated herein by reference. Exhibit C shall include the task by task breakdown of fees, with indication of associated personnel and personnel hours. In no event shall Consultant's compensation exceed One Hundred Six Thousand Three Hundred and Forty Five Dollars (\$106,345) without additional authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

- A. Consultant's fee for the services as set forth herein shall be considered as full compensation for all indirect and direct personnel, materials, supplies and equipment, and services incurred by Consultant and used in carrying out or completing the work.
- B. As each payment is due, a statement describing the services performed shall be submitted to City by Consultant. Each statement shall include a task by task indication of personnel usage and rates that are in conformance with those indicated in Exhibits A and C for City review. Subject to said review, City will approve the invoice and the work completed statement. Payment shall be for the invoice amount or such other amount as approved by City, less retention.
- C. Payments are due upon receipt of written invoices. City shall have the right to receive, upon request, documentation substantiating charges billed to City. City shall have the right to perform an audit of the Consultant's relevant records pertaining to the charges.
- D. Payment for any phase of work is based upon receipt of specified documents and/or other specified deliverable items or services. Failure to provide

deliverables that are complete in content and details, or meet a given deadline at the time specified in Exhibit B will result in the withholding of payment of said deliverables and services until furnished.

4. Prosecution of Work. Consultant will employ a sufficient staff to prosecute the work diligently and continuously and will complete the work in accordance with the schedule of work approved by the City.

Consultant shall continuously maintain on the project, until project completion, a competent project manager and project team, including any required subconsultants. Project manager shall be an engineer currently licensed, and in good standing with the State of California. Project manager and team shall be employees of, and/or representatives of Consultant. Project manager and team, including subconsultants shall not be replaced without prior written consent of the City. Approval by the City of removal of project personnel shall not relieve Consultant of any obligations under the Agreement. For work under this Agreement, the project team shall be as indicated in Exhibit D.

5. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City. The City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents and other writings to City upon written request.

6. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

7. Interest of Consultant. Consultant (including principals, associates and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by this Agreement or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement.

Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

- A. will conduct research and arrive at conclusions with respect to his/her rendition of information, advice, recommendation or counsel independent of the control and direction of the City or of any City official, other than normal agreement monitoring; and

B. possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel. (FPPC Reg. 18700(a)(2).)

8. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. Consultant shall therefore provide properly skilled professional and technical personnel to perform all services under this Agreement. All work performed by Consultant under this Agreement shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

9. Indemnity. To the fullest extent permitted by law (including, without limitation, California Civil Code Sections 2782 and 2782.6), Consultant and Consultant's sureties agree to defend (with legal counsel acceptable to the City), indemnify and hold harmless the City, its officers, agents, officials, representatives, employees and volunteers (collectively "Indemnitees") from and against any and all actions, losses, damages, injuries, and liability, direct or indirect (court costs, attorneys' fees, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation), that arise out of, pertain to, or relate to, directly the negligence, recklessness, or willful misconduct of Consultant, any Subconsultant, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify any Indemnitee shall not apply to the extent that such Liabilities are arise out of the sole negligence, active negligence, or willful misconduct of Indemnitee.

Acceptance by the City of the work performed under this Agreement does not operate as a release of Consultant from such professional responsibility for the work performed pursuant to this Agreement.

The duty of Consultant and its sureties to indemnify and hold harmless as set forth above, shall include the duty to defend as set forth in Section 2778 of the California Civil Code, provided, however, that nothing herein shall be construed to require the Consultant to indemnify the City, its subsidiary districts, its officers, agents or employees against any responsibility for liability in contravention of Section 2782 of the California Civil Code. To the extent there is an obligation to indemnify under this Section, Consultant shall be responsible for incidental and consequential damages resulting directly or indirectly, in whole or in part, from Consultant's negligence, recklessness, or willful misconduct.

Consultant and its sureties expressly and specifically agree to waive any and all subrogation rights it may have against the City, its subsidiary districts, officers or employees. Indemnification and waiver of subrogation contained in this section shall remain operative and in full force and effect regardless of any termination of this Agreement.

NOTWITHSTANDING ANYTHING TO THE CONTRARY, ON BEHALF OF THEMSELVES, THEIR GOVERNING OFFICERS AND EMPLOYEES, THE PARTIES WAIVE ALL CLAIMS AGAINST EACH OTHER FOR INDIRECT OR CONSEQUENTIAL LOSSES OR DAMAGES, AND PUNITIVE DAMAGES, WHETHER ARISING IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY, OR

OTHERWISE, INCLUDING BUT NOT LIMITED TO LOSSES OF USE, EXCESS CONSTRUCTION COSTS, ALTERNATIVE MEANS OR METHODS, OR LOSSES OF FUNDING.

The total liability of Consultant arising under, in connection with or out of this Agreement, whether in contract, tort or any legal theory of recovery, for any cause or combination of causes, shall not exceed \$1,000,000 (one million dollars).

10. Insurance Requirements.

A. Consultant, at Consultant's own cost and expense, shall procure and maintain, for the duration of the contract, the following insurance policies.

- i. Workers' Compensation Coverage. Consultant shall maintain Workers' Compensation Insurance and Employer's Liability Insurance for his/her employees in accordance with the laws of the State of California. In addition, Consultant shall require each subcontractor to similarly maintain Workers' Compensation Insurance and Employer's Liability Insurance in accordance with the laws of the State of California for all of the subcontractor's employees. Any notice of cancellation or non-renewal of all Workers' Compensation policies must be received by the City at least thirty (30) days prior to such change. The insurer shall agree to waive all rights of subrogation against City, its officers, agents, employees and volunteers for losses arising from work performed by Consultant for City.
- ii. General Liability Coverage. Consultant shall maintain commercial general liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. If a commercial general liability insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit.
- iii. Automobile Liability Coverage. Consultant shall maintain automobile liability insurance covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with the work to be performed under this Agreement, including coverage for owned, hired and non-owned vehicles, in an amount of not less than one million dollars (\$1,000,000) combined single limit for each occurrence.
- iv. Professional Liability Coverage. Consultant shall maintain professional errors and omissions liability insurance for

protection against claims alleging negligent acts, errors or omissions which may arise from Consultant's operations under this Agreement, whether such operations be by the Consultant or by its employees, subcontractors, or subconsultants. The amount of this insurance shall not be less than one million dollars (\$1,000,000) on a claims-made annual aggregate basis, or a combined single-limit per occurrence basis.

Any deductible shall not exceed \$50,000 per claim without prior City approval. Notice of Cancellation or non-renewal must be received by the City's Department of Public Works at least thirty (30) days prior to such change.

- B. Policy Endorsements. Each general liability and automobile liability insurance policy shall be with insurers possessing a Best's rating of no less than A:VII and shall be endorsed with the following specific language containing the following specific components:
- i. The insurance policy number.
 - ii. A statement that includes the following language: *"The City of Daly City, including its officers, officials, employees, and volunteers, are insureds"*
 - iii. A statement that includes the following language:
"The insurance shall be primary as respects the insured shown in the schedule above, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the Insured scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it."
 - iv. A statement that includes the following language:
"The insurance afforded by this policy shall not be canceled except after thirty days prior written notice by certified mail return receipt requested has been given to the City."

CG 20 10 11 85 Form is preferred for the General Liability additional insured Endorsement, but alternative endorsements may, for good cause, be substituted with prior approval by the City. The City can consider accepting either a CG 20 10 10 01 or a CG 20 33 10 01 (or some form specific that has identical wording) as long as the form is accompanied by a CG 20 37 10 01.

Policies that include endorsement numbers CG 22 94 10 01 and/or CG 22 95 10 01, or have the endorsement wording written into the policy **DO NOT** satisfy the City's insurance requirements, and **WILL NOT** be accepted.

- C. The City will accept strike out of the words "endeavor to" and everything after, "...certificate holder named to the left," on the Certificate of Insurance in lieu of cancellation language on an endorsement.

- D. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, agents or volunteers.
- E. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days written notice has been received by the City.
- F. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retentions.
- G. Certificates of Insurance and Endorsements. Consultant shall provide certificates of insurance with original endorsements to City as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the City on or before commencement of performance of this Agreement. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.
11. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.
12. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of Consultant to practice its profession. Consultant shall maintain a City of Daly City business license.
13. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of San Mateo, California.
14. Written Notification. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party shall be in writing and either served personally or sent prepaid, first class mail. Any such notice, demand, etc. shall be addressed to the other party at the address set forth herein below. Either party may change its address by notifying the other party of the change of address. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City:

City of Daly City – City Hall
Engineering Division
333 90th Street
Daly City, CA 94015

If to Consultant:

Faithful+Gould
332 Pine Street, 5th Floor
San Francisco, CA 94104

15. Consultant's Books and Records.

- A. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to City for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant to this Agreement.
- B. Consultant shall maintain all documents and records which demonstrate performance under this Agreement for a minimum period of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.
- C. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Manager, City Attorney, City Engineer or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.
- D. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above named officers, require that custody of the records be given to the City and that the records and documents be maintained in City Hall. Access to such records and documents shall be granted to any party authorized by Consultant, Consultant's representatives, or Consultant's successor-in-interest.

16. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement.

17. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.

18. Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder.

19. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.

20. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

21. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Agreement without the written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise is required by law.

22. Responsibility and Liability for Subconsultants and Subcontractors. Approval of or by City shall not constitute nor be deemed a release of responsibility and liability of Consultant or its subconsultants and/or subcontractors for the accuracy and competency of the designs, working drawings, specifications or other documents and work, nor shall its approval be deemed to be an assumption of such responsibility by City for any defect in the designs, working drawings, specifications or other documents prepared by Consultant or its subconsultants and/or subcontractors.

23. Termination. City may give ten (10) days written notice to Consultant, terminating this contract in whole or in part at any time, either for City's convenience or because of the failure of Consultant to fulfill its contractual obligations or because of Consultant's change of its assigned personnel on the project without prior City approval. Upon receipt of such notice, Consultant shall:

- A. Immediately discontinue all services affected (unless the notice directs otherwise); and
- B. Deliver to the City all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated or produced by Consultant in performing work under this Agreement, whether completed or in process.
 - i. If termination is for the convenience of City, an equitable adjustment in the Agreement price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.
 - ii. If the termination is due to the failure of Consultant to fulfill its

Agreement, City may take over the work and prosecute the same to completion by contract or otherwise. In such case, Consultant shall be liable to City for any reasonable additional cost occasioned to the City thereby.

If, after notice of termination for failure to fulfill Agreement obligations, it is determined that Consultant had not so failed, the termination shall be deemed to have been effected for the convenience of the City. In such event, adjustment in the contract price shall be made as provided in Paragraph B of this section.

The rights and remedies of the City provided in this section are in addition to any other rights and remedies provided by law or under this Agreement.

24. Non-Discrimination.

- A. Consultant, with regard to the work performed by it under this Agreement shall not discriminate on the grounds of race, religion, color, national origin, sex, disability or age in the retention of subconsultants, including procurement of materials and leases of equipment.
- B. Consultant shall take affirmative action to insure that applicants for employment, and employees, are treated during employment, without regard to their race, color, religion, sex, national origin, or disability. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- C. Consultant shall post in prominent places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- D. Consultant shall state that all qualified applications will receive consideration for employment without regard to race, color, religion, sex, national origin, or disability.
- E. Consultant shall comply with Title VI of the Civil Rights Act of 1964 and shall provide such reports as may be required to carry out the intent of this section.
- F. Consultant shall incorporate the foregoing requirements of this section in all subconsultants agreement hereunder.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF DALY CITY

CONSULTANT:

Patricia E. Martel

City Manager

By:_____

Title:_____

Business License #_____

APPROVED AS TO FORM:

ATTEST:

Rose Zimmerman

City Attorney

K. Annette Hipona

City Clerk

Attachments:Exhibit A **Scope of Services**

Exhibit B **Project Schedule**

Exhibit C **Schedule of Charges**

Revised: 10/11/06

Project Approach

Our solutions will assist the City in providing a roadmap of current and future needs which drives informed, sustainable business decisions by creating knowledge through the capture, management and analysis of raw property and operating data. With our extensive experience working with a wide range of public and private sector clients, we have developed an approach which provides comprehensive and defensible assessments, accurate cost and useful life projections and prioritized / return-on-investment-focused recommendations proven to provide a higher likelihood of budget approval success.

