CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, June 14, 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 7:08 P.M.; 7:05 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Presentation of $1,000 to the Daly City Library by the Friends of the Daly City Library

Minutes: Marie Brizuela, representing the Friends of the Daly City Library, presented a check in the amount of $1,000 to Director of Library Carol Simmons to support the Summer Adult Reading Program at the Daly City Library. Ms. Brizuela introduced Lavina DeNatale, from Friends of the Daly City Library Secretary.; 7:06 PM

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.

Minutes: Mayor Guingona stated it was requested that Item No. 6, Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Economic and Community Development Professional Staff Association would be taken at the end of the Consent Agenda.; 7:09 PM

Resolutions :

1. Call for Daly City Municipal Election on November 2, 2010, Consolidation with San Mateo County in the Statewide General Election and Request for Specified Election Services

Motion on Adopt

Motion to adopt Resolution No. 10-64, Requesting the County Clerk of San Mateo County to Render Specified Election Services in Accordance with the Election Code of the State of California (Consolidation of General Municipal Election with the Statewide General Election of November 2, 2010)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

2. Amending Traffic Regulations:
   1. Designate 25-foot No Parking (Red) zone along the west curb of Whittier Street, south of the driveway at 298 Whittier Street. Extend the existing 6-foot Red Zone 9 feet northerly along the east curb of Whittier Street, north of Bellevue Avenue. (TSR 10-38)

Motion on Adopt

Resolution No. 10-65, Establishing Traffic Regulations

1. Designate 25-foot No Parking (Red) zone along the west curb of Whittier Street, south of the driveway at 298 Whittier Street. Extend the existing 6-foot Red Zone 9 feet northerly along the east curb of Whittier Street, north of Bellevue Avenue. (TSR 10-38)

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

3. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Daly City Police Officers Association

Motion on Adopt

Motion to adopt Resolution No. 10-66, Adopting Composite Summary Memorandum of

Understanding with the Daly City Police Officers Association (June 1, 2010 through May 31, 2012)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

4. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and AFSCME, Local 829

Motion on Adopt

Motion to Resolution No. 10-67, Adopting Composite Summary Memorandum of Understanding with AFSCME, Local 829 (July 1, 2010 through June 30, 2011)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

5. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Plant Maintenance Association

Motion on Adopt

Motion to adopt Resolution No. 10-68, Adopting Composite Summary Memorandum of Understanding with the Plant Maintenance Association (September 1, 2010 through August 31, 2011)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

6. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Economic and Community Development Professional Staff Association

Minutes: Mayor Guingona stated this item is being rolled over to the next meeting.

; 7:09 PM

7. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Police Management Association

Motion on Adopt

Motion to adopt Resolution No. 10-69, Adopting Composite Summary Memorandum of Understanding with the Police Management Association (July 1, 2010 through June 30, 2010)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

8. Authorizing Submittal of an Application to California Department of Housing and Community Development for $1,000,000 in Cal HOME Program Funds to Finance Housing Rehabilitation and Replacement for Low Income Households in Daly City

Motion on Adopt

Motion to adopt Resolution No. 10-70, Authorizing the Submittal of an Application to California State Department of Housing and Community Development for Funding Under the CALHOME Program; the Execution of a Standard Agreement if Selected for Funding and any Amendments Thereto; and any Related Documents Necessary to Participate in the CALHOME Program
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

9. Authorizing Allocation of Additional $3,200 to Center for Independence of the Disabled Under Community Development Block Grant Program

Motion on Adopt

Motion to adopt Resolution No. 10-71, Authorizing Allocation of Additional Funds to Center for Independence of the Disabled (CID) Under the Community Development Block Grant Program
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

10. Accept a Highway Safety Improvement Program Grant and Appropriate Grant Funds from the California Department of Transportation for the Gellert Boulevard Bicycle Lanes

Motion on Adopt

Motion to adopt Resolution No. 10-72, Accepting Highway Safety Improvement Program Grant and Appropriating Funds for the Gellert Boulevard Bicycle Lanes Project
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

11. Authorizing Execution of Agreement with San Mateo County Human Services Agency for the Summer 2010 Jobs For Youth Intern Program

Motion on Adopt

Motion to adopt Resolution No. 10-73, Authorizing Execution of Agreement with the San Mateo County Human Services Agency for the Summer Jobs for Youth Program
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

Check Registers :

12. Check Registers for the Month of May 2010

Motion on Approve

Motion to approve Check Registers for the Month of May 2010
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

