

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, November 14, 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 7:00 P.M.; 7:00 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Commending Linda Barnes on the Occasion of her Retirement

Minutes:

Mayor Klatt presented a Certificate of Commendation to Linda Barnes for her 38 years of dedicated service to Daly City in the Daly City Public Library.

; 7:01 PM

APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the agenda.

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

CONSENT AGENDA

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.

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. Notice of Completion for Mussel Rock Landfill Site Maintenance 2011

Motion on Adopt

Motion to Adopt Resolution No. 11-159, Accepting Completion of Certain Project in the Department of Public Works (Mussel Rock Landfill Site Maintenance 2011)

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

2. Setting Time and Place for a Public Hearing on Community Development and Housing Needs, and Authorizing the Solicitation of Request for Proposals of CDBG Funds **Set Hearing 12/12/11**

Motion on Adopt

Motion to adopt Resolution No. 11-160, Setting Time and Place for a Public Hearing Re: Assessment of Community Development and Housing Needs and Authorizing the Solicitation of Request for Proposals of CDBG Funds

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

3. Application to California Department of Housing and Community Development (HCD) for CalHome Program Funds

Motion on Adopt

Motion to adopt Resolution No. 11-161, Authorizing the Submittal of an Application to the California Department of Housing and Community Development for Funding Under the CalHome Program; the Execution of a Standard Agreement if Selected for Funding and Any Amendments thereto; and Any Related Documents Necessary to Participate in the CalHome Program

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

4. Public Hearing on Claim to Lien Property at 689 Orange Street (APN 006-441-190).

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes: Code Enforcement Kathy Campbell stated staff is requesting a lien be placed on the property located at 689 Orange Street for code fees and penalty fines totaling \$13,174. The subject property was found to be a public nuisance on August 26, 2010. The Administrative Order was issued to the owner to correct the cited violations not later than October 2, 2010.

The property owners, Daniel and Renato Goltiao, are deceased and the heirs have not responded to the Board Order and have failed to obtain a permit to either remove or legalize the cited violations. To date, the violations have not been abated and the code fees and fines have not been paid.

In the event of non-compliance, the administrative order directs the City to secure all costs due to the City through a lien on the property. The City has recorded a notice of violation with the San Mateo County Recorder's Office to address the cited violations. However, a lien is necessary to recover code fees and all costs due to the City.

Mayor Klatt opened the public hearing.

; 7:06 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. 11-162, 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 (689 Orange Street, Daly City, California)

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

COMMUNICATIONS:

5. Use Permit UPR-9-11-4550 and Environmental Assessment for the Operation of a Health and Fitness Club at 6403 Mission Street
 - A. EA (Categorical Exemption)
 - B. Findings
 - C. UPR-9-11-4550

Staff:

Naughton

Recommended Action:

Motion on A

Adopt Resolutions B & C

Roll Call

Minutes: Associate Planner Jeannie Naughton gave a PowerPoint presentation on the project site and reviewed the applicant's, Carlton Smith of MWA Architects, on behalf of Snap Fitness, request for Council's approval to operate a health and fitness center in an existing mixed-use building, known as 88 Hillside, located at 6403 Mission Street.

88 Hillside is bounded by John Daly Boulevard to the north, Mission Street on the west, Hillside Boulevard on the east, and Alp Street to the south. The surrounding uses are mostly commercial.

In response to Councilmember Canepa's question regarding parking space allocation, Ms. Naughton explained there are three levels of parking within the parking structure, labeled as Levels L, P, and M. The level assessable to the commercial tenant spaces is Level L along Mission Street. There are thirty-seven spaces exclusively for the commercial tenants. Thirty-six of those spaces will have a three-hour time limit and one space will have no time restriction. An additional eleven spaces will be available for both the commercial and residential uses.

The entry gate is on a timed system that operates from 7:00 AM to 10:00 PM. Customers of Snap Fitness that do not live at 88 Hillside will be required to utilize street parking if visiting the fitness center outside of these hours. Once in the structure, vehicles will be able to exit if leaving before 7:00 AM or after 10:00 PM.

In response to Council's concerns, John Hyjer, representing Equity Residential ownership, stated their customers are mostly commuter type that workout and then go home to change; and, the members of Snap Fitness will have an access card to enter the parking structure after hours.

; 7:10 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 adopt Resolution No. 11-163, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-9-11-4550 for the Operation of a Health Fitness Club (6403 Mission Street, Daly City, California)

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

6. Approval of the New Department of Library and Recreation Services Activity Guide, Adoption of an Activity Guide Advertising Policy and Adoption of a Resolution Establishing Advertising Fees

Staff:

Burns/Brown

Recommended Action:

Adopt Resolution

Roll Call

Minutes: Assistant City Manager Kerry Burns stated we wanted the Activity Guide to not only showcase our recreation programs but also spotlight the Library and active adult programs. Ms. Burns introduced Denise Brown, Romeo Benson and Cheryl Lee for the hours they spent on redesigning the new Activity Guide.

