

CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, September 28, 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 7:00 P.M.; 7:06 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Proclamation for Fire Prevention Month - October 2009

Minutes: (Not presented); 7:08 PM

Proclamation for Filipino American History Month - October 2009

Minutes: Mayor Torres presented a proclamation proclaiming October 2009 as Filipino American History Month to Perla Ibarrientos, Erlinda Galeon and Ray Satorre. Ms. Ibarrientos thanked the Council.

; 7:09 PM

APPROVAL OF MINUTES:

Regular Meeting of August 24, 2009

Motion on Approve

Motion to approve Regular Meeting of August 24, 2009

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.

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

APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the agenda

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

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.

Resolutions :

Motion on Adopt

Motion to adopt Resolution No. 09-142, Approving and Authorizing Execution of Agreement with the Shelter Network Collaborative

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

1. Proposed Revisions to Existing Job Specifications (AFSCME): Collection System Field Supervisor (from Lead Collection System Maintenance Worker) and Distribution System Field Supervisor (from Lead Distribution System Maintenance)

Motion on Adopt

Motion to adopt Resolution No. 09-138, Adopting Revised Job Specifications for the Positions of Collection System Field Supervisor and Distribution System Field Supervisor

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

2. Proposed Revision to Existing Job Specification (Miscellaneous/Unrepresented): Collection and Distribution Systems Manager (from Collection and Distribution Systems Supervisor)

Motion on Adopt

Motion to adopt Resolution No. 09-139, Adopting Revised Job Specifications for the Positions of (Miscellaneous/Unrepresented): Collection and Distribution Systems Manager

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

3. Assignment of Newly Created Classification of Public Works Finance Technician to

Teamsters Clerical Technical Salary Schedule, Range 42Z

Motion on Adopt

Motion to adopt Resolution No. 09-140, Authorizing Establishment of Public Works Finance Technician

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

4. Adoption of New Fees and Charges for Parks and Recreation Department Programs

Motion on Adopt

Motion to adopt Resolution No. 09-141, Adopting New Fees and Charges for Parks and Recreation Department Programs

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

5. Contract Agreement with Shelter Network Collaborative to provide services under the Homeless Prevention and Rapid Rehousing Program

Authorizing Budgetary Adjustments:

6. Appropriation of \$800 Budget Transfer from Daly City Peninsula Partnership. Peninsula Partnership Received a Grant from Second Harvest Food Bank, Inc.

Motion on Adopt

Motion to adopt Resolution No. 09-143, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2009-2010

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

7. Appropriation of \$9,530 Budget Transfer from Daly City Peninsula Partnership. Peninsula Partnership received a Grant from Kaiser Permanente

Motion on Adopt

Motion to adopt Resolution No. 09-144, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2009-2010

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

8. Appropriation of \$1,000 Budget Transfer from Daly City Peninsula Partnership. Peninsula Partnership Received a Grant from the Kelly Family Fund

Motion on Adopt

Motion to adopt Resolution No. 09-145, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2009-2010

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

9. Appropriation of \$1,500 Awarded to the Police Department to Support the "Graffiti Abatement Program"

Motion on Adopt

Motion to adopt Resolution No. 09-146, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2009-2010

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

END OF CONSENT AGENDA

COMMUNICATIONS:

10. Fiscal Year 2008-09 Consolidated Annual Performance Evaluation Report for the Community Development Block Grant and HOME Programs

Staff

ZoBell

Recommended Action

Adopt Resolution Roll Call

Minutes: Housing and Community Development Coordinator Betsy ZoBell gave a presentation on the Fiscal Year 2008-09 Consolidated Annual Performance Evaluation Report for the Community Development Block Grant and HOME Programs and recommended approval for submission to the Federal Department of Housing and Urban Development the Consolidated Annual Performance Evaluation Report for Fiscal Year 2008-09 One-Year Action Plan.

; 7:13 PM

Motion on Adopt

Motion to adopt Resolution No. 09-147, Approving Submission to the Federal Department of Housing and Urban Development (HUD) for Fiscal Year 2008-2009 Consolidated Annual Performance Evaluation Report for the Community Development Block Grant Program

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

11. Planning Commission - re: Coastal Development Permit and Environmental Assessment for Replacement of an Existing Deck at 4 Westline Drive

A. EA (Categorically Exempt)

B. Findings

C. UP08-14

Staff

Naughton

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 applicant's proposal to remove the existing deck and replace it with a free-standing deck at 4 Westline Drive. The project site is zoned R-1 Single-Family Residential but is in the Resource Protection Combining District so any new construction would require a use permit.

The existing two-story, single-family residence came under Code Enforcement for unpermitted construction on the lower level of the residence; upon inspection, the unpermitted deck was discovered.

; 7:15 PM

Motion on Approve

Motion to concur with the Categorical Exemption under CEQA requirements

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

Motion on Approve

Motion to affirm the findings of the Planning Commission as contained in their communications on file in the Office of the City Clerk.