Faithful+Gould's published approach and methods for conducting assessments are recognized nationally as a benchmark for assessing and inventorying facility and infrastructure asset conditions.

We will follow the five key steps listed below to effectively manage facility and infrastructure assets:

1. Establish baseline asset inventory and important management information or features of the assets
2. Establish meaningful baseline data about asset conditions through a detailed, structured assessment process

3. Estimate short- and long-range asset renewal needs over the next 20 years using the data obtained from actual field analysis
4. Utilize decision-support models to determine priorities and alternate reinvestment rates to obtain desired asset conditions
5. Communicate the asset condition and impact on mission support to governing boards, senior management and line management responsible for maintaining the portfolio

Facility Condition Assessments

Six-Phase Methodology and Execution Plan

Faithful+Gould's approach to FCA is key to our success in delivering strategic advice to clients for more than 65 years. Our deliverable is best described through the six phases of our project methodology and plan shown below, which outlines the key high-level tasks and milestones. Each of our proposed services will follow the same six-phase methodology and execution plan.

Our Six Phased Approach to Facility Condition Assessment

**Assessment
Planning**

**On-Site Data
Capture**

**Analysis of
Data Sets**

**Data and
Report
Preparation**

**Quality
Assurance
Review**

**Strategic
Capital Needs
Plan**

Phase 1

Assessment Planning

The planning phase consists of submission of a project execution plan, gathering existing facility asset data and establishing points of communication and access prior to the assessment team's arrival on site.

Working with the various facilities staff, our team will assist and develop project-specific policies and procedures to provide consistent, relevant and quality product deliverables. Included in this phase, Faithful+Gould will interview key staff to better understand asset usage, maintenance history and related items that affects rates of consumption (i.e., wear and tear) that reduces useful life. This phase will incorporate multiple sources of information to assist the assessment team in making field determinations.

Phase 2

On-Site Data Capture

With knowledge and insight from the planning phase, our assessment team will carry out a thorough condition assessment including ADA, if

required, of all buildings and conduct an asset inventory of all systems and equipment in accordance with the scope of work.

We have learned over years of conducting large assessments of this nature that the building risk register is often out of date and does not align with the actual building portfolio. During each site assessment, we will verify and reconcile information on the building list with actual site data and recommend changes to the building risk registers as necessary.

We will utilize the latest mobile computing technologies with the use of handheld iPads. This technology not only provides efficiency in data capture but reassurance that each assessor is working with quality-assured procedures by capturing data in the same way to a pre-defined scope and workflow developed to meet the goals of the project.

Our assessment teams will inspect and carryout a visual assessment of systems and equipment in each building. We will determine the current condition, average remaining useful life expectancy, assessment of building security, code violations, reason for the deficiency and effect on the structure or occupancy, together with

required maintenance and repair works, in accordance with the developed scope. This includes performing the assessments in accordance with the ASTM E2018-15 Standard Guide for Property Condition Assessments.

Taking Assessment to a New Level

As part of our standard deliverable, we will utilize, the recognized industry hierarchy for classification of assets called UNIFORMAT II. We understand that UNIFORMAT II has three major levels of asset classifications with a suggested Level 4. Faithful+Gould recognizes the need for accurate detailed replacement costs of identified equipment.

Typical condition assessments are conducted at the system Level 3 or 4. **Our standard methodology is based around a more detailed forensic style approach conducting assessment at a more detailed component Level 5 which will provide you with a more accurate replacement schedule and costs plan.**

Asset Inventory

With the use of handheld iPads, our assessment teams will inventory maintainable equipment within each building. We then prepare all equipment data on a structured flat file spreadsheet which can be used to populate an existing CMMS system to manage equipment preventative maintenance. Our goal is to provide you with accurate data which the City can utilize as a basis to maintain the equipment over its lifetime.

ADA

We will conduct a Tier 1 visual Accessibility Survey in accordance with ASTM E2108-15 of the selected facilities. Tier I: Visual Accessibility Survey—The scope is specifically limited to the following four areas. The visual accessibility survey will be carried out in conjunction with the FCA and any recommended ADA works will be included in the respective asset or system section of this report and categorized as ADA Plan items:

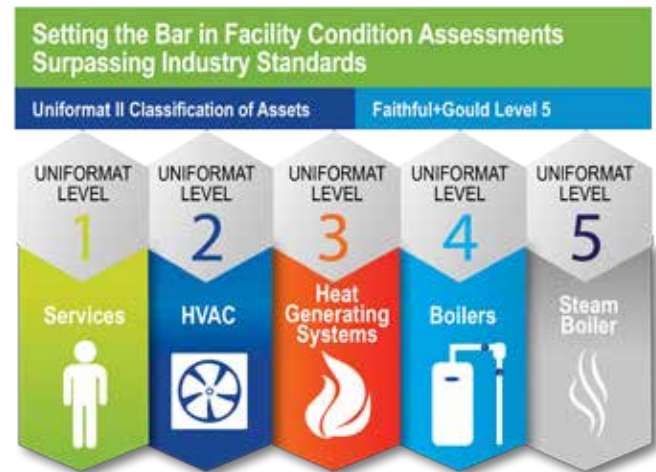
- **Accessible Entrances.** Providing access from public sidewalks, parking or public transportation that enables disabled individuals to enter the facility.
- **Access to Goods and Services.** Providing horizontal and vertical access to areas within the building where goods and services are made available to the public.
- **Usability of Restrooms.** Providing access to restroom facilities.
- **Removal of Remaining Barriers.** Providing access to the goods, services, facilities, privileges, advantages, or accommodations.

Life Cycle Approach

Phase 3

Analysis of Asset Data

Our approach is centered on understanding the component deficiency, failure modes and triggers of asset equipment, facility systems and site improvements in order to develop a comprehensive management tool for future implementation of program recommendations. We will evaluate the component lifecycle of each system and equipment over a suggested 10-year planning horizon.



In order to develop a recommended lifecycle assessment, we do not rely upon published statistically estimated useful life (EUL) data, which does not take into account site-specific factors.

Faithful+Gould understands that repairs and asset replacement needs may be required due to a number of contributing factors such as **Age, Maintenance Levels, Location**, and the **Utilization** of the asset or system. Our **experienced assessors will make the necessary adjustments to the benchmark data to reflect the conditions and factors associated with deficiency** to provide a more realistic lifecycle assessment and capital expenditure plan.

For each asset we will determine:

- **Install Date**
- **Estimated Useful Life (EUL):** expected life from the time of installation to expected replacement
- **Level of Preventative Maintenance:** maintenance performed on the asset which may result in an extended life
- **Geographic Location:** atmospheric and environmental conditions greatly affect the EUL of equipment, e.g. equipment located in hot climates have significantly reduced EUL
- **Utilization Rate:** The EUL of assets can be significantly affected by the rate of utilization. For example, a standby duty pump installed at the same time as a standard duty pump will have a longer EUL. Building and infrastructure assets such as finishes, door closing devices, etc. will vary from a typical EUL if the utilization rate changes
- **Cause of Failure/Deterioration:** Is the asset deteriorating in line with age? Or is some other factor causing an accelerated rate of deterioration?
- **Potential for energy conservation measures**

Our methodology and approach will address the cycle of backlog maintenance and escalating reactive and preventative maintenance. The FCA and Strategic Expenditure plan will result in higher maintenance and capital improvement budget.

Data Analysis/Evaluation and Recommendations

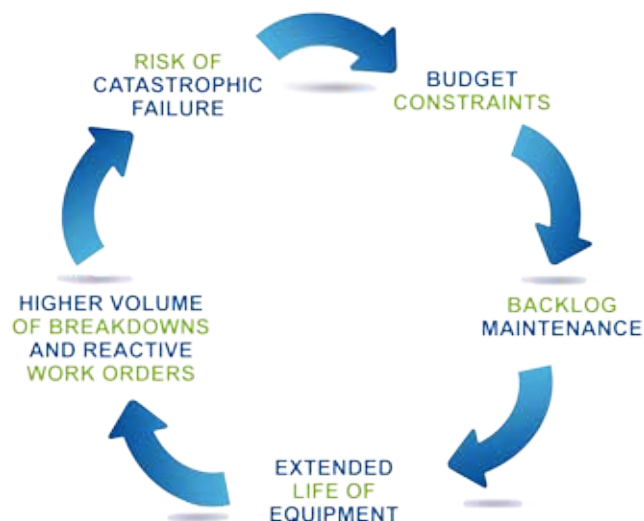
Faithful+Gould will analyze the condition data collected and determine the cause and impact of the deficiency on the operation of the facility. We will utilize the FCI to benchmark asset conditions across the City portfolio. We will calculate the FCI for the facilities, illustrating the current and likely condition of the systems and equipment over time.

The graphic below illustrates the FCI calculation. The higher the value of repairs, the higher the FCI will be.

Priorities

The development of a methodology to determine the priority of each deficiency is crucial to the success of any FCA. Through consultation with the City's executive team and facilities staff, we will develop a capital asset strategy by creating prioritization and deficiency categories that will be applied to each identified deficiency or plan item. This will create additional consideration factors to provide strategic analysis and stakeholder reporting on different work priorities and potential budget streams.

The Priorities and Deficiency categories below are suggested and can be applied to each identified repair action. With an understanding of priority or criticality of each action, the City will be able to effectively apply available funding to the most urgent and needed actions, based upon criticality, and will be able to develop a list of less critical actions that could be deferred to future fiscal years.



$$\text{FCI} = \frac{\text{Value of Maintenance, Repair, and Replacement of the Asset (DM)}}{\text{Current Replacement Value of the Facility(s) (CRV)}}$$



The image below is an example of the FCI chart included in the Executive Summary of each report.

Example FCI Chart



Priority Categories (Suggested)

Priority 1	Life Safety / Code Compliance / ADA	Compromises staff or public safety or when a system requires to be upgraded to comply with current codes and standards.
Priority 2	Currently Critical	A system or component is inoperable or compromised and requires immediate action.
Priority 3	Necessary / Not Critical	Maintain the integrity of the facility or component and replace those items, which have exceeded their expected useful life.
Priority 4	Image/Reputation	Used to maintain the appearance of a system due to image/reputation.

