CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, August 22, 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 7:07 P.M.; 7:06 PM

PLEDGE TO THE FLAG:

Minutes: The pledge of allegiance was led by Jonah Miller.; 7:06 PM

ROLL CALL:

PRESENTATIONS:

Commending Michael E. Gutierrez on the Occasion of his Retirement

Minutes: Councilmember Guingona presented a resolution to Michael Gutierrez commending him for his commitment to the Daly City Community. Mr. Gutierrez thanked the Council.

The Council expressed their appreciation and best wishes on his retirement.

; 7:07 PM

Recognition of Daly City's Winners in the 2011 Bay Area Lifeguard Games

Minutes: City Manager Patricia Martel read an email she received from Justin Saroyan, Aquatic Coordinator of the Greater Vallejo Recreation District, recognizing the Daly City Lifeguard competitors' achievement for taking first place in the Bay Area Public Pool Operators Association Lifeguard Games on July 31, 2011 in Pacifica.

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.

Vice Mayor Torres presented Certificates of Commendation to the Daly City winners of the Bay Area Public Pool Operators Association Lifeguard Games Competition:

6th Place
Cindy Ma
Samantha Bruno
John Linstrom
Marc Fe

3rd Place
Kay Aung
Sean Moy
Kemo Ma
Hazel Panopio

1st Place
Marc Moy
Jerika Masangkay
Simon Min
Ann Chaw

; 7:14 PM

APPROVAL OF MINUTES:

Regular Meetings of June 27, 2011 and July 25, 2011

Motion on Approve

Motion to approve the minutes of June 27, 2011 and July 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.

Minutes: Mayor Klatt asked the City Manager to give a report on Item No. 1, Approval of Friendship Affiliation with Iloilo City.

Mayor Klatt stated Item No. 7, Adoption of Resolution Implementing Total Compensation Reductions for Miscellaneous/Unrepresented Employees, Executive Management, City Manager, City Attorney, City Clerk and City Treasurer would be taken at the end of the Consent Agenda.

; 7:24 PM

Communications :

1. Approval of Friendship Affiliation with Iloilo City

Minutes: City Manager Patricia Martel reported on a letter Mayor Klatt and the Daly City-Quezon City Sister City Committee received from Honorable Jed Patrick E. Mabilog, Mayor of the City of Iloilo, Panay Island, Republic of the Philippines, requesting a desire to establish a Friendship Agreement between Daly City and Iloilo City. She explained the purpose of establishing a Friendship Agreement between the two cities is to promote a stronger relationship between the people of each City through cultural, tourism and socio-economic exchange programs.

; 7:24 PM
Motion on Approve

Motion to approve.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

2. Approval of City Council Norms and Procedures

Motion on Approve

Motion to approve.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

Resolutions :

3. Notice of Completion for Light Emitting Diode Lighting Retrofits Project

Motion on Adopt

Motion to adopt Resolution No. 11-113, Accepting Completion of Certain Project in the Department of Public Works (Light Emitting Diode Lighting Retrofits)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

4. Acceptance of Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Grant Funds for Junipero Serra Boulevard, Hoffman Street, and San Pedro Road Rehabilitation Project.

Motion on Adopt

Motion to adopt Resolution No. 11-114, Accepting Federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) Grant Funds and Appropriating Funds for the Junipero Serra Boulevard, Hoffman Street, and San Pedro Road Rehabilitation Project
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

5. Allocate HOME funding for Project Delivery Costs Associated with Affordable Housing Development at 7555 Mission Street

Motion on Adopt

Motion to adopt Resolution No. 11-115, Amending 2011-2012 HUD Consolidated Action Plan for Project Delivery Costs for Affordable Housing Development at 7555 Mission Street
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

6. Adoption of Composite Summary Memorandum of Understanding and Salary Schedules between the City of Daly City and Specific Employee Organizations

