

# CITY OF DALY CITY

## REGULAR MEETING - CITY COUNCIL

### AGENDA

Monday, June 08, 2009 - 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 Torres at 7:24 p.m.; 7:24 PM**

#### PLEDGE TO THE FLAG:

#### ROLL CALL:

#### APPROVAL OF MINUTES:

Motion on Approve

Motion to approve minutes of April 13 and 27, 2009

**Passed For: 0; Against: 0; Abstain: 0; Absent: 0**

Regular Meetings of April 13 and April 27, 2009

#### APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the agenda

**Passed For: 0; Against: 0; Abstain: 0; Absent: 0**

**Minutes: Mayor Torres stated it was requested that Item No. 18, Reaffirmation of Membership in the San Mateo County Pre-Hospital Emergency Medical Services Group and Item No. 19, Authorizing Agreement for Exchange of Emergency Medical, Rescue and Fire Protection Services Automated Aid Agreement would be taken before the public hearings.; 7:24 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 90<sup>th</sup> 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.*

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 Torres stated it was requested that Item No. 1, Commending Doris Thomasson Upon Her Retirement and Item No. 14, Approving Waiver of Annual Administrative Fee to City of Daly City for the Franciscan Park would be taken at the end of the Consent Agenda.; 7:24 PM**

Resolutions :

1. Commending Doris M. Thomasson Upon Her Retirement

**Minutes: City Manager Patricia Martel expressed appreciation for Doris Thomasson on the more than thirty-six years that she has worked with the City and extended best wishes in her retirement.**

**The City Council commended Doris Thomasson on her dedicated service for the more than thirty-six years and extended its best wishes on her retirement.**

**Doris Thomasson thanked the Council and the City Manager for all the kind words and expressed appreciation for her crew and the City Employees.**

**Marian Mann, on behalf of the Daly City/Colma History Guild and the Daly City Anti-Graffiti Committee, expressed appreciation for Doris Thomasson's unwavering service.**

**Judith Christensen, former Councilmember, expressed appreciation for Doris Thomasson's many years of service to Daly City and for being such a wonderful person.  
; 7:39 PM**

Motion on Adopt

Motion to adopt Resolution No. 09-83, Commending Doris Thomasson on the Occasion of her Retirement

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

2. Resolution Implementing Furloughs for Operating Engineers, Local 39

Motion on Adopt

Motion to adopt Resolution No. 09-70, Adopting Side Letter Agreement Authorizing Implementation of Furloughs (International Union of Operating Engineers/Stationary Engineers Local 39)

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

3. Resolution Implementing Furloughs, Salary, and Health and Welfare Benefit Freezes for Plant Maintenance Association

Motion on Adopt

Motion to adopt Resolution No.09-71, Adopting Side Letter Agreement Authorizing Implementation of Furloughs, Salary and Health and Welfare Benefit Freezes (Plant Maintenance Association)

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

4. Resolution Implementing Furloughs for AFSCME, Local 829

Motion on Adopt

Motion to adopt Resolution No.09-72, Adopting Side Letter Agreement Authorizing Implementation of Furloughs (AFSCME, Local 829)

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

5. Job Specification Approval for Property Room Manager

Motion on Adopt

Motion to adopt Resolution No. 09-73, Authorizing Establishment of Police Property Room Manager

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

6. Resolution of Intent to Adopt Appropriations Limitation (Gann Limit) for Fiscal Year 2009-2010 on June 22, 2009

Motion on Adopt

Motion to adopt Resolution No. 09-74, Adopt its Appropriations Limitation for the Fiscal Year 2009-2010 on June 22, 2009

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

7. Authorizing Execution of the California Department of Transportation's Disadvantaged Business Enterprise (DBE) Implementation Agreement

Motion on Adopt

Motion to adopt Resolution No. 09-75, Approving California Department of Transportation Disadvantaged Business Enterprise (DBE) Implementation Agreement (Fiscal Year 2009-2010)

