

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, December 13, 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 Klatt at 7:00 P.M.

; 7:16 PM

PLEDGE TO THE FLAG:

Minutes:

The pledge to the flag was led by Marian Mann.

; 7:16 PM

ROLL CALL:

PRESENTATIONS:

Lions International Peace Poster Contest Awards Winners

Minutes: Marian Mann stated this is the tenth year that the Daly City Host Lions Club has conducted Lions International Peace Poster contest program. This year's contest theme is "Vision of Peace". This year's judges were the Assistant City Manager Kerry Burns, Bette Davis and Marian Wilson. Four schools participated and were sponsored by Duggan's Serra Mortuary, Lucky Chances, Serra Bowl, and the Proaño Family. The first place winner will receive a \$100 Savings Bond and a plaque. The second place winner will receive a \$50 Savings Bond and a plaque. The school will receive a certificate of participation.

Mayor Klatt and Daly City Host Lions Club President, Sharon Keenan, presented the awards to:

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.

Benjamin Franklin Intermediate School

First Place: Danna Fernandez
Second Place: Devonte Lindsey

Fernando Rivera School

First Place: Najah Abdullah
Second Place: Denise Guinto

Our Lady of Perpetual Help School

First Place: Angelina Gica
Second Place: Anne Marie Tubig

Holy Angels School

First Place: Jordin Jimenez
Second Place: Kathy Valencerina

; 7:17 PM

APPROVAL OF AGENDA:

Motion on Approve

Approve the agenda.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Minutes: Councilmember Torres stated the HEART issue was inadvertently left off the agenda. He did not make a motion to add it to the meeting because a Councilmember is absent tonight.

; 7:26 PM

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 City Manager to Execute an Extension to the Agreement with the County of San Mateo for Homework Centers

Motion on Adopt

Resolution No. 10-177, Approving Extension to Grant Agreement Between City of Daly City and County of San Mateo Re: After School Homework Centers Program

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

2. Authorizing the Designation of City's Authorized Representatives for California State Association of Counties Excess Insurance Program

Motion on Adopt

Resolution No. 10-178, Authorizing Designation of City's Authorized Representatives for CSAC Excess Insurance Program

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

3. Commending Police Captain Cory Roay on the Occasion of His Retirement

Motion on Adopt

Resolution No. 10-179, Commending Cory Roay on the Occasion of his Retirement

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

4. Commending Police Lieutenant Jay C. Morena on the Occasion of His Retirement

Motion on Adopt

Resolution No. 10-180, Commending Jay C. Morena on the Occasion of His Retirement

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

5. Commending Police Sergeant Mark E. Keyes on the Occasion of His Retirement

Motion on Adopt

Resolution No. 10-181, Commending Mark E. Keyes on the Occasion of His Retirement:

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

6. Commending Police Sergeant Christopher J. Parker on the Occasion of His Retirement

Motion on Adopt

Resolution No. 10-182, Commending Christopher J. Parker on the Occasion of His Retirement
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

7. Setting Time and Place of Public Hearing: Supplemental Law Enforcement Service Funds Set Hearing 1/10/11

Motion on Adopt

Resolution No. 10-183, Setting Time and Place of Public Hearing on Expenditure Plan for Use of Allocated Funds Under the State of California Citizens' Option for Public Safety Program (COPS) Supplemental Law Enforcement Service Funds (SLES) Grant, Hearing 1/10/11, 7:00 P.M.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

8. Notice of Completion for Mussel Rock Landfill Site Maintenance 2010

Motion on Adopt

Resolution No. 10-184, Accepting Completion of Certain Project in the Department of Public Works (Mussel Rock Landfill Site Maintenance 2010)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

9. Acceptance of Office of Traffic Safety Funding for Annual "Click It or Ticket" Safety Belt Traffic Enforcement

Motion on Adopt

Resolution No. 10-185, Approving Receipt of Grant Funds from the California State Office of Traffic Safety for the Daly City Police Department

