

# CITY OF DALY CITY

## REGULAR MEETING - CITY COUNCIL

### AGENDA

Monday, June 28, 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 7:00 P.M.; 6:58 PM**

#### PLEDGE TO THE FLAG:

#### ROLL CALL:

#### PRESENTATIONS:

Commending Barbara Pizzo, Director of Imagination Station Child Development Center, on the Occasion of Her Retirement

#### Minutes:

City Manager Patricia Martel introduced Barbara Pizzo, the Director of Imagination Station Child Development Center, who was selected for her depth of experience in child care and a personality that made children love her and parents comfortable with leaving their children at the child care facility. Ms. Martel expressed appreciation for Barbara's dedicated service.

The City Council expressed appreciation for the wonderful work she has done with all the children at Imagination Station and wished her a happy retirement.

Mayor Guingona presented a commendation to Barbara Pizzo upon her retirement. Ms. Pizzo thanked the Council and introduced the new Director of Imagination Station Child Development Center Raeli Aguirre.

; 6:59 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.***

APPROVAL OF AGENDA:

Motion on Approve

Motion carried 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:

1. Authorizing Execution of a Professional Services Agreement with Brown and Caldwell to Update the 2010 Urban Water Management Plan

Motion on Adopt

Motion to Adopt Resolution No. 10-79, Authorizing Professional Services Agreement to Brown and Caldwell to Update the City's 2010 Urban Water Management Plan

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

2. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Secretary III Association

Motion on Adopt

Motion to adopt Resolution No. 10-80, Adopting Composite Summary Memorandum of Understanding with Secretary III Association (July 1, 2010 through June 30, 2012)

**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 International Union of Operating Engineers/Stationary Engineers Local 39

Motion on Adopt

Motion to adopt Resolution No. 10-81, Adopting Composite Summary Memorandum of Understanding with the International Union of Operating Engineers, Stationary Engineers, Local #39 (September 1, 2010 through August 31, 2012)

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

4. Commending Mary Rochells on the Occasion of Her Retirement

Motion on Adopt

Motion to Adopt Resolution No. 10-82, Commending Mary E. Rochells on the Occasion of Her Retirement

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

5. Authorizing City Manager to Execute Fiscal Year 2010-11 Subgrantee Contract Agreements Under Community Development Block Grant Program (22 Agreements)

Motion on Adopt

Motion to adopt Resolution No. 10-83, Approving and Authorizing Execution of Contractual Agreements for Community Service Programs under Community Development Block Grant Program (Fiscal Year 2010-2011)

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

6. Supporting Breathe California's Smoke-Free Movies Campaign

Motion on Adopt

Motion to adopt Resolution No. 10-84, Supporting Breathe California's Smoke-Free Movies Campaign

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

Authorizing Budgetary Adjustments:

7. Appropriation of \$1,000 in Donations from Friends of the Library to the Daly City Public Library

Motion on Adopt

Motion to adopt Resolution No. 10-85, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2009-2010

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

8. Proposed Water Rate Adjustments for FYs 2010/11, 2011/12, 2012/13, 2013/14 and 2014/15

Minutes:

Director of Water and Wastewater Resources Patrick Sweetland stated tonight's public hearing has been noticed and published consistent with State law under Proposition 218. Notices were mailed to property owners or individual water account customers and approximately 83 protests have been received by the Office of the City Clerk.

A PowerPoint presentation was given with Mr. Sweetland reviewing the operational aspects of the water fund and Director of Finance and Administrative Services Donald McVey reviewing the financial considerations of the proposed water rate adjustments and the five year financial plan.

Councilmember Canepa asked if this was the lowest water rate increase and what the consequences are of not approving this resolution tonight. Mr. McVey stated this is our best estimate and our recommendation for maximum percentage increases. He said if we did not adopt a rate increase, we would not be complying with our debt services covenant, and the other impact is, there will be a dramatic change in how we do business.

City Clerk Annette Hipona stated the City received eighty-one letters protesting the water rate adjustments.

Mayor Guingona opened the public hearing.

L. Williams acknowledged the great job the Daly City Water Department is doing in providing an excellent source of safe and fresh water. He appreciated the comments that Mr. McVey made to his concerns. Therefore, he withdrew his objections to the rate increase.