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

8. Amending Traffic Regulations:
  1. Removing existing 44-foot Handicap (Blue) zone on the south side of Winchester Street, west of Crocker Avenue (TSR 09-63);
  2. Designating seven (7) diagonal parking spaces on the west side of Hillside Boulevard, north of Alp Avenue, two-hour limited parking (Green) zone between the hours of 8:00 am and 6:00 pm, Mondays through Saturdays (TSR 09/64);
  3. Designating No Parking (Red) Zone at the south end of Oakridge Drive (TSR 09/66); and
  4. Designating 14-foot No Parking (Red) zone along the north side of Eastlake Avenue, west of the driveway at 65 Eastlake Avenue (TSR 09/67).

Motion on Adopt

Motion to Adopt Resolution No. 09-76, Establishing Traffic Regulations

**Failed For: 5; Against: 0; Abstain: 0; Absent: 0**

9. Authorizing the Submittal of a Grant Application to the United States Department of Energy, Energy Efficiency and Conservation Block Grant Program

Motion on Adopt

Motion to Adopt Resolution No. 09-77, Authorizing Submission of a Grant Application to the United States Department of Energy, Efficiency and Conservation Block Grant (EECBG) Program

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

10. Authorizing Execution of Contract with MuniServices LLC for Business License Audit Services

Motion on Adopt

Motion to Adopt Resolution No. 09-78, Authorizing Execution of Contract with Muniservices LLC Business License Audit Services

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

11. Accepting Completion of Improvements for the War Memorial Community Center and John Daly Library Public Address System and South System

Motion on Adopt

Motion to Adopt Resolution No. 09-79, Accepting Completion of Certain Project (War Memorial Community Center and John Daly Library Public Address System and Sound System)

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

12. Authorizing the Police Department to Use State Asset Forfeiture Funds For Purchase of Two Safe Restraints Incorporated Wrap Systems

Motion on Adopt

Motion to adopt Resolution No. 09-80, Authorizing Use of Asset Forfeiture Funds for Purchase of Two Safe Restraints Incorporated Wrap Systems

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

13. Granting the Express Authority for the City Treasurer to Purchase Investments that Exceed the City's Five Year to Maturity Limit

Motion on Adopt

Motion to Adopt Resolution No. 09-81, Granting the City Treasurer Authority to Purchase Investments that Exceed the City's Five Year to Maturity Limit

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

14. Approving Waiver of Annual Administrative Fee to City of Daly City for the Franciscan Park

**Minutes: Director of Economic and Community Development Richard Berger stated at the Study Session meeting, the City Council went over staff's review of all the documents and pertinent material relating to the Franciscan Park and directed staff to bring back for Council's consideration. Staff recommends approval to waive the City's annual administrative fees in the amount of approximately \$33,400 for this fiscal year and to start a rental assistance program at the Franciscan Park. The Council also directed staff to work with LINC and the Franciscan Mobile Home Park.**

**Sandy Holeman, resident of the Mobile Home Park, stated the residents would like to have some say in developing the rental program and what is going on at the Park. We would appreciate anything the City can do to help the low income people.**

**Sonny Quinquini, resident of the Mobile Home Park, thanked the Council for helping the residents at the Franciscan Park. He spoke about the alternative plan that was submitted. We agree with the \$33,400. We want the rent increase to be addressed. We want to have a say on how this should be monitored.**

**Bob Quinn, resident of the Mobile Home Park, was concerned about the changes in the new lease agreement regarding the obligation to pay the Park additional fees and charges that are listed in the agreement. He was concerned about where the money was and who holds the money. He had another concern about the gas system being out of compliance. The had teams of California Public Utility Inspectors checking the gas system. We do not know the outcome of that inspection. Where is that money going to come from if the system needs to be repaired?**

**Discussion ensued with the Council addressing the resident's concerns and Mr. Berger stating that the Franciscan Housing Corporation (FHC) is made of seven people, three**

