

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 13, 2017

The meeting was called to order by Mayor Sylvester at 7:40 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:

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

Supervisor Canepa invited all of District 5 residents for a resource fair on March 18 at Jefferson High School, and thanked the Mayor and Council for all their work. The Council thanked Supervisor Canepa for his sincerity in wanting to help Daly City, for having an open-door policy, and for doing an event in Daly City to bring the community together.

US Bicycle Route 95 in Daly City, CA (Malcolm Gordon/Volunteer)

Malcolm Gordon, Adventure Cycling Association volunteer, requested for Council to approve and endorse a 2-mile route in Daly City that would be part of the tour group's biking route.

APPROVAL OF MINUTES:

Regular Meeting of February 27, 2017

It was moved by Councilmember Christensen, seconded by Councilmember Guingona, and carried to accept the minutes of February 27, 2017.

At special request of the Mayor, below is the Daly City Municipal Code regarding meeting minutes:

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 13, 2017

Page 2

2.04.030 - Meetings—Minutes

The minutes of the city council or journal of their proceedings, shall be kept by the city clerk or secretary of the city council and shall be neatly typewritten in a book kept for that purpose, with a record of each particular type of business transacted set off in paragraphs and with proper subheads; provided, that the city clerk or secretary of the city council shall be required to make a record only of such business as was actually passed upon by vote of the city council, and shall not be required to record any remarks of members of the city council, or any other person, except at the special request of a member of the city council. A record shall be made of the names of the persons addressing the city council and the title of the subject matter to which their remarks related, provided request is made for such record.

APPROVAL OF AGENDA:

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

CONSENT AGENDA

It was moved by Vice Mayor Manalo, seconded by Councilmember Guingona and carried to approve the consent agenda.

Resolutions:

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

Resolution 17-31, Authorizing Use of Federal Asset Forfeiture (DEA) Funds to Contract with Hines EDI to Digitally Convert Archived Documents

Accepting FEMA Assistance to Firefighters Grant

Resolution 17-32, Approving Receipt of a Grant from the Federal Emergency Management Agency Assistance to Firefighters Grant Program

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

Resolution 17-33, Authorizing Professional Services Contract with Faithful + Gould

Approving an Increase to Construction Contract for Civic Center Roof and Gutter Rehabilitation

Resolution 17-34, Authorizing Increase to Construction Contract with Pioneer Contractors Inc. for Civic Center Roof and Gutter Rehabilitation Project

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 13, 2017

Page 3

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

Resolution 17-35, Authorizing Use of Federal Asset Forfeiture (DEA) Funds to Purchase Police Bicycles and Equipment

Setting Time and Place for a Public Hearing to Consider One-Year HUD Action Plan for Fiscal Year 2017-18 (Set Hearing 4/24/17)

Resolution 17-36, Setting Time and Place of Public Hearing on Daly City's One-Year Action Plan for Fiscal Year 2017-2018 Under the Community Development Block Grant and HOME Programs

Setting Time and Place of Public Hearing Regarding Linda Vista Area of Benefit Fiscal Year 2017-2018 (Set Hearing 5/08/17)

Resolution 17-37, Setting Time and Place of Public Hearing Re: Approve Engineer's Report and to Establish the Annual Benefit Assessments for the Linda Vista Area for Fiscal Year 2017-2018

END OF CONSENT AGENDA

PUBLIC HEARINGS:

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

Code Enforcement Officer Kathy Campbell requested that a lien be placed on the property at 19 Garibaldi Street for fees and fines totaling \$15,095. Ms. Campbell explained that although the Administrative Hearing Board placed a notice of violation on the property, the owner, Jose Luis Hernandez, has not submitted plans to abate the cited violations. Staff recommended Council to adopt a resolution allowing the cost of all administrative fees and penalty fines to become a lien on the subject property.

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

It was moved by Councilmember Christensen, seconded by Councilmember Guingona and carried to close the public hearing.

