

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, August 08, 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 7:22 P.M.; 7:22 PM

PLEDGE TO THE FLAG:

ROLL CALL:

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 to Relocate Existing Parking Meter in Front of 280 San Pedro Road 19 Feet East and Relocate Existing 19-Foot No Parking (Red) Zone in Front of 280 San Pedro Road 19 feet West

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 to adopt Resolution No. 11-105, Establishing Traffic Regulations
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

2. Commending Michael E. Gutierrez on the Occasion of his Retirement

Motion on Adopt

Motion to adopt Resolution No. 11-106, Commending Michael E. Gutierrez on the Occasion of his Retirement
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

3. Authorization to Execute an Agreement with the State of California Department of Education and Appropriation of Grant Funds for the Bayshore Neighborhood After School Education and Safety Program

Motion on Adopt

Motion to adopt Resolution No. 11-107, Authorizing Execution of Agreement with the State of California Department of Education and Appropriation of Grant Funds (Bayshore Neighborhood Afterschool Education and Safety Program)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

4. Approval of License Agreement with Westlake School for the Performing Arts

Motion on Adopt

Motion to adopt Resolution No. 11-108, Approving Execution of License with the Westlake School for the Performing Arts (Doelger Art Center 200 Northgate Avenue, Daly City, California)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

5. Memorandum of Agreement with the Jefferson Union High School District for Teen Services

Motion on Adopt

Motion to adopt Resolution No. 11-109, Authorizing and Approving the Memorandum of Agreement Between the Jefferson Union High School District and the City of Daly City
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

END OF CONSENT AGENDA

PUBLIC HEARINGS:

6. Appeal of Administrative Use Permit AUP-12-10-3199 for the Co-location of New Verizon Wireless Facility at Westmoor High School - 163 Edgemont Drive

Staff:

Engfer

Recommended Action:

Open/Close Hearing

Council Determination

Minutes: Assistant Planner Steve Engfer stated the Administrative Use Permit AUP-12-10-3199 for a co-location of a new Verizon Wireless Telecommunication Facility at an existing T-Mobile wireless facility, located at 163 Edgemont Drive (Westmoor High School) was approved in accordance with Zoning Ordinance requirements on May 23, 2011. An appeal was received on May 27, 2011 from Rufino Urrutia and subsequent letters from neighbors were received on June 2, 2011. The T-Mobile facility was approved on April 29, 2008 by Administrative Use Permit AUP07-2.

Verizon Wireless proposed the installation of six new panel antennas and associated Remote Radio Units as a co-location to the existing stealth designed “Monopine” monopole.

Mr. Engfer gave a PowerPoint presentation on the project site and reviewed the appeal letters request for information regarding the specific location of the facility, clarification of the notice, the meaning of co-location, property devaluation, proximity to residential property, EMF radiation exposure and health hazards.

Councilmember Torres agreed with the residents’ arguments and felt there should be another way of doing these towers. They have not demonstrated enough of a coverage gap to warrant installing its antennas.

Councilmember Guingona stated if we believe there is some sort of health risk, then we should be working to dismantle the existing towers.

Mayor Klatt opened the public hearing.

Rufino Urrutia was concerned about property values decreasing after these types of poles are installed. He suggested moving the pole over to the other end of Westmoor where it will not affect anybody.

Roszena Iskandar was concerned about the radiation figures provided by the engineer hired by Verizon Wireless and the close proximity of the pole to students at Westmoor High School.

Charnel James, representing Verizon Wireless, answered Council’s questions relating to the limitations in the Federal Telecommunication Act, the EMF Report and the coverage map. Ms. James described the location of the pole and equipment as well as the

maintenance of the location.

; 7:23 PM

Motion on Close

Motion to close the public hearing.

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

Motion on Accept

Motion to accept the appeal request and return to staff to look at the Telecommunication Act to see what our limitations are for denying this kind of permit. Motion failed

Failed For: 2; Against: 3; Abstain: 0; Absent: 0

Motion on Deny

Motion to deny the appeal and to accept staff's recommendation to uphold the approval of the Administrative Use Permit AUP-12-10-3199. Motion failed

Failed For: 2; Against: 3; Abstain: 0; Absent: 0

Motion on Accept

Motion to accept the appeal request and deny the staff's recommendation to uphold the approval of the Administrative Use Permit AUP-12-10-3199. Motion passed

Passed For: 3; Against: 2; Abstain: 0; Absent: 0

7. Public Hearing on Claim to Lien Property at 651 Crocker Avenue

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes: Code Enforcement Officer Kathy Campbell stated staff is requesting that a lien be placed on the property at 651 Crocker Avenue for code fees and penalty fines totaling \$12,200. The subject property was found to be a public nuisance on November 20, 2008 and an Administrative Order was issued to the property owner to correct the cited violations no later than December 22, 2008.

The property owner has not abated the violations and has not paid the code fees and penalty fines. The City has placed a notice of violation that is recorded with the San Mateo County Recorder's Office to address the cited violation

Staff is requesting that the Council adopt a resolution allowing the cost of \$2,200 in code fees and \$10,000 in penalty fines to be made a lien on the subject property.

Mayor Klatt opened the public hearing.

Mayor Klatt asked if the property owner was present. The property owners were not present.