**residents from the Park are appointed by the FHC to sit on this Board, three members from the owners (LINC) and one City representative.**

**Hunter Johnson, LINC Housing Corporation, stated the money never leaves the park except for operating expenses and debt services. It only goes for improvement and operating the Park. The regulatory agreement and cooperation agreement that the residents signed called for the setting up of the Franciscan Advisory Committee (FAC), which has been suspended because a form was filed late with the State. The State is not processing them promptly because of the State's budget problems but it has been filed.**

**Mr. Johnson further explained the books are audited by an independent CPA, and the audit is provided to the City. The audit, operating budget and financial statements are available for review in the Park. There is also another independent firm that looks at how we are in compliance and has to approve the capital expenses for capital improvement.;**  
**8:05 PM**

Motion on Adopt

Motion to Adopt Resolution No. 09-84, Approving Waiver of Annual Administrative Fee to City of Daly City for the Franciscan Park

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

Authorizing Budgetary Adjustments:

Motion on Adopt

Motion to adopt Resolution No. 09-82, Approving Receipt of a Grant from the Thelma Doelger Charitable Trust for the Daly City Library's Summer Reading Program and Appropriation of Funds to the Library's Special Department Account

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

15. A. Accepting and Appropriating a \$5,000 Grant from the Thelma Doelger Charitable Trust for the Daly City Library's Summer Reading Programs

END OF CONSENT AGENDA

PUBLIC HEARINGS:

Joint Session with the Redevelopment Agency

16. Public Hearing regarding a Disposition and Development Agreement (DDA) and allocation of HOME funds for 7555 Mission Street

**Staff**

ZoBell

**Recommended Action**

Open/Close Hearing

Adopt Resolution Roll Call

**Minutes: Mayor Torres called to order the Joint Public Hearing of the City Council of the City of Daly City and the Daly City Redevelopment Agency at 8:09 P.M. and upon roll call; Directors Canepa, Gomez, Guingona, Klatt Torres were recorded present.**

**Mayor Torres, acting as chair, opened the public hearing. Mayor Torres stated the purpose of this joint public hearing of the City Council and the Redevelopment Agency is to consider the proposed development, through a disposition and development agreement, of the project with Habitat for Humanity Greater San Francisco for the development of thirty-six units of affordable housing at the agency-owned property located at 7555 Mission Street.**

**Housing and Community Development Supervisor Betsy ZoBell stated in 2006 the Agency acquired a 30,000 square foot site located at 7555 Mission Street to develop the property as affordable housing. Since then City Staff has worked with Habitat for Humanity to develop this site. In March 2008, the City Council approved a general plan amendment, which allows for the development of 36 affordable condominium units over podium parking.**

**Before the Council is a disposition and development agreement between Habitat for Humanity Greater San Francisco and the Agency. The agreement describes the terms and conditions under which the site would be developed and transferred to Habitat for Humanity.**

**The total estimate cost for this proposed project is \$17.5 million of this Habitat intends to provide about \$9.5 million through its own fund raising efforts. In addition, an allocation of \$1.7 million from the State's Proposition 1A infill funds will provide financing for the podium parking element to this project. Habitat anticipates additional funding requirements of approximately \$5 million to fund land acquisitions, site preparation and development cost not covered through fund raising and State resources.**

**Staff is recommending that the City and Agency provide this subsidy utilizing Redevelopment Agency set aside funds as well as Federal HOME and Community Development Block Grant funding.**

**The DDA stipulates that the Daly City Redevelopment Agency will provide a total of \$3.9 million for land acquisition and construction subsidies. The remainder of Habitat subsidy requirements would be filled with a \$1.3 million loan of HOME funds from the City. In addition to these direct subsidies to Habitat, the City would utilize a total of approximately \$600,000 in Community Development Block Grant funds for site preparation, including relocation of existing tenants, demolition and installation of water infrastructure improvements. These site preparation activities would be carried out by the City prior to transfer of the property to Habitat.**