The following is an example of the necessary expenditure required, based on the criticality or priority of the action included in the Executive Summary of each report:

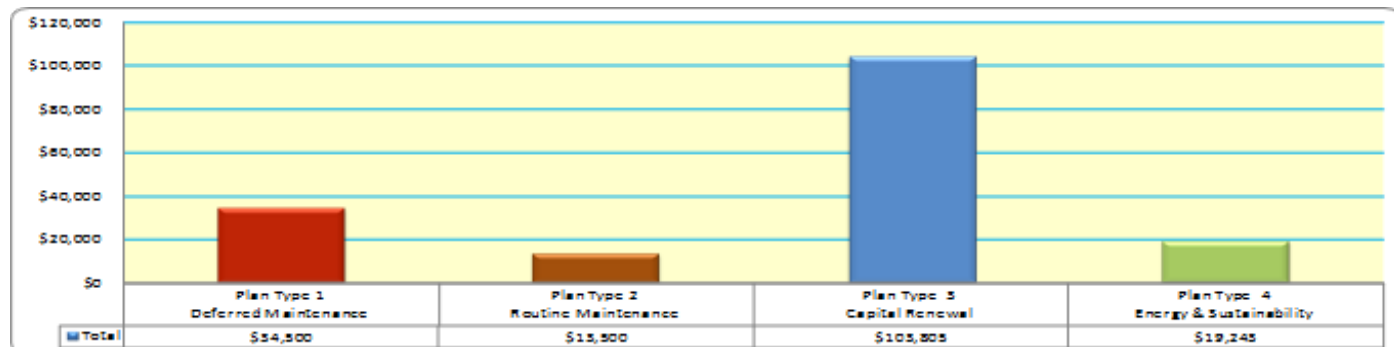


We have illustrated below typical or suggested deficiency categories:

Deficiency Categories (Suggested)

Plan 1	Deferred Maintenance	Maintenance that was not performed when it was scheduled or past its useful life resulting in immediate repair or replacement.
Plan 2	Routine Maintenance	Maintenance that is planned and performed on a routine basis to maintain and preserve the condition.
Plan 3	Capital Renewal	Planned replacement of building systems that have reached the end of their useful life.
Plan 4	Energy & Sustainability	When the repair or replacement of equipment or systems are recommended to improve energy and sustainability performance.

The following is an example of the necessary expenditure required based on the suggested plan type criteria included in the Executive Summary of each report:



Phase 4

Data and Report Preparation

We will prepare comprehensive narrative and statistical reports together for each facility. The focus of the reports will be to provide comprehensive and defensible information that will support strategic decisions about the economic use and viability of facilities and

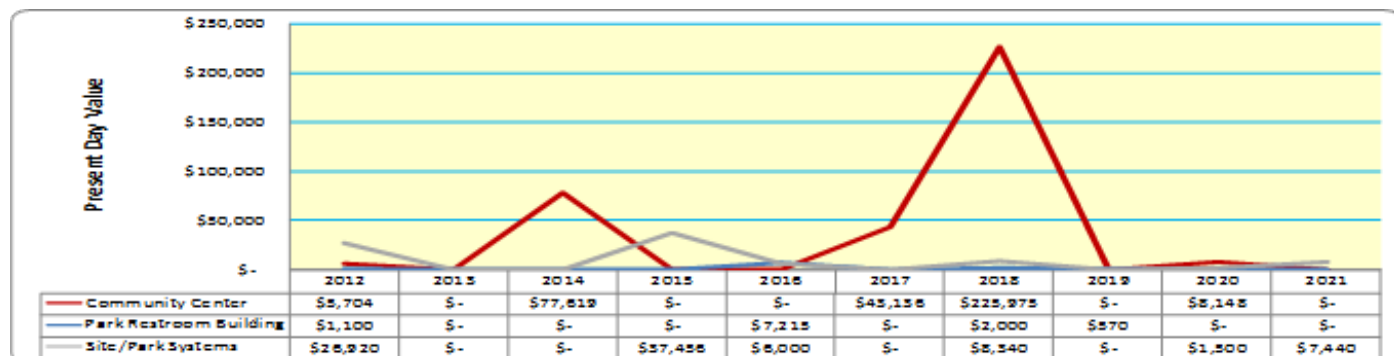
assets by determining whether charts will summarize the prioritized budget expenditure for repair, maintenance and lifecycle component replacement needs in the form of reserve studies as shown below in Exhibit A. We will develop detailed cost information supporting the inventory and replacement value of the assets.

Exhibit A: City of Helix Sample Report

Fiscal Year	\$	ID	CSI	Type Name	Description	Materials			Estimate	\$
						Qty	Units	Cost Assessed Cost		
2017	\$325,208	151777	B3010	Deferred Maintenance	Replace Spray Polyurethane Foam (SPF)	8000	SF	\$5.75	\$45,980	\$45,980
		151778	C3010	Deferred Maintenance	Replace Fabric Wall Finish	12000	SF	\$14.63	\$175,560	\$175,560
		151779	C3020	Deferred Maintenance	Replace Broadloom Standard without Padding	450	SY	\$57.43	\$25,845	\$25,845
		151805	D3040	Deferred Maintenance	Replace Exhaust Fan EF 4	250	CFM	\$2.01	\$503	\$503
		151788	D3040	Deferred Maintenance	Replace Exhaust Fan EF 3	250	CFM	\$2.01	\$503	\$503
		151790	D3040	Deferred Maintenance	Replace Exhaust Fan 2-SF-3	400	CFM	\$2.01	\$804	\$804
		151796	D3040	Deferred Maintenance	Replace Exhaust Fan 2-SF-2	400	CFM	\$2.01	\$804	\$804
		151797	D3040	Deferred Maintenance	Replace Exhaust Fan	200	CFM	\$2.01	\$402	\$402
		151798	D3040	Deferred Maintenance	Replace Exhaust Fan 2-SF-1	400	CFM	\$2.01	\$804	\$804
		151799	D3040	Deferred Maintenance	Replace Exhaust Fan 2-SF-3	400	CFM	\$2.01	\$804	\$804
		151813	D5030	Deferred Maintenance	Replace Fire Alarm System (Full System Inc. Panel)	10000	SF	\$7.32	\$73,200	\$73,200
2018	\$40,800	151782	C3030	Capital Renewal	Replace Acoustic Ceiling System	8000	SF	\$5.10	\$40,800	\$40,800

Appendices will contain structured spreadsheets with capital asset inventory data, cross-referenced digital photo logs in support of the deficiencies noted during the assessment, methodologies, scope and definitions used.

Example Executive Summary Capital Expenditure Forecast Chart



Phase 5

Quality Assurance Review

The Faithful+Gould team will perform a management overview function throughout the project so activities meet the commitments and the intent of the City. Faithful+Gould has implemented various internal procedures related to work quality. We have successfully completed the Lloyds Registered Quality Assurance Registry and hold the following certifications: ISO 9001 for Quality Management Systems (QMS), ISO 14001 for Environmental Management Systems (EMS) and OHSAS 18001 for Occupational Health & Safety Management Systems (SMS).

We will utilize the strict quality standards in accordance with our ISO 9001 quality assurance practice. For this project, Joe Kotila will take a leadership role in making sure our internal processes are maintained and that industry-recognized standards are current. We recognize the importance of a collaborative approach and value client input and feedback at key milestones of the project. Reports will be issued to facility staff on a phased basis throughout the duration of the project. Our project team will meet with facility staff and walk through the initial phase reports to provide an opportunity to review the content and layout and make any necessary amendments to the deliverable. The City will also have the opportunity to be engaged in client reviews of each phase throughout the course of the project to make sure the project and deliverables are meeting City expectations.

Phase 6

Preparation of Strategic Plan

Our FCA service will provide the City with a solution to support your business decisions. We will work with and assist the City in preparing a strategic plan to correct the deficiencies and actions identified through the assessments. The plan will provide a foundation for informed decision making in regard to asset, facility and infrastructure condition, multi-year capital budgeting, cost-saving measures, capital project planning and functional adequacy.

A draft report will be submitted to the City staff for review and input prior to circulating it for public comments and presentation at City board meetings. This allows proper disclosure and discussion of the study's findings and recommendations by the stakeholders and community and the opportunity for final testimony prior to finalizing the facility condition assessment and maintenance analysis.

Schedule

Our proposed project timeline is listed in the table below.

Draft Project Timeline			
Activity	Start	Finish	Duration
Contract Prep and Signing	02/27/2017	03/03/2017	5 days
Project Set-Up and Planning	03/06/2017	03/10/2017	5 days
Existing Data Gathering	03/13/2017	03/17/2017	5 days
Pre-Inspection Meeting and Kick-Off	03/20/2017	03/20/2017	0 days
Assessment Period 1			
Activity	Start	Finish	Duration
Site Assessment	03/20/2017	03/24/2017	5 days
Report Production	03/27/2017	04/14/2017	15 days
QC Review	04/17/2017	04/21/2017	5 days
Client Review	04/24/2017	04/05/2017	10 days
Meetings and Presentations	TBD		

FEE BREAKDOWN
COMPREHENSIVE ASSESSMENT OF CITY-WIDE FACILITIES

			Tasks/Hours							Base FCA Rates			FCA Fee	
Facility & Location	Address	Area (Sq. FT.)	Site Hrs	Report	ADA	Total Assessor Hrs	QC	PM	Total Hrs	Assessor	QC	PM	net fee	Rate/SF
Bayshore														
Bayshore Community Center & Library	450 Martin St	26,000	6	24		30	4	2	36	\$135	\$140	\$150	\$4,910	\$0.19
Lawson Hall	125 Accacia St	4,400	3	16		19	4	2	25	\$135	\$140	\$150	\$3,425	\$0.78
Civic Center														
City Hall	333 90th St	65,000	8	24	12	44	4	2	50	\$135	\$140	\$150	\$6,800	\$0.10
Imagination Station	280 92nd St	4,600	3	16		19	4	2	25	\$135	\$140	\$150	\$3,425	\$0.74
Corporation Yard														
PW Maintenance Administration	792 Niantic Ave	4,042	3	16		19	4	2	25	\$135	\$140	\$150	\$3,425	\$0.85
Electrical Storage	794 Niantic Ave	887	1	4		5	4	2	11	\$135	\$140	\$150	\$1,535	\$1.73
Parks Maintenance	794 Niantic Ave	13,190	3	24		27	4	2	33	\$135	\$140	\$150	\$4,505	\$0.34
Facilities Maintenance	501 Citrus Ave	8,234	3	16		19	4	2	25	\$135	\$140	\$150	\$3,425	\$0.42
Motor Vehicles Maintenance	798a Niantic Ave	5,085	3	16		19	4	2	25	\$135	\$140	\$150	\$3,425	\$0.67
Streets Maintenance	798b Niantic Ave	8,410	3	20		23	4	2	29	\$135	\$140	\$150	\$3,965	\$0.47
Electrical/Sign/Tire Shops	798c Niantic Ave	887	1	4		5	4	2	11	\$135	\$140	\$150	\$1,535	\$1.73
Gellert Park														
Serramonte Library	40 Wembley Dr	16,000	3	24		27	4	2	33	\$135	\$140	\$150	\$4,505	\$0.28
Gellert Park Clubhouse	50 Wembley Dr	3,784	3	16	6	25	4	2	31	\$135	\$140	\$150	\$4,235	\$1.12
Hillside														
Hillside Park Clubhouse	222 Lausanne St	1,200	2	8		10	4	2	16	\$135	\$140	\$150	\$2,210	\$1.84
Teglia Community Center	285 Abbot St	3,000	3	16		19	4	2	25	\$135	\$140	\$150	\$3,425	\$1.14
Lincoln Park														
Lincoln Park Community Center	901 Brunswick St	5,600	3	16		19	4	2	25	\$135	\$140	\$150	\$3,425	\$0.61
Marchbank Park														
Marchbank Clubhouse	10 S Parkview Ave	1,200	2	8		10	4	2	16	\$135	\$140	\$150	\$2,210	\$1.84
Marchbank Park Restrooms/Concessions	10 N Parkview Ave	400	2	8		10	4	2	16	\$135	\$140	\$150	\$2,210	\$5.53
War Memorial														
War Memorial Community Center & John Daly Library	6655 Mission St	39,500	6	24		30	4	2	36	\$135	\$140	\$150	\$4,910	\$0.12
Westlake Park														
Larcombe Clubhouse	99 Lake Merced	2,950	3	16		19	4	2	25	\$135	\$140	\$150	\$3,425	\$1.16
Westlake Community Center & Gym	145 Lake Merced	20,000	4	24		28	4	2	34	\$135	\$140	\$150	\$4,640	\$0.23
Doelger Senior Center	101 Lake Merced	30,000	4	24	8	36	4	2	42	\$135	\$140	\$150	\$5,720	\$0.19
Westlake														
Westlake Library	275 Southgate Ave	11,500	3	20		23	4	2	29	\$135	\$140	\$150	\$3,965	\$0.34
Fire Stations														
Fire Station 91	151 Lake Merced Blvd	6,448	3	20		23	4	2	29	\$135	\$140	\$150	\$3,965	\$0.61
Fire Station 92	18 Bepler St	7,600	3	20		23	4	2	29	\$135	\$140	\$150	\$3,965	\$0.52
Fire Station 93	464 Martin St	6,400	3	16		19	4	2	25	\$135	\$140	\$150	\$3,425	\$0.54
Fire Station 94 & NCFE Administration	444 Gellert Blvd	10,780	3	20		23	4	2	29	\$135	\$140	\$150	\$3,965	\$0.37
Fire Station 95	191 Edgemont Dr	9,092	3	20		23	4	2	29	\$135	\$140	\$150	\$3,965	\$0.44
Detached Garage/Storage	192 Edgemont Dr	200	1	6		7	4	2	13	\$135	\$140	\$150	\$1,805	\$9.03
			316,389	91	486	26	603	124	62	789			\$106,345	\$0.34



City Council Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: Increase Construction Contract for Civic Center Roof and Gutter Rehabilitation

Recommended Action

Staff recommends that the City Council authorize the City Manager to increase the construction contract with Pioneer Contractors Inc. of San Francisco, California in the amount of \$32,900.00 for the Civic Center Roof and Gutter Rehabilitation project.