Motion on Adopt

Motion to adopt Resolution No. 11-116, Adopting Composite Summary Memorandum of Understanding with AFSCME Local 829 (July 1, 2011 through June 30, 2013)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 117, Adopting Composite Summary Memorandum of Understanding with the Economic and Community Development Professional Staff Association (July 1, 2011 through June 30, 2013)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

7. Adoption of Resolution Implementing Total Compensation Reductions for Miscellaneous/Unrepresented Employees, Executive Management, City Manager, City Attorney, City Clerk and City Treasurer

Minutes:

City Clerk Annette Hipona stated that in 2009 she was singled out as the only Daly City worker to have her salary cut by 51% and that this cut was called “unjustified” and “political retribution” by the Civil Grand Jury. Ms. Hipona said this pay cut makes her

the lowest paid Clerk in San Mateo County and lower paid than her permanent support staff. Ms. Hipona said that she has already given up 51% of her salary and that this financial sacrifice is enough. Ms. Hipona asked that the Council remove her from the pay cut list and that the text of her speech and email sent to Council be a permanent part of this meeting.

; 7:30 PM
Minutes: City Manager Patricia Martel explained that all employees are taking a 3.7% cut to help sustain the city through the financial crisis in order to avoid cuts in services to the public and recommended that the Council reduce compensation for all Unrepresented/Miscellaneous Employees, Executive Management, City Manager, City Attorney, City Clerk and City Treasurer by 3.7 %. Ms. Martel said that in 2009 all employees gave up their 3% cost of living adjustment and that City Clerk was the only position excluded from that cut. Ms. Martel said that if the Council desires to raise the City Clerk's salary at a future date, they can.

; 7:34 PM
Motion on adopt

Motion to adopt resolution excluding the City Clerk's position this one-time only
Failed For: 2; Against: 3; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 11-123, Authorizing Implementation of Total Compensation Reductions (Miscellaneous/Unrepresented Employees) (September 1, 2011 through June 30, 2013)

Passed For: 3; Against: 2; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 124, Authorizing Implementation of Total Compensation Reductions (Executive Management Employees, City Clerk and City Treasurer) (October 1, 2011 through September 30, 2013)

Passed For: 3; Against: 2; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 11-125, Authorizing Implementation of Total Compensation Reductions (City Manager and City Attorney) (October 1, 2011 through September 30, 2013)

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

8. Accept and Appropriate the Fiscal Year 2011-12 Older Americans Act Grant for Nutrition, Meals and Disease Prevention

Motion on Adopt

Motion to adopt Resolution No. 11-121, Accepting a Grant from the San Mateo County Aging and Adult Services Department and Authorizing Appropriation of Grant Funds (Congregate Nutrition, Health Promotion and General Program Support)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

9. Authorization to Execute an Agreement with the Jefferson Elementary School District and Appropriate Grant Funds for the After School Education and Safety Program

Motion on Adopt

Motion to adopt Resolution No. 11-122, Authorizing Execution of Agreement with the Jefferson Elementary School District and Appropriation of Grant Funds (Afterschool Education and Safety Program)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

Check Registers :

10. Check Registers for the Month of July 2011

Motion on Approve

Motion to approve the check registers for the month of July 2011
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

11. Check Registers for the Month of June 2011

Motion on Approve

Motion to approve the check registers for the month of June 2011
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

END OF CONSENT AGENDA

Joint Session with the Redevelopment Agency

Minutes: Mayor Klatt called to order the Joint Session of the City of Daly City City Council and the Board of Directors of the Daly City Redevelopment Agency and upon roll call Directors Buenaventura, Canepa, Guingona, Torres and Klatt were recorded present.; 7:40 PM

12. Voluntary Alternate Redevelopment Program

A Ordinance to Comply with State Assembly Bill AB 1x 27, Allowing for the Continuation of the Daly City Redevelopment Agency

Staff:
McVey
Recommended Action:
Adopt Ordinance
Roll Call

Minutes: Mayor Klatt opened the joint session. The purpose of the joint session of the City of Daly City and the Daly City Redevelopment Agency is to consider the proposed Voluntary Alternative Redevelopment Program Act. I, as Mayor, will chair the hearing.