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Check Registers:

10. Check Registers for the Month of October 2010

Motion on Approve

Approve the check registers.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

11. Check Registers for the Month of November 2010

Motion on Approve

Approve the check registers.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

END OF CONSENT AGENDA

PUBLIC HEARINGS:

12. Community Development and Housing Needs

Staff

ZoBell

Recommended Action

Open/Close Hearing

Adopt Resolution Roll Call

Minutes: Housing and Community Development Supervisor, Betsy ZoBell, stated the City receives an allocation of Community Development Block Grant funds from the U.S. Department of Housing and Urban Development that are intended to be used primarily to benefit low and moderate-income residents and used for a variety of activities including affordable housing, public services, infrastructure and economic development. In addition, the City receives federal HOME funds that may be used for affordable housing.

Tonight, the City Council will conduct a public hearing to obtain citizen input on Housing and Community Development needs and adopting a resolution, which identifies funding categories with funding percentage ranges for the City's Community Development Block Grant (CDBG) and HOME Programs for Fiscal-Year 2011-12.

The staff has received written correspondence from the Center for Independence of the Disabled, emphasizing the importance of modifications to homes for seniors and people with disabilities to ensure they are safe in their homes. In addition, we received a call from Ann Sims, Executive Director of the Bayshore Child Care Services who wanted to emphasize the importance of affordable child care for children and infants of low income households.

Mayor Klatt opened the public hearing.

The following individuals expressed appreciation to the Council for their support and presented a brief description of services they provide to assist the citizens of Daly City:

**Brandi Vandolah, representing Healthy Aging Response Team (HART)
Judith Lim, representing HART volunteer**

Nina Tranch, representing HART volunteer
Bruce Hamilton, representing HIP Housing
Lauren Zorfas, representing Legal Aid Society of San Mateo County
Kim Gillette, representing Daly City Youth Health Center
Gina Papan, representing John’s Closet
Sharon Petersen, representing Samaritan House/Safe Harbor
Melissa Lukin, representing Community Overcoming Relationship Abuse (CORA)
Holly Fulghum-Nutters, representing Project Read
Chris Canter, representing Shelter Network

; 7:27 PM
Motion on Close

Close the public hearing.
Passed For: 4; Against: 0; Abstain: 0; Absent: 1
Motion on Adopt

Motion to adopt Resolution No. 10-186, Approving and Adopting Funding Categories with Funding Percent Ranges for the City’s Community Development Block Grant Entitlement and the City’s HOME Fund for Fiscal Year 2011-2012
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

COMMUNICATIONS:

13. Planning Commission – re: Use Permit, Design Review and Environmental Assessment for the Conversion of an Existing Single Family Residence into a New Duplex Residence—156 Miriam Street
 - A. EA (Categorical Exemption)
 - B. Findings
 - C. UPR-9-10-2731, DR-9-10-2372

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

Minutes: Associate Planner Jeannie Naughton gave a PowerPoint presentation on the project site and reviewed the applicant’s request of approval for the conversion of an existing single family residence into a new duplex residence on property located in the R-1/A Single Family/Duplex Residential District at 156 Miriam Street. There are two accessory structures located near the rear lot, including a garage and a storage shed. The applicant is proposing the removal of the accessory buildings, in conjunction with the addition to the single family residence.

A letter was received from 140 Miriam Street expressing concern about adding another unit to a block that currently has limited parking spaces.

Lisa Zhou, applicant stated the owner, Tak Man Leong, currently does not live in the existing home because it is not in living condition. He intends to move his family in one of the units, once it is renovated and possibly rent out the other unit.