Background

The construction contract for this project was awarded to Pioneer Contractors Inc. by City Council action on September 12, 2016. The contract provided for cleaning and recoating the Elastomeric (white) areas of the Public Works roof, the Police Department roof, and the gutter of the main building.

Discussion

The Police Department Shooting Range is experiencing leaks due to ponding water on the roof. However, the City has also awarded a contract to replace all of the shooting range automated targeting and target retrieval system. Staff recommends rehabilitating the leaking shooting range roof to better protect the new targeting equipment. With the availability of Pioneer Contractors already mobilized and on site for other work adding the additional shooting range roof rehabilitation will save the city money compared to contracting the shooting range roof separately at a later date.

Pioneer Contractors Inc. provided a cost estimate of \$32,900.00 for installing a new roof with ½” Perlite Board, 3-ply ply sheets, and gravel surfacing. The slope of the roof will be re-established and 24 gauge sheet metal scuppers will be installed to eliminate the ponding water and ensure adequate drainage into the downspots. Pioneer's price was approximately \$10,000 less than an independent project quote received from another contractor.

The contract change order of \$32,900.00 will increase the total contract to \$262,000.00 and will cover all work associated with installing a new roof for the Police Department Shooting Range. The total dollar value of the change order is 14.8 percent of the original Contract Award, which exceeds the 10 percent contingency amount authorized at the time of the original contract award.

Fiscal Impact

There are sufficient funds within the adopted Capital Improvement Program (CIP) Buildings & Facilities General Capital budget to fund this expanded scope of work.

**Award of Construction Contract
for Civic Center Roof and Gutter Rehabilitation
Meeting Date: March 13, 2017
Page 2 of 2**

Summary/Conclusion

Staff recommends that the City Council authorize the General Manager to increase the construction contract to Pioneer Contractors Inc. of San Francisco, California in the amount of \$32,900.00 for the Civic Center Roof and Gutter Rehabilitation project.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Gary Webber
Engineering Technician



John L. Fuller
Director of Public Works



City Council Meeting Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: Requesting Use of Federal Asset Forfeiture Funds (DEA) to Purchase Police Bicycles and Equipment

Recommended Action

Staff recommends Council approve the use of Federal Asset Forfeiture Funds (DEA) to purchase police bicycles and equipment.

Background

The Police Department Bicycle Patrol Unit is comprised of (7) officers who are occasionally assigned to bicycle patrol responsibilities for preplanned events and special details.

Discussion

Officers assigned to the Daly City Police Department Bicycle Patrol Unit have the collateral assignment of riding bicycles when assigned to do so for preplanned events and special details. Officers riding bicycles are able to travel to locations not easily accessed by vehicles and often have the element of surprise when encountering criminal activity. Officers on bicycles are more accessible to the public at community events and provide great opportunities to build relationships with the community. The Bicycle Unit is in need of replacing (5) bicycles to include related safety equipment. In addition, officer safety equipment and clothing is in need of replacement.

Fiscal Impact

Funding is available through the use of Federal Asset Forfeiture Funds (DEA). The one time purchase cost for the bicycles and related equipment/clothing will not exceed \$7,500.00.

Summary/Conclusion

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick Hensley".

Patrick Hensley
Captain

A handwritten signature in cursive script, reading "Manuel Martinez".

Manuel Martinez
Chief of Police



City Council Meeting Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: Set Time and Place for a Public Hearing to Consider One-Year HUD Action Plan for Fiscal Year 2017-18

Recommended Action

Set a Public Hearing for April 24, 2017 for the purpose of citizen review and comment on Daly City's One-Year Action Plan under the Community Development Block Grant (CDBG) and HOME programs for FY 2017-18.

Background

The One-Year Action Plan identifies how CDBG and HOME monies will be allocated. Prior to Council allocating these funds for FY 2017-18, the Department of Housing and Urban Development (HUD) requires the City to hold a public hearing to allow for citizen comment on Daly City's proposed One-Year Action Plan for Fiscal Year 2017-18.

Discussion

CDBG funds can be used for various activities including Administration, Economic Development, Capital Projects, Housing and Public Services. HOME funds may be used for activities that expand the supply of decent, affordable housing for lower income families.

Pursuant to the City's Community Participation Plan, the draft FY 2017-18 Action Plan will be available at City Hall and all City libraries for a 30-day review and comment period beginning March 23, 2017 through April 24, 2017. Notice of the availability of this document and a summary of the draft FY 2017-18 Action Plan will be published in *The Examiner* and made available on the City's web site.

Summary/Conclusion

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Betsy ZoBell
Housing and Community Development Supervisor

Tatum Mothershead
Director, Economic & Community Development



City Council Meeting Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: Setting Time and Place of Public Hearing Regarding Linda Vista Area of Benefit Fiscal Year 2017-2018

Recommended Action

Set May 8, 2017, as the date for public hearing to establish the services and assessments for Linda Vista Area of Benefit for Fiscal Year 2017-2018.

Background

The City Council established the Linda Vista Area of Benefit on February 12, 1990, to provide for the maintenance of storm water detention basins and other storm facilities within the Linda Vista and Bay Ridge Subdivisions and the downstream Outfall Channel, through annual Benefit Assessments. It is necessary to re-establish each year the assessment rate for the coming fiscal year.

Discussion

Per the Government code that empowers the City Clerk to proceed, I have set the Hearing for the Linda Vista Assessment District for the Regular City Council Meeting of May 8, 2017, at 7:00 P.M.

All agencies, districts and parties interested will be notified by mail. The Notice of Hearing will also be posted in the Linda Vista Area of Benefit area as well as in City Hall and the public libraries.

Summary/Conclusion

Staff is available to provide any additional information desired by the Mayor or Councilmember.

Respectfully submitted,

K. Annette Hipona

K. Annette Hipona
City Clerk



City Council Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: Public Hearing on Claim to Lien Property at 19 Garibaldi Street (APN 003-352-580)

Recommended Action

Staff recommends that the City Council approve the penalties and fees associated with the code enforcement case at 19 Garibaldi Street to be made a lien on the subject property and adopt a resolution confirming the amount of the lien as provided in Chapter 8.16.400 through 8.16.430 of the Daly City Municipal Code.

Background

This case involves a single family residence at 19 Garibaldi St. (APN 003-352-580) that contains construction without permits consisting of modifications that require plans to abate which include interior walls that have been removed and an electrical panel which requires upgrades to accommodate the additional electrical load of the kitchen remodel and the two separate dwelling units that were added downstairs, all of which were constructed without benefit of City permit or inspection. The property owner of record is Jose Luis Hernandez.

The Administrative Hearing Board heard the case on April 28, 2016, and ordered the property owner to obtain a permit by having a licensed design professional submit plans that abate the cited violations and have a licensed contractor obtain a City permit to abate the violations per the approved plans. To date, the property owner has not responded to the Administrative Order.

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. In addition, a Notice of Pending Claim of Lien was also placed on the property through the San Mateo County Recorder's Office so that enforcement fees and penalty fines can be collected should the property go into foreclosure or is sold before a lien is recorded.

Discussion

The administrative cost and penalty fines assessed by the Administrative Order totaled \$15,095.00. A letter requesting compliance and payment of outstanding fees and fines was mailed to the property owner on August 2, 2016 (Exhibit A). An additional \$1,690.00 will be assessed in administrative fees for the requested lien, making the total balance due \$16,785.00. A lien is required to be recorded on the property with the San Mateo County Recorder's Office to recover all administrative fees and penalties owed to the City of Daly City.

City Council Agenda Report
Public Hearing On Claim To Lien Property at 19 Garibaldi St. (APN 003-352-580)
Meeting Date: March 13, 2017
Page 2 of 2

Fiscal Impact

There is no specific fiscal impact from the recommended action.

Staff is available to provide any additional information desired by the Mayor or Council members.

Respectfully submitted,



Kathy Campbell
Code Enforcement Officer



Tatum Mothershead
Director of Economic & Community
Development

Attachment: Exhibit A – Letter Sent to Property Owner dated August 2, 2016



CITY OF DALY CITY

333 - 90TH STREET
DALY CITY, CA 94015-1895
PHONE: (650) 991-8000

August 2, 2016

Jose Luis Hernandez
19 Garibaldi Street
Daly City, CA 94014-2248

RE: Administrative Order issued April 28, 2016 to Abate Violations Located at 19 Garibaldi Street (APN 003-352-580) – Code Case -1-13-1846

Dear Property Owners:

As you are aware, an Administrative Hearing regarding your property at 19 Garibaldi St. was conducted on April 28, 2016. The Hearing Board reviewed the cited violations for your property and determined the presence of a public nuisance. A copy of the Administrative Order was sent to you on May 4, 2016, and a copy is enclosed with this letter for your convenience.

Our records indicate that there has not been any action taken by you to comply with the Administrative Order and abate the violations. The violations that were cited on your property continue to exist and must be abated. You are required to make the corrections noted below:

A permit must be obtained to abate the violations as stipulated in approved plans CODE-5-13-30975, including several interior walls that have been removed without a determination that the walls are structural or non-structural load-bearing walls, and the electrical panel was not upgraded which is required to accommodate the additional electrical load of the kitchen remodel and the two separate dwelling units that were added downstairs.

You must hire the services of a licensed contractor, obtain a permit, and perform all remedial work to the satisfaction of the Building Division.

In addition, penalty fines have been assessed in the amount of \$10,000.00 in addition to code enforcement fees in the amount of \$5,095.00 for a total amount of \$15,095.00. This amount is due now and payable immediately to the City of Daly City. An invoice detailing the charges has

been enclosed with this letter. Be advised that payment of fees and fines does not release you from the requirement to correct the violations at the subject property.

The Notice of Violation that has been recorded with the San Mateo County Recorder's Office will remain on the subject property until the violations are abated. Failure to pay assessed fees and fines may result in a lien recorded on the property with the Recorder's Office, as stated in the Administrative Order. Be advised that you will be subject to additional code fees including administrative fees of \$1,690.00 for a lien (*see enclosed Code Enforcement Fee Schedule*).

If you have any questions regarding this letter, please contact me at (650) 991-8261 during business hours, or you may email me at kcampbell@dalycity.org.