**Notice of the joint hearing of the Agency Board and City Council has been published twice**

**in the examiner and the summary of the proposed DDA and the agreement has been available for public inspection. To date, we have not received any request for a copy of the summary DDA or any comments about the project from the public.**

**Ms. ZoBell placed into the record the summary of the DDA, the agreement itself and the affidavit of publication of the notice of tonight hearing.**

**The developer thanked the City for acquiring the property and working with them on the redevelopment and DDA. They will be serving 36 families with low and very low incomes that are Daly City residents or work in Daly City.**

**Councilmember Guingona motioned, Councilmember Klatt seconded and motion carried to close the joint public hearing.**

#### **End of Joint Session**

**Mayor Torres stated we will not return to the remainder of the City Council Agenda at 8:18 P.M.**

**; 8:16 PM**

Motion on Adopt

Motion carried to close the joint public hearing. Guingona/Klatt

Motion to Adopt Resolution No. 09-87, Approving the Execution of a Disposition and Development Agreement Between the Redevelopment Agency of the City of Daly City and Habitat for Humanity Greater San Francisco (Agency-Owned Real Property at 7555 Mission Street)

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

#### **17. Benefit Assessment for Linda Vista Area of Benefit Fiscal Year 2009-2010**

A. Resolution Approving Engineer's Report and Imposing a Benefit Assessment for Fiscal Year 2009-2010

##### **Staff**

Fuller

##### **Recommended Action**

Open/Close Hearing

Adopt Resolution Roll Call

**Minutes: Director of Public Works John Fuller stted it is requested that the Council consider the adoption of the annual benefit assessment for the Linda Vista and Bay Ridge Assessment Districts for the 2009-2010 fiscal year. The benefit assessment districts were established many years ago to provide a funding mechanism for the maintenance of various facilities in several subdivisions to provide for their long term maintenance and the eventual replacement if necessary.**

**This year's assessments are being recommended at \$95.95 for the Linda Vista District and \$75.08 for the Bay Ridge District. There are several reasons for the increase in the assessment this year. Because of the weak economy, the reserve funds in these districts have not gained the same amount of interest that they had in the past and some of the routine cost have gone up.**

**Rachel Garibaldi, resident, was opposed to the proposed assessment for the year 2009-2010. Ms. Garibaldi referred to a letter dated May 17, 2009 that was sent to the homeowners in her neighborhood. She said she was highly insulted with this letter and the described attractive amenities that our detention ponds received. She found it hard to swallow that the excuse used is the poor economic conditions. This area has become an eyesore with unmaintained landscaping and a lighting system that does not work.; 8:20 PM**  
Motion on Adopt

Motion to Adopt Resolution No. 09-88, Approving Engineer's Report and Imposing a Benefit Assessment for Fiscal Year 2009-2010

**Passed For: 3; Against: 2; Abstain: 0; Absent: 0**

**Minutes: The following items were taken out of order.; 7:24 PM**

#### RESOLUTIONS:

18. Reaffirmation of Membership in the San Mateo County Pre-Hospital Emergency Medical Services Group

**Staff**

Myers

**Recommended Action**

Adopt Resolution Roll Call

Motion on Adopt

Motion to Adopt Resolution No. 09-85, Reaffirmation Membership and Approving the Joint Powers Agreement Establishing the San Mateo Pre-Hospital Emergency Services Providers Group

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

**Minutes: Fire Chief Ron Myer stated the current agreement was finalized in 1997 and required extensive review and modification to bring it current. The revised JPA Agreement was presented to the JPA Board and adopted in February 2009. This will allow us to approve the amendment and will continue forward for ten more years.; 8:07 PM**

19. Authorizing Agreement for Exchange of Emergency Medical, Rescue and Fire Protection Services Automate Aid Agreement

**Staff**

Myers

**Recommended Action**  
Adopt Resolution Roll Call

Motion on Adopt

Motion to Adopt Resolution No. 09-86, Approving Execution of Countywide Automated Aid and Full Boundary Drop Agreement

