CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, May 10, 2010 - 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 Guingona at 7:04 P.M.; 12:00 AM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Hepatitis B Awareness Week Proclamation (Jade Ribbon Youth Council of the Asian Liver Center - Stanford University)

Minutes: Mayor Guingona presented a proclamation proclaiming May 16-22, 2010, as Hepatitis B Awareness Week to Patrick Domingo and Cindy Lam, Jade Ribbon Youth Council of the Asian Liver Center, Stanford University.

; 12:00 AM

National Public Works Week Proclamation

Minutes: Mayor Guingona presented a proclamation proclaiming May 16-22, 2010, as National Public Works Week to Director of Public Works John Fuller.; 12:00 AM

APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the agenda.

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

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:

1. Setting Time and Place of Public Hearing for Proposed Water Rates
Set Hearing: 06/28/10

Motion on Approve

Motion to adopt Resolution No. 10-46, Setting Time and Place of Public Hearing Re: Consideration of Water Rate Increase, Hearing 6/28/10 – 7:00 P.M.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

2. Setting Time and Place of Public Hearing for Daly City National Pollutant Discharge Elimination System Program Regulatory Fee Set Hearing 06/14/10

Motion on Approve

Motion to adopt Resolution No. 10-47, Setting Time and Place of Public Hearing Re: Maintaining Adopted Regulatory Fees Necessary to Fund Local Specific Program Activities Mandated Under the Stormwater Management Plan, and Requesting San Mateo County to Collect Such Fees, Hearing 6/14/10 – 7:00 P.M.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

3. Setting Time and Place of Public Hearing - re: Establishing the Services and Assessments of Linda Vista Area of Benefit for Fiscal Year 2010-2011 Set Hearing: 06/14/10

Motion on Approve

Motion to adopt Resolution No. 10-48, 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 2010-2011, Hearing 06/14/10 – 7:00 P.M.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

4. Authorizing Execution of Amended Lease Agreement with STC FIVE LLC for Communications Facilities at Reservoir 5

Motion on Approve

Motion to adopt Resolution No. 10-49, Authorizing Execution of Amended Lease Agreement with STC FIVE LLC Communications Facilities at Reservoir 5 Site (515 Westmoor Avenue, Daly City, California)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

5. Notice of Completion for Street Resurfacing 2009 (Phase II) and King Drive Bicycle Lane

Motion on Approve

Motion to adopt Resolution No. Accepting Completion of Certain Project in the Department of Public Works (Street Resurfacing 2009 Phase II and King Drive Bicycle Lane)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

6. Approval of License Agreement with Westlake School for the Performing Arts at the Doelger Art Center

Motion on Approve

Motion to adopt Resolution No.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

7. Approval of License Agreement with MUSICART STUDIO, INC. at the Doelger Art Center

Motion on Approve

Motion to adopt Resolution No. 10-52, 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

8. Agreement with KaBOOM for Bayshore Heights Playground Equipment and Appropriation of Matching Funds

Motion on Approve

Motion to adopt Resolution No. 10-53, Approving Agreement with KaBOOM!, Inc. Grant Funds and Appropriate Matching Funding (Bayshore Heights Park)

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

Authorizing Budgetary Adjustments:

9. Acceptance and Appropriation of One-Time-Only Grant Funds from Aging and Adult Services of San Mateo County

Motion on Approve

Motion to adopt Resolution No. 10-54, Accepting a Grant from the San Mateo County Aging and Adult Services Department and Authorizing Appropriation of Grant Funds
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

END OF CONSENT AGENDA

COMMUNICATIONS:

10. Use Permit Clearwire Wireless Facility Co-Location at 812 Skyline Drive

A. EA (Findings)
B. Findings
C. UP09-6

Minutes: Planning Manager Tatum Mothershead stated this is a request by Clearwire to obtain use permit approval for a co-location of a wireless facility on an existing 57-1/2' tall monopole at 812 Skyline Drive. The City Council reviewed this item on March 22, 2010, at which time no formal decision was rendered.

The Permit Streamlining Act imposes time limits on certain land use decisions. Failure of the local regulatory agency to act on such subject land use could deem the project approved. Under the Permit Streamlining Act, the City has 180 days to take action on the item from the date the application was deemed complete. Staff has determined that the application was complete on February 10, 2010. Consideration and action on this item would be within the 180 days specified by the Permit Streamlining Act.

Ms. Mothershead gave a PowerPoint presentation on the project site and recommended consideration and action on this item by the Council for both the purposes of meeting the requirements of the Permit Streamlining Act and to provide a decision on the applicant's project.

