CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, June 22, 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 Vice Mayor Guingona at 7:04 P.M.

Vice Mayor Guingona stated Mayor Torres will not be here tonight because he is ill.; 7:03 PM

PLEDGE TO THE FLAG:

ROLL CALL:

Minutes: Vice Mayor Guingona stated "Mayor Torres is out ill this evening". He wished him a speedy recovery.; 7:03 PM

APPROVAL OF MINUTES:

Regular Meeting of May 11, 2009

Motion on Approve

Motion to Approve Regular Meeting of May 11, 2009
Passed For: 0; Against: 0; Abstain: 0; Absent: 1

APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the agenda
Passed For: 0; Against: 0; Abstain: 0; Absent: 0

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.

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: Vice Mayor Guingona stated it was requested that Item No. 7, Declaring the Potential for a Severe Fiscal Hardship would be taken at the end of the Consent Agenda.; 7:03 PM

Resolutions :

1. Proposed Assignment of Public Works Superintendent (Range 89) and Public Works Maintenance Supervisor (Range 66) Classifications to Miscellaneous/Unrepresented Salary Schedule

Motion on Adopt

Motion to Adopt Resolution No.09-89, Authorizing Establishment of Public Works Superintendent and Public Works Maintenance Supervisor
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

2. Proposed Police Administrative Clerk Supplemental Assignment Pay to the Supplemental Pay Schedule

Motion on Adopt

Motion to Adopt Resolution No.09-90, Adding Police Administrative Clerk Supplemental Assignment Pay to the Supplemental Pay Schedule
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

3. Authorizing the City Manager to Execute Fiscal Year 2009-10 Subgrantee Contract Agreements Under Community Development Block Grant Program (21 Agreements)

Motion on Adopt

Motion to Adopt Resolution No.09-91, Approving and Authorizing Execution of Contractual Agreements for Community Service Programs under Community Development Block Grant Program (Fiscal Year 2009-2010)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

4. Approval of License Agreement with Westlake School for the Performing Arts at the

Doelger Art Center

Motion on Adopt

Motion to Adopt Resolution No.09-92, Approving Execution of License with the Westlake School for the Performing Arts (Doelger Art Center 200 Northgate Avenue, Daly City, California)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

5. Approval of License Agreement with Musicart Studio, Inc. for the Performing Arts at the Doelger Art Center

Motion on Adopt

Motion to Adopt Resolution No.09-93, Approving Execution of License with Musicart Studio Inc. (Doelger Art Center 200 Northgate Avenue, Daly City, California)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

6. Adopting the Peninsula Partnership Leadership Council's Bill of Rights for Children and Youth of San Mateo County

Motion on Adopt

Motion to Adopt Resolution No.09-94, Adopting the Peninsula Partnership Leadership Council's Bill of Rights for Children and Youth of San Mateo County
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

7. Declaring the Potential for a Severe Fiscal Hardship

Motion on Adopt

Motion to Adopt Resolution No.09-99, Declaring that a Severe Fiscal Hardship Will Exist if Additional City Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California
Passed For: 4; Against: 0; Abstain: 0; Absent: 1
Minutes: City Manager Patricia Martel stated the League of California Cities requested that the City Council of Daly City and City Council of cities throughout the State take action in the form of adopting a resolution declaring that cities will face a potentially severe fiscal hardship in cities throughout the state if property or gas tax revenues are taken from municipalities and impose additional unfunded mandates for local governments.

Daly City is already facing a very serious fiscal crisis. Our revenue is down as a result of the downturn in the economy. We have been looking at plugging a $6.5 million budget deficit through June of next year.

The State has been looking at a variety of mechanisms to help its own budget problems.

The State looked at taking about $2 billion worth of additional property tax throughout the State, which for Daly City, would translate to about an additional $2.1 million. There are also other kinds of things that the State have been looking at in terms of taking away gas tax funds that help take care of the streets in Daly City as well as provide for other street maintenance services.Because of the potential for some of these take away that the State has proposed, the League of California Cities felt it was important that cities throughout the State adopt this resolution and in doing so explained to the taxpayers of the city the potential for these revenues to be cut and the potential impacts they would have on our municipality.