**Passed For: 5; Against: 0; Abstain: 0; Absent: 0**

**Minutes: Fire Chief Ron Myer stated this is the Cornerstone to the previous agreement. It requires us to have a boundary drop within the county for all fire agencies in order to meet the agreed upon contractual response time. It is the cornerstone to providing services in this county. We recommend approval of the Countywide Automated Aid Agreement.**  
**; 7:24 PM**

**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: Vaughn Jones, President of the Skyline Palisades Resident Association, stated the debris and rubbish at the gas station at 505 Skyline Drive needs to be cleaned up. He said last year Seaview Drive was scheduled to be paved, but due to the shortage of funds it was not. The people on Seaview were promised that their street would be paved this year. Now they are being told it might not be paved this year. Mr. Jones suggested re-scheduling another street to be paved for next year.**

**Sharon Keenan asked why the Clean Community Committee was closed. She stated no one was given a valid reason. The cost of this office and the use of a car was a minimal amount of money. Mrs. Keenan stated complaints are now entered on the City's webpage for the Street Division. The residents are welcome to the Community Beautification Committee.**

**Raymond Keenan was disappointed in the Council about the Clean Community Committee. He stated he volunteered many hours to get the Council elected. Not one of the Council said why the Clean Community Committee was closed.**

**Sylvia Alvarez Lynch stated we want to be proud that our City is making the right moral choices on all issues and that includes being green. She asked about the \$8,000 building permit fee for a business to put up solar panels. Daly City has the highest solar permit fee in the entire county. Other cities in San Mateo County charge from \$261 to more than \$350. Ms. Alvarez-Lynch reminded the Council that 13 cities have joined the Sierra Club's Cool Cities pledge to reduce the greenhouse gas emissions and to work to reduce global warming. She asked the Council to please pledge to be part of the Cool Cities project from the Sierra Club.**

**Judith Christensen stated Daly City residents deserve a strong and effective City Clerk's**

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**Office to guarantee our access to legal public information. Our City Clerk is elected so she can function independently from the political pressures of City Hall.  
; 8:31 PM**

APPOINTMENTS: Board/Commission Membership Committee Appointments

**Minutes: Councilmember Guingona nominated Ray Satorre to be reappointed to the Planning Commission with term expiring July 1, 2011.**

**Councilmember Gomez nominated Teresa Proano to be reappointed to the Parks and Recreation Commission with term expiring May 16, 2012.; 8:35 PM**

Motion on Reappoint

Motion to reappoint Ray Satorre to the Planning Commission with term expiring July 1, 2011

**Passed For: 0; Against: 0; Abstain: 0; Absent: 0**

Motion on Reappoint

Motion to reappoint Teresa Proano to the Parks and Recreation Commission with term expiring May 16, 2012

**Passed For: 0; Against: 0; Abstain: 0; Absent: 0**

REPORTS:

20. Council Committee

**Minutes: The Council Committee reviewed the following:**

**Bayshore Implementation Plan Community Meeting (Klatt/Guingona)**

**North County Fire Authority Board Meeting (Gomez/Klatt); 8:37 PM**

A Council Committee Meetings from May 11 - June 7, 2009

21. City Council

**Minutes: There were no reports.; 8:37 PM**

22. Staff

**Minutes: There were no reports.; 8:39 PM**

ADJOURNMENT:

**Minutes: Adjourned the meeting in memory of Dr. Henry Lucas, Maureen McCafferty, Lydia Adele Macchiarini Benvenuto, Bertha Gomez, Gerry Ores and Eduardo Villasenor.; 8:41 PM**

Motion on Adjourn

Motion to Adjourn at 8:41 P.M. in memory of Dr. Henry Lucas, Maureen McCafferty, Lydia Adele Macchiarini Benvenuto, Bertha Gomez, Gerry Ores and Eduardo Villasenor.

**Passed For: 0; Against: 0; Abstain: 0; Absent: 0**