Sincerely,

A handwritten signature in cursive script that reads "K. Campbell".

Kathy Campbell
Code Enforcement Officer

Enc: Copy of Administrative Order for 18 Garibaldi St. dated April 28, 2016
Code Invoice
Code Enforcement Fee Schedule

**FINDINGS AND ORDER OF THE
DALY CITY ADMINISTRATIVE HEARING BOARD**

SUBJECT PROPERTY: 19 GARIBALDI STREET, DALY CITY, CA 94014-2248
APN 003-352-580

PROPERTY OWNER(S): JOSE LUIS HERNANDEZ

HEARING HELD ON APRIL 28, 2016

FINDINGS

WHEREAS, the Code Enforcement Division referred this matter to the Administrative Hearing Board pursuant to section 8.16.070, *et seq.*, of the Daly City Municipal Code; **and,**

WHEREAS, the Board determined that the property owner(s) received proper notice and documentation by staff of the violations and required abatement action; **and,**

WHEREAS, the Board reviewed evidence, testimony of staff and the staff report pertaining to the subject property's current violations; **and,**

WHEREAS, Jose Luis Hernandez (property owner), was not present and therefore lost all appeal rights; **and**

WHEREAS, one or more Municipal Code violations defined as a public nuisance, pursuant to section 8.16.030 *et seq.*, are now present and remain unabated after the timeline established for abatement in the staff notice of violation; **and,**

WHEREAS, the property is a public nuisance pursuant to Municipal Code Section 8.16.030, due to violations of the uniform codes as adopted by Daly City, and Chapter 15 of the Daly City Municipal Code, including construction without permit; **and,**

WHEREAS, pursuant to Daly City Municipal Code section 8.16.150, if this Board determines that a violation occurred which was not corrected within the time period specified in the staff notification of nuisance, the Board shall issue an administrative order which imposes any or all of the following:

- A. An order to correct, including a schedule for correction when appropriate;
- B. Administrative Penalties as provided in section 8.16.160 of the Daly City Municipal Code.
- C. Administrative costs as provided in section 8.16.160 of the Daly City Municipal Code.

ORDER

NOW THEREFORE, HAVING DETERMINED THE PRESENCE OF A PUBLIC NUISANCE AT 19 GARIBALDI STREET, THE BOARD HEREBY ORDERS ABATEMENT OF THE VIOLATIONS, AND ASSESSMENT OF ADMINISTRATIVE COSTS AND PENALTIES AS FOLLOWS:

COPY

- 1) Within 30 calendar days of the notification date of the Administrative Board Order, the property owner shall take corrective action to abate the violations by having a California licensed general contractor obtain a permit to abate the cited violations as stipulated in approved plans CODE-5-13-30975.
- 2) Within 90 calendar days of the date of the permit(s) issuance, the property owner shall have the license contractor perform all remedial work stated in the scope of work for the permit(s), to be completed and inspected and finaled to the satisfaction of the Building Division. The permit may be extended for an additional 90 days to complete any necessary work and additional permit and administrative fees shall be assessed.
- 3) Assess the property owner both a \$1,010.00 enforcement fee and a \$4,085.00 administrative fee (to cover costs associated with presenting this case to the Board) and full payment shall be remitted to the City at the time of permit issuance per condition #1 above.
- 4) Upon failure to adhere to any stated timeline in the Order of the Administrative Hearing Board, staff request that the owner be assessed \$500.00 a day for each day a violation continues to be present, up to the maximum amount of \$10,000.00.
- 5) The Notice of Violation shall remain on the title of the subject property to prevent sale or transfer of ownership without addressing the violations. To remove the NOV, all violations shall be abated, inspected, and the permit finaled by a City inspector.
- 6) In the event that the property owner does not comply with this order and pay all associated fees and fines, all cost due to the City shall be secured through a lien recorded on the subject property with the County Recorder which may carry additional charges as set forth by resolution of the City Council.

LEGAL ADMONISHMENT

NOTICE is given to the property owner(s) and others holding an interest in the subject property that:

- 1) Failure to abate the violations and complete other requirements as enumerated may result in the imposition of other legal and criminal action, as well as the vacating of the subject property until all required work is completed, and/ or the abatement of such violations by City forces at the expense of the owner(s).
- 2) Upon entry of a second or subsequent finding within a two-year period that a condition of property constitutes a public nuisance under Section 8.16.030 of the Daly City Municipal Code, the owner(s) may be liable for treble the costs of abatement.

AFFIRMED BY: _____

Ron Myers, Fire Chief, North County Fire Authority

HEARING BOARD CHAIR ON: 4/28, 2016

COPY

FOR OFFICE USE

DATE OF SERVICE 5/4/16 METHOD OF SERVICE: ☒ 1st class mail ☒ Cert. Mail ☐ Pers. Svc.
BY Peter Schuurmans TITLE Office Assistant, Code Enforcement
COMMENTS: Administrative Hearing Board – 4/28/2016 – 19 Garibaldi St. – Case-1-13-1846

COPY



City of Daly City
333 90th Street
Daly City, CA 94015
(650) 991-8061

INVOICE

BILLING CONTACT:

Jose Luis Hernandez
19 Garibaldi St
Daly City, CA 94014-2248

INVOICE NUMBER	CODE CASE NUMBER	CASE TYPE
INV-07-16-00606017	CASE-1-13-1846	CC - Building



FEE NAME	FEE AMOUNT	FEE DUE	TRANS CODE	ACCOUNT NUMBER
Administrative Board Hearing Fee	\$4,085.00	\$4,085.00	0615	01-300-341-3797
Administrative Board Hearing Notice Fee	\$135.00	\$135.00	0615	01-300-341-3797
Expired Plan Check / Permit App Fee (31-60 Days)	\$405.00	\$405.00	0615	01-300-341-3797
Expired Plan Check / Permit App Fee (61-90 Days)	\$470.00	\$470.00	0615	01-300-341-3797
Penalty Fine	\$10,000.00	\$10,000.00	0615	01-300-341-3797
TOTAL	\$15,095.00	\$15,095.00		



CITY OF DALY CITY CODE ENFORCEMENT FEE INFORMATION

If violations are present on your property, you must abate them according to legal requirements and in a timely manner. Once staff verifies a violation, administrative fees are automatically due. Any violations of building and construction regulations, zoning, business or other property problems are defined as a public nuisance pursuant to section 8.16.030 of the Daly City Municipal Code and subject to fee assessment (see chart below), severe penalties and abatement by the City (at your expense). Information in this attachment is equally enforceable as the information in the main notice.

PLEASE CAREFULLY READ THIS ATTACHMENT AND THE NOTICE TO ASSURE YOU UNDERSTAND YOUR RIGHTS, CITY SANCTIONS AND THE WAY TO BRING CLOSURE TO THIS ENFORCEMENT.

- Violation(s) shall be abated within 30 days from the date of the City notice, unless other timelines are indicated in the notice.** Construction related violations usually require a building permit prior to work and a building permit to correct/remove unpermitted construction. An inspection by city staff to verify compliance is required.
- An affected party may file a written request with the code enforcement officer within 10 days of the date of the 1st violation notice to dispute the determination that a violation exists/existed at the property.**
- The verified presence of a public nuisance causes enforcement sanctions to be applied, including the assessment of administrative fees in accordance with the item(s) checked in the Fee Schedule, below:**

Applies To Item(s) Checked Below	VIOLATION TYPE	ABATED IN 1 TO 30 DAYS "A"	ABATED IN 31 TO 60 DAYS "B"	ABATED IN 61 TO 90 DAYS "C"
	Building Code	\$1,180	\$1,655	\$2,230
	Expired Plan Check / Building Permit Application	\$475	\$880	\$1,350
	Expired Building Permit	\$575	\$945	\$1,385
	All Other Violations	\$880	\$1,285	\$1,790
	Administrative Board Hearing Notice	\$135/hr. (in addition to above fee(s) that apply)		
	Administrative Board Hearing (Cases taken to the Administrative Board for enforcement upon failure to abate the violation)	\$4,085 (in addition to above fee(s) that apply)		
X	Lien	\$1,690 (in addition to above fee(s) that apply)		
	All Other Services	\$135/hr. (in addition to above fee(s) that apply)		

- The amount in column "A" is due and payable to the City upon violation verification by staff. This fee will automatically increase ("B") and increase again ("C"), if abatement of all violations does not occur according to the timelines indicated.
- Failure to abate the listed violation(s) and make payment of the applicable fees as noted will result in progressive enforcement, which may include referral to the Administrative Hearing Board for the assessment of civil penalties up to \$10,000.00. A lien may be placed on your property to secure unpaid fees, penalties, and cost. The failure of any person to appear at the Hearing shall constitute a failure to exhaust administrative remedies.
- Persons aggrieved by an Administrative Order or determination following a hearing by an Administrative Hearing Board, may obtain a review of the Administrative Order with the Daly City City Council. You have the right to file an appeal with the City Clerk's Office in writing within 10 days from the date of the Order of the Administrative Hearing. A non-refundable \$100 appeal fee must be paid at the time the appeal is filed. Failure to file a valid written appeal in a timely manner will cause the automatic forfeiture of your appeal rights.
- For questions regarding this information, please contact the Code Enforcement Office at (650) 991-8260.



City Council Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: Public Hearing on Claim to Lien Property at 125 Shakespeare Street (APN 003-031-010)

Recommended Action

Staff recommends that the City Council approve the penalties and fees associated with the code enforcement case at 125 Shakespeare Street to be made a lien on the subject property and adopt a resolution confirming the amount of the lien as provided in Chapter 8.16.400 through 8.16.430 of the Daly City Municipal Code.

Background

This case involves a single family residence at 125 Shakespeare St. (APN 003-031-010) that contains construction without permits which consists of a two-story addition at the rear of the house that was built without benefit of City-approved plans or inspection. The property owners of record are Roy and Monalin O. Arnesen.

The Administrative Hearing Board heard the case on March 24, 2016, and ordered the property owner to obtain a permit to remove the non-permitted construction and return the property to its original configuration. The property owners appealed the Findings and Order of the Administrative Hearing Board at the City Council meeting on May 23, 2016. Council adopted Resolution No. 16-84, affirming and adopting the Findings of the Administrative Appeal Board. To date, the property owners have not corrected 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. In addition, a Notice of Pending Claim of Lien was also placed on the property through the San Mateo County Recorder's Office so that enforcement fees and penalty fines can be collected should the property go into foreclosure or is sold before a lien is recorded.

Discussion

The administrative cost and penalty fines assessed by the Administrative Order totaled \$14,085.00. A letter requesting compliance and payment of outstanding fees and fines was mailed to the property owner on December 28, 2016 (Exhibit A). An additional \$1,690.00 will be assessed in administrative fees for the requested lien, making the total balance due \$15,775.00. A lien is required to be recorded on the property with the San Mateo County Recorder's Office to recover all administrative fees and penalties owed to the City of Daly City.

City Council Agenda Report
Public Hearing On Claim To Lien Property at 125 Shakespeare St. (APN 003-031-010)
Meeting Date: March 13, 2017
Page 2 of 2

Fiscal Impact

There is no specific fiscal impact from the recommended action.

Staff is available to provide any additional information desired by the Mayor or Council members.

Respectfully submitted,



Kathy Campbell
Code Enforcement Officer



Tatum Mothershead
Director of Economic & Community
Development

Attachment: Exhibit A – Letter Sent to Property Owner dated December 28, 2016



CITY OF DALY CITY

333 · 90TH STREET
DALY CITY, CA 94015-1895
PHONE: (650) 991-8000

December 28, 2016

Roy & Monalin Arnesen
125 Shakespeare Street
Daly City, CA 94014-1079

RE: Administrative Order issued March 25, 2016 to Abate Violations Located at 125 Shakespeare St. (APN 003-031-010) – Code Case -1-14-1970

Dear Property Owners:

As you are aware, an Administrative Hearing regarding your property at 125 Shakespeare St. was conducted on March 24, 2016. The Hearing Board reviewed the cited violations for your property and determined the presence of a public nuisance. A copy of the Administrative Order was sent to you on March 25, 2016, and a copy is enclosed with this letter for your convenience.