Director of Finance and Administrative Services Don McVey stated that the State of California is in budget crisis and would like help in balancing the budget from redevelopment agencies. Transferring redevelopment money from cities to the state was found to be unconstitutional. Governor Brown declared that he felt that all Redevelopment Agencies in California should be dissolved and new laws adopted. AB 1x 26 would dissolve all agencies and AB 1x 27 would allow agencies to operate if they transfer money to the state to continue.

Mr. McVey stated the following recommended actions are necessary to comply with AB 1x 26, the Dissolution Act, and AB 1x 27, the Voluntary Alternate Redevelopment Program Act, in order for the Daly City Redevelopment Agency not be dissolved on October 1, 2011.

The City must adopt an urgency ordinance to take effect immediately determining the City will comply with the voluntary alternate redevelopment program pursuant to State Assembly Bill AB 1x 27; and resolution approving a community remittance funding agreement between the City and the Redevelopment Agency.

The Daly City Redevelopment Agency must adopt a resolution approving a community remittance funding agreement between the City and the Redevelopment Agency; a resolution reducing the agency's allocation to the low and moderate income housing fund for Fiscal Year 2011-12 and finding that there are insufficient monies to meet the Daly City Redevelopment Agency's debt and other obligations, current priority program needs, and its obligations; and a resolution approving an Enforceable Obligation Payment Schedule Pursuant to AB 1x 26 for the Redevelopment Agency.

Mr. McVey informed the Council that the State Supreme Court granted a partial stay of both legislations, leaving intact the part that said the redevelopment agency cannot do anything. It is very possible that the Court may find these two pieces of legislation unconstitutional under the State's Constitution. As a result, the League of California Cities

and the California Redevelopment Agency brought a lawsuit against the State of California to stop this legislation. They asked that the lawsuit go directly to the State Supreme Court before the first payment is due on January 15, 2012. The Court agreed to hear it directly.

Mayor Klatt asked if there were any written communications. City Clerk Annette Hipona stated there were none.

; 7:41 PM
Motion on Adopt

Motion to adopt Ordinance No. 1358, An Urgency Ordinance of the City Council of Daly City Determining it will Comply with the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Daly City Redevelopment Agency
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

B Resolution Approving and Authorizing the Execution of a Community Remittance Funding Agreement by and between the City of Daly City and the Daly City Redevelopment Agency

Staff:
McVey
Recommended Action:
Adopt Resolution
Roll Call

Motion on Adopt

Motion to adopt Resolution No. 11-126, Approving and Authorizing the Execution of a Community Remittance Funding Agreement by and Between the City of Daly City and the Daly City Redevelopment Agency Providing for the Transfer of Tax Increment Revenue to the City in an Amount Not to Exceed the Amount of the Community Remittance Required Under AB 1X 27
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adjourn

Motion to adjourn the City Council's joint session at 7:48 P.M.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Minutes: Mayor Klatt reconvened the City Council meeting at 7:58 P.M. ; 7:58 PM

PUBLIC HEARINGS:

13. Proposed Zone Text Amendment ZC-4-11-3650 to Amend Certain Sections of the Zoning Ordinance Pertaining to the Requirements for Service Station with Accessory

Use Parking Regulations—City-Wide

A. EA (Categorical Exemption
B. Findings
C. ZC-4-11-3650

Staff:
Engfer
Recommended Action:
Open/Close Hearing
Motion on A
Adopt Resolutions B & C
Roll Call
Motion for City Attorney to Read by Title Only
Councilmember Introduce Ordinance

Minutes: Assistant Planner Steve Engfer gave a PowerPoint presentation on the applicant's, Muthana Ibrahim of MI Architects, request to amend Chapter 17.34.020 (O) of the Zoning Ordinance pertaining to the requirements for service stations with accessory use parking.