; 7:55 PM

Motion on Concur

Concur with the Categorical Exemption under CEQA requirements.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Motion on Affirm

Affirm the findings of the Planning Commission as contained in their communication on file in the Office of the City Clerk.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Motion on Adopt

Resolution No. 10-187, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit (UPR-9-10-2731), to Construct a New Duplex (156 Miriam Street)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Motion on Approve

Approve UPR-9-10-2731, DR-9-10-2372, subject to Conditions of Approval.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

14. Presentation of Comprehensive Annual Financial Report

Staff

McVey

Recommended Action

Motion to Accept Report

Minutes: Director of Finance and Administrative Services, Donald McVey, reviewed and submitted the Comprehensive Annual Financial Report for the year ending June 30, 2010, which includes all funds and account groups for the City of Daly City as well as the activities of the Daly City Redevelopment Agency and the North San Mateo County Sanitation District.

The City Council contracted an independent audit of the books of accounts, financial records and transactions of City departments, divisions and functions by the firm Maze

and Associates, Certified Public Accountants. The audit is complete and the firm's unqualified opinion has been included in the document.

Mr. McVey gave a PowerPoint presentation on the City's General Fund Financial Update, a copy of which is on file in the Office of the City Clerk.

; 8:09 PM

Motion on Accept

Accept Comprehensive Annual Financial Report.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

15. Adoption of the Daly City Green Vision Climate Action Plan

Staff

Burns

Recommended Action

Adopt Resolution, Roll Call

Minutes: Assistant City Manager Kerry Burns gave a PowerPoint presentation on the Daly City Climate Action Plan, TEN for TWENTY that the City has put together for Council's consideration this evening and reviewed the initiatives the City has undertaken for addressing global warming and reducing carbon emissions, its policy and the guiding principles of the plan.

Ms. Burns also reviewed the ten goals to be implemented over the next ten years for reducing carbon emissions, reducing energy consumption and conserving natural resources, as outlined in the Agenda Report. A copy of the Daly City's Green Vision A Climate Action Plan for 2011 – 2020 and Beyond is on file in the Office of the City Clerk.

Pamela Di Giovanni volunteered to help on this issue. She stated she would like to be on a citizen committee if one is formed.

; 8:20 PM

Motion on Adopt

Resolution No. 10-188, Adopting Daly City Green Vision Climate Action Plan

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

AWARD OF BIDS/CONTRACTS:

16. Civic Center South Heating, Ventilation and Air Conditioning Replacement Project

Staff
Fuller
Recommended Action
Adopt Resolution, Roll Call

Minutes: Senior Civil Engineer Robert Ovadia recommended that the City Council accept all bids and award a construction contract to the lowest bidder, N. V. Heathorn Company of San Leandro in the amount of \$515,000 for the replacement of the heating, ventilation and air conditioning system at Civic Center South, 271 – 92nd Street. He stated the project includes the replacement of the existing boiler, chiller, and air-handler units with more energy efficient models that are more appropriately sized for the space and building usage.

; 8:38 PM
Motion on Adopt

Resolution No. 10-189, Authorizing Execution of Construction Contract with N.V. Heathorn Company: Heating, Ventilation and Air Conditioning Replacement Project (Civic Center South)
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

RESOLUTIONS:

17. Adjustment of Garbage Rates as a Result of San Mateo County AB 939 Fee Increase

Staff
McVey
Recommended Action
Adopt Resolution, Roll Call

Minutes: Director of Finance and Administrative Services Donald McVey stated this item is for Council determination that the increase in the San Mateo County AB 939 fee is an extraordinary expense under Article 7 of the Franchise Agreement for Solid Waste Services with Allied Waste and acceptance of other cost mitigation measures proposed by Allied Waste to reduce the impact of this fee increase.

Under the franchise agreement, Allied Waste is entitled to a rate adjustment of 1.07% for inflation, effective January 1, 2011 and to request a rate adjustment when extraordinary and unforeseen expenses occur, as provided for under Section 7.1.5 Extraordinary Expenses of the Franchise Agreement.

