

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, March 12, 2012 - 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 Torres at 7:00 P.M;
7:01 PM**

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Proclaiming March 2012 as American Red Cross Month (Nora Daly, ARC Volunteer)

Minutes: Mayor Torres presented a proclamation proclaiming March 2012 as American Red Cross Month to Nora Daly, American Red Cross Volunteer in recognition of its noble humanitarian mission. Nora Daly thanked the Council.

; 7:03 PM

APPROVAL OF MINUTES:

Regular Meeting of February 13, 2012

Regular Meeting of February 27, 2012

Motion on Approve

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 approved the minutes of February 13, 2012 and February 27, 2012.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

APPROVAL OF AGENDA:

Minutes: Mayor Torres asked for Council approval to make one change in the agenda to allow Sue Von Hagel from our Library to make a presentation.

; 7:06 PM

Motion on Approve

Motion to approve the agenda, as amended.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Minutes: Sue Von Hagel, Library Assistant II gave a report on the Girl Scouts 100 year history.

; 7:07 PM

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 Torres stated it was requested that the following item be taken at the end of the Consent Agenda: Item No. 12, Authorizing City Manager to Execute Notice of Withdrawal from the Housing Endowment and Regional Trust Joint Powers Agreement.; 7:09 PM

Resolutions :

1. Authorizing Execution of Contracts and Agreements for Leases, Permits, and Certifications for Maintenance on Mussel Rock Landfill Site

Motion on Adopt

Motion to adopt Resolution No. 12-27, Authorizing Execution of Contracts and Agreements for

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

2. Noticing Completion for Street Resurfacing 2011

Motion on Adopt

Motion to adopt Resolution No. 12-28, Accepting Completion of Certain Project in the Department of Public Works (Street Resurfacing 2011)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

3. Noticing Completion for Junipero Serra Boulevard, Hoffman Street, and San Pedro Road Rehabilitation

Motion on Adopt

Motion to adopt Resolution No. 12-29, Accepting Completion of Certain Project in the Department of Public Works (Junipero Serra Boulevard, Hoffman Street and San Pedro Road Rehabilitation)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

4. Authorizing Solicitation of Bids for the Distribution System Valve Replacement Project

Motion on Adopt

Motion to adopt Resolution No. 12-30, Approving Bid Documents and Authorizing Bid Invitations Re: Distribution System Valve Replacement Project

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

5. Setting Time and Place for a Public Hearing to Consider One-Year HUD Action Plan for Fiscal Year 2012-2013

Motion on Adopt

Motion to adopt Resolution No. 12-31, Setting Time and Place of Public Hearing on Daly City's One-Year Action Plan for Fiscal Year 2012-2013 under the Community Development Block Grant and HOME Programs, Hearing 4/23/12 – 7:00 P.M.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

6. Revising Existing Library Assistant III Job Specification (Civil Service)

Motion on Adopt

Resolution No. 12-32, Adopting Revised Job Specifications for the Position of Library Assistant III

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

7. Adopting Daly City's Local Hazard Mitigation Plan

Motion on adopt

Motion to adopt Resolution No. 12-33, Adopting Daly City's Local Hazard Mitigation Plan

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

8. Reassigning of Library Services Manager and Recreation Services Manager to Range 96 of Miscellaneous Unrepresented Salary Schedule

Motion on Adopt

Motion to adopt Resolution No. 12-34, Approving Reassignment of Library Services Manager and Recreation Services Manager to Range 96 of the Miscellaneous Unrepresented Salary Schedule

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

9. Authorizing the City Manager to Execute the Memorandum of Agreement with the San Mateo County Human Services Agency to Provide the Science, Technology, Engineering and Math Program

Motion on Adopt

Motion to adopt Resolution No. 12-35, Authorizing and Approving the Memorandum of Agreement with San Mateo County Human Services Agency to Provide Science, Technology, Engineering, and Math Program (STEM)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