The proposed change is to the retail parking ratio from 1 space per 200 square feet of gross floor area to 1 space per 300 square feet of gross floor area. This change is both consistent with other retail uses of a similar nature throughout the city. In addition, the service station use still requires two spaces.

The existing code for the accessory car wash use requires seven spaces. The proposed changes are 5 spaces and consideration of the queuing lane to contribute to parking under a use permit. The proposed changes to the fuel dispensary area parking would allow consideration of up to 50% of Canopy/Dispensary Area to contribute to parking under a use permit.

Discussion ensued with staff answering Council's questions regarding employees parking in designated spaces and reducing parking.

Mayor Klatt opened the public hearing.

; 7:59 PM
Motion on Close

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

Motion to concur with the Categorical Exemption under CEQA requirements.

Passed For: 4; Against: 1; Abstain: 0; Absent: 0
Motion on Affirm

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: 4; Against: 1; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 11-127, Affirming Categorical Exemption (CEQA), Adopting Findings of Fact on Zone Text Amendment (ZC-4-11-3650) to Amend Certain Sections of the Zoning Ordinance Pertaining to the Requirements for Service Station with Accessory Use Parking Regulations - City-Wide
Passed For: 4; Against: 1; Abstain: 0; Absent: 0
Motion on Approve

Motion to approve Zone Text Amendment ZC-4-11-3650.
Passed For: 4; Against: 1; Abstain: 0; Absent: 0
Motion on Read

Motion that Ordinance No. 1359, be read by title only by the City Attorney.

Ordinance No. 1359, Repealing and Replacing certain Sections of Chapter 17.34.020(O) of the Municipal Code Re: Schedule of Parking Requirements of the Municipal Code
Councilmember Canepa introduced the ordinance.
Passed For: 4; Against: 1; Abstain: 0; Absent: 0

COMMUNICATIONS:

14. Request for Reconsideration of the Appeal of Administrative Use Permit AUP-12-10-3199, Co-Location of a New Verizon Wireless Facility at Westmoor High School-163 Edgemont Drive

    Staff:
    Zimmerman
    Recommended Action:
    Council Determination

Minutes: City Attorney Rose Zimmerman recommended that the Council consider a request for reconsideration of the decision to deny Administrative Use Permit AUP-12-10-3199.
On August 8, 2010, the City Council voted 3-2 to deny the administrative use permit for the Verizon co-location. On August 9, 2011, the City received a request for reconsideration of the administrative use permit for the co-location at 163 Edgemont Drive.

Charnel James, representing NSA Wireless, Inc./Verizon, stated this site was chosen because it is on publicly owned property, on an existing stealth facility and it meets the

other design requirements within the code. We have looked at other alternatives when we first began our search in 2008.

Russ Bentson, Senior RF Design Engineer for Verizon Wireless, stated the Council has been given a packet that shows our RF coverage before and after. The Council was also given a map that is a live drive test that was done last Thursday. The results of the drive test verify what our previous two admissions have been. He reviewed the areas with poor coverage and dropped calls that are shown in the map.

Paul Albritton, Counsel for Verizon, stated that Verizon agreed to co-locate on T-Mobile site, which is the most preferred site in your code. We submitted a packet describing how we felt this violated four areas of Federal law. The appeal was based on the environmental effects of radio frequency admissions. You cannot deny a site based on the environmental effects of radio frequency admissions or property values when we complied. Also, Federal law does not allow the Council to unreasonable discriminate between wireless carriers.

; 8:24 PM
Motion on Reconsider

Motion to reconsider this item at the meeting of September 26, 2011.
Passed For: 3; Against: 2; Abstain: 0; Absent: 0

AWARD OF BIDS/CONTRACTS:

15. Award of Contract for Mussel Rock Landfill Site Maintenance 2011

    Staff:
    Fuller
    Recommended Action:
    Adopt Resolution
    Roll Call

Minutes: Acting City Engineer Ravi Gehani stated the City has maintained the Mussel Rock Landfill in compliance with the Regional Water Quality Control Board Order No. 00-27 issued in 2000 and similar earlier orders, since the landfill's closure in 1978.