Allied has requested an adjustment for the following two items: 1) San Mateo County unilaterally imposed an increase of \$2.81 per ton in their AB939 regulatory fee at the Ox Mountain Land Fill; and 2) San Mateo County will not continue to provide the free household battery drop-off program without charge. Allied is able to provide the service at a reduced rate and the City wants to continue this service.

As a result of this request for this extraordinary rate adjustment, the City requested that Allied look at anything they can to help mitigate that increase. Allied proposes the following changes: 1) to consolidate the recycling routes, allowing the elimination of one route; 2) define that the debris box service is part of the exclusive franchise agreement and 3) eliminate the low income senior discount program, which no longer complies with current California law.

Pamela Di Giovanni was concerned how this would affect the low income seniors and asked how we can mitigate for the seniors.

; 8:41 PM
Motion on Adopt

Resolution No. 10-190, Adjustment of Garbage Rates as a Result of San Mateo County AB939 Fee Increase

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

ORDINANCES:

18. Second Reading - Ordinance of the City of Daly City Amending Title 15 of the Daly City Municipal Code

Staff
Zimmerman
Recommended Action
Adopt Ordinance, Roll Call

Motion on Adopt

Ordinance No. 1353 Amending Title 15 of the Daly City Municipal Code, by Repealing and Replacing Chapters 15.00, 15.08, 15.14, 15.16, 15.20, 15.22, 15.24, 15.32, 15.60; Repealing Chapters 15.12, 15.36 15.58; Adding Chapter 15.10 - Residential Building Code; and Adding Chapter 15.22 – California Green Building Standards Code Thereof, as Set Forth in Sections 1 Through 17 Herein After

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: Pat Saunder stated the Peninsula Inter-Faith Action and Broadmoor Action Ministry are concerned about Daly City and HEART, as well when HEART will be placed on the Agenda.

Marian Mann announced there are twenty-one homeowner associations participating in this year's Holiday Decorating Contest. She stated she is looking forward to awarding the winners at the first Council meeting in January.

Sylvia Alvarez-Lynch and Judith Christensen explained that Mayor Guingona, Councilmember Torres and City Manager Patricia Martel refused to meet with them and Mrs. Gloriann Jones and would meet only with Ms. Christensen alone with no witnesses. The agenda for this scheduled meeting was to discuss discrepancies between the 6% raises authorized in Resolution 02-50 and the actual 25% and 20% raises given to former City Manager John Martin and former City Attorney Stan Gustavson. Ms. Christensen formally requested another meeting with the same agenda with herself, Mrs. Alvarez-Lynch, Mrs. Jones, Ms. Martel, and whomever Ms. Martel would like to invite.

; 8:56 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.

; 9:04 PM

REPORTS:

19. Council Committee

Minutes: The Council Committee reported on the Jefferson Elementary School District Possible Plans for Surplus Property-Colma School and Hill Street, and Safe Routes to School (Gunigona/Klatt).

; 9:04 PM

A Council Committee Meetings, November 8 -
December 12, 2010

20. City Council

Minutes: Councilmember Torres reported on the San Mateo County Police Chiefs and Fire Chiefs Association meeting he attended along with health care providers and other community leaders to discuss the issue of Raves at the Cow Palace.

Mayor Klatt reported on the Holiday event that was held at the Doelger Senior Center.

Councilmember Canepa reported on the swim meet for the Dolphins at the Giammona Pool that he, Councilmember Guingona and Mayor Klatt attended on Saturday.

; 7:16 PM

21. Staff

Minutes:

Assistant City Manager Kerry Burns announced that due to financial times, the City Offices will be closed Friday, December 24 to Friday December 31, 2010.

; 9:11 PM

ADJOURNMENT:

Motion on Adjourn

Adjourn the meeting at 9:15 P.M. in memory of Carlos Alvarenga, Ray Sheeran, Betty Ann Hinchman, Tatay Doming Pulido, Richard Douglas, Ingrid Naglemaker and Yelva Torres.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1