Our records indicate that the violations that were cited on your property continue to exist and must be abated. You are required to make the corrections noted below:

A permit must be obtained to complete the abatement of the cited violations through removal of the two-story addition at the back of the house that was constructed without the benefit of city permits and inspections, and return the property to its original approved configuration.

In addition to administrative fees in the amount of \$4,085.00, penalty fines have been assessed in the amount of \$10,000.00 with a total amount of \$14,085.00. This amount is due now and payable immediately to the City of Daly City. An invoice detailing the charges has been enclosed with this letter. Be advised that payment of fees and fines does not release you from the requirement to correct the violations at the subject property.

The Notice of Violation that has been recorded with the San Mateo County Recorder's Office will remain on the subject property until the violations are abated. Failure to pay assessed fees and fines may result in a lien recorded on the property with the Recorder's Office, as stated in the Administrative Order. Be advised that you will be subject to additional code fees including administrative fees of \$1,690.00 for a lien (*see enclosed Code Enforcement Fee Information*).

Roy & Monalin Arnesen – Request for Compliance with Administrative Order for 125 Shakespeare St. – Case-1-14-1970

December 28, 2016

Page 2 of 2

If you have any questions regarding this letter, please contact me at (650) 991-8261 during business hours, or you may email me at kcampbell@dalycity.org.

Sincerely,

A handwritten signature in cursive script that reads "K. Campbell".

Kathy Campbell
Code Enforcement Officer

Enc: Copy of Administrative Order for 125 Shakespeare St. dated March 24, 2016
Code Invoice
Code Enforcement Fee Information

**FINDINGS AND ORDER OF THE
DALY CITY ADMINISTRATIVE HEARING BOARD**

SUBJECT PROPERTY: 125 SHAKESPEARE STREET, DALY CITY, CA 94014-1079
APN 003-031-010

PROPERTY OWNER(S): ROY & MONALIN ARNESEN

HEARING HELD ON MARCH 24, 2016

FINDINGS

WHEREAS, the Code Enforcement Division referred this matter to the Administrative Hearing Board pursuant to section 8.16.070, *et seq.*, of the Daly City Municipal Code; **and,**

WHEREAS, the Board determined that the property owner(s) received proper notice and documentation by staff of the violations and required abatement action; **and,**

WHEREAS, the Board reviewed evidence, testimony of staff and the staff report pertaining to the subject property's current violations; **and,**

WHEREAS, Roy and Monalin Arnesen (property owner), appeared and provided testimony; **and**

WHEREAS, one or more Municipal Code violations defined as a public nuisance, pursuant to section 8.16.030 *et seq.*, are now present and remain unabated after the timeline established for abatement in the staff notice of violation; **and,**

WHEREAS, the property is a public nuisance pursuant to Municipal Code Section 8.16.030, due to violations of the uniform codes as adopted by Daly City, and Chapter 15 of the Daly City Municipal Code, including construction without permit; **and,**

WHEREAS, pursuant to Daly City Municipal Code section 8.16.150, if this Board determines that a violation occurred which was not corrected within the time period specified in the staff notification of nuisance, the Board shall issue an administrative order which imposes any or all of the following:

- A. An order to correct, including a schedule for correction when appropriate;
- B. Administrative Penalties as provided in section 8.16.160 of the Daly City Municipal Code.
- C. Administrative costs as provided in section 8.16.160 of the Daly City Municipal Code.

ORDER

NOW THEREFORE, HAVING DETERMINED THE PRESENCE OF A PUBLIC NUISANCE AT 125 SHAKESPEARE STREET, THE BOARD HEREBY ORDERS ABATEMENT OF THE VIOLATIONS, AND ASSESSMENT OF ADMINISTRATIVE COSTS AND PENALTIES AS FOLLOWS:

COPY

- 1) The property owners shall complete all work associated with the current building permit CODE-7-15-46040 to the satisfaction of the Code Enforcement Division including having the work inspected and finalized by the city building inspector before the permit expires on March 29, 2016.
- 2) The property owners are assessed \$135.00 in code enforcement fees. The Administrative Board Hearing fee of \$4,085.00 will not be assessed if CODE-7-15-46040 is finalized by the city building inspector before the permit expires on March 29, 2016.
- 3) In the event the violation is not abated before the current building permit expires on March 29, 2016, the property owners shall be assessed both a \$135.00 enforcement fee and a \$4,085.00 administrative fee (to cover costs associated with presenting this case to the Board) and make full payment to the City at the time of permit application.
- 4) Upon failure to adhere to any stated timeline in the Order of the Administrative Hearing Board, the owners shall be assessed \$500.00 a day for each day a violation continues to be present, up to the maximum amount of \$10,000.00.
- 5) The Notice of Violation shall remain on the title of the subject property to prevent sale or transfer of ownership without addressing the violations. To remove the NOV, all violations shall be abated, inspected, and the permit finalized by a City inspector.
- 6) In the event that the property owners do not comply with this order and pay all associated fees and fines, all cost due to the City shall be secured through a lien recorded on the subject property with the County Recorder which may carry additional charges as set forth by resolution of the City Council.

LEGAL ADMONISHMENT

NOTICE is given to the property owner(s) and others holding an interest in the subject property that:

- 1) Failure to abate the violations and complete other requirements as enumerated may result in the imposition of other legal and criminal action, as well as the vacating of the subject property until all required work is completed, and/ or the abatement of such violations by City forces at the expense of the owner(s).
- 2) Upon entry of a second or subsequent finding within a two-year period that a condition of property constitutes a public nuisance under Section 8.16.030 of the Daly City Municipal Code, the owner(s) may be liable for treble the costs of abatement.

APPEAL RIGHTS

Pursuant to Daly City Municipal Code section 8.16.300, the owner(s) of the subject property or a business owner receiving an administrative order from this Board may appeal such order only if the owner attended the hearing. To exercise this appeal right the owner must file a written appeal request with the City Clerk within ten (10) days of the date of service of the administrative order, with a non-refundable filing fee of \$100 included with the request. The City Clerk will normally set the hearing date within 10-30 days. You should contact the City Clerk for specific information about this process and the required information you must supply in the request.

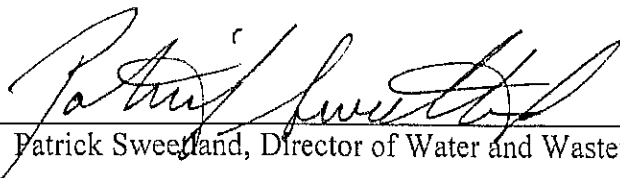
COPY

Administrative Order for 125 Shakespeare St. (Code Case-1-14-1970) – Roy & Monalin Arnesen, Owners

March 24, 2016

Page 3 of 3

AFFIRMED BY:


Patrick Sweetland, Director of Water and Wastewater Resources Department

HEARING BOARD CHAIR ON:

3/25/

, 2016

FOR OFFICE USE

DATE OF SERVICE 3/25/16 METHOD OF SERVICE: ☒ 1st class mail ☒ Cert. Mail ☐ Pers. Svc.

BY Michelle Courtney TITLE Office Asst.

COMMENTS: Administrative Hearing Board – 3/24/2016 – 125 Shakespeare St. – Case-1-14-1970

COPY



City of Daly City
333 90th Street
Daly City, CA 94015
(650) 991-8061

INVOICE

BILLING CONTACT:

ROY & MONALIN O ARNESEN
125 Shakespeare St
Daly City, CA 94014-1079

INVOICE NUMBER	CODE	CASE NUMBER	CASE TYPE
INV-10-16-00611631		CASE-1-14-1970	CC - Building



FEE NAME	FEE AMOUNT	FEE DUE	TRANS CODE	ACCOUNT NUMBER
Administrative Board Hearing Fee	\$4,085.00	\$4,085.00	0615	01-300-341-3797
Penalty Fine	\$500.00	\$500.00	0615	01-300-341-3797
Penalty Fine	\$500.00	\$500.00	0615	01-300-341-3797
Penalty Fine	\$7,500.00	\$7,500.00	0615	01-300-341-3797
Penalty Fine	\$500.00	\$500.00	0615	01-300-341-3797
Penalty Fine	\$500.00	\$500.00	0615	01-300-341-3797
Penalty Fine	\$500.00	\$500.00	0615	01-300-341-3797
TOTAL	\$14,085.00	\$14,085.00		



CITY OF DALY CITY CODE ENFORCEMENT FEE INFORMATION

If violations are present on your property, you must abate them according to legal requirements and in a timely manner. Once staff verifies a violation, administrative fees are automatically due. Any violations of building and construction regulations, zoning, business or other property problems are defined as a public nuisance pursuant to section 8.16.030 of the Daly City Municipal Code and subject to fee assessment (see chart below), severe penalties and abatement by the City (at your expense). Information in this attachment is equally enforceable as the information in the main notice.

PLEASE CAREFULLY READ THIS ATTACHMENT AND THE NOTICE TO ASSURE YOU UNDERSTAND YOUR RIGHTS, CITY SANCTIONS AND THE WAY TO BRING CLOSURE TO THIS ENFORCEMENT.

1. Violation(s) shall be abated within 30 days from the date of the City notice, unless other timelines are indicated in the notice. Construction related violations usually require a building permit prior to work and a building permit to correct/remove unpermitted construction. An inspection by city staff to verify compliance is required.
2. An affective party may file a written request with the code enforcement officer within 10 days of the date of the 1st violation notice to dispute the determination that a violation exists/existed at the property.
3. The verified presence of a public nuisance causes enforcement sanctions to be applied, including the assessment of administrative fees in accordance with the item(s) checked in the **Fee Schedule, below:**

Applies To Item(s) Checked Below	VIOLATION TYPE	ABATED IN <u>1 TO 30</u> DAYS "A"	ABATED IN <u>31 TO 60</u> DAYS "B"	ABATED IN <u>61 TO 90</u> DAYS "C"
	Building Code	\$1,180	\$1,655	\$2,230
	Expired Plan Check / Building Permit Application	\$475	\$880	\$1,350
	Expired Building Permit	\$575	\$945	\$1,385
	All Other Violations	\$880	\$1,285	\$1,790
	Administrative Board Hearing Notice	\$135/hr. (in addition to above fee(s) that apply)		
X	Administrative Board Hearing (Cases taken to the Administrative Board for enforcement upon failure to abate the violation)	\$4,085 (in addition to above fee(s) that apply)		
	Lien	\$1,690 (in addition to above fee(s) that apply)		
	All Other Services	\$135/hr. (in addition to above fee(s) that apply)		

4. The amount in column "A" is due and payable to the City upon violation verification by staff. This fee will automatically increase ("B") and increase again ("C"), if abatement of all violations does not occur according to the timelines indicated.
5. Failure to abate the listed violation(s) and make payment of the applicable fees as noted will result in progressive enforcement, which may include referral to the Administrative Hearing Board for the assessment of civil penalties up to \$10,000.00. A lien may be placed on your property to secure unpaid fees, penalties, and cost. The failure of any person to appear at the Hearing shall constitute a failure to exhaust administrative remedies.
6. Persons aggrieved by an Administrative Order or determination following a hearing by an Administrative Hearing Board, may obtain a review of the Administrative Order with the Daly City City Council. You have the right to file an appeal with the City Clerk's Office in writing within 10 days from the date of the Order of the Administrative Hearing. A non-refundable \$100 appeal fee must be paid at the time the appeal is filed. Failure to file a valid written appeal in a timely manner will cause the automatic forfeiture of your appeal rights.
7. For questions regarding this information, please contact the Code Enforcement Office at (650) 991-8260.