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

Resolution 17-38, Confirming and Adopting the Findings of the Administrative Appeal Board, Declaring Residential Premises to be a Public Nuisance, and Allowing Such Costs, Penalties and Assessments to be, Rendered and Recorded as a Lien or Assessment (19 Garibaldi Street)

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 13, 2017

Page 4

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

Ms. Campbell requested that a lien be placed on the property at 125 Shakespeare Street for fees and fines totaling \$14,085. Ms. Campbell explained that the Administrative Hearing Board placed a notice of violation on the property, and the owners, Roy and Monalin Arnesen, attempted to complete the abatement of said violation. However, an inspection confirmed that the abatement was incomplete, and the cited violations have not been corrected. Staff recommended Council to adopt a resolution allowing the cost of all administrative fees and penalty fines to become a lien on the subject property. The property owners submitted a written document opposing the claim to lien.

Mayor Sylvester opened the public hearing. There were no speakers on this item.

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

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

Resolution 17-39, Confirming and Adopting the Findings of the Administrative Appeal Board, Declaring Residential Premises to be a Public Nuisance, and Allowing Such Costs, Penalties and Assessments to be, Rendered and Recorded as a Lien or Assessment (125 Shakespeare Street)

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

Ms. Kathy Campbell requested that a lien be placed on the property at 349 Bellevue Avenue for fees and fines totaling \$16,585. Ms. Campbell explained that although the Administrative Hearing Board placed a notice of violation on the property, the owners, Stanway K.C. and Dawnee Wong, have not corrected the cited violations. Staff recommended Council to adopt a resolution allowing the cost of all administrative fees and penalty fines to become a lien on the subject property.

Mayor Sylvester opened the public hearing. There were no speakers on this item.

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

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

Resolution 17-40, Confirming and Adopting the Findings of the Administrative Appeal Board, Declaring Residential Premises to be a Public Nuisance, and Allowing Such Costs, Penalties and Assessments to be, Rendered and Recorded as a Lien or Assessment (349 Bellevue Avenue)

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 13, 2017

Page 5

Councilmember Buenaventura expressed appreciation for and pride in Ms. Campbell's work, and wished her the best on her retirement.

AWARD OF BIDS/CONTRACTS:

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

Assistant Director of Public Works/City Engineer Richard Chiu gave an overview of the subject project, a City-owned facility that is in need of accessibility improvements to comply with the Americans with Disabilities Act (ADA). For this project, five bids were received, with a low bid received from Empire Engineering & Construction in the amount of \$222,452.

According to Mr. Chiu, the full estimated cost of the project is \$365,000 and consists of consulting services, construction, construction administration, inspection and contingency. Because the improvement project is funded in FY 16/17 with only \$200,000 from the Civic Center Fund, an additional appropriation of \$165,000 from the Civic Center Fund is required. However, 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 the project.

Staff recommended Council adopt a resolution to appropriate said amount of \$165,000, and award the construction contract to Empire Engineering & Construction. Mr. Chiu addressed Council's question regarding the budget for the project and the reimbursement amount from Measure K funds.

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

Resolution 17-41, Authorizing Execution of Construction Contract with Empire Engineering & Construction, Inc. for Civic Center North ADA Improvements Project

Ms. Martel reported that these improvements will also help us lease the space for the Daly City Youth Health Center located across the street, and cited long-term benefits for the City.

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Gabriella Makstman, resident, expressed concern with money that was being held by the Doelger Center for Duggan's Mortuary. She wanted to call attention to this strange exchange or transfer of monies, and requested further research into the matter.

Ms. Martel clarified for Council that the check in question was written to Duggan's for reimbursement of expenses incurred by the Doelger Supporters Group (DSG), a non-profit organization for which the City is the fiscal agent.

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 13, 2017

Page 6

Pamela DiGiovanni, resident, reported that the immigration “Know Your Rights” clinic on Saturday was well done and very informative. She encouraged the public to attend future clinics and thanked the City Manager, DCPD, and the Vice Mayor for all their hard work.

The following Franciscan Park residents expressed concern over LINC’s poor management of the Franciscan Mobile Home Park, and its non-compliance to the regulatory agreement. People asked for management accountability and a transfer of ownership from management to the Franciscan residents. Individuals opposed the unexplained 3% rent increase, and the inflated property taxes resulting from LINC’s poor financial management. Others brought up various concerns including: the lack of low-income homes at the site, building non-low-income homes on low-income sites, LINC’s non-compliance to the issued court order, misinformation, and LINC’s intimidating tactics to force out low-income and senior residents from the park. Another speaker expressed concern over City staff not performing their due diligence in this matter and questioned who is looking out for residents’ rights. Individuals requested a Study Session where residents could discuss these issues with the Council and City staff.

