CITY OF DALY CITY

City Council Special - CITY COUNCIL

AGENDA

Tuesday, May 26, 2015 - 7:00 PM

For those wishing to address the City Council on any Item on the Agenda or under Public Appearances/Oral Communications, please complete a Speaker Card located at the entrance to the Council Chambers and submit to a Staff Member as early in the meeting as possible.

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should call the office of the City Clerk at 991-8078 as soon as possible.

CALL TO ORDER:

Minutes:

The meeting was called to order by Mayor Buenaventura at 7:00 P.M.

2:46 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Proclaiming May 26, 2015 as Westmoor Service Commission ("Greenhats") Day (Donald Delbon, Teacher and Founder of the Greenhats)

Minutes:

Councilmember Guingona presented a proclamation proclaiming May 26, 2015 as Westmoor Service Commission ("Greenhats") Day to Donald Delbon, Teacher and Founder of the Greenhats. Mr. Delbon thanked the Council and introduced the students on the Westmoor Service Commission.

Marian Mann thanked Mr. Delbon for working with her son and touching their lives.

2:46 PM

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.

Presentation of Sustainable San Mateo County (Adrienne Etherton, Executive Director, Sustainable San Mateo County)

Minutes:

Adrienne Etherton, Executive Director, Sustainable San Mateo County, gave a PowerPoint presentation on Sustainable San Mateo County. She requested Council's support for the Indicator Report for Fiscal Year 2015-16.

2:46 PM

APPROVAL OF MINUTES:

Regular Meetings of April 13, 2015 and April 27, 2015

It was moved by Councilmember Canepa, seconded by Councilmember Guingona to approve the minutes of April 23, 2015 and April 27, 2015.

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

APPROVAL OF AGENDA:

It was moved by Vice Mayor Torres, seconded by Councilmember Christensen to approve the agenda.

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

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and may be approved by one roll call vote of the City Council. There shall be no separate discussion of the matters on the Consent Agenda unless requested by a member of the City Council. If discussion is required, that item will be removed from the Consent Agenda and will be considered separately at the end of the Agenda.

Minutes:

Mayor Buenaventura stated it was requested that Item No. 3, Authorizing Grant Application for Cycle 2 Active Transportation Program Funding, Item No. 4, Authorizing the City Manager to Execute an Agreement Between the City of Daly City and the Daly City Partnership to Manage the Community Services Center and Item No. 5, Approving a Resolution of the City Council of the City of Daly City in Support of Adopting the Principles of the United Nation Convention on the Elimination of all Forms of Discrimination Against Women ("CEDAW"), be taken at the end of the Consent Agenda.

2:46 PM

Resolutions:

1. Authorizing Use of State Asset Forfeiture Education Funds to Provide Equipment and Training to the Daly City Explorer Post

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to adopt Resolution No. 15-72, Authorizing Use of Asset Forfeiture Funds to Provide Equipment and Training to the Daly City Police Explorer Post

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

2. Resolution of Support for Establishing a Priority Conservation Area for the California Coastal Trail

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to adopt Resolution No. 15-73, Supporting the California Coastal Trail as a Priority Conservation Area

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

3. Authorizing Grant Application for Cycle 2 Active Transportation Program Funding

Minutes:

Councilmember Guingona requested this item be taken at the end of the consent agenda.

Director of Public Works John Fuller stated in 2013, the State Senate and State Assembly both passed companion bills that created the Active Transportation Program (ATP). The City is planning to apply for funding through this program.

Our project will install bicycle and pedestrian improvements along Junipero Serra

Corridor and Eastmoor and San Pedro to East Market Corridor. We already have a TDA grant for bicycle routes on Eastmoor between Sullivan and Highway 35. It will also allow us to fill in some gaps in the sidewalks at the border with Colma on Mission Street as well as putting in some bulb outs and other pedestrian safety improvements on both corridors.

2:46 PM

It was moved by Councilmember Guingona, seconded by Councilmember Christensen to adopt Resolution No. 15-74, Authorizing Submission of a Grant Application to the California Department of Transportation (Caltrans) and the Metropolitan Transportation Commission (MTC) for the Cycle 2 Active Transportation Program Grant Funding for Daly City (Central Corridor Bicycle and Pedestrian Improvements Project)

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

4. Authorizing the City Manager to Execute an Agreement Between the City of Daly City and the Daly City Partnership to Manage the Community Services Center

Minutes:

Mayor Buenaventura requested this item be taken at the end of the consent agenda.