Authorizing Budgetary Adjustments:

13. Accept and Appropriate a $5,000 Grant from the Thelma Doelger Charitable Trust for

the Daly City Library's Summer Reading Programs

Motion on Adopt

Motion to adopt Resolution No. 10-74, 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 Departmental Account
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

END OF CONSENT AGENDA

PUBLIC HEARINGS:

14. National Pollutant Discharge Elimination System Local Stormwater Program Regulatory Fee

Minutes: Director of Water and Wastewater Resources Patrick Sweetland stated Ordinance No. 1219 was enacted in 1995 to finance local specific responses to the State mandated Stormwater Pollutant Prevention Program. The fund collects $449,000 annually and has not been changed in 15 years. The fee is based on parcel size and land use with a base factor assigned to the single family/duplex parcel as it is the predominant land use in Daly City. Attached to the Agenda Report is a table that outlines the allocation of the local fee in support of local stormwater polluted functions undertaken by our Street Division.

Mayor Guingona opened the public hearing.
; 7:10 PM
Motion on Close

Motion to close public hearing.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 10-75, Maintaining Regulatory Fees Necessary to Fund the City's Local Specific Stormwater Management Plan Program Activities as to the National Pollutant Discharge Elimination System (NPDES) and Authorizing their Collection on the Property Tax Roll
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

15. Benefit Assessments for Linda Vista Area for Fiscal Year 2010-2011

A. Resolution Approving Engineer's Report and Imposing a Benefit Assessment for Fiscal Year 2010-2011

Minutes: Director of Public Works John Fuller stated the Linda Vista Benefit Assessment District was formed in 1990 for the purpose of providing a funding source for the annual maintenance and long term replacement of drainage facilities serving the Linda Vista, Bay

Vista and Bay Ridge Subdivisions.

In response to concerns raised by residents at last years public hearing, the Public Works Department instituted quarterly inspections of both the basin areas and the main property to ensure maintenance activities were not overlooked at the site on a regular basis. At this time, we are unaware of any problems.

It is recommended that the Council approve the Engineer's Report and impose the assessment as shown in the Engineer's Report.

Mayor Guingona opened the public hearing.

Rachel Garibaldi, resident of the Bay Ridge Subdivision, asked the Council to review the proposed assessment for both the Linda Vista and Bay Ridge Subdivisions, and to delay their vote until after another community meeting could be held. She was opposed to the increase, because the area is not being maintained. Ms. Garibaldi submitted photos of the site.
; 7:12 PM
Motion on Continue

Motion to continue this item to the meeting of June 28, 2010.
Passed For: 3; Against: 2; Abstain: 0; Absent: 0

COMMUNICATIONS:

16. Use Permit for new T-Mobile Wireless Facility at 75 Margate Street (Cont'd. from 4/26/10)

    A. (EA) Categorical Exemption
    B. Findings
    C. UPR-12-09-1543

Minutes: Planning Manager Tatum Mothershead gave a PowerPoint presentation on the project site. Ms. Mothershead stated the applicant, T-Mobile, requested use permit approval to install a new wireless facility at 75 Margate Street at the April 26, 2010 Council meeting. At that time, T-Mobile presented some modifications to the proposal. The Council directed staff to conduct a community meeting and continued this item to tonight's hearing.

This proposal is to replace an existing light pole of approximately 28.5 feet in height with a new light pole. The existing light pole is located in the landscaped parking median that serves the reservoir facility site. A one hundred square foot screened equipment area is also proposed on the same landscaped median.

The following residents spoke in opposition of the project citing concerns of an intrusion in their neighborhood, possible health risks and debris collecting in the area. The residents

commented that the tower is not necessary because people with T-Mobile service are not having trouble making calls in the area.

Lolita Lisam
Greg Starke
Kip McGrath
Shelton Watson
Larry Pellinacci
Janet Pellinacci
John Santiago
Roseann Conclara
Terry Conclara

Jerry Love read into the record a written statement in support of denying the use permit for T-Mobile. He also submitted a twenty-five page petition requesting the Council to deny the use permit to construct a wireless facility at 75 Margate Street, copies of which are on file in the Office of the City Clerk

John McCarthy stated at the last Council meeting, T-Mobile presented a coverage map with the gap coverage as a supporting reason for the new facility. Mr. McCarthy submitted three sets of cautionary signage for T-Mobile facility sheets outlining what training personnel needs and the use of proper safety equipment during normal operations and warning signs for employees.