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

Motion on Adopt

Motion to adopt Resolution No. 09-148, Adopting Findings to Approve Use Permit (UP08-14)

Replacement Deck located at 4 Westline Drive

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

Motion on Approve

Motion to Approve Use Permit UP08-14, subject to Conditions of Approval.

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

12. Planning Commission - re: Minor Subdivision, Design Review and Environmental Assessment for Construction of Three New Single-family Residences at Templeton Avenue, South of Alexander Avenue

A. EA (Categorically Exempt)

B. Findings

C. MS09-1, DR09-7

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 applicant's request to subdivide two lots into three lots to construct three new single-family residences on Templeton Avenue, south of Alexander Avenue.

In 2006, the City Council approved the General Plan Amendment, Zone Change and Minor Subdivision to subdivide two lots into three lots and the change of land use from high density residential to low density residential and zoned from multi-family to single-family.

Peter Bockrath, property owner adjacent to subject site, was concerned that his property is impacted by what happens behind his property.

John Christopher Burr, Attorney at Law for Peter Bockrath, asked if the Council reviewed the material he submitted. Mr. Burr expressed concern that the geotechnical report that is being relied on this evening is insufficient and did not comport with the proposed project plan.

Discussion ensued with staff answering Council's questions regarding the geotechnical report.

Mayor Torres suggested that we move this along but if the geotechnical reports come back and it is adverse to Mr. Bockrath, or if Mr. Burr files a protest, then schedules it for the first available meeting.

; 7:24 PM
Motion on Approve

Motion to concur with the Categorical Exemption under CEQA requirements
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Approve

Motion to affirm the findings of the Planning Commission as contained in their communication on file in the Office of the City Clerk.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 09-149, Adopting Findings of Fact Re: Minor Subdivision (MS09-1), Design Review (DR09-7) Templeton Ave South of Alexander Subdivision of Two Lots into Three, New Construction of Three Single-Family Residences
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Approve

Motion to approve Minor Subdivision MS09-1, Design Review DR09-7, subject to Conditions of Approval, as amended.

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

13. Planning Commission - re: Preliminary Draft Housing Element

Staff

Vanlonkhuysen/Berger

Recommended Action

Motion to Accept

Minutes: Mayor Torres stated the only action before the Council this evening is to approve sending a draft report to the State, not approve what is in the report.

City Manager Patricia Martel explained that the Housing Element contains a number of policies, not just a single policy related to unpermitted construction. Ms. Martel stated that she attended the Planning Commission Meeting and after hearing the public's comments about the proposed Housing Element and concerns related to Housing Element Policy No. 21, she met with the City Attorney and staff.

Tonight, the City Council is considering the revised Housing Element Policy No. 21, which reads as follows: "Ensure that additions of habitable space within existing dwellings are completed safely and in a manner consistent with the City's building and zoning regulations."

Senior Planner Michael Vanlonkhuysen gave a PowerPoint presentation on the Draft Preliminary Housing Element for submission to the State Department of Housing and Community Development.

The following individuals spoke against the Residential Resale Inspection Program in the Draft Housing Element:

Wayne Johnson

Bill Stipinovich

Z.S. Goldenberg

Sandra Holman, representing Franciscan Mobile Home Park

Hugh Johnson

Renée O'Brien

George Rodriguez

Rene Vargas, representing Serramonte Homeowners Association

Elsa Ramos

Bob Snodgrass

Sharon Keenan

Linda Rosenstock

Clark Pursley

Judith Christensen

Ador Calantog

Steve O'Reilly

Harry Hetzer

Patricia Saunders, representing Broadmoor Action Ministry and Peninsula Interfaith Action

Sylvia Alvarez-Lynch, representing Original Daly City Protection Agency

Eva Skovfis

Tim Cannon, Realtor and Daly City Resident

Leonardo Redada, Architect

Cathy Pantazy

Nikki Steady, representing County Condo Homeowner Association

Mike Brown

J. Miller

Leanne Young, representing Serramonte Highlands Homeowners Association

Maureen Moyer

Dana Smith

Chuck Colliver, representing Realtors

Linda White

Ed Masck

Dena Dimi

Ann Aherne

Patrick Aherne

Michelle McGill

Ralph Hutchens, Realtor, representing C-21 Alliance

Eileen Penny

Dr. Bing Dills, representing President of the Skyline Palisades Residential Association

Paul Petterson

Christine Talivaá-Aguerre, Broadmoor Resident

René Samayoa

Julio Cesar Chavez

Gloriann Jones

Most of the concerns and comments focused on the program being overly intrusive; creates another layer of government bureaucracy; creates a hardship for some homeowners and conceals effort on the part of the City to raise revenue.

Patricia Saunders requested that the Council study Objective Housing Element No. 7 Task HE-24.2, Energy Efficiency Upgrade more closely.

Ador Calantog, submitted a petition against the proposed Residential Resale Inspection Program.