City Manager Patricia Martel requested authorization to execute an agreement between the City of Daly City and the Daly City Partnership to provide program management services for the Community Services Center in an amount not to exceed $120,000 through June 30, 2016.

Ms. Martel provided information on the agreement with Pyramid Alternatives for Program Management Services at the Community Service Center. Due to an organizational transition at Pyramid Alternatives, Pyramid notified the City that it would terminate its contract with the City. Upon notification, the City Manager entered into discussions with the Daly City Partnership to potentially manage the Center.

The professional services agreement will provide ongoing management oversight and supervision of the staff, programs and services at the Community Services Center. This will be accomplished with the provision of a full-time Program Manager to coordinate and monitor program activities on a daily basis.

Pat Bohm, Daly City Partnership, thanked the City Manager for her confidence in the Partnership. She stated we are excited for this opportunity because it fits into our mission to connect people to services that promote well-being.

2:46 PM

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

Resolution No. 15-75, Authorizing Execution of Agreement Between the City of Daly City and the Daly City Partnership to Manage the Community Service Center

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

5. Approving a Resolution of the City Council of the City of Daly City in Support of Adopting the Principles of the United Nation Convention on the Elimination of all Forms of Discrimination Against Women ("CEDAW")

Minutes:

Councilmember Christensen and Councilmember Canepa requested this item be taken at the end of the consent agenda for discussion.

2:46 PM

It was moved by Councilmember Christensen, seconded by Councilmember Canepa to adopt Resolution No. 15-76, In Support of Adopting the Principles of the United Nation Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW")

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

6. Substantial Amendment to Fiscal Year 2013-14 HUD Action Plan

Staff:
ZoBell
Recommended Action:
Open/Close Hearing
Adopt Resolution
Roll Call

Minutes:

Housing and Community Development Supervisor Betsy ZoBell stated this request is for Council to conduct a public hearing, approve an amendment to the City's 2014-2015 HUD Action Plan allowing for the use of $90,000 in Community Development Block Grant funds for the purpose of paying closing costs associated with refinancing the City's 2004

Section 108 loan.

The Section 108 loan was executed for the purpose of financing the development of the Bayshore Community Center. In March 2015, the city was notified by HUD staff of an opportunity to refinance the remaining balance on the loan. Overall, the City would achieve approximately $380,000 in savings in CDBG funds that could be used to address any eligible community development activity.

In order to take advantage of this refinance opportunity, the City needed to meet a May 5th deadline for authorizing the refinance and committing to paying for the refinance closing costs, which was accomplished at the April 27, 2015 Council meeting. The $90,000 is an eligible use of CDBG funds but only if a public hearing notice of 30-days is first carried out. Notice of tonight's public hearing began on April 24, 2015, so at this point, the City Council can vote to utilize CDBG funds for the Section 108 loan, thereby saving $90,000 in general funds.

Mayor Buenaventura opened the public hearing.

2:46 PM

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

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

It was moved by Councilmember Canepa, seconded by Councilmember Christensen to adopt Resolution No. 15-77, Approving an Amendment to the City's HUD Consolidated One-Year Action Plan for Fiscal Year 2013-14 and Approving the Use of Unallocated CDBG Funds to Reimburse the City General Fund

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

7. Approval of Benefit Assessments for Linda Vista Area for Fiscal Year 2015-2016

Staff:
Towne
Recommended Action:
Open/Close Hearing
Adopt Resolution
Roll Call

Minutes:

Director of Public Works John Fuller stated staff requests Council approval of the

engineer report and the Fiscal Year 2015-2016 property assessment for the Linda Vista Benefit Assessment District, which includes two areas, the Linda Vista area and Bay Ridge area. These two districts serve the drainage from the Bay Ridge and Linda Vista subdivisions. The Bay Ridge area serves 177 lots and the Linda Vista drainage area serves 176 lots.

The assessment for Fiscal Year 2015-16 for Linda Vista and Bay Ridge will remain unchanged from Fiscal Year 2014-15. The proposed assessments for Fiscal Year 2015-16 are $151.13 for Linda Vista and $100.46 for Bay Ridge.

Mayor Buenaventura opened the public hearing.

2:46 PM

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

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

It was moved by Councilmember Canepa, seconded by Councilmember Christensen to adopt Resolution No. 15-78, Approving Engineer's Report and Imposing a Benefit Assessment for Fiscal Year 2015-2016

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

COMMUNICATIONS:

8. Use Permit UPR-3-15-10644 — Construction of a detached garage at 63 Mateo Avenue

A. EA (Categorical Exemption)
B. Findings
C. UPR-3-15-10644

Staff:
VanLonkhuysen
Recommended Action:
Motion on A
Adopt Resolution A & B
Roll Call

Minutes:

Interim Planning Manager Michael Van Lonkhuysen gave a PowerPoint presentation on the project site and reviewed the use permit application to construct an

accessory structure at the rear of the existing home at 63 Mateo Avenue. The site is located northeast of the intersection of Vale Street and Mateo Avenue.

