

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, August 13, 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.

6:59 PM

PLEDGE TO THE FLAG:

ROLL CALL:

APPROVAL OF MINUTES:

Regular Meeting of July 9, 2012

Motion to approve the minutes of July 9, 2012

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

APPROVAL OF AGENDA:

Motion to approve agenda.

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

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.

Minutes:

Mayor Torres stated Item No. 6, Commending James W. (Jim) Manson on the Occasion of His Retirement, would be taken at the end of the Consent Agenda.

7:01 PM

Resolutions:

1. Accepting South Westside Basin Groundwater Management Plan

Motion to adopt Resolution No. 12-117, Accepting South Westside Basin Groundwater Management Plan

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

2. Authorizing the City Manager to Execute a Professional Services Contract with Collection Bureau of America

Motion to adopt Resolution No. 12-118, Approving and Authorizing Execution of Professional Services Contract with Collection Bureau of America

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

3. Transferring Former Daly City Redevelopment Agency Land Use Related Plans and Functions to the City of Daly City Pursuant to Health and Safety Code Section 34173(i)

Motion to adopt Resolution No. 12-119, Requesting Transfer of Former Daly City Redevelopment Agency Land Use Related Plans and Functions to the City of Daly City Pursuant to Health and Safety Code Section 34173(I)

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

4. Setting Time and Place for a Public Hearing on Claim to Lien Property at 302 Northgate Avenue (APN 002-091-020).

Motion to adopt Resolution No. 12-120, Setting Time and Place of Public Hearing Before the City Council on Claim to Lien Property Located at 302 Northgate Avenue, Hearing Date: 9/10/12 – 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 the City Manager to Execute an Agreement with Keyser Marston Associates to Prepare Affordable Housing Impact Nexus Study

Motion to adopt Resolution No. 12-121, Approving and Authorizing Execution of Agreement with Keyser Marston Associates

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

6. Commending James W. (Jim) Manson on the Occasion of His Retirement

Minutes:

Mayor Torres and Councilmember Klatt commended James Manson on his twenty-five years of dedicated service and commitment to the Daly City community.

7:02 PM

Motion to adopt Resolution No. 12-125, Commending James W. Manson on the Occasion of His Retirement

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

7. Setting Time and Place of a Public Hearing for September 10, 2012 Regarding an Ordinance Adding a Chapter to the City of Daly City Municipal Code Regulating Secondhand Smoke

Motion to adopt Resolution No. 12-122, Setting Time and Place of Public Hearing Re: Ordinance Adding Chapter to the City of Daly City Municipal Code Regulating Secondhand Smoke, Hearing 9/10/12 - 7:00 P.M.

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

8. Authorizing the City Manager to Execute an Agreement with Scientific Art Studio, Inc. for Design, Fabrication and Installation of a Commemorative Plaque at Centennial Plaza

Motion to adopt Resolution No. 12-123, Approving and Authorizing Execution of

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

9. Authorizing Property Tax Exchange Between Broadmoor Police Protection District, Colma Fire Protection District, Colma Lighting District and the County of San Mateo for Proposed 92nd Street and Annie Street Annexations

Motion to adopt Resolution No. 12-124, Authorizing a Property Tax Exchange between Broadmoor Police Protection District, Colma Fire Protection District, Colma Lighting District and the County of San Mateo Proposed Annie Street and Edgeworth Avenue Annexations

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 July 2012

Motion to approve check registers for the month of July 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:

11. Peoria Street/Wellington Avenue/Lausanne Avenue/Chelsea Court Townhomes—Major Subdivision SUB-7-11-4269, Use Permit UPR-7-11-4270, Zone Change ZC-10-11-4681, Design Review DR-7-11-4272 and Environmental Assessment CEQA-7-11-4271

Staff:

Naughton

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:

Associate Planner Jeannie Naughton gave a PowerPoint presentation on the project

site and reviewed the application to allow the new construction of 66 residential townhomes, including re-zoning a portion of the property from R-1 to R-3 in order to provide a consistent zoning designation on the property. The 4.91 acre project site is bounded by Chelsea Court, Peoria Street and Wellington Avenue (Paper Street) and Lausanne Avenue.