Discussion ensued with Gordon Bell of Bell and Associates and Rincon Project Manager, answering the Council's questions regarding the monitoring of the EMF levels and maintaining the facility.

Mayor Guingona stated he would like a motion to approve this item including the added conditions that they provide an annual EMF exposure study monitoring the existing cumulative condition and that the studies are in compliance with FCC guidelines.

; 12:00 AM
Motion on Concur

Motion to concur with the Categorical Exemption under CEQA requirements.
Passed For: 4; Against: 1; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 10-55, Adopting Findings to Approve Use Permit (UP09-6) New Clear Wire Wireless Facility at 812 Skyline Drive
Passed For: 4; Against: 1; Abstain: 0; Absent: 0
Motion on Approve

Motion to approve use permit UP09-6, subject to Conditions of Approval, as amended.
Passed For: 4; Against: 1; Abstain: 0; Absent: 0

AWARD OF BIDS/CONTRACTS:

11. Lead/Asbestos Abatement and Demolition of Buildings at 7555-57 Mission Street

Minutes: Director of Economic and Community Development Richard Berger stated this project is for the award and removal of lead/asbestos and demolition of several buildings and hydraulic lift at 7555-7557 Mission Street. This project is a component of the approved Habitat for Humanity housing project, which fulfills an obligation of the Redevelopment Agency under the Disposition and Development Agreement to remove all buildings and a mechanical lift. Once the site is cleared, the property will be conveyed to Habitat for Humanity, who will develop a 36-unit condominium project

This project is funded by the Community Development Block Grant Recovery monies authorized and appropriated under the American Recovery and Reinvestment Act of 2009.

The city received three bids on April 30, 2010, with total bids ranging from $47,200 to $70,800. The base bid included two components: Lead/Asbestos Abatement and Demolition. The bidders were to provide two additional "Add/Option" items: removal of trees and removal of concrete slab supporting two-car garage at the rear easterly portion of property.

Staff recommends that the City Council accept all bids, waive minor irregularities, and award a construction contract to Silverado Contractors, of Oakland, California, in the amount of $47,200, and authorize the City Manager to execute the contract. Staff further recommends if Silverado Contractors fails to execute the contract, the City Council authorize the City Manager to award the contract to the second lowest responsible bidder, Evan Brothers, Inc., without further action by the Council.
; 12:00 AM
Motion on Adopt

Motion to adopt Resolution No. 10-56, Authorizing Execution of Contract for Lead/Asbestos Abatement and Demolition at 7555-57 Mission Street
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: The following individuals requested Council's endorsement of their resolution urging the Motion Pictures Association of America to assign an "R" rating in movies that depict tobacco use:

Dylan Daquioag, representing Breathe California
Elias Paredes, representing Breathe California
Asia Harris, representing Breathe California

Gloriann Jones, representing Skyline Palisades Resident Association, requested the City Council direct Code Enforcement to clean up the litter, graffiti and weeds at the former gas station on the corner of Westmoor Avenue and Skyline Drive.

; 12:00 AM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.; 12:00 AM

REPORTS:

12. Council Committee

A Council Committee Meetings, April 26 - May 9, 2010

Minutes: The Council Committee reported on the Solid Waste/Recycling Committee (Klatt/Guingona)

; 12:00 AM

13. City Council

Minutes: Councilmember Torres stated he and the Mayor attended the Playground Building Day at Westlake Park last Tuesday. He wanted to congratulate the Parks and Recreation Department, and city staff on the work they did with KaBOOM!, and all the sponsors.

Mayor Guingona announced that Wednesday, May 13, 2010 is Bike to Work Day.

; 12:00 AM

14. Staff

Minutes: City Manager Patricia Martel made the following announcements:

The Bayshore Heights Park Project will be held on Saturday, July 31, 2010.
The Board of Supervisors will be hosting a community forum on the County's budget in Redwood City on Tuesday, May 11, 2010 from 6:30 p.m. to 8:30 p.m.
The City will be hosting a community forum in the Bayshore neighborhood at Lawson Hall on the High Speed Rail Project in California as well as the Bay Lands Project in Brisbane on Saturday, May 15, 2010 from 10:00 a.m. to 12:00 p.m.
The City will kick off its biennial budget study sessions on Tuesday, May 11, 2010 at 6:00 p.m.

; 12:00 AM

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 8:05 P.M. in memory of Adolfo Jose Padilla and Betty Schultz.

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