The site is located within an active landslide and is subject to ground movement and erosion. The City's maintenance efforts are focused on adequate landfill cover, integrity of the site's drainage system and seawall, erosion prevention and maintenance of access roads.

Due to ground movements, natural generalized erosion and vegetation growth, the existing site entrance and access road need maintenance work and repairs. The improvements and repairs are necessary to avoid exposing and releasing buried garbage into the ocean.

Staff is recommending that the City Council accept all bids and award a construction contract to O. C. Jones & Sons, Inc. of Oakland, in the amount of $132,826.00 for the

subject project.

; 8:38 PM
Motion on Adopt

Motion to adopt Resolution No. 11-128, Authorizing Execution of Contract with O.C. Jones & Sons, Inc. (Mussel Rock Landfill Site Maintenance 2011 Project)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

RESOLUTIONS:

16. Alcohol Beverage Control License for Discount Department Store - 133 Serramonte Center

    Staff:
    Naughton
    Recommended Action:
    Adopt Resolution
    Roll Call

Minutes: Associate Planner Jeannie Naughton stated this item is for consideration of a finding that the public convenience or necessity would be served by the issuance of a liquor license by the Alcohol Beverage Control Department. Target currently operates a discount store located at 133 Serramonte Center. Their current Type 20 license allows the store to sell beer and wine only. They have applied to ABC to upgrade their license to a Type 21, which will allow them to sell distilled spirits.

The application was forwarded to the City of Daly City to determine whether or not the issuance of the applied for license would serve as a public convenience or necessity because the premise is located in a high crime reporting district.

Beth Aboulafia, representing Target, requested Council approval in the form of a finding that public convenience and necessity to upgrade the existing Type 20 Beer and Wine license to a Type 21 license to also allow distilled spirits for off-site consumption. Ms. Aboulafia stated because the store was remodeled, which involved a significant expansion of the grocery section, Target would like to be able to offer distilled spirits.

; 8:40 PM
Motion on Adopt

Motion to adopt Resolution No. 11-129, Adopting Findings in Response to an Application for a Liquor License – Target – 133 Serramonte Center
Passed For: 3; Against: 2; 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: Carla Chu, representing Merchants on Mission Street, asked the Council to look into the Los Olivos and Parkview Construction Project. She stated the businesses are hurting because of the construction. There is not enough customer parking.

The following individuals appreciated Council's interest in Bocci Ball at Doelger Center:

Roni Miller
Audrey Williams

Marian Mann wanted the voters to be very careful and conscious of the people they elect as City Council because they are the people who are supposed to take care of us.

; 8:47 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointment.; 8:57 PM

REPORTS:

17. Council Committee

A Council Committee Meetings August 8 - 21, 2011

Minutes:

The Council Committee reported on the Payday Loan Committee. (Canepa/Klatt)

; 8:58 PM

18. City Council

Minutes: Councilmember Canepa stated Classic Bowl is holding a fundraiser today for the family of Michelle Le, who has been missing.

Vice Mayor Torres announced there will be a book signing of Bunny Gillespie's new book on Thursday in City Hall from 4:00 p.m. to 6:00 p.m.

Mayor Klatt reported on a meeting she attended last Friday by Assemblywoman Fiona Ma at the Susan B. Anthony School with members of Fish and Game regarding a Coyote Watch Program.

; 7:05 PM

19. Staff

Minutes:
City Manager Patricia Martel stated the on-ramp metering lights will commence on August 30th on southbound 280, which includes John Daly southbound on-ramp, Sullivan Avenue/D Street southbound 280, northbound Highway 1 on-ramp to southbound 280 and the Hickey Boulevard southbound 280 - Monday through Friday from 6:00 a.m. to 10:00 a.m.
; 9:04 PM

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 9:07 P. M. in memory of Julio Galli, Carl Heesch and John Michael Wagstaffe.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0