City Council Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: Public Hearing on Claim to Lien Property at 349 Bellevue Avenue (APN 004-321-350)

Recommended Action

Staff recommends that the City Council approve the penalties and fees associated with the code enforcement case at 349 Bellevue Avenue to be made a lien on the subject property and adopt a resolution confirming the amount of the lien as provided in Chapter 8.16.400 through 8.16.430 of the Daly City Municipal Code.

Background

This case involves a single family residence at 349 Bellevue Ave. (APN 004-321-350) that contains construction without permit consisting of retaining walls and stairs that were built without benefit of City-approved plans or inspection. The property owners of record are Stanway K.C. and Dawnee Wong.

The Administrative Hearing Board heard the case on May 26, 2016, and ordered the property owners to have a licensed design professional submit plans that abate the cited violations or have a licensed contractor obtain a permit to remove the unpermitted construction. To date, the property owners have not corrected 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. In addition, a Notice of Pending Claim of Lien was also placed on the property through the San Mateo County Recorder's Office so that enforcement fees and penalty fines can be collected should the property go into foreclosure or is sold before a lien is recorded.

Discussion

The administrative cost and penalty fines assessed by the Administrative Order totaled \$16,585.00. A letter requesting compliance and payment of outstanding fees and fines was mailed to the property owner on December 28, 2016 (Exhibit A). An additional \$1,690.00 will be assessed in administrative fees for the requested lien, making the total balance due \$18,275.00. A lien is required to be recorded on the property with the San Mateo County Recorder's Office to recover all administrative fees and penalties owed to the City of Daly City.

Fiscal Impact

City Council Agenda Report

Public Hearing On Claim To Lien Property at 349 Bellevue Ave. (APN 004-321-350)

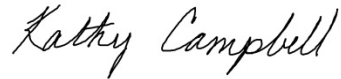
Meeting Date: March 13, 2017

Page 2 of 2

There is no specific fiscal impact from the recommended action.

Staff is available to provide any additional information desired by the Mayor or Council members.

Respectfully submitted,



Kathy Campbell
Code Enforcement Officer



Tatum Mothershead
Director of Economic & Community
Development

Attachment: Exhibit A – Letter Sent to Property Owner dated December 28, 2016



CITY OF DALY CITY

333 - 90TH STREET
DALY CITY, CA 94015-1895
PHONE: (650) 991-8000

December 28, 2016

Stanway K.C. & Dawnee Wong
2515 Galway Pl
South San Francisco, CA 94080

**RE: Administrative Order issued May 31, 2016 to Abate Violations Located at 349
Bellevue Ave. (APN 004-321-350) – Code Case -9-14-2077**

Dear Property Owners:

As you are aware, an Administrative Hearing regarding your property at 349 Bellevue Ave. was conducted on May 26, 2016. The Hearing Board reviewed the cited violations for your property and determined the presence of a public nuisance. A copy of the Administrative Order was sent to you on May 31, 2016, and a copy is enclosed with this letter for your convenience.

Our records indicate that there has not been any action taken by you to comply with the Administrative Order and abate the violations. The violations that were cited on your property continue to exist and must be abated. You are required to make the corrections noted below:

A permit must be obtained to abate the violations through having a licensed design professional submit plans that address the cited violations including the retaining walls and stairs.

You must hire the services of a licensed contractor, obtain a permit, and perform all remedial work to the satisfaction of the Building Division.

In addition to administrative fees in the amount of \$6,585.00, penalty fines have been assessed in the amount of \$10,000.00 with a total amount of \$16,585.00. This amount is due now and payable immediately to the City of Daly City. An invoice detailing the charges has been enclosed with this letter. Be advised that payment of fees and fines does not release you from the requirement to correct the violations at the subject property.

The Notice of Violation that has been recorded with the San Mateo County Recorder's Office will remain on the subject property until the violations are abated. Failure to pay assessed fees

and fines may result in a lien recorded on the property with the Recorder's Office, as stated in the Administrative Order. Be advised that you will be subject to additional code fees including administrative fees of \$1,690.00 for a lien (*see enclosed Code Enforcement Fee Information*).

If you have any questions regarding this letter, please contact me at (650) 991-8261 during business hours, or you may email me at kcampbell@dalycity.org.

Sincerely,



Kathy Campbell
Code Enforcement Officer

Enc: Copy of Administrative Order for 349 Bellevue Ave, dated May 26, 2016
Code Invoice
Code Enforcement Fee Information

Cc: D. & S. Family 2016 Trust
1526 40th Ave
San Francisco, CA 94122

**FINDINGS AND ORDER OF THE
DALY CITY ADMINISTRATIVE HEARING BOARD**

SUBJECT PROPERTY: 349 BELLEVUE AVENUE, DALY CITY, CA 94014
APN 004-321-350

PROPERTY OWNER(S): STANWAY K.C. & DAWNEE WONG

HEARING HELD ON MAY 26, 2016

FINDINGS

WHEREAS, the Code Enforcement Division referred this matter to the Administrative Hearing Board pursuant to section 8.16.070, *et seq.*, of the Daly City Municipal Code; and,

WHEREAS, the Board determined that the property owner(s) received proper notice and documentation by staff of the violations and required abatement action; and,

WHEREAS, the Board reviewed evidence, testimony of staff and the staff report pertaining to the subject property's current violations; and,

WHEREAS, Stanway K.C. & Dawnee Wong (property owners), were not present and therefore lost all appeal rights; and

WHEREAS, one or more Municipal Code violations defined as a public nuisance, pursuant to section 8.16.030 *et seq.*, are now present and remain unabated after the timeline established for abatement in the staff notice of violation; and,

WHEREAS, the property is a public nuisance pursuant to Municipal Code Section 8.16.030, due to violations of the uniform codes as adopted by Daly City, and Chapter 15 of the Daly City Municipal Code, including construction without permit; and,

WHEREAS, pursuant to Daly City Municipal Code section 8.16.150, if this Board determines that a violation occurred which was not corrected within the time period specified in the staff notification of nuisance, the Board shall issue an administrative order which imposes any or all of the following:

- A. An order to correct, including a schedule for correction when appropriate;
- B. Administrative Penalties as provided in section 8.16.160 of the Daly City Municipal Code.
- C. Administrative costs as provided in section 8.16.160 of the Daly City Municipal Code.

ORDER

NOW THEREFORE, HAVING DETERMINED THE PRESENCE OF A PUBLIC NUISANCE AT 349 BELLEVUE AVENUE, THE BOARD HEREBY ORDERS ABATEMENT OF THE VIOLATIONS, AND ASSESSMENT OF ADMINISTRATIVE COSTS AND PENALTIES AS FOLLOWS:

COPY

- 1) Within 30 calendar days of the notification date of the Administrative Board Order, the property owner shall take corrective action to abate the violations by having a licensed design professional submit plans that address the cited violation including the retaining walls and stairs; or, hire the services of a California licensed contractor to obtain a permit to remove the unpermitted construction.
- 2) Within 10 calendar days of the date of any plan check Letter of Transmittal issued, the property owner's hired professional shall resubmit corrected plans to the City that address the plan check list, and shall complete the plan check process within 90 calendar days of the date of the initial plans submittal.
- 3) Within 30 calendar days of the date of the Approved Plans transmittal letter, the required permit(s) must be obtained by a licensed contractor and the scope of work shall include all remedial work required to abate the cited violations per the approved plans.
- 4) Within 90 calendar days of the date of the permit(s) issuance, the property owner shall have a license contractor perform all remedial work stated in the scope of work for the permit(s), to be completed and inspected and finalized to the satisfaction of the Building Division.
- 5) Assess the property owner both a \$2,500.00 enforcement fee and a \$4,085.00 administrative fee (to cover costs associated with presenting this case to the Board) and make full payment to the City at the time of permit application per condition #1 above.
- 6) Upon failure to adhere to any stated timeline in the Order of the Administrative Hearing Board, the owner shall be assessed \$500.00 a day for each day a violation continues to be present, up to the maximum amount of \$10,000.00.
- 7) The Notice of Violation shall remain on the title of the subject property to prevent sale or transfer of ownership without addressing the violations. To remove the NOV, all violations shall be abated, inspected, and the permit finalized by a City inspector.
- 8) In the event that the property owner does not comply with this order and pay all associated fees and fines, all cost due to the City shall be secured through a lien recorded on the subject property with the County Recorder which may carry additional charges as set forth by resolution of the City Council.

LEGAL ADMONISHMENT

NOTICE is given to the property owner(s) and others holding an interest in the subject property that:

- 1) Failure to abate the violations and complete other requirements as enumerated may result in the imposition of other legal and criminal action, as well as the vacating of the subject property until all required work is completed, and/ or the abatement of such violations by City forces at the expense of the owner(s).
- 2) Upon entry of a second or subsequent finding within a two-year period that a condition of property constitutes a public nuisance under Section 8.16.030 of the Daly City Municipal Code, the owner(s) may be liable for treble the costs of abatement.

AFFIRMED BY: _____

Patrick Sweetland, Director, Water/Wastewater Department

HEARING BOARD CHAIR ON: _____

5/27, 2016

COPY

Administrative Order for 349 Bellevue Ave. (Code Case-9-14-2077) – Stanway K.C. & Dawnee Wong, Property Owners
May 26, 2016
Page 3 of 3

FOR OFFICE USE

DATE OF SERVICE 5/31/16 METHOD OF SERVICE: ☒ 1st class mail ☒ Cert. Mail ☐ Pers. Svc.

BY Peter Schuurmans TITLE Office Assistant II, Code Enforcement

COMMENTS: Administrative Hearing Board – 5/26/2016 – 349 Bellevue Ave. – Case-9-14-2077

COPY



City of Daly City
333 90th Street
Daly City, CA 94015
(650) 991-8061

INVOICE

BILLING CONTACT:

STANWAY K.C. & DAWNEE WONG
349 Bellevue Ave
Daly City, CA 940141307

INVOICE NUMBER	CODE CASE NUMBER	CASE TYPE
INV-10-16-00611630	CASE-9-14-2077	CC - Building



FEE NAME	FEE AMOUNT	FEE DUE	TRANS CODE	ACCOUNT NUMBER
Administrative Board Hearing Fee	\$4,085.00	\$4,085.00	0615	01-300-341-3797
Administrative Board Hearing Notice Fee	\$135.00	\$135.00	0615	01-300-341-3797
Administrative Hearing Board Penalty	\$10,000.00	\$10,000.00	0615	01-300-341-3797
Building Code Violation Fee (Abated 1-30 Days)	\$1,180.00	\$1,180.00	0615	01-300-341-3797
Building Code Violation Fee (Abated 31-60 Days)	\$475.00	\$475.00	0615	01-300-341-3797
Building Code Violation Fee (Abated 61-90 Days)	\$575.00	\$575.00	0615	01-300-341-3797
Notice of Violation Fee	\$135.00	\$135.00	0615	01-300-341-3797
TOTAL	\$16,585.00	\$16,585.00		



CITY OF DALY CITY CODE ENFORCEMENT FEE INFORMATION

If violations are present on your property, you must abate them according to legal requirements and in a timely manner. Once staff verifies a violation, administrative fees are automatically due. Any violations of building and construction regulations, zoning, business or other property problems are defined as a public nuisance pursuant to section 8.16.030 of the Daly City Municipal Code and subject to fee assessment (see chart below), severe penalties and abatement by the City (at your expense). Information in this attachment is equally enforceable as the information in the main notice.

