

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, July 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 Vice Mayor Buenaventura at 7:00 P.M.

Vice Mayor Buenaventura wanted everyone to join in a moment of silence for the victims of the Aurora, Colorado tragedy.

; 7:00 PM

PLEDGE TO THE FLAG:

ROLL CALL:

APPROVAL OF MINUTES:

Regular Meeting of June 25, 2012

Motion to approve Regular Meeting of June 25, 2012

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

APPROVAL OF AGENDA:

Motion to approve the agenda.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt;

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.

Against: (None); Abstain: (None); Absent: Sal Torres

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 Install a Stop Sign on Guttenberg Street at Frankfort Street

Motion to adopt Resolution No. 12-113, Establishing Traffic Regulations

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

2. Committing \$83,520 in HOME CHDO Funds to Human Investment Project

Motion to adopt Resolution No. 12-114, Authorizing Commitment of HOME CHDO Funds to Human Investment Project and Authorizing Agreement Committing Funds to HIP for Development of Affordable Housing

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

Check Registers:

3. Check Registers for the Month of June 2012

Motion to approve check registers for the month of June 2012

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

4. An Ordinance of the City Council of the City of Daly City Adding Chapter 8.62 of Title 8 of the Daly City Municipal Code Re: Prohibiting Food Vendors from Using Polystyrene-based Disposable Food Service Ware

Staff:

Curran

Recommended Action:

Open/Close Hearing

Motion for City Attorney to Read by Title Only

Councilmember Introduce Ordinance

Minutes:

Assistant to the City Manager Joseph Curran stated this is a first reading of an ordinance that would prohibit food vendors in Daly City from using polystyrene-based (styrofoam) disposable food service ware.

The City Council reviewed a draft polystyrene food service ware ban ordinance at its Study Session on March 5, 2012. To date, the City has received no objections to the ordinance. Notice of the public hearing was published in the San Francisco Examiner on July 1, 2012.

We do not anticipate any fiscal impact on the City. The San Mateo County Department of Environmental Health will enforce the ordinance and provide outreach assistance to affected Daly City businesses.

The proposed ordinance prohibits all food vendors in Daly City, including restaurants, delis, cafes, markets, fast-food establishments, vendors at fairs, and food trucks from using polystyrene containers. It does not prohibit the use of polystyrene for pre-packaged foods in markets, and it does not apply to non-food businesses that use polystyrene for packaging.

The proposed ordinance will return for a second reading on August 13, 2012 and become effective and enforceable 30 days after the second reading, but enforcement would be suspended until January 1, 2013 in order to give businesses adequate time to exhaust their inventory and acquire food ware containers that are compliant with the ordinance.

The proposed ordinance does comply with the provisions of CEQA under Title 14 of CEQA. The ordinance is exempt from the requirements because it is not a project that has the potential for causing a significant effect on the environment.

Vice Mayor Buenaventura opened the public hearing.

; 7:02 PM

Motion to close the public hearing.

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

Motion that Ordinance No. 1362 be read by title only by the City Attorney.

Ordinance No. 1362, Adding Chapter 8.62 of Title 8 of the Daly City Municipal Code
Re: Prohibiting Food Vendors from Using Polystyrene Based Disposable Food Service Ware

Councilmember Canepa introduced the ordinance.

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

AWARD OF BIDS/CONTRACTS:

5. Authorization to Contract for Professional Services to Conduct Competitive Process for Award of Solid Waste Franchise

Staff:

McVey

Recommended Action:

Adopt Resolution

Roll Call

Minutes:

Director of Finance and Administrative Services Don McVey requested authorization to contract with HF&H Consultants LLC for professional services to assist in conducting a competitive process for award of the next franchise for collection and disposal of solid waste.

The current Franchise Agreement for Integrated Solid Waste Management Services expires in December 2014. In accordance with direction provided by the City Council, staff has begun the process of providing for a competitive process to select the company that will provide solid waste services under the next franchise agreement. This approach will allow for an open and competitive process and provides the opportunity to take advantages of advancements and improvements in the industry.

Although our rates are in the mid-range for our area, a competitive process will help to ensure that we are providing the best rates possible for the services that are provided. The process will also allow us to engage an expert consulting firm to assist us to gain the greatest level of service for our community.

HF&H Consultants has previously assisted the City with franchise negotiations. They have substantial experience in the Bay Area and know the local market well.

As we move forward, the City faces some unique challenges. We have many multi-family units, which presents a real challenge to recycling and the topography in other parts of the City is challenging. We hope an open process will encourage everyone who chooses

to submit a proposal to help deal with those issues in the best possible manner.

We anticipate the successful proposal would be selected around the fall of 2013, which would allow a long transitional period, should it be necessary to a new company.

