CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, April 23, 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.

; 7:00 PM

PLEDGE TO THE FLAG:

Minutes:

The Pledge to the Flag was led by Tom Nuris, Jefferson Union High School District Board of Trustee.

; 7:00 PM

ROLL CALL:

PRESENTATIONS:

Yes on Measure Y (Tom Nuris, Trustee, Jefferson Union High School District Board)

Minutes:

Tom Nuris, Jefferson Union High School District Trustee, asked for Council's support on Measure Y, which would levy a local parcel tax of $48 per year for four years. The measure would create a dedicated revenue source for the school district.

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.

; 7:02 PM

APPROVAL OF MINUTES:

Regular Meeting of March 26, 2012

Motion to Approve

The minutes of March 26, 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 stated, Item No. 7, Supporting Measure Y - a $48 Parcel Tax to be levied for Four Years to Benefit the Jefferson Union High School District, would be taken at the end of the Consent Agenda.

; 7:01 PM

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)

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.

Communications:

1. Report on Collection and Use of Developer Public Facility Fees

Motion to Approve Report

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

Resolutions:

2. Commending Sue Horst on the Occasion of her Retirement

Motion to Adopt

Resolution No. 12-58, Commending Sue Horst on the Occasion of her Retirement

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

3. Authorizing Execution of an Encroachment Agreement for the Placement and Maintenance of Bus Shelters in City Right-of-Way.

Motion to Adopt

Resolution No. 12-59, Approving Encroachment Agreement with San Mateo County Transit District and CBS Outdoors, Inc. Re: Placement and Maintenance of Bus Shelters in City Right-of-Way

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

4. Setting the Time and Place of the Public Hearing for Daly City's National Pollutant Discharge Elimination System Program Regulatory Fee

Motion to Adopt

Resolution No. 12-60, Setting the Time and Place of the Public Hearing Re: Maintaining Adopted Regulatory Fees Necessary to Fund Local Specific Program Activities Mandated Under the Stormwater Management Plan and Requesting San Mateo County to Collect Such Fees, Hearing 5/14/12 – 7:00 P.M.

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

5. Authorizing Solicitation of Bids for 2012-13 Street Resurfacing

Motion to Adopt

Resolution No. 12-61, Approving Bid Documents and Authorizing Bid Invitations Re: 2012-13 Street Resurfacing Project and Authorizing Resurfacing of Additional Streets

Utilizing Proposition 1B Funding

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

6. Authorizing Solicitation of Bids for 2012-13 Street Slurry Seal and Cape Seal (Crocker and Hillside) Project

Motion to Adopt

Resolution No. 12-62, Approving Bid Documents and Authorizing Bid Invitations Re: 2012-13 Street Slurry Seal and Cape Seal (Crocker and Hillside) Project

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

7. Supporting Measure Y - a $48 Parcel Tax to be Levied for Four Years to Benefit the Jefferson Union High School District

Motion to Adopt

Resolution No. 12-66, Supporting Measure Y - a $48 Parcel Tax to be Levied for Four Years to Benefit the Jefferson Union High School District

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

8. Authorizing City Manager to Execute Use Agreement Between the City and the United States Golf Association for the Use of Westlake Park Facilities During the U.S. Open

Motion to Adopt

Resolution No. 12-67, Approving the City's One-Year Action Plan for Fiscal Year 2012-2013 (July 1, 2012 through June 30, 2013)

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

9. Authorizing City Manager to Execute Use Agreement Between the City and the United States Golf Association for the Use of the Doelger Art Center Facilities During the U.S. Open

Motion to Adopt

Resolution No. 12-64, Approving Use Agreement with the United States Golf Association (Re: Doelger Art Center Facilities)

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

Check Registers:

10. Check Registers for the Month of March 2012

Motion to Approve

Check Registers for the Month of March 2012

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

Authorizing Budgetary Adjustments:

11. Appropriating Funds for Election Services Rendered by the County of San Mateo Election Office

Motion to Adopt

Resolution No. 12-65, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2011-2012

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:

12. City's HUD Consolidated One-Year Action Plan for Fiscal Year 2012-13

Staff:
ZoBell
Recommended Action:
Open/Close Hearing
Adopt Resolution
Roll Call

Minutes:

Housing and Community Development Supervisor Betsy ZoBell presented the City's HUD Action Plan for Fiscal Year 2012-13, which describes how the City will use its

federal housing and community development funds for the fiscal year, beginning July 1.

Our Community Development Block Grant allocation for 2012-13 will be $901,955 representing a decrease of 19.4%. Combined with loan repayment revenue and unspent funds for the current year, we will have $1.4 million available in Community Development Block Grant funds for fiscal year 2012-13.

We received a total of over $2.1 million in requests. Working with the CDBG Advisory Committee, we have prepared a recommendation plan that specifies how limited funds will be allocated to various activities and programs. A summary of the committee's recommendation for specific activities and allocation of available block grant funding for FY 2012-13 can be found as Exhibit A in the Agenda Report.