Ms. Martel said she had the privilege on Friday of hearing a presentation by Assembly member Jerry Hill who talked about the budget compromises that have apparently been reached. They are supposed to vote on the compromise tomorrow so whether it will or not it actually goes forward, it remains to be seen. But Assembly member Hill indicated to us that many in the legislature are not in favor of reducing property tax or gas tax; but there is a large part of the legislature that feels it is absolutely necessary.

; 7:03 PM

Check Registers :

8. Check Registers for the Month of May 2009

Motion on Approve

Motion to Approve Check Registers for the Month of May 2009
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Authorizing Budgetary Adjustments:

Motion on Adopt

Motion to Adopt Resolution No.09-98, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2008-2009
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

9. Appropriation of $1,000 Grant from Youth Leadership Institute for Sound Science Program

Motion on Adopt

Motion to Adopt Resolution No.09-95, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2008-2009
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

10. Appropriation of $5,000 Grant that Peninsula Partnership Collaborative Received from

Silicon Valley Community Foundation

Motion on Adopt

Motion to Adopt Resolution No.09-96, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2008-2009
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

11. Budget Reductions for Fiscal Years 2009 and 2010

Motion on Adopt

Motion to Adopt Resolution No.09-97, Authorizing Budget Reductions for Fiscal Year 2009-2010
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

12. Authorizing Request for Budget Adjustment Appropriating Grant Funding from the California Department of Conservation's Division of Recycling

END OF CONSENT AGENDA

PUBLIC HEARINGS:

13. Consideration of Substantial Amendment to Fiscal Year 08-09 HUD Action Plan

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

Minutes: Housing and Community Development Supervisor Betsy ZoBell stated this evening before the City Council, a request to amend the 2008-2009 U.S. Department of Housing and Urban Development (HUD) Action Plan to reflect funding for site preparation plan activities for the affordable housing development at 7555 Mission Street.

On June 8, 2009, the Agency and City Council approved a Disposition and Development Agreement between the Agency and Habitat for Humanity to develop 7555 Mission Street. The agreement specifies that the City will have responsibility for various site improvement activities, including tenant relocation, demolition of existing structures, environmental remediation and water infrastructure improvements prior to transferring the site to Habitat.

These site improvement activities have an estimated cost of $599,023. A portion of this cost will be covered with $300,273 provided to the City through the American Recovery and Reinvestment Act and approved by the City Council on April 27, 2009. The remaining cost

could be funded with unallocated and reprogrammed block grant funds. Specifically block grant funds that were earlier allocated for activities that have since been cancelled or completed. Use of $298,750 in unallocated and reprogrammed block grant funds for the purpose of 7555 Mission Street site preparation is considered by HUD a substantial amendment to the City's current Action Plan.

; 7:15 PM
Motion on Adopt

Motion to close the public hearing. Klatt/Gomez

Motion to Adopt Resolution No.09-100, Amending 2008-2009 HUD Action Plan to Allocate Additional CDBG Funds Toward Site Preparation Costs Associated with Development Located at 7555 Mission Street
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

COMMUNICATIONS:

14. Planning Commission - re: Use Permit and Environmental Assessment for a Medical Office in an Existing Office Building at 211 Eastmoor Avenue

    A. EA (Categorically Exempt)
    B. Findings
    C. UP09-4

    Staff
    Mothershead
    Recommended Action
    Motion on A
    B & C Adopt Resolution Roll Call

Minutes: Planning Manager Tatum Mothershead gave a PowerPoint presentation on the project site and reviewed the request by the applicant, Peter Petruzzi, on behalf of the North East Medical Services (NEMS), to use the former State Farm Insurance building for the administration and laboratory component of a non-profit community health center.

The subject site is located northeast corner of Zita Manor and Eastmoor Avenue, just west of Margaret P. Brown School. The property is currently zoned PD-63 and is designated Residential Retail in the General Plan.