Lou Delcorto, FRAC/HUD
Mary Ann Mann, Franciscan Park
Dave Barrett, FRAC
Bob Quinn, FRAC

David Medrano, owners FRAC
Bill Stipinovich, FRAC
Michael Ziganti, Franciscan Park
Sonny Quinquini, FRAC

APPOINTMENTS:

It was moved by Councilmember Guingona and seconded by Councilmember Christensen to re-appoint Pauline Fong-Martinez to the Arts & Culture Commission. Motion failed by the following vote:

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

‘ Ms. Zimmerman addressed the Mayor’s question and explained that should the Mayor abstain, there would be no vote.

Ms. Zimmerman addressed Councilmember Guingona’s question and explained that if a commissioner serves a term, their term would be finished by term expiration date, but by practice the City has allowed that person to stay over their term if no appointment occurs.

Ms. Zimmerman addressed Councilmember Buenaventura’s question and explained that from a strict reading of the code, if a commissioner’s term is up, technically there would be a vacancy.

Ms. Zimmerman addressed Councilmember Buenaventura’s question and explained that the Council as a whole appoints commissioners, even though it has been the practice of the Council in the past to defer to a Councilmember’s personal appointment of a commissioner.

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 13, 2017

Page 7

Mayor Sylvester requested the City Attorney to conduct further research and provide the code section on this matter. Ms. Hipona confirmed that there is a current vacancy in the Arts & Culture Commission.

REPORTS:

Council Committee

Council Committee Meetings, February 27 - March 12, 2017

Allocation of FY 2017-18 Community Development Block Grant (Guingona/Buenaventura)

Vice Mayor Manalo reported she had requested a Daly City Station Committee due to the importance of dialogue for continued revenue stream for the City. In late March, there will be an RFP out for a possible hotel by the Daly City BART station, and Council may have a decision in July. Vice Mayor Manalo noted that Daly City is a special place and location, and emphasized the importance of having a hotel in the City and market other opportunities.

Mayor Sylvester reported attending the JPA San Mateo Medical Services Group meeting where they discussed emergency response times and the practice of standardized training. The Mayor also reported on attending the San Mateo Mosquito and Vector Control District, where he was sworn in as the new Trustee. They discussed an ad campaign to spread knowledge about vector-borne diseases. He acknowledged former Trustee Christine Fuller as a mentor.

City Council

Vice Mayor Manalo requested a report on ERAF dollars. Ms. Martel stated it would be addressed during the City's mid-year budget review.

Councilmember Christensen expressed objection to a lack of courtesy towards a commission member who had given selflessly to the community. She felt that Council should show appreciation for this member, and that commission appointments should not be political patronage. Councilmember Christensen objected to not being allowed to speak, and stated Councilmembers in the past were able to make a 2-3 sentence statement as part of their vote.

Mayor Sylvester met with the following groups to discuss concerns by, and programs for, the youth and the community: the Brisbane School District Board, Bayshore senior citizens, and the Bayshore Elementary School. Mayor Sylvester requested the provision of refreshments and snacks at commission meetings since commissioners are not compensated and can hold meetings which last 2 hours. The Mayor thanked Vice Mayor Manalo for bringing about the immigration reform program and for making it a success by working with staff and the community. He requested Council commendations for the two instructors who worked pro-bono in providing immigration workshops. Mayor Sylvester acknowledged receipt of letters of support from Assemblymember Phil Ting and Senator Scott Wiener and asked that they be archived with the resolution. Mayor Sylvester wanted to provide transparency and reported that a list of all committees and persons serving each committee is now posted on the City website. Lastly, the

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
MARCH 13, 2017

Page 8

Mayor requested that Municipal Code 2.04.030, indicating that a request of any Councilmember on their remarks shall be clearly typewritten and placed in the minutes, be added verbatim on the upcoming minutes (see page 2, paragraph 1 for full transcript of code).

Staff

There were no reports

ADJOURNMENT:

Mayor Sylvester requested a moment of silence and adjourned the meeting in memory of Kham Khounpangna, Florenceann O'Rourke, Rudy Rosendo Valeros, Eddy Young, and Jose Montenegro at 9:00 P.M.

K. Annette Hipona
City Clerk

Approved as submitted, this 27th
day of March, 2017.

Glenn R. Sylvester
Mayor