In addition to the Community Development Block Grant, the action plan describes how the City will use federal HOME funds, which may be used for the development and rehabilitation of affordable housing. In 2012-13, the City will receive an allocation of $237,868. This is a decrease of 52%. The committee recommends that the City allocate $290,000 in HOME funds to the rehabilitation of Family Crossroads, a 17 unit transitional housing facility located at 55 Hillcrest Boulevard that serves homeless families transitioning out of homelessness.

We have provided ample opportunities for public input. To date, we have received one comment from Audrey Magnusen, Executive Director of North Peninsula Neighborhood Services Center, expressing gratitude and support for the Minor Home Repair Program.

Staff is requesting that the City Council conduct a public hearing and adopt a resolution regarding the City's One-Year Housing and Urban Development Action Plan for Fiscal Year 2012-2013.

The following individuals expressed appreciation for the Council's support:

Ann Sims, representing Bayshore Child Care Services
Chris Canter, representing Shelter Network/Family Crossroads/Maple Street Shelter
Sharon Miller, representing Renaissance Entrepreneurship Center
Michael Radding, representing Mental Health Association of San Mateo County
Lois Ward, representing HIP Housing
Yvonne Frazier, representing Service League/Case Management
Seana O'Shaughnessy, representing Rebuilding Together Peninsula
Holly Ful-Jum-Nutters, representing Project Read
Elaine Bautista, representing Daly City Youth Health Center
Nora Tong, representing Nora's Patisserie
Shirley Gibson, representing Legal Aid Society of San Mateo County
Diane Papan, representing John's Closet

Linda Carlson expressed appreciation for staff in the City's Rehabilitation Office and support for the program.

; 7:09 PM

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 to Adopt

Resolution No. 12-67, Approving the City's One-Year Action Plan for Fiscal Year 2012-2013 (July 1, 2012 through June 30, 2013)

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

COMMUNICATIONS:

13. Use Permit UPR-1-12-5024 for Tenant Improvement for a Church Use at 92 Hill Street

A. EA (Categorical Exemption)
B. Findings
C. UPR-1-12-5024

Staff:
Engfer
Recommended Action:
Motion on A
Adopt Resolutions B & C
Roll Call

Minutes:

Assistant Planner Steven Engfer gave a PowerPoint presentation on the project site and reviewed the applicant's proposal for tenant improvement for church use at 92 Hill Street, which includes an auditorium with 60 fixed seats and support rooms within the existing building, along with parking layout modifications, and minor exterior alterations. The property is located on the northwest corner of Washington Street and Hill Street. The project site is zoned R1-B, Single Family Residential, BART Station Area Specific Plan Combining District and has a Specific Plan Designation of Neighborhood Commercial.

Pastor Winiel Pechardo, Harvest Baptist Church, was present to answer Council's questions and asked for Council's approval.

; 7:41 PM

Motion to Concur with

The Categorical Exemption under CEQA requirements.

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

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

Motion to Adopt

Resolution No. 12-68, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-1-12-5024 for Tenant Improvement (92 Hill Street, Daly City, California)

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

14. Use Permit UPR-4-11-3652 and Design Review DR-4-11-3653 for the Demolition and Reconstruction of a Service Station with Retail and Automated Car Wash Accessory Uses at 950 Hillside Boulevard

    A. EA (Categorical Exemption)
    B. Findings
    C. UPR-4-11-3652, DR-4-11-3653

    Staff:
    Engfer
    Recommended Action:
    Motion on A
    Adopt Resolutions B & C
    Roll Call

Minutes:

Assistant Planner Steven Engfer gave a PowerPoint presentation on the project site and reviewed the applicant's proposal to demolish the existing service station building and construct a new convenience store, an automated drive-thru car wash with queuing lane, a new trash enclosure, new fuel dispensary area with canopy, signage, landscaping and modify parking layout and driveways at 950 Hillside Boulevard. The property is located on the northwest corner of East Market Street and Hillside Boulevard.

The site is zoned I-D, Interim District, and has a General Plan Land Use designation of Commercial Retail and Office. Service Stations with accessory uses require a use permit in the I-D zoning district. The proposed use conforms to the General Plan Land Use designation.

Councilmember Canepa and Councilmember Klatt were concerned about the noise level from the car wash late in the evening as well as the close proximity of the car wash to homes.

Mayor Torres was concerned about the noise from the car wash in the evenings and early mornings. He suggested changing the hours from 7:00 a.m. to 10:00 p.m. daily to 8:00 a.m. to 9:00 p.m. Monday through Friday and weekends from 9:00 a.m. to 9:00 p.m.

Muthana Ibrahim, MI Architects, Inc. and Nick Goyal, owner of the Shell Station, were present to answer Council's questions.