Recreation Services Manager Denise Brown presented the new Winter Activity Guide to the Council. She stated the Recreation Activity Guide is published quarterly and distributed to residents within Daly City, Colma and Broadmoor to publicize recreation activities, services and programs. For the first time, both library and active adult programs and services are now fully described in the Activity Guide.

To date, the City Council has not adopted an Activity Guide Advertising Policy or fee schedule. The proposed Activity Guide Advertising Fee Schedule would codify existing advertisement fees with one change. The non-profit discount would decrease from 30% to 25%.

Ms. Brown reviewed the Agenda Report and outlined the Activity Guide Advertising Policy or fee schedule.

Discussion ensued with staff answering Council's questions regarding the Activity Guide being on-line, the terms and conditions, the showcasing of the Commission meetings, quarterly cost and competitive bid process to publish the guide.

Vice Mayor Torres suggested the underlined revisions to the advertising policy subject to the City Attorney's approval. "The Director of the Department of Library and Recreation Services reserves his or her sole discretion the right to determine the suitability of advertisements and promotional materials to be displayed in the Activity Guide". "The Director's decision may be appealed to the City Manager whose decision is final and binding".

As to number five, Vice Mayor Torres suggested "Any ad that are deemed to infringe or alleged to infringe on the Copy Rights Act that the advertiser would indemnify the City for any and all cost, damages, settlements and awards". Ms. Burns added to the end of that sentence that the burden of the representation is on the advertiser and not on the City,

subject to the City Attorney's approval.

Vice Mayor Torres made the motion to adopt a resolution subject to form and content revisions drafted by the City Attorney.

; 7:19 PM

Motion on Adopt

Motion to adopt Resolution No. 11-164, Authorizing an Activity Guide Advertising Policy and Fee Schedule and Redesign of the Department of Library and Recreation Services Guide

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

7. Approval of the Department of Library and Recreation Services Build a Dream Scholarship Policy

Staff:

Burns/Brown

Recommended Action:

Adopt Resolution

Roll Call

Minutes: Recreation Services Manager Denise Brown stated for nearly 20 years, the Parks and Recreation Department provided scholarships for the community's youth through the Build a Dream Scholarship Fund. Funding for the program is made available by clients who registered for a recreation program, event or class, and who offered as part of their registration, a \$2.00 donation.

To date, a written policy has not been adopted by the City Council establishing guidelines for providing scholarships or revenue collected by the City through the donations of recreation program participants. Currently, the following informal criteria must be satisfied by youth and teens to qualify for a scholarship: Daly City residency or attendance at a Daly City school; and, a written request by a parent or guardian.

The goal of the proposed Build a Dream Scholarship Policy is to establish a formal application process and written guidelines for scholarship eligibility. The Policy specifically addresses: the application process, residency requirements, age limits and income verification procedures.

Ms. Brown outlined the Department of Library and Recreation Services Build a Dream Scholarship Policy.

Assistant City Manager Kerry Burns stated staff is recommending for Council's consideration the programs to be eligible for the scholarship be limited to life safety or social team skills, and that the scholarships be available to the most at-risk members of the community, youth 17 and under, and active adults 50 years and older.

; 7:49 PM

Motion on Adopt

Motion to adopt Resolution No. 11-165, Approving the Department of Library and Recreation Services Build a Dream Scholarship Policy

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: Montana Esquerra and Amiel Leaño, representing Westmoor High School Leo Club, announced on Wednesday, November 23, 2011, that they are having a Blood Drive at Westmoor High School in the small gymnasium from 8:00 a.m. to 2:00 p.m.; 8:08 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

There were no appointments.

; 8:10 PM

REPORTS:

8. Council Committee

A Council Committee Meetings, October 24 -
November 13, 2011

Minutes:

The Council Committee reported on the General Plan Steering Committee. (Klatt)

; 8:10 PM

9. City Council

Minutes:

Councilmember Canepa and Mayor Klatt reported they attended the “Say No to Drugs” Week event at the Westlake School. Councilmember Canepa congratulated Councilmember Buenaventura on his decisive win.

Mayor Klatt commended the Serramonte Shopping Center and the Chamber of Commerce on the Halloween Spook Parade. They had over 500 children dressed in costumes and gave

out nice prizes that were donated by one business in Daly City.

Mayor Klatt reported on Thursday, Walgreens had their ribbon cutting for the opening of its new food section. Mayor Klatt also reported Sister Willa Ilene will be leaving Seton Medical Center to go to Mountain View.

Councilmember Guingona reported on October 27, we had the Fil-Am History Month Celebration at Serramonte Library; on October 30, the Mayor and I attended the Harvest Baptist Church Inner Faith Friend Day; and on November 4, we went to the Turkey Bowl at Classic Bowl.

Mayor Klatt announced City Manager Patricia Martel has earned the designation of ICMA Credential Manager granted by the ICMA Executive Board.

; 8:13 PM

10. Staff

Minutes: There were no reports.; 8:21 PM

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 8:25 P.M. in memory of Ricardo Ayala, Karen Knutsen-Saeger, Charles “Bud” Terry, Ella Adams, Vibeke Linnamann-Castillo, Marc Guingona Lamb and Ken Gillespie.

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