CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, January 24, 2011 - 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 7:01 P.M.

; 7:01 PM

PLEDGE TO THE FLAG:

ROLL CALL:

APPROVAL OF AGENDA:

Motion on Approve

Motion to Approve APPROVAL OF 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.

Communications:

1. Report on Collection and Use of Developer Public Facility Fees

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.

Motion on Accept

Motion to accept the report.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

Resolutions:

2. Commending Rebecca Elliot, Peninsula Region Public Affairs Manager, League of California Cities, on the Occasion of Her Retirement

Motion on Adopt

Motion to adopt Resolution No. 11-10, Commending Rebecca Elliot on the Occasion of her Retirement

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

Check Registers:

3. Check Registers for the Month of December 2010

Motion on Approve

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

END OF CONSENT AGENDA

COMMUNICATIONS:

4. Planning Commission - re: Use Permit, Design Review and Environmental Assessment for the Establishment of an Auto Parts Business in Conjunction with Exterior Façade Improvements—6212 Mission Street

   A. (EA) Categorical Exemption
   B. Findings
   C. UPR-11-10-3055, DR-11-10-3056

   Staff
   Mothershead
   Recommended Action
   Motion on A
   B & C Adopt Resolutions

Minutes: Planning Manager Tatum Mothershead stated the applicant is requesting

Council's approval for a use permit for the establishment of a retail auto parts business in conjunction with Design Review approval for exterior façade improvements at 6212 Mission Street. Ms. Mothershead gave a PowerPoint presentation on the project site and reviewed the conditions as outlined in the agenda report.

Mayor Klatt asked if the applicant was using anti-graffiti paint and whether the applicant was going to use tanbark in the landscape area. The Mayor was concerned about a senior or a disabled person tripping over the tanbark if it spills onto the sidewalk.

Gary Semling, architect from Stantec Architecture (representing AutoZone), explained that one of the conditions requires that the street corner be brought up to ADA access, so the ramp will probably go into the concrete area. We can enclose the landscape area with a raised curb to prevent any tanbark from spilling into the sidewalk.

; 7:02 PM
Motion on Concur

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

Motion to 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. 11-11, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit (UPR-11-10-3055) and Design Review (DR-11-10-3056), to Establish a Retail Auto Parts Business
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Approve

Motion to to approve Use Permit UPR-11-10-3055 and Design Review DR-11-10-3056, subject to Conditions of Approval
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

5. Informational Item: Overview of SB375, the Sustainable Communities Strategy

   Staff
   Mothershead

Minutes: Planning Manager Tatum Mothershead stated Senate Bill 375 is legislation for California, relative to land use, transportation and environmental planning. It calls for the development of a Sustainable Communities Strategy in all metropolitan regions in California.

Within the Bay Area, the law gives joint responsibility for the Sustainable Communities Strategy to the Metropolitan Transportation Commission and the Association of Bay Area Governments. These agencies will coordinate with the Bay Area Air Quality Management District and the Bay Conservation and Development Commission.

Ms. Mothershead gave a PowerPoint presentation providing an overview of the Sustainable Communities Strategy as required by Senate Bill 375.

; 7:14 PM

ORDINANCES:

6. Introduce Ordinance to Amend Municipal Code Section 2.04.060 Regarding Calling a Special Election

Staff
Zimmerman
Recommended Action
Motion for City Attorney to Read by Title Only
Councilmember Introduce Ordinance

Minutes: City Attorney Rose Zimmerman stated mid-term Council vacancies in Daly City are governed by Daly City Municipal Code Section 2.04.060, which provides: "A person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. Such a special election may be held on the date of the next regularly scheduled election to be held throughout the city in not less than 90 days from the call of the special election."

Section 2.04.060 was amended in 1993 in order to be consistent with state law. Assembly Bill 2295 was signed into law on July 7, 1992 amending Government Code Section 36512 dealing with special elections and vacancies. In 1992, the City Council adopted an urgency ordinance to amend Daly City Municipal Code Section 2.04.060 to be in conformance with Government Code. In 1993, Assembly Bill 1282 was signed into law, amending Government Code Section 36512 (c)(3) to require the ordinance to provide that the special election be held on the next regularly established election date not less than 114 days from the call of the special election.

Due to an oversight, Daly City Municipal Code Section 2.04.060 was never amended to be in conformity with the new Government Code Section 36512(c) (3). Therefore, it is necessary to adopt an ordinance amending Daly City Municipal Code Section 2.04.060 to revise from 90 days to 114 days.

; 7:28 PM
Motion on Read & Introduce

Motion for City Attorney to read Ordinance No. 1354 by title only and Mayor Klatt introduced Ordinance No. 1354, Amending Section 2.04.060 of the Municipal Code Re: Special Election to Fill Vacancy

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: Gloriann Jones was disappointed that the Councilmembers did not attend the Mussel Rock Excursion and the Daly City/Colma History Guild 1911 Vaudeville show and sing-along celebrating the City of Daly City's Centennial. Bunny Gillespie held a tribute to John D. Daly at Woodlawn Cemetery which was attended by Councilmember Canepa. She hoped that the Council will be able to join future celebrations.; 7:33 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.; 7:01 PM

REPORTS:

7. Council Committee

Minutes:
There were no reports.
; 7:35 PM

8. City Council

Minutes: Councilmember Gomez reported on the meeting she attended regarding the Pre-Hospital Ambulance JPA group and American Medical Response Ambulance Service on January 19.

Councilmember Gomez also reported on the County's Sheriffs Office of Emergency Services meeting she attended on January 20 regarding this year's Disaster Preparedness Day, the San Bruno Fire and the critical need for emergency preparedness software that San Francisco is sharing and paying for.

Mayor Klatt announced Daly City will have its E-waste drop-off Saturday, February 5, at City Hall in the front parking lot from 10:00 a.m. to 3:00 p.m.

; 7:35 PM

9. Staff

Minutes: There were no reports.; 7:41 PM

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 7:42 P.M. in memory of Don Brissenden, Leonardo Gange, Mary Gonzalez, Alex Sola, Carmelita Jurado, Leticia Ruiz, Roy Veltri and Trinidad Gonzales.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0