

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, May 23, 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 7:18 P.M.

; 7:18 PM

PLEDGE TO THE FLAG:

ROLL CALL:

Minutes: Carol L. Klatt, Mayor

Raymond A. Buenaventura

David J. Canepa

Michael P. Guingona

Sal Torres

Staff Present:

Patricia E. Martel, City Manager

Kerry E. Burns, Assistant City Manager

Rose L. Zimmerman, City Attorney

K. Annette Hipona, City Clerk

; 7:19 PM

PRESENTATIONS:

Presentation on New Daly City Police Department's Citizen Online Reporting System

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.

(Lt. Pezzola)

Minutes: Daly City Police Lieutenant Lou Pezzola gave a PowerPoint presentation on the enhancements made on the Police Department's website regarding the new Citizen Online Reporting System.; 7:20 PM

APPROVAL OF MINUTES:

Regular Meeting of April 25, 2011

Motion on Approve

Motion to Approve Regular Meeting of April 25, 2011

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

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.

Resolutions :

1. Amending Traffic Regulations Along the East Side of Florence Street

Motion on Adopt

Motion to Adopt Resolution No. 11-59, Establishing Traffic Regulations

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

2. Setting the Time and Place of the Public Hearing for Daly City's National Pollutant Discharge Elimination System Program Regulatory Fee **Set Hearing 06/27/11**

Motion on Adopt

Motion to adopt Resolution No. 11-60, Setting the Time and Place of the Public Hearing Re: Maintaining Adopted Regulatory Fees Necessary to Fund Local Specific Program Activities

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Mandated under the Stormwater Management Plan, and Requesting San Mateo County to Collect Such Fees, Hearing 6/27/11 – 7:00 P.M.

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

3. Adopting Appropriations Limitation (Gann Limit) for Fiscal Year 2011-2012 on June 27, 2011

Motion on Adopt

Motion to adopt Resolution No. 11-61, A Resolution of Intention of the City Council of the City of Daly City to Adopt Its Appropriations Limitation for the Fiscal Year 2011-2012 on June 27, 2011

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

4. Setting Time and Place of Public Hearing Regarding Linda Vista Area of Benefit
Fiscal Year 2011-2012 **Set Hearing 06/27/11**

Motion on Adopt

Motion to Resolution No. 11-62, 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 2011-2012, Hearing 6/27/11 – 7:00 P.M.

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

5. Authorizing Execution Change Order - Reservoir 3 Seismic Roof Upgrade

Motion on Adopt

Motion to adopt Resolution No. 11-63, Authorizing Construction Contract Change Order to Existing Contract with Anderson Pacific Re: Reservoir 3 Seismic Roof Upgrade

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

Check Registers :

6. Check Registers for the Month of April 2011

Motion on Approve

Motion to approve Check Registers for the Month of April 2011

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

Authorizing Budgetary Adjustments:

7. Appropriate \$4,500 for Digital Scanning into SIRE

Motion on Adopt

Motion to adopt Resolution No. 11-64, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2010-2011

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

8. Appropriate \$50,000 for Part-Time Hours

Motion on Adopt

Motion to adopt Resolution No. 11-65, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2010-2011

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

9. Electing to be Subject to the Uniform Public Construction Cost Accounting Procedures Act and Introduce Ordinance Establishing Informal Bidding Procedures

Staff:

Fuller

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Motion for City Attorney to Read by Title Only

Councilmember Introduce Ordinance

Minutes: Director of Public Works John Fuller stated the California Public Contract Code required that all contracts for public works projects valued over \$5,000 had to be awarded to private contractors by a formal bidding process. In 1983 the California Legislature adopted Assembly Bill 1666, the Uniform Public Construction Cost Accounting Act, which allows local agencies to perform public project up to \$30,000 with its own force by negotiated contract or by purchase order. It also allows local agencies the ability to award contracts up to \$30,000 administratively without formal action and less formal procedures for contracts greater than \$30,000 but less than or equal to \$125,000.

Staff recommends that the Council adopt a resolution electing to be subject to the Uniform Public Construction Cost Accounting Procedures Act and introduce an ordinance adopting Informal Bidding Procedures.

Mayor Klatt opened the public hearing.

; 7:41 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. 11-66, Electing to be Subject to the Uniform Public Construction Cost Accounting Procedures Act and Introduce Ordinance Establishing Informal Bidding Procedures

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

Motion on Intro Ord

Motion carried that Ordinance No. 1356 be read by title only by the City Attorney.

Ordinance No. 1356, Adding Chapter 3.48 of Title 3 of the Daly City Municipal Code Re: Electing to Adopt the Uniform Construction Cost Accounting Act Procedures and Establishing Informal Bidding Procedures

Councilmember Torres introduced the ordinance.

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

10. Appeal of the Decision of the Chief Building Supervisor / Building Official Regarding a Retaining Wall at 62 Avalon Drive

Staff:

Mandapat

Recommended Action:

Council Determination

Minutes: Mayor Klatt stated it was requested to continue this item to the June 27, 2011.

; 7:45 PM

Motion on Continue

Motion to continue this item to the meeting of June 27, 2011.