The following individuals were opposed to the rate increase: There concerns were for low income seniors and low income families, people on fixed incomes, and disabled people who do not need the additional burden of increases.

Don Seiki

Marian Seiki

Paul Patterson

Sylvia Alvarez-Lynch

Eve Skoufis

Mamie Zhu, resident of the Franciscan Mobile Home Park

Leanne Young

Cathy Pantazy

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; 7:13 PM  
Motion on Adopt

Motion to adopt Resolution No. 10-86, Making Findings and Determinations Relating to Adjustments in Water Rates and Establishing Water Rate Adjustments for Fiscal Years 2010/11, 2011/12, 2012/13, 2013/14 and 2014/15

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

9. Benefit Assessments for Linda Vista Area for Fiscal Year 2010-2011 (Cont'd from 06/14/10)

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

Minutes:

Director of Public Works John Fuller stated at the June 14, 2010 meeting, the City Council continued the public hearing due to the lack of resident participation at the neighborhood meeting. On June 24, a meeting was held at Rachel Garibaldi's home at which time, eight people attended. The neighborhood concerns included assessment cost, maintenance and desired improvements.

Based on the input at the meeting, staff's recommendation is to adopt the resolution with the assessments as presented and that Staff be directed to consider a future assessment plan that would produce a fixed rate every year.

Mr. Fuller gave a PowerPoint presentation on the purpose of the detention basins and assessment increases.

Rachel Garibaldi thanked the Council for postponing the decision. Phyllis Rizzi and Ms. Garibaldi were able to obtain 80 signatures of homeowners opposed to the proposed assessment. Ms. Garibaldi suggested keeping the assessment at the current rate, ensure that work is being done and work with city staff on a workable number for the assessment.

Phyllis Rizzi stated most of my neighbors said they were interested in a workable solution that they could plan for.

; 6:58 PM  
Motion on Close

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

Motion to adopt Resolution No. 10-87, Approving Engineer's Report and Imposing a Benefit Assessment for Fiscal Year 2010-2011

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

10. Appropriations Limitation for Fiscal Year 2010-2011

Minutes:

Director of Finance and Administrative Services Don McVey stated this is the City's general fund annual appropriations limitation adopted in accordance with the State Constitution.

The total appropriation limit for the City is \$83,140,492. Our estimated proceeds of taxes next year is \$49,319,304. We expect to be under the limit by about \$33,821,188.

Mayor Guingona opened the public hearing.

Vice Mayor Klatt stated at the last meeting we discussed the City's contribution to the HEART program. She stated HEART is not a homeless program; it is a First Time Home Buyer program. Vice Mayor Klatt asked the Council to reconsider the \$10,000 contribution to HEART.

City Manager Patricia Martel stated this is not the appropriate place to take action. However, at a later point, the Council can direct staff not to spend those funds.

; 8:32 PM  
Motion on Close

Motion to close the public hearing.

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

Motion on Adopt

Motion to adopt Resolution No. 10-88, Establishing City's Appropriations Limitation for Fiscal Year 2010-2011

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

COMMUNICATIONS:

11. Planning Commission – re: Use Permit, Design Review and Environmental Assessment for a Drive-Thru Pharmacy at 375 Gellert Boulevard

- A. (EA) Categorical Exemptions
- B. Findings
- C. UPR-3-10-1876, DR-3-10-1855

**Minutes: Planning Manager Tatum Mothershead gave a PowerPoint presentation on the project site and reviewed the applicant's, Steven Kattner, on behalf of CVS, Inc., request for use permit approval for the establishment of a drive-thru pharmacy in conjunction with design review approval for exterior façade and parking lot improvements**

**The proposed improvements will include parking lot reconfigurations, the construction of a new drive-thru canopy, partial removal of a raised planter and a new trash enclosure. They are proposing to change the existing one-way traffic to two-way, so there would be a full flow of traffic. One of the parallel parking spots would have to be removed to improve sight visibility.**

**Holly Grzywacz, Director of Development, Landmark Retail Group, was present.**

**Councilmember Torres asked if Vice Mayor Klatt, who motioned, agreed that the staff, developer and CVS look into the traffic flow issue including the closure of the two-way traffic between the bank and the driveway leading to Gellert. Vice Mayor Klatt and Councilmember Gomez, who seconded the motion, agreed to that.**

**; 8:40 PM**

Motion on Concur

Motion to concur with the Categorical Exemption under CEQA requirements.