Staff is recommending that the City Council affirm the environmental assessment and approve the use permit subject to findings and conditions.

Councilmember Gomez asked if another traffic study can be done and if the applicant was willing to pay for a traffic study.

Ms. Mothershead said she spoke with the Director of Public Works and the Traffic Engineer and given that this site was previously used as an office and the overall traffic impact was not expected to be significant. It was mentioned that, perhaps in a year if problems arise, City staff could take a look at it.

Director of Public Works John Fuller stated that given the history and concerns of the neighborhood the appropriate course of action is to do another review in a year once the building is occupied to see if anything has changed.

Ray Driscoll, Zita Manor resident, asked that a stop sign be installed at the intersection of Eastmoor Avenue and Zita Manor.
; 7:15 PM
Motion on Adopt

Motion to concur with the Categorical Exemption under CEQA Requirements and Affirm the Findings of the Planning Commission as contained in the communication on file in the Office of the City Clerk. Motion to adopt Resolution No. 09-101, Affirming Categorical Exemption (CEQA); Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit (UP09-4), to Allow a Medical Office in Existing Office Building at 211 Eastmoor Avenue
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

AWARD OF BIDS/CONTRACTS:

15. Serramonte Library/Gellert Park Parking Lot "Green Streets" Demonstration Project

Staff
Fuller
Recommended Action
Adopt Resolution Roll Call

Minutes: Director of Public Works John Fuller recommended that the City Council accept all bids, waive minor irregularities, and award a construction contract for the Serramonte Library/Gellert Park Parking Lot "Green Streets" Demonstration Project to the lowest responsible bidder, Jos. J. Albanese, Inc. of Santa Clara, in the amount of $296,735.55 for base bid and add alternate 1.

The Serramonte Library/Gellert Park Parking Lot received a sustainable Green Street grant from C/CAG. The purpose of the project is to demonstrate various Best Management Practices (BMP) in the control and treatment of stormwater runoff to remove the pollutants from our water way. The project goal is to construct an aesthetically attractive bio-swale and landscaped-based stormwater treatment facility fronting Serramonte Library.
; 7:33 PM
Motion on Adopt

Motion to Adopt Resolution No. 09-102, Authorizing Execution of Contract with Jos. J.

Albanese, Inc. Re: Serramonte Library/Gellert Park Parking Lot "Green Streets" Demonstration Project
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

RESOLUTIONS:

16. Appropriations Limitation for Fiscal Year 2009-2010

Staff
McVey
Recommended Action
Adopt Resolution Roll Call

Minutes: Director of Finance and Administrative Services Donald McVey stated that as required by Article XIIIB of the State Constitution, the City must adopt an appropriations limit for the following fiscal year. The limitation is based on the estimated proceeds of taxes that the City anticipates receiving in the fiscal year 2009-2010. The original intent of the legislation at the State level was to limit the amount of money that cities can spend even if they receive tax revenues that begin to expand. Mr. McVey stated our total calculated appropriations limit based on the increase of population and per Capita Personal Income is $84,320,744 while the estimated proceeds of taxes for the next year is $54,490,346, which means the city is a little short.

; 7:38 PM
Motion on Adopt

Motion to Adopt Resolution No. 09-103, Establishing City's Appropriations Limitation for Fiscal Year 2009-2010
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

17. Overview of City's Climate Protection Initiative and Adoption of the U.S. Conference of Mayors Climate Protection Agreement

Staff
Burns
Recommended Action
Adopt Resolution Roll Call

Minutes: Assistant City Manager Kerry Burns gave an overview on the City's efforts on developing its climate protection plan. Staff recommends the City Council adopt the U.S. Conference of Mayors Protection Agreement.

We are approaching the Climate Protection Plan in a five step process. These steps include: 1. Preparation of a baseline emissions inventory and forecast; 2. Adoption of an emissions reduction target; 3. Development of a climate action plan; 4. Implementation of policies and programs to reduce carbon emissions; and 5. Monitoring and verification of

reduction target results.