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

COMMUNICATIONS:

11. Minor Subdivision MS-3-11-3461, Design Review DR-3-11-3462, and Environmental Assessment for the Subdivision of One Lot into Two Lots and Construction of Two New

Single Family Residences at 208 & 218 Wellington Avenue

A. EA (Categorical Exemption)

B. Findings

C. MS-3-11-3461, DR3-11-3462

Staff:

Engfer

Recommended Action:

Motion on A

Adopt Resolutions B & C

Roll Call

Minutes: Assistant Planner Steven Engfer gave a PowerPoint presentation on the minor subdivision and design review to subdivide one lot into two lots, and construct one new single family residence on each lot at 208 and 218 Wellington Avenue.

In response to the Council's concerns regarding the first floor becoming a secondary unit, James Forgarty, the applicant, explained that he built six homes on Annie Street and another home near this one with a similar floor plan. He stated he would have to think about modifying the floor plan.

; 7:46 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 at the Office of the City Clerk.

Motion to adopt Resolution No. 11-67, Adopting Findings of Fact Re: Minor Subdivision (MS-3-11-3461), Design Review (DR-3-11-3462) Subdivision of One Lot Into Two Lots and Construction of Two New Single Family Residences 208 & 218 Wellington Avenue

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

Motion on Approve

Motion to approve Minor Subdivision (MS-3-11-3461) and Design Review (DR3-11-3462), subject to Conditions of Approval.

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

12. Use Permit UPR-3-11-3536 and Environmental Assessment for Art of Reflexology Massage Business at 3 Serramonte Center

A. EA (Categorical Exemption)

B. Finding
C. UPR 3-11-3536

Staff:

Engfer

Recommended Action:

Motion on A
Adopt Resolutions B & C
Roll Call

Minutes: Assistant Planner Steven Engfer gave a PowerPoint presentation on a use permit application for the operation of a therapeutic massage business in the Serramonte Center at Space 310-5K.

; 8:02 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.

Motion to adopt Resolution No. 11-68, Adopting Findings of Fact Following Public Hearing on Use Permit (UPR-3-11-3536), and Environmental Assessment for a Therapeutic Massage Business in the Serramonte Center

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

Motion on Approve

Motion to approve Use Permit (UPR-3-11-3536), subject to Conditions of Approval.

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

13. Preliminary Plan Review of Planned Development (PD-67) PD-12-10-3203, Zone Change ZC-4-11-3678, General Plan Amendment GPA-12-10-3204, and Environmental Assessment CEQA-12-10-3205—Various Parcels located along Second and Third Avenues between Valley Street and A Street, Unincorporated San Mateo County; Two parcels located along Second Avenue

Staff:

Mothershead

Recommended Action:

Information Only

Minutes: Planning Manager Tatum Mothershead gave a PowerPoint presentation on the project site. Ms. Mothershead stated the San Mateo County Local Agency Commission (LAFCo) requires that any property proposed for annexation from Unincorporated San Mateo County to a municipality must be pre-zoned before consideration by the LAFCo Board.

This is a Preliminary Plan review of a series of pre- and re-zoning entitlements that the applicant must secure, prior to submitting the annexation application to LAFCo. At the Preliminary Plan stage, the Council should consider the proposed development and review the proposed land use, parking, circulation, and site plan. The Council may either grant approval to the Preliminary Plan so that the application proceeds to the Precise Plan Stage, where the additional entitlements, including Zone Change, General Plan Amendment and CEQA review will be brought forward, or request the applicant revise the Preliminary Plan prior to it proceeding to the Precise Plan stage. Preliminary Plan action does not limit the Council's ability to approve, conditionally approve or deny the Precise Plan by the next Preliminary Plan stage.

The applicant is requesting Preliminary Plan approval for the pre- and re-zoning of a portion of the subject site as Planned Development District PD-67 for the new construction of fifty townhouse units and the pre-zoning of one parcel of the site as R-2 Two Family Residential District in conjunction with a General Plan Amendment to designate the entire project as Medium Density Residential.

Two parcels are located within Daly City and are currently zoned R-1, Single Family Residential, while the remaining approximately 1.76 acres of the subject sites are located in Unincorporated San Mateo County, zoned R-1. The project site area is located along Second and Third Avenues between Valley Street and A Street.

; 8:06 PM

Motion on Approve

Motion to accept the Preliminary Plan.

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.; 8:16 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

Library Board of Trustees

; 8:18 PM

Motion on Appoint

Motion to appoint Dorie Paniza to the Library Board of Trustees to fill the unexpired term of Raymond Buenaventura. Her term will expire November 13, 2012.

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

Minutes: Ms. Paniza thanked the Council and introduced her family.; 8:18 PM

Minutes: Bay Area Water Supply and Conservation Agency; 8:20 PM

Motion on re-elect

Motion to carried to re-elect Councilmember Guingona to the Bay Area Water Supply and Conservation Agency Board of Director.

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

Motion on Re-Elect

Motion to re-elect Councilmember Guingona to the Regional Water System Financial Authority.

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

REPORTS:

14. Council Committee

A Council Committee Meetings, May 10 - 22, 2011

Minutes: The Council Committee reported on the Centennial Committee Meeting. (Torres/Klatt); 8:23 PM

15. City Council

Minutes: Councilmember Canepa reported that he attended the Housing Our People Effect (HOPE) meeting at which time staff presented the 2011 homeless count for San Mateo County.; 8:27 PM

16. Staff

Minutes: There were no reports.; 8:28 PM

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 8:30 P.M. in memory of Omar Ahmad, Nina Fabela Santos, William Noonan and Saturnino R. Guzman.

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