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

Motion on Adopt

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. 10-89, Adopting Findings of Fact Following Public Hearing on Use Permit (UPR-3-10-1876), Design Review DR-3-10-1855) and Environmental Assessment for a Drive-Thru Pharmacy Business in Conjunction with Exterior Façade Improvements (375 Gellert Boulevard, Daly City, California)

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

Motion on Approve

Motion to approve Use Permit UPR-3-10-1876 and Design Review DR-3-10-1855, subject to Conditions of Approval.

**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 addressed the Council about the Franciscan Mobile Home Park residence efforts to protest the financial mismanagement and broken promises:

Bob Quinn

Bill Stipinovich

Melanie Blandino

Linda Kelly

Sandee Holman

Sylvia Alvarez-Lynch

Mamie Zhu, resident of the Franciscan Mobile Home Park

Ricci Rubio spoke on behalf of the seniors, people with disabilities and people living on low incomes who are most affected by the increases with no provisions for their living situations. In order for low income people to survive all the projected increases, reduction programs are necessary to keep them in their homes.

Jobe Cowen spoke on behalf of Summer Shields for Congress, regarding a piece of legislation called Glass-Steagall. He urged the Council to pressure Congress to pass this measure.

John Craig, Campaigning for Summer Shields for Congress, spoke about the national campaign with the LaRouche Political Action Committee organizing for the Glass-Steagall legislation to be implemented all around the Country. He asked the Council to endorse this legislation.

Cecil Owens stated he was shocked and appalled when he saw a man get so close to the Council with no one to stop them. He was glad to see that there is a police officer at each door now.

; 9:05 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

**Minutes:      There were no appointments.**

**; 9:25 PM**

REPORTS:

12.      Council Committee

A Council Committee Meeting, June 14 -27, 2010

**Minutes: The Council Committee reported on Design Review Permit DR-1-10-1573 – 1685 Edgeworth Avenue - Allied Waste Yard Demolition and Replacement for Employee Break Room (Klatt/Gomez) ; 9:25 PM**

**Minutes: The Council Committee reported on Design Review Permit DR-1-10-1573 – 1685 Edgeworth Avenue - Allied Waste Yard Demolition and Replacement for Employee Break Room (Klatt/Gomez) ; 6:58 PM**

13. City Council

Minutes:

Councilmember Gomez reported on a meeting she attended on June 17 at the San Mateo County Sheriff's Office on Emergency Services Council where they did a table top exercise from the Get Ready Network. The exercise dealt with disaster planning for individuals with disabilities and homebound individuals.

Councilmember Torres commented on an indoor soccer match at the Westlake Pacelli Event Center that he and his son attended this past weekend. He commended Joe Kim on volunteering his time in putting this event together.

Vice Mayor Klatt reported on the annual meeting of the Friends of the Library she attended yesterday afternoon.

Vice Mayor Klatt asked if there was any objection to revisiting the issue of the City's HEART contribution. Vice Mayor Klatt also asked the Mayor to redirect the City Manager to postpone and agendize the matter to look into the HEART Program and to not send the check.

; 6:58 PM

14. Staff

Minutes:

City Manager Patricia Martel announced the City is accepting applications for the Centennial Celebration Committee. Individuals interested in serving can submit an application in the Office of the City Clerk by July 12, 2010. The committee will consist of 15 members, 8 appointed by Council, 3 appointed by Mayor, two Councilmembers, the City's Historian, and one from the Chamber of Commerce.

City Manager Patricia Martel announced on Wednesday, July 21, 2010 at 7:00 P.M., we will hold a Special City Council Study Session for the primary topic of a review of the draft housing elements.

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; 9:32 PM

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 9:40 P.M. in memory of Mary Greene, .Roy Parenti, Sr., Robert Dal Porto and Rosie Calleos.

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