The first step is to measure our actual emissions and to do this partly through a grant through C/CAG and in conjunction with International Council for Local Environmental Initiatives (ICLEI) and through the assistance of a volunteer we now have on staff collecting our emission data with a goal of establishing a 2005 baseline emission from which we can determine how to go about reducing those emissions. Once these results are available, staff would return to the City Council to undertake the second step, adoption of an emission reduction target.

The City convened the Climate Protection Action Team, comprised of representatives from each City department. To date, the Team has developed a framework that the departments would now use to go about developing their various climate protection components we would be presenting to the Council.

Ms. Burns reviewed a list of the efforts the City has already undertaken in minimizing greenhouse gas emissions resulting from government operations as outlined in the Agenda Report.

The Action Team has developed a mission statement, guiding principles and goals for the development of the City's Climate Action Plan. The Mission Statement reads: Daly City seeks to create, implement and support climate protection and sustainability programs and actions that promote social, environmental and economic well-being. The Guiding Principles of the Plan are resource efficiency and conservation, maximize resource life cycle through recycling, re-use and consumption reduction; and to foster healthy lifestyles through safe neighborhoods, smart land use and transportation planning and accessible community services, including public transportation. Lastly, the goals are renewable energy solutions, resources conservation solutions and energy efficiency solutions.

We are hoping that the City Council will adopt the U.S. Conference of Mayors Climate Protection Agreement. The agreement seeks to accomplish three primary objectives. It urges the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to seven percent below 1990 levels by 2012; urges the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes clear timetables and emissions limits and a flexible, market-based system for tradable allowances among emitting industries; and strives to meet or exceed Kyoto Protocol, which seeks to reduce the seven major contaminants that lead to global warming.
; 7:59 PM
Motion on Adopt

Motion to Adopt Resolution No. 09-104, Endorsing the US Mayors Climate Protection Agreement
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

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: Christine Kyauk, Senior at Westmoor High School introduced the Relay for Life Committee members who were present. Ms. Kyauk stated Relay for Life is a fund raiser for the American Cancer Society who is the largest contributor to cancer research. Relay for Life aims to commemorate those who lost their lives to cancer, honor those who survive cancer and ultimately raise awareness to cancer in the community. Relay for Life will be held at Westmoor High School starting at 10:00 a.m. on August 1 and ending at 10:00 a.m. on August 2. For more information our website is www.relayforlife.org/dalycity.ca.

Shari Alonzo stated there is a kick off on Sunday, June 28, 2009 at Serramonte Shopping Center from 10:00 a.m. to 2:00 p.m.
; 7:48 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.; 8:00 PM

REPORTS:

18. Council Committee

Minutes: There were no reports.; 8:00 PM

19. City Council

Minutes: Councilmember Gomez reported that she attended the Office of Emergency Services Council meeting and Dr. Scott Morrow, Health Officer of San Mateo County reported on the County's response to the H1N1 flu. Dr. Morrow requested that cities and towns send in their updated pandemic flu plans to the Office of Emergency Services by August. The County is providing this Pandemic Influenza Preparedness Guide on how to prepare you on the pandemic flu. The San Mateo County Sheriff's Office will hold their preparedness day this year on September 12, 2009 in South San Francisco at the South San Francisco High School from 10:00 a.m. to 2:00 p.m.

; 7:53 PM

20. Staff

Minutes: In response to Councilmember Gomez report on the pandemic flu, City Manager Patricia Martel updated the Council on where Daly City is. We have prepared a template for our City a little over a year ago and at this point in time we are updating the individual department plans to deal with the pandemic flu incident should it arise. Those updated

department plans will be added as an annex to the overall City plan.

; 7:55 PM

ADJOURNMENT:

Motion on Adjourn

Motion to Adjourn at 7:55 P.M. in memory of Thelma Aguilar, Richard Brown, Loreto Yee Directo, Richard Allen Herbert, Sr. and Olive Frances Higley.
Passed For: 0; Against: 0; Abstain: 0; Absent: 1