2:46 PM

It was moved by Councilmember Christensen, seconded by Vice Mayor Torres to concur with the Categorical Exemption under CEQA requirements.

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

It was moved by Councilmember Christensen, seconded by Vice Mayor Torres to adopt Resolution No. 15-79, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-3-15-10644 to Construct a Detached Garage Behind Existing Residence (63 Mateo Avenue, Daly City, California)

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

9. Variance VARC-4-15-10763 — Parking variance for existing retail center at 6220 Mission Street

   A. EA (Categorical Exemption)
   B. Findings
   C. VARC-4-15-10763

   Staff:
   VanLonkhuysen
   Recommended Action:
   Motion on A
   Adopt Resolutions B & C
   Roll Call

Minutes:

nterim Planning Manager Michael Van Lonkhuysen gave a PowerPoint presentation on the project site and reviewed the applicant, Goldilocks USA, request for approval of a parking variance to allow the conversion of an existing tenant space from a hair salon into a restaurant with bakery at 6220 Mission Street. The site location is west of the intersection of Mission Street and Flournoy Street.

2:46 PM

It was moved by Councilmember Canepa, seconded by Councilmember Guingona to concur with the Categorical Exemption under CEQA requirements.

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

It was moved by Councilmember Canepa, seconded by Councilmember Guingona to adopt Resolution No. 15-80, Affirming Categorical Exemption (CEQA), Adopting Findings of Fact and Imposing Conditions of Approval on Variance (VARC-4-15-10763) Parking Variance for Restaurant with Bakery in an Existing Retail Center (6220 Mission Street, Daly City, California)

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

10. Use Permit UPR-12-14-10093 and Design Review DR-12-14-10094 - Steak 'N Shake Restaurant at 362 East Market Street

Staff:
VanLonkhuysen
Recommended Action:
Motion on A
Adopt Resolutions B & C
Roll Call

Minutes:

Interim Planning Manager Michael VanLonkhuysen gave a PowerPoint presentation on the project site and reviewed the applicant, Daniel Leder, proposal of a new drive-through "Steak 'N Shake" Restaurant on a vacant half-acre property at 362 East Market Street. The location is bound by East Market Street to the north, Cobblestone Court to the south, Hillside Boulevard to the east and Third Avenue to the west.

This is a 71 seat sit down restaurant with drive-through facility. The proposed hours of operation are 6:00 a.m. to 12:00 a.m., seven days a week. There are 27 parking spaces, eight-vehicle queue-length at drive-through, single entrance from East Market Street, exits onto East Market Street and Hillside Boulevard and no alcohol served.

Staff added the following condition: "Requirement for rooftop air scrubber and mechanical screen" and amended Condition No. 52 to include "The applicant shall restripe the median in East Market Street to reflect a double-yellow line" and add a "Left Turn Okay" sign at the East Market Street exits.

The Planning Commission recommended that the City Council deny the project. Their cited concerns were the restaurant did not fit into the neighborhood, visual impact to adjacent neighborhood; and existing and anticipated traffic conditions.

Staff recommends the Council adopt the findings as outlined in staff report; affirm the Environmental Assessment; and approve the use permit and design review, subject to

the findings and conditions of approval, as amended.

The following individuals were opposed to a Steak 'N Shake Restaurant at this location:

Rich Rocchetta, representing the Hillside Homeowners Improvement Association
John Giannini
Rino Ceccato
Teresa Proaño
Edward Matiasil
John Boyer
Mandy Chan
Evangelyn Pascual-Castillo and Gemmo Castillo
Bill Stipinovich, representing Franciscan Resident Advisory Committee for the Franciscan Mobilehome Park
Alfonso Joo
Rosalie Bacani
Luisa Lee
Brent Marquez-Valenti, Principal at Thomas R. Pollicita School
Peggy Sue Lopez-Mendoza
Nick Proaño

Cited concerns were lack of parking for customers and employees, hours of operation, traffic congestion and noise.

Rebecca Husted, Daly City/Colma Chamber of Commerce stated the chamber is in support of this project.