Rich Swan spoke in favor of the Residential Resale Inspection in regards to non-permitted construction.

Councilmember Canepa was in favor of Housing Element recommendations, which

increases code enforcement; strengthens noticing requirement to buyers on permitted work and explores the potential for a new amnesty program. Councilmember Canepa was opposed to a residential resale inspection program because it is too intrusive.

Councilmember Gomez stated that the Housing Document is going to be tweaked sometime in the future. She stated that the General Plan Committee members included a realtor and homeowners. She objected to the extraction of one issue which was used as a scare tactic and the politization used to misinform the realtors, the public and senior citizens. She asked for trust and stated that we will work with the community and realtors.

Councilmember Klatt stated that the Housing Draft was advertised to the public and two public meetings were held in June. There was public input, including letters from the community, which was put into the Housing Draft. There have been significant changes from the March draft Housing Element in the August draft.

Councilmember Guingona stated that he “believes there is a compelling interest for the City of Daly City to make sure that homes are safe, there are no second units and that buyers are well informed so they do not incur any additional costs with their purchased homes”. He believed we need to come up with a less restrictive alternative.

Mayor Torres stated there was a need to limit unpermitted habitable living space and illegal construction. He proposed the revised number three in Task HE 21.1 to read: Exploring the feasibility and effectiveness of a program aimed at abating non-permitted habitable living space.

Mayor Torres said that the concept of the Resident Resale Inspection program has been debated enough and will no longer be part of the plan. All references of the Residential Resale Inspection from the Draft Preliminary Housing Element are removed prior to it going to the State. Mayor Torres suggested the revised draft be put on the City’s webpage by October 1, 2009 and remain on the website until October 12, 2009.

Mayor Torres recessed the meeting at 10:05 P.M. The meeting reconvened at 10:06 P.M.

City Attorney Rose Zimmerman stated the motion adopted by the Council is the Draft Housing Element Preliminary review that will be forwarded to the State with the specific amendments that any reference to the Residential Resale Inspection Program be omitted as part of the draft and that draft will be posted on the website until October 12, 2009 before it is sent to the State.

; 9:30 PM
Motion on Approve

Motion to accept Draft Preliminary Housing Element, as amended.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

AWARD OF BIDS/CONTRACTS:

14. Purchase of Two Medium Duty Dump Trucks

Staff

Fuller

Recommended Action

Adopt Resolution Roll Call

Minutes: Director of Public Works John Fuller reviewed the agenda report and recommended that the City Council accept all bids responsive to the bid solicitation and approve the purchase award for two Water and Wastewater Department medium duty service trucks to San Francisco Ford Lincoln Mercury for the total amount of \$167,532.06.

Bids were requested and received to replace two aging dump trucks in the Department of Water and Wastewater Resources. An F-450 flatbed dump, will replace a 1995 ¾ Ton F-250 and an F-550 service truck, will replace a 1996 F-350.

; 10:11 PM

Motion on Adopt

Motion to adopt Resolution No. 09-150, Authorizing Execution of Contract for Purchase of Two Water Wastewater Department Medium Duty Dump Trucks

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

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: Sylvia Alvarez-Lynch stated it sounds like the Council is hearing our concerns but our concerns regarding the cost of the Energy Efficiency were still not addressed.

Judith Christensen stated that the Council using words like trust us and the idea that realtors misinformed the public rather than coming out with realistic answers to the questions. She asked why the two Councilmembers on the committee allowed the residential resale inspection program get added to the report.

; 10:16 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.

; 7:06 PM

REPORTS:

15. Council Committee

Minutes: There were no reports.; 10:19 PM

16. City Council

Minutes: Mayor Torres expressed his appreciation to the Department of Parks and Recreation staff and for the Fire Department assistance on the 7th Annual Hispanic Heritage Celebration.

; 10:17 PM

17. Staff

Minutes: City Manager Patricia Martel updated the Council on the Community Values Public Forum they held at the Bayshore Community Center on Budget Values and Community Priorities. The next scheduled event is on Thursday, October 1, 2009 at 6:30 P.M. at the Gellert Clubhouse. These events are being facilitated by the Peninsula Resolution Conflict Center.

As a reminder, Ms. Martel stated that October 24, 2009 is “Make a Difference Day” in Daly City. We are going to have a variety of projects throughout Daly City, such as an electronic recycling event and a child safety seat inspection day at Daly City City Hall in the main parking lot. Following the event, the City will be hosting a barbeque at City Hall for all the volunteers.

; 10:19 PM

ADJOURNMENT:

Minutes: Adjourn the meeting at 10:20 P.M. in memory of Donald Fisher, Don May, B. Timothy Murphy, Michael Shimansky and Gladys Pereira.; 10:22 PM
Motion on Adjourn

Motion to adjourn the meeting at 10:20 P.M. in memory of Donald Fisher, Don May, B. Timothy Murphy, Michael Shimansky and Gladys Pereira
Passed For: 5; Against: 0; Abstain: 0; Absent: 0