Greg Guerazzi, representing T-Mobile, gave a presentation on the plan modifications to reduce the height and diameter of the light pole and proposed a solid wall to screen the equipment area. The facility will be in compliance with all City Fire Codes and have inspection by the Fire Marshall.

Discussion ensued with Bill Hammett of Hammett & Edison, Inc. answering Councilmember Torres' question regarding what the EMF pulse per minute was.

Paul Albritton, T-Mobile Counsel, reviewed his letter that was submitted to encourage approval of the re-design and staff's recommendation.

City Attorney Rose Zimmerman stated the City Council is limited by the FCC guidelines and rules with respect to denying a project solely based on EMF and the studies of the FCCs. As to other aspects, the City Council does have the authority to deny projects or consider conditions of approval that involve issues of aesthetics, noise, and pollution which are local in nature.

Councilmember Torres argued that in his estimation, he did not think there has been an establishment of a significant gap in single coverage sufficient to allow T-Mobile to claim that it met its "prima facie" evidence.

Councilmember Torres motioned to deny this application. Due to a lack of a second, the

motion failed.

Mayor Guingona recessed the meeting at 8:39 P.M. The meeting reconvened at 8:42 P.M.

Councilmember Canepa motioned to adopt the resolution with an amendment that would require EMF testing every six months at the property line adjacent to the nearest home.

; 7:05 PM
Motion on Concur

Motion to concur with the Categorical Exemption under CEQA requirements.
Passed For: 3; Against: 1; Abstain: 1; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 10-76, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit (UPR-12-09-1543), for a New T-Mobile Wireless Facility (75 Margate Street)
Passed For: 3; Against: 1; Abstain: 1; Absent: 0
Motion on Approve

Motion to approve UPR-12-09-1543, subject to the Conditions of Approval, as amended.
Passed For: 3; Against: 1; Abstain: 1; Absent: 0

AWARD OF BIDS/CONTRACTS:

17. Street Slurry Seal and Cape Seal 2010

Minutes: Director of Public Works John Fuller stated in 1998 the City began a comprehensive program of preventative maintenance of City streets. This years Street Slurry Seal Project will be conducted in the Southern Hills and Bayshore neighborhoods. In addition to the base bid, the city is including the rehabilitation of the city-owned parking lot and installing a bicycle lane on Southgate Avenue. A Bicycle Facility Program grant from the Bay Area Air Quality Management District will provide partial funding.

Staff recommends that the City Council award the construction contract for the Street Slurry Seal and Cape Seal 2010 to the lowest responsible bidder, American Asphalt Repair and Resurfacing Company, Inc. of Hayward in the amount of $806,627.60.

; 8:52 PM
Motion on Adopt

Motion to adopt Resolution No. 10-77, Authorizing Execution of Construction Contract with American Asphalt Repair and Resurfacing Company, Inc. of Hayward, California (Street Slurry Seal and Cape Seal 2010)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

RESOLUTIONS:

18. Adoption of Comprehensive Biennial Operating and Capital Budget for Fiscal Years 2011 and 2012

Minutes: Director of Finance and Administrative Services Don McVey presented the Comprehensive Biennial Operating and Capital Budget for Fiscal Years 2011 and 2012 for Council's consideration and adoption.

City Manager Patricia Martel stated at the recent Budget Study Sessions, "We discussed the funding for a number of organizations to which the City has been a member." One of the organizations we annually provide $42,000 for HEART. Ms. Martel asked if the Council wanted to consider reducing funding for this particular membership at least for this year or for the next two years.

Councilmember Torres suggested that the Council consider reducing the City's contribution to HEART by half. Vice Mayor Klatt and Councilmember Gomez suggested reducing its contribution even more. Councilmember Canepa wanted more information before reducing its contribution and deferred to the Committee member, Councilmember Torres.

; 8:56 PM
Motion on Reduce

Motion to reduce the HEART funding to $10,000.
Passed For: 4; Against: 1; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 10-78, Adopting Comprehensive Biennial Operating Budget and Capital Budget for Fiscal Years 2011 and 2012
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: There were no speakers.; 9:11 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.; 9:11 PM

REPORTS:

19. Council Committee

Minutes: There were no reports.; 9:11 PM

20. City Council

Minutes: There were no reports.; 9:11 PM

21. Staff

Minutes: There were no reports.; 7:05 PM

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn at 9:17 P.M. in memory of Woody Landry, Jerome Reitenbach, Vincente Aguon, William Braas, California Highway Patrol Officer Tom Coleman and Estilita Rivera.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0