; 8:14 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. 11-111, Confirming and Adopting the Findings of the Administrative Appeal Board, Declaring Residential Premises to be a Public Nuisance, and Allowing such Costs, Penalties and Assessments to be Rendered and Recorded as a Lien or Assessment (651 Crocker Avenue, Daly City, California)

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

8. Application for Taxicab Permits and Application for Modification of Schedule of Rates for Taxicab Services

Staff:

Schott

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes: Assistant City Attorney Kelly Schott stated this is a request from Serra Yellow Cab Company for seven additional taxicab permits as well as an application for a rate adjustment. The City Attorney's Office forwarded the application to the Council Subcommittee. On June 27th, the Subcommittee reviewed the application and recommended approval of the application and rate adjustment.; 8:17 PM

Motion on Adopt

Motion to adopt Resolution No. 11-112, Adopting Findings and Determining the Need to Necessity for Additional Taxicab Services and Establishing Rate Change (Fare Increase) to be Charged by Licensed Taxicab Operators within the City of Daly City

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

COMMUNICATIONS:

9. Approval of Written Responses to the 2010-2011 San Mateo County Grand Jury Reports:
(a) Cell Towers: Public Opposition and Revenue Source; and (b) TASERS Standardizing to Save Lives and Reduce Injuries

Staff:

Martel

Recommended Action:

Motion to Accept Reports and Authorize City Manager to Prepare Written Responses

Minutes: City Manager Patricia Martel stated in May 2011 the San Mateo County Grand Jury issued the reports regarding Cell Towers: Public Opposition and Revenue Source and TASERS Standardizing to Save Lives and Reduce Injuries. The Grand Jury requires a public meeting be held to consider the reports and prepare and submit draft responses to the Civil Grand Jury as part of Superior Courts actions and placed on the website.

Ms. Martel presented the 2010-2011 San Mateo County Civil Grand Jury Report relating to the Cell Towers: Public Opposition and Revenue Source. The issue the Grand Jury identified was: Do cities and the County of San Mateo have effective governing policies and/or ordinances for cell tower installations that provide the public with a clear understanding of how applications are adjudicated? Are cell tower installations a source of revenue for cities and the County?

Police Captain Eric Wollman presented the 2010-2011 San Mateo County Civil Grand Jury Report relating to TASERS Standardizing to Save Lives and Reduce Injuries. The issue examined was: Have the law enforcement agencies in San Mateo County adopted a standardized TASER policy and, if so, is it effective?

Each reviewed the findings and the City's draft responses to the reports. A copy of the Grand Jury Reports, findings and City Responses are on file in the Office of the City Clerk.

; 8:21 PM

Motion on Accept

Motion to accept the Grand Jury Report relating to the Cell Towers: Public Opposition and Revenue Source and TASERS Standardizing to Save Lives and Reduce Injuries.

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

ORDINANCES:

10. Second Reading, Ordinance No. 1357, Amending the Daly City Zoning Map - Rezoning and Prezoning Certain Parcels to Planned Development (PD-67) and Adopting Planned Development Standards, and Prezoning One Parcel to R-2 Two Family Residential

Staff:

Zimmerman

Recommended Action:

Adopt Ordinance

Roll Call

Motion on Adopt

Motion to adopt Ordinance No. 1357, Amending the Daly City Zoning Map - Rezoning and Prezoning Certain Parcels to Planned Development (PD-67) and Adopting Planned Development Standards, and Prezoning One Parcel to R-2 Two Family Residential

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: Elias Tsienis stated he is representing some of the merchants at the Top of the Hill that are experiencing financial loss to business due to construction work. He asked that Caltrans, the City and construction company consider establishing a compensation account to help the merchants with their loss of business.

Marian Mann wanted to remind everyone that the 18th Annual Fun Day will be held on Wednesday, August 10, 2011 from 10:00 a.m. to 3:00 p.m. at Serra Bowl. Also, Ms. Mann was concerned about the graffiti that is covering Daly City. She asked if it could be cleaned up.

; 8:51 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

Mobilehome Rent Review Commission

; 7:22 PM

Motion on Appoint

Motion to appoint Paula L. Stillman, as a Member at Large, to the Mobile Home Rent Review Commission to fill an unexpired term. Term of Office expires on December 14, 2012.

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

Motion on Appoint

Motion to appoint Robert C. Quinn, Franciscan Mobile Home Park Member, to the Mobile Home Rent Review Commission to fill an unexpired term. Term of Office expires on December 14, 2012.

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

Motion on Appoint

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Motion to appoint Kathleen Heffner, as LINC Housing Corporation Member, to the Mobile Home Rent Review Commission to fill an unexpired term. Term of Office expires on December 14, 2012.

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

Minutes: Library Board of Trustees; 9:03 PM

Motion on Re-Appoint

Motion to re-appoint Michael J. Maysenhalder to the Library Board of Trustees with term expiring June 23, 2014.

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

Minutes: Planning Commission; 9:04 PM

Motion on Re-Appoint

Motion to re-appoint Laurie Rose L. Lubiano to the Planning Commission with term expiring July 1, 2014.

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

REPORTS:

11. Council Committee

A Council Committee Meetings, July 25 - August 7, 2011

Minutes: The Council Committee reported on the following:

Jefferson Elementary School District – Christopher Columbus School Property (Guingona/Klatt)

Centennial Committee (Klatt)

Solid Waste Committee (Klatt/Buenaventura)

General Plan Steering Committee (Klatt)

; 9:05 PM

12. City Council

Minutes: Mayor Klatt stated she attended an event at the Doelger Senior Center yesterday evening and looks forward to next year's event.; 9:09 PM

13. Staff

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

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 9:15 P.M. in memory of Sgt. William B. Gross Paniagua, Mary Tissier, John Jacob, Jr., Charlene Martin, Ida Thieses.

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