Bob Hilton, President of HF&H Consultants, LLC, and Peter Deibler, Senior Project Manager, gave a PowerPoint presentation on the background of the solid waste collection program and rates, and an overview of some of the options and the process the City will be undertaking.

Discussion ensued with Mr. Hilton and Mr. Deibler answering Councilmember Canepa's questions regarding sole source negotiations verses RFPs.

Councilmember Guingona stated when the City negotiated with the same company it had been working with for many years, people questioned why not be more competitive. He felt hiring an experienced firm will give us the ability and opportunity to learn more on the latest improvements.

Councilmember Klatt stated the last time this contract was approved, we promised the community we would go out to an RFP when this contract was up.

; 7:12 PM

Motion to adopt Resolution No. 12-115, Authorizing the Execution of a Professional Services Agreement with HF&H Consultants LLC

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

COMMUNICATIONS:

6. Use Permit UPR-1-12-5048, Design Review DR-1-12-5050, and CEQA-1-12-5049
Prologis - SFMTA Offices, Auto Return & Auction Tenant Improvement at 2650
Bayshore Boulevard

A. EA (Negative Declaration)

B. Findings

C. UPR-1-12-5048, DR-1-12-5050

Staff:

Engfer

Recommended Action:

Motion on A

Adopt Resolutions B & C

Roll Call

Minutes:

Assistant Planner Steve Engfer gave a PowerPoint presentation on the project site and reviewed the applicant's request for approval of a proposed tenant improvement. The existing 232,000 square foot building, a 12.72-acre lot for SFMTA will be used to operate a facility for the storage of impounded vehicles, their return, auction and facility to house their parking enforcement operations at 2650 Bayshore Boulevard.

The site is an existing developed M- Industrial zoned site that was the home of the United States Postal Service (USPS) Distribution Center until 2010. Other previous uses included food warehousing, distribution products and manufacturing of cans and bottle tops.

Councilmember Klatt was concerned about the facility being open 24-hours a day, increased traffic congestion on MacDonald Street, and trucks using Talbert Street. She asked if we could limit the use of Talbert Street at night.

Kristin Magary, SFMTA representative, Lorraine Fuqua, administer of the towing contract on behalf of SFMTA, and Donavan Fulmar, Vice President of Operations for Auto Return, were present to answer Councilmember Klatt's questions. Mr. Fulmar stated we can do whatever is required in order to mitigate our impact on the community.

Councilmember Klatt wanted to add a condition restricting towed vehicle access from Talbert Street between the hours of midnight to 5:00 a.m.

; 7:49 PM

Motion that this project will not have a significant effect on the environment and instructed that a Mitigated Negative Declaration be filed.

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

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; Against: (None); Abstain: (None); Absent: Sal Torres

Motion to adopt Resolution No. 12-116, Adopting Findings of Fact Following Public Hearing on Use Permit (UPR-1-12-5048), Design Review (DR-1-12-5050) and Environmental Assessment (CEQA-1-12-5049) San Francisco Municipal Transportation Agency (SFMTA) Offices, Auto Return and Auction Tenant Improvement 2650 Bayshore Boulevard, Daly City, California

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt;

Against: (None); Abstain: (None); Absent: Sal Torres

Motion to approve Use Permit (UPR-1-12-5048), Design Review (DR-1-12-5050), subject to the Conditions of Approval, as amended.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt;

Against: (None); Abstain: (None); Absent: Sal Torres

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:

Judith Christensen, Original Daly City Protective Association President, stated in the current time, many people in Daly City are either unemployed, facing serious financial crisis or foreclosure. She stated that 67% of Daly City fulltime employees earned more than \$100,000 in 2011. Nine percent of all Daly City employees earned more than \$200,000. She asked the Council if we are getting our money's worth.

Marian Mann, Daly City resident, spoke in support of the Council, appointed officials and staff.

; 8:11 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

There were no appointments.

; 8:15 PM

REPORTS:

7. Council Committee

Minutes:

There were no reports.

; 8:15 PM

8. City Council

Minutes:

Vice Mayor Buenaventura reported at a City Council Study Session, the idea of designating a district with a Filipino American designation was discussed. Also discussed was the promoting of Daly City businesses by doing short videos and advertising them on our own Facebook page that we create, or advertise them on the City's website.

; 8:14 PM

9. Staff

Minutes:

City Manager Patricia Martel announced, in commemoration of the City's centennial, the City is offering the opportunity to purchase a commemorative brick for \$100 that will surround a circular bronze medallion located at the new plaza at the Top-of-the-Hill. She reported that a large commemorative sign will be posted from the Top-of-the-Hill to the BART Station as "John Daly Boulevard/Centennial Way" with the 100th Year logo on it.

; 8:16 PM

ADJOURNMENT:

Motion to adjourn the meeting at 8:25 P.M. in memory of Elinor Crump, Linda Kelley, Rey Singson, Ralph Giannini, Earl Homan and Nancy Martinson.

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