10. Supporting Proposition 29 - the California Cancer Research Act of 2012

Motion on Adopt

Motion to adopt Resolution No. 12-36, Support of Proposition 29 – The California Cancer Research Act of 2012

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

11. Setting Time and Place of Public Hearing for March 26, 2012 RE: Ordinance Prohibiting Medical Marijuana Dispensaries

Motion on Adopt

Motion to adopt Resolution No. 12-37, Setting Time and Place of Public Hearing Re: Ordinance Prohibiting Medical Marijuana Dispensaries (Hearing Date: March 27, 2012, Time: 7:00 P.M.)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

12. Authorizing City Manager to Execute Notice of Withdrawal from the Housing Endowment and Regional Trust Joint Powers Agreement

Minutes: City Manager Patricia Martel stated, in keeping with Council's direction and due to the City's financial constraints, the City would withdraw from HEART at the present time. The City Council can reconsider the City's withdrawal when city funds are available.

Pat Saunders, representative of HEART/Broadmoor Presbyterian Church/Peninsula InterFaith Action was disappointed that the City was withdrawing from HEART but hoped the City Council will keep the door open to return in the future.

; 7:10 PM

Motion on Adopt

Motion to adopt Resolution No. 12-38, Authorizing Withdrawal from the Housing Endowment

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

END OF CONSENT AGENDA

PUBLIC HEARINGS:

13. Appeal of the Findings and Order of the Administrative Hearing Board for 1023 Hanover St. (APN 004-112-150) Rosario Sievers, Property Owner.

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes: Code Enforcement Officer Kathy Campbell gave a PowerPoint presentation and reviewed the matter of a code enforcement action related to construction activities without a building permit at 1023 Hanover Street, the determination of violation, and an order to abate issued by the Administrative Hearing Board on January 26, 2012.

Staff is requesting that the City Council affirm the Administrative Hearing Board Order issued to Rosario Sievers to abate violations relative to property at 1023 Hanover Street.

Mayor Torres opened the public hearing.

Peter Batio, representing the owner, provided handout material on the appeal and asked the Council to postpone their decision and grant an extension until December 2012 when the property owner's loan modification is in order, or return to the Hearing Board to amend the order to pertain only to violations committed by Ms. Sievers, or request the Board to cite the regulations that states it is illegal.

; 7:15 PM

Motion on Close

Motion to close the public hearing.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion on Adopt

Motion to adopt Resolution No. 12-39, 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 (1023 Hanover Street, Daly City, California)

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

COMMUNICATIONS:

14. Fiscal Year 2011-2012 Mid-Year Budget Update

Minutes: Director of Finance and Administrative Services Don McVey gave a PowerPoint presentation and a financial update on the City's fiscal year 2011-2012 mid-year budget.

State Senator Leland Yee addressed the Governor's budget cuts and revenue plan for last year as well as this year's budget cut and revenue proposal. He also addressed the issue of the closing of redevelopment agencies and the responsibility of the obligations of the Successor Agencies.

City Manager Patricia Martel gave an overview on what the City has done to address the structural deficit. Ms. Martel also gave a PowerPoint presentation and review of the Guiding Principles and Priorities the Council has established for direction in preparing the budget.

Councilmember Guingona suggested addressing enhancing the quality of health along with the quality of life in our Guiding Principles.

Councilmember Klatt stated she was once opposed to the bicycle lanes but now sees the benefit of having them. People are now using them to walk in and the lanes are slowing traffic down.

Councilmember Canepa suggested looking into enhancing larger businesses under Economic Development and Revenue Enhancement. Under the Land Use Priority, Councilmember Canepa also suggested changing the language as follows: "Enhance the physical development of the community without compromising consistent with sound environmental and other land use policies".