PLEASE CAREFULLY READ THIS ATTACHMENT AND THE NOTICE TO ASSURE YOU UNDERSTAND YOUR RIGHTS, CITY SANCTIONS AND THE WAY TO BRING CLOSURE TO THIS ENFORCEMENT.

1. Violation(s) shall be abated within 30 days from the date of the City notice, unless other timelines are indicated in the notice. Construction related violations usually require a building permit prior to work and a building permit to correct/remove unpermitted construction. An inspection by city staff to verify compliance is required.
2. An affective party may file a written request with the code enforcement officer within 10 days of the date of the 1st violation notice to dispute the determination that a violation exists/existed at the property.
3. The verified presence of a public nuisance causes enforcement sanctions to be applied, including the assessment of administrative fees in accordance with the item(s) checked in the Fee Schedule, below:

Applies To Item(s) Checked Below	VIOLATION TYPE	ABATED IN 1 TO 30 DAYS "A"	ABATED IN 31 TO 60 DAYS "B"	ABATED IN 61 TO 90 DAYS "C"
X	Building Code	\$1,180	\$1,655	\$2,230
	Expired Plan Check / Building Permit Application	\$475	\$880	\$1,350
	Expired Building Permit	\$575	\$945	\$1,385
	All Other Violations	\$880	\$1,285	\$1,790
X	Administrative Board Hearing Notice	\$135/hr. (in addition to above fee(s) that apply)		
X	Administrative Board Hearing (Cases taken to the Administrative Board for enforcement upon failure to abate the violation)	\$4,085 (in addition to above fee(s) that apply)		
	Lien	\$1,690 (in addition to above fee(s) that apply)		
X	All Other Services	\$135/hr. (in addition to above fee(s) that apply)		

4. The amount in column "A" is due and payable to the City upon violation verification by staff. This fee will automatically increase ("B") and increase again ("C"), if abatement of all violations does not occur according to the timelines indicated.
5. Failure to abate the listed violation(s) and make payment of the applicable fees as noted will result in progressive enforcement, which may include referral to the Administrative Hearing Board for the assessment of civil penalties up to \$10,000.00. A lien may be placed on your property to secure unpaid fees, penalties, and cost. The failure of any person to appear at the Hearing shall constitute a failure to exhaust administrative remedies.
6. Persons aggrieved by an Administrative Order or determination following a hearing by an Administrative Hearing Board, may obtain a review of the Administrative Order with the Daly City City Council. You have the right to file an appeal with the City Clerk's Office in writing within 10 days from the date of the Order of the Administrative Hearing. A non-refundable \$100 appeal fee must be paid at the time the appeal is filed. Failure to file a valid written appeal in a timely manner will cause the automatic forfeiture of your appeal rights.
7. For questions regarding this information, please contact the Code Enforcement Office at (650) 991-8260.



City Council Agenda Report

Item # _____

Meeting Date: March 13, 2017

Subject: Appropriate Funds and Award a Construction Contract for the Civic Center North ADA Improvements Project

Recommended Action

Staff recommends City Council appropriate an additional \$165,000 of Civic Center Funds and award a construction contract to Empire Engineering & Construction, Inc. of San Francisco, California, in the amount of \$222,452.00 for the subject project. Staff further recommends that the City Council authorize the City Manager to execute the contract on behalf of the City and affirm the CEQA determination of Categorical Exemption.

Background

Civic Center North, located at 350 90th Street, is a City owned facility that is in need of accessibility improvements to comply with the Americans with Disabilities Act (ADA). The majority of work will involve correcting concrete and asphalt slopes to provide an ADA compliant path of travel for visitors to access the building. The project includes the following:

- Asphalt concrete grinding and asphalt concrete overlay.
- Construction of concrete sidewalk, ramps and retaining walls.
- Construction of a raised asphalt crosswalk.
- Installation of hand rails, signs and wheel stops.
- Installation of thermoplastic pavement markings.
- Relocation of a light post.

In a separate project Daly City's Building Maintenance Division will replace Civic Center North's main entrance door with a new ADA compliant automatic sliding door and install ADA wayfinding signage to direct visitors to the accessible entrance/exit. The scope of work to be completed by Building Maintenance is not included in the contract.

Discussion

On February 14, 2017, five (5) bids were received with total bids ranging from approximately \$222,000 to \$297,000. The following table summarizes the three lowest bids received and the Engineer's Estimate:

Bidder	Base Bid	Comments
1. Empire Engineering & Construction	\$222,452.00	Responsive Bid
2. Sposeto Engineering	\$238,662.00	Responsive Bid
3. FBD Vanguard Construction	\$246,332.20	Responsive Bid
Engineer's Estimate	\$180,621.00	

**Award of Construction Contract for the
Civic Center North ADA Improvements Project
Meeting Date: March 13, 2017
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Empire Engineering & Construction, Inc. of San Francisco, California, has been in business since 2005. This bidder holds the required Class A contractor's license which is current and in good standing. The bidder's references for work performed for other public agencies are acceptable, including the City of San Francisco. If the project is awarded as recommended, construction is anticipated to commence in April 2017 and be substantially complete by June 2017.

Fiscal Impact

The full estimated cost of the project is \$365,000 and consists of consulting services, construction, construction administration, inspection and contingency:

Design	\$55,000
ADA Sliding Door and Signage	\$20,000
Construction Contract Award	\$222,452
(15%) construction Inspection/administration	\$33,368
<u>(15%) contingency</u>	<u>\$33,368</u>
Total	\$365,000

The Civic Center North ADA Improvements project (31-313-503) is currently funded in FY 16/17 with \$200,000 from the Civic Center Fund. An additional appropriation of \$165,000 from the Civic Center Fund is needed to cover the full project cost. The City is in the process of finalizing an agreement with San Mateo County to fund a majority of the project using Measure K grant funds and expects to be reimbursed up to \$277,000 for eligible cost. The agreement language is being finalized by Daly City and San Mateo County counsel and should be ready for presentation to City Council within the next month for approval. With the anticipated addition of \$277,000 in Measure K funds the final cost in Civic Center funds could be as little as \$88,000 for this project.

Summary/Conclusion

Staff recommends City Council appropriate \$165,000 of Civic Center Funds and award a construction contract to Empire Engineering & Construction, Inc. of San Francisco, California, in the amount of \$222,452.00 for the subject project. Staff further recommends that the City Council authorize the City Manager to execute the contract on behalf of the City and affirm the CEQA determination of Categorical Exemption.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Ryan Brunmeier
Engineer I



John L. Fuller
Director of Public Works



City Council Meeting Agenda Report

Item # _____

Meeting Date: March 13, 2017

To: Honorable City Council
From: Anna Mostella, City Manager's Office
Date: March 7, 2017
Subject: Council Committee Meetings, February 27 – March 12, 2017

Date of Meeting:

February 27, 2017

Meeting:

Allocation of FY 2017-18 Community
Development Block Grant

In Attendance:

Raymond A. Buenaventura
Michael P. Guingona
Patricia E. Martel
Tatum Mothershead
Betsy Zobell
Lenelle Suliguin

/am

DALY CITY INTER-OFFICE MEMORANDUM

DATE: February 23, 2017

TO: Councilmember Michael Guingona
Councilmember Ray Buenaventura
Patricia Martel, City Manager

FROM: Lenelle Suliguin, Housing Coordinator 
Betsy ZoBell, Housing and Community Development Supervisor 

CC: Tatum Mothershead, Economic and Community Development Director 

SUBJECT: Allocation of FY 2017-18 Community Development Block Grant

This memo provides background information on the allocation of Daly City's FY 17-18 Community Development Block Grant (CDBG) funds, the topic of our meeting on February 27, 2017.

- A.** **Resources** – To date, the City has not yet received any notification from the US. Department of Housing and Urban Development (HUD) of its CDBG allocation amount for FY17-18. We do not have information about HUD's FY2017 overall budget for the CDBG program to be able to gauge if our allocation will be reduced or remain unchanged. For planning purposes and to fulfill our obligation to adopt and submit a One-Year Action Plan to HUD by May 2017 that articulates how we plan to spend CDBG funds for FY17-18, we have assumed an allocation of CDBG funds of \$921,458, an amount equivalent to last year's allocation. Combined with anticipated unspent prior year funds and program income, we estimate the City will have a total of \$1,051,458 for CDBG activities in FY17-18

Please be advised that this revenue estimate could change when we receive our actual CDBG allocation amount and as FY16-17 actual expenditures and program income is finalized.

- B.** **Funding Requests** - In December 2016, the City Council authorized staff to circulate a request for proposals to organizations and City Departments that intended to undertake activities that are eligible under the CDBG Program. Nineteen proposals were received for various programs provided by community organizations and City Departments, with total funding requests amounting to

approximately \$1.2 million. Total CDBG funding requests for FY17-18 exceed the estimated amount available by \$163,831.

- C. Recommended Allocations** – Table 1 shows the CDBG activities funded in FY16-17, the activities requesting funding for FY17-18, and a preliminary staff recommendation. The preliminary staff recommendation contemplates funding CDBG program administration at the maximum level allowable (\$196,292), eliminating micro-enterprise assistance activities carried out by staff and Renaissance Entrepreneurship Center and funding currently funded public services at their current levels. The amount for the Section 108 loan payment is dictated by the loan repayment schedule and is anticipated to increase annually until it is paid off in 2022.

The preliminary staff recommendation still leaves a projected shortfall for the 2017-18 CDBG program of \$42,006. Possible options for addressing this shortfall include eliminating certain public service activities and/or using non-CDBG funds to fund a portion of General Administration and/or Public Services. How and where the cuts will be made requires further discussion and HCD staff will provide whatever information is requested to inform the process.

Summary of FY17-18 CDBG applications

	FY16-17	FY17-18	FY17-18
ACTIVITY	FUNDED	AMOUNT REQUESTED	STAFF RECOMMENDATION
General Administration			
General Administration	196,292	196,292	196,292
subtotal	196,292	196,292	196,292
Economic Development			
City Microenterprise Assistance Program Delivery	21,525	21,525	-
Renaissance Entrepreneurship Center/Entrepreneurship Training	75,000	75,000	-
subtotal	96,525	96,525	-
Housing			
Rebuilding Together/National Rebuilding Day	20,000	10,000	10,000
Rebuilding Together/Safe at Home	10,000	20,000	10,000
Residential Rehab	430,000	430,000	430,000
CID/Housing Accessibility Modification (HAM) Program	10,000	10,000	10,000
subtotal	470,000	470,000	460,000
Capital Projects			
Section 108 Loan Payments	320,216	336,672	336,672
Daly City Youth Health Center/Capital Improvements*	n/a	15,000	-
subtotal	320,216	336,672	336,672
Public Services			
Daly City Peninsula Partnership/Community Service Center*	n/a	25,000	-
Daly City Youth Health Center/Elements for Success	6,000	8,000	6,000
Human Investment Project/Homesharing (HIP)	12,000	12,000	12,000
LifeMoves/Family Crossroads	16,000	16,000	16,000
John's Closet	5,000	5,000	5,000
Legal Aid/Homesavers	12,000	12,000	12,000
Mental Health Assoc of SMC/Daly City Friendship Center*	n/a	5,000	-
Peninsula Family Service	22,000	30,000	22,000
Project Read	20,000	20,000	20,000
Project Sentinel/ Fair Housing	7,500	7,800	7,500
subtotal	100,500	116,800	100,500
TOTAL EXPENSES	1,183,533	1,215,289	1,093,464
PUBLIC SERVICES CAP 17/18			196,292
ADMIN CAP 17/18			196,292
FY17/18 ESTIMATED ENTITLEMENT GRANT			921,458
ESTIMATED FUNDS AVAILABLE 17/18			1,051,458
ESTIMATED FUNDS LESS TOTAL EXPENSES			(42,006)

* project not funded in FY16-17