The following members of Steak 'N Shake Restaurant addressed the resident's concerns:

Dan Leder, representing Steak 'N Shake Restaurant
Randy Kopplin, Kopplin Architectural Group for Steak & Shake
Manuel Quintepo, AF 3 Partners – Landscape Architect for Steak & Shake
Luis Cuadra, Berg Davis Public Affairs for Steak & Shake
Jim Reuben, representing Steak & Shake

Mr. Leder stated the project will bring in employment opportunities and maximum revenue. He agreed with all the conditions of the use permit.

A lengthy discussion ensued with the applicant and staff answering Council's concerns regarding who will maintain the sidewalk, traffic entering and exiting the restaurant, employee parking, truck deliveries, noise from the scrubber, reducing hours of operation, litter control, closing of the drive thru and job training.

Mayor Buenaventura stated for the record he has a petition signed by 36 members

of the community opposed to the project and a letter opposing the project from Mary Ellen Scherer, President of the Daly City Neighborhood Association and Teresa and Gustavo Proaño.

Vice Mayor Torres recommended eliminating the left turn, using potted trees and adding a certain report date after six months from occupancy to condition number four. Staff added the idea of providing a sign for vehicles exiting the drive thru to exit onto Hillside to go west on East Market Street.

2:46 PM

It was moved by Councilmember Guingona, seconded by Councilmember Christensen to concur with the Categorical Exemption under CEQA requirements.

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

It was moved by Councilmember Guingona, seconded by Councilmember Christensen to adopt Resolution No. 15-81, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-12-14-10093 and Design Review DR-12-14-10094 for a New Drive-thru Steak 'N Shake Restaurant (362 East Market Street, Daly City, California)

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

AWARD OF BIDS/CONTRACTS:

11. Award of Purchase Contract for Three 2016 Ford Police Utility Interceptors

Staff:
Shiosaka
Recommended Action:
Adopt Resolution
Roll Call

Minutes:

Motor Vehicle Supervisor Thomas Shiosaka recommended that the City Council award the purchase contract for three Ford vehicles from The Ford Store of San Leandro in the amount of $82,346.96

2:46 PM

It was moved by Councilmember Canepa, seconded by Councilmember Christensen to adopt Resolution No. 15-82, Authorizing Bid Award for the Purchase of Three 2016 Ford Police Utility Interceptor

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

12. Award of Contract for 2015/2016 Fiscal Year Tree Maintenance Services

Staff:
Fornesi
Recommended Action:
Adopt Resolution
Roll Call

Minutes:

Street Services Supervisor Jeff Fornesi recommended the City Council authorize the transfer of salary savings and award a contract to West Coast Arborist of Anaheim, California in an amount not-to-exceed $125,000 annually for tree maintenance services, and authorize the City Manager to execute the contract on behalf of the City.

2:46 PM

It was moved by Councilmember Christensen, seconded by Councilmember Guingona to adopt Resolution No. 15-83, Authorizing the Use of Salary Savings and Awarding Contract for 2015-2016 Fiscal Year Tree Maintenance Services

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

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

NOTE: Speakers are limited to two minutes, unless modified by the Mayor. The Council cannot take action on any matter raised under this item

Minutes:

Gloriann Jones reported that the derelict gas station building on Skyline has been removed. She also reported about the ongoing street light outage and that there is no word on the promised community meetings to discuss fixing this problem. We hope it will not take thirteen years to give us street lights that work.

Richard Rochetta, representing Hillside Homeowners, reported they were not aware of the car wash going all night until we started talking with the residents about Steak 'N Shake. We delivered a letter to Ms. Mothershead documenting it. Since then we have noticed the owner putting up cones, but we will keep an eye on it and let you know.

2:46 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

It was moved by Vice Mayor Torres, seconded by Councilmember Canepa to re-appoint Arlene Encarnacion to the Library Board of Trustees with term expiring April 27, 2018.

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

REPORTS:

13. Council Committee

Minutes:

There were no reports.

2:46 PM

14. City Council

Minutes:

Councilmember Christensen reported on the removal of the canopy, building and rusted gas pumps at the gas station on Skyline.

2:46 PM

15. Staff

Minutes:

There were no reports.

2:46 PM

ADJOURNMENT:

Minutes:

Pamela DiGiovanni reported on the passing of Mary Connell. She thanked the city staff for reaching out and being so kind to her.

2:46 PM

It was moved by Councilmember Canepa, seconded by Councilmember Christensen to adjourn the meeting at 10:01 P.M. in memory of Mary Connell, Paul Stewart, Nori Guss, Edward Guzman, Patricia Campana and Lonnie Baker.

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