; 7:32 PM

RESOLUTIONS:

15. Approval of the Expanded Summer Youth Recreation Program

Staff:

Brown

Recommended Action:

Adopt Resolution
Roll Call

Minutes: Recreation Services Manager Denise Brown gave an overview on the Expanded Summer Youth Recreation Program and recommended that the Council approve the expanded program and adopt the fees associated with the expanded program.

The proposed program expansion would allow for participants to register for either an all-day program or a half-day program. The proposed cost for an all-day program is \$60 for Daly City residents and \$75 for non-residents. The proposed cost of a half-day program reflects a weekly increase from \$25 to \$30 for Daly City residents and \$37 for non-residents.

Assistant City Manager and Interim Director of the Department of Library and Recreation Services Kerry Burns stated if the Council approves the fee schedule this evening, it would result in a reduction of \$60,000 in general fund subsidy to this program, and adding \$25,000 in additional program revenue.

; 8:27 PM

Motion on Adopt

Motion to adopt Resolution No. 12-40, Approving Expanded Summer Youth Recreation Program

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

16. Authorizing Daly City's Reinstatement as a Member of the San Francisco International Airport/Community Roundtable and Appointment of City Representatives

Staff:

Curran

Recommended Action:

Adopt Resolution
Motion to Appoint
Roll Call

Minutes: Assistant to the City Manager Joseph Curran stated, it is recommended that the City Council adopt a resolution indicating its intent to reinstate Daly City as a full dues paying member of the San Francisco International Airport/Community Roundtable and designate a representative and alternate to represent Daly City at Airport Roundtable meetings.; 8:39 PM

Motion on Adopt

Motion to adopt Resolution No. 12-41, Authorizing Daly City's to be Reinstated as a Member of the San Francisco International Airport/Community Roundtable and Appointment of City Representatives

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion on Appoint

Motion to appoint Vice Mayor Buenaventura as the City's Representative to the Airport Roundtable.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

Motion on Appoint

Motion to appoint Councilmember Klatt as the City's Alternate to the Airport Roundtable.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

17. Authorizing Mayoral Appointments to the Redevelopment Oversight Board

Staff:

Martel

Recommended Action:

Motion to Appoint

Roll Call

Minutes: City Manager Patricia Martel stated in accordance with the implementation of ABx1 26 and the subsequent dissolution of the redevelopment agency, Daly City was named as the Successor Agency for our redevelopment agency. We are now moving forward with the Successor Agency Oversight Board.

The County of San Mateo, the County Board of Education, Community College and the Bayshore Sanitation District have made their appointments. The Mayor has two appointments through ABx1 26. The appointments need to be made as soon as possible so we may move forward with scheduling the first oversight meeting prior to April 15th.

Councilmember Klatt motioned to appoint the Mayor and City Manager to the Daly

City Successor Agency Oversight Board.

; 8:45 PM

Motion on Adopt

Motion to adopt Resolution No. 12-42, Approving Appointments to the Redevelopment Successor Agency Oversight Board

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)

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: Richard Rocchetta, Vice President of the History Guild of Daly City/Colma, invited the Council to the History Museum Open House, Saturday, March 17th from noon to 3:00 p.m.

; 8:48 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.

; 8:50 PM

REPORTS:

18. Council Committee

Minutes: There were no appointments.

; 8:50 PM

19. City Council

Minutes: Councilmember Canepa reported he visited the Korean Church and wanted to thank Reverend Quan and Lorraine Lee for their hospitality.

Councilmember Klatt reported she and the City Manager attended the Bayshore Elementary School District School Board meeting last week. They did a survey on

combining the Bayshore School District with Brisbane School District.

Mayor Torres reported he spoke at the San Francisco Bulls press conference, the new hockey team that is calling Daly City's Cow Palace home for the next ten years,

; 8:50 PM

20. Staff

Minutes: There were no reports.

; 8:52 PM

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 8:52 P.M. in memory of Sarah Marie Kelechava, Maria Ingram and Neil Pezzola.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: (None)