Sam Qutami, representing Hillside Shell Auto, submitted a petition against the demolition of the building and reconstruction of the building at 950 Hillside Boulevard. Issues cited were damages to small businesses surrounding the project site, economic hardships, traffic congestion, pollution, and loss of jobs.

Mayor Torres suggested continuing this item and directed staff to set up a meeting with the owner of the Shell Station and the Hillside Homeowner Association; get more information on Mr. Qutami's business and the adverse effects on the surrounding businesses and residents.

; 7:49 PM

Motion to Continue

This item to the meeting of May 29, 2012.

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

15. Use Permit UPR-1-12-4998 and Design Review DR-1-12-4999 for the Establishment of a New Taco Bell Restaurant with a Drive-Thru at 7255 Mission Street

    A. EA (Categorical Exemption)

B. Findings
C. UPR-1-12-4998, DR-1-12-4999

Staff:
Engfer
Recommended Action:
Motion on A
Adopt Resolutions B & C
Roll Call

Minutes:

Assistant Planner Steven Engfer gave a PowerPoint presentation on the project site and reviewed the applicant's proposal to establish a new drive-thru Taco Bell restaurant at 7255 Mission Street.

The proposal includes a new restaurant building with drive-thru, associated parking lot and frontage improvements. The site is zoned C-1 (Light Commercial) and has a General Plan Land Use Designation of Retail and Office. The project site comprises three parcels that need to be merged to construct the project.

The City received one call from Leonardo Coardlabarrie, owner of the adjacent duplex, voicing his opposition to the project. His concerns included litter and vehicles being repaired.

Councilmember Klatt was concerned about the noise at the 24-hour drive-thru for the adjacent neighbors. She asked if the applicant was willing to change the 24-hour drive-thru to the same hours as Jack in the Box, 6:00 am to midnight daily and 6:00 am to 1:00 am on Friday and Saturday.

Steve Bousin, Project Manager for Taco Bell Corporation, stated they would like to get the 24-hour drive thru. If no one comes after midnight, we would re-evaluate and close at midnight.

Neil Hildebrand, broker for the property owner, was in favor of the project with the 24-hour drive-thru. If a problem arises, the Council can change the hours.

; 8:15 PM

Motion to Concur with

The Categorical Exemption under CEQA requirements.

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

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

Motion to Adopt

Resolution No. 12-69, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-1-12-4998 and Design Review DR-1-12-4999 for the Establishment of a New Taco Bell Restaurant with a Drive-Thru (7255 Mission Street, Daly City, California)

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

16. Planned Development PD-2-10-1726 (PD-66), General Plan Amendment GPA-2-10-1725 (GPA08-1) and Environmental Assessment CEQA-3-12-5237 for Review of the Preliminary Plan for Progression to a Precise Plan for a Planned Development Allowing 16 Residences on a 1.835 Acre Parcel - Vacant Parcel West of the Intersection of Martin Street and Steve Courter Way

    Staff:
    Engfer
    Recommended Action:
    Adopt Resolution
    Roll Call

Minutes:

Assistant Planner Steven Engfer stated this is for Council's consideration of a preliminary plan for progression to a precise plan stage to allow 16 residences on a 1.84 acre parcel.

The site is located off Steve Courter Way and fronts the unimproved Martin Street right-of-way, west of Summit Ridge Subdivision. Mr. Engfer gave a PowerPoint presentation on the project site and reviewed the applicant's proposal.

; 8:43 PM

Motion to Adopt

Resolution No. 12-70, Adopting Findings of Fact Re: Planned Development (PD-66), General Plan Amendment GPA-2-10-1725, Environmental Assessment CEQA-3-12-5237 - 16 Residences on 1.84 Acre Parcel located Vacant Parcel West of the Intersection of Martin Street and Steve Courter Way, Daly City, California

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:

There were no speakers.

;8:51 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

There were no appointments.

; 8:51 PM

REPORTS:

17. Council Committee

Minutes:

There were no reports.

; 8:51 PM

18. City Council

Minutes:

Councilmember Klatt commended the City Manager for the excellent presentation on water and wastewater at the CORHA meeting.

Councilmember Canepa reported he attended the San Mateo County History Association dinner. The dinner rose over $400,000 that will allow kids free access to museums on certain days and other educational activities.

Mayor Torres reported on the meeting, with the Counsel Generals from Honduras, El Salvador, Mexico, Venezuela, Guatemala and Columbia.

; 8:51 PM

19. Staff

Minutes:

City Manager Patricia Martel reported on the United States Golf Association using the Westlake Park and the Doelger Art Center facilities during the U.S. Open.

; 8:54 PM

ADJOURNMENT:

Motion to Adjourn

The meeting at 8:40 P.M. in memory of Louisito Cabalana Jr., Alfred J. Bray, Maryann Niebuhr and Beatriz Talavera Morales

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