Ms. Naughton stated sixty-two units on the upper portion of the site will have two points of vehicular access; the main access gate will be located along Lausanne Avenue with a call box feature for visitors. The primary gate will have a call box feature for visitors and be wide enough for a resident to pass via an entry remote. A secondary gate will be located along Peoria Street and will be accessible only by residents that have a remote and will provide both ingress and egress. The remaining four units fronting Chelsea Court will have one point of vehicular access at the northern end of the site. There is no gate provided for this portion.

There are two mitigation measures for this project included in the Mitigation Monitoring Report. The first mitigation measure is the pre-construction surveys for raptors and migratory songbirds be conducted should construction take place during the nesting season. The second measure is the property boundary survey be conducted and adequate protection be put in place for the Habitat Conservation Plan boundary prior to and during all site clearing and construction activities.

Mayor Torres opened the public hearing.

Ray Panek of KB Home South Bay, Inc. introduced Eddy Siu, Civil Engineer of Ruggeri, Jensen, Azar (RJA) and Jonathan Baily, Geotechnical Engineer of Stevens, Ferrone & Bailey who were present to answer Council's questions.

Rick Pacheco, resident, was concerned about losing the hillside views. He suggested dedicating the northern section to the Daly City Historians Ken and Bunny Gillespie.

Jan Patterson, property owner, was in support of the project and asked for Council's approval.

The Council expressed concern regarding the traffic impact on neighboring streets, slope stability, the retaining wall and the density of the project.

7:06 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 deny the Environmental Assessment (Mitigated Negative Declaration).

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. 12-126, Adopting Findings of Fact Following Denial of Application for Major Subdivision SUB-7-11-4269, Use Permit UPR-7-11-4270, Zone Change ZC-10-11-4681, Design Review DR-7-11-4272 for the New Construction of 66 Residential Townhomes (Peoria Street/Wellington Avenue/Lausanne Avenue/Chelsea Court)

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

ORDINANCES:

12. Second Reading, Ordinance No. 1362, Adding Chapter 8.62 to the Daly City Municipal Code, Re: Prohibiting Food Vendors From Using Polystyrene Based Disposable Food Service Ware

Staff:

Zimmerman

Recommended Action:

Adopt Ordinance

Roll Call

Minutes:

Pamela DiGiovanni, representing the Sierra Club's Daly City Cool City Team, commended the City Council and City Manager for protecting our health and environment by banning polystyrene. Ms. DiGiovanni suggested the Council include polystyrene coolers and ice chests in the ban. Ms. DiGiovanni submitted written material for Council review.

7:30 PM

Motion to adopt 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

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:

Judith Christensen stated in these challenging financial times, as tax payers we expect our community needs to be met before our tax dollars are squandered on outrageously high salaries for our City Manager and her Department heads.

Sylvia Alvarez Lynch stated the City Manager wants total control over the City Clerk's Office. Ms. Alvarez Lynch believes that the City Manager is attempting to take over the City Clerk's Office by manipulating the temporary office worker in the City Clerk's Office to run for City Clerk.

In response to Judith Christensen's comments, Councilmember Klatt stated Ms. Christensen was a former Councilmember from 2004 to 2008 and voted for six salary increases for the department heads and the management team. Ms. Christensen was not on the Council in 2011 when we voted to reduce the salaries of the City Manager and department heads.

7:35 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

There were no appointments.

7:40 PM

REPORTS:

13. Council Committee

A Council Committee Meetings, July 23 - August 12, 2012

Minutes:

The Council Committee reported on the Westlake Shopping Center Design Review Burlington Coat Factory Façade Improvements. (Klatt/Buenaventura)

7:40 PM

14. City Council

Minutes:

Councilmember Canepa wanted to recognize a long-time Westlake resident Francis

Kelly on celebrating 60 years in law.

Councilmember Klatt reported Councilmember Canepa, Vice Mayor Buenaventura and I took a tour of Ox Mountain last Thursday.

Mayor Torres reported Councilmember Canepa and I was at the Atria Senior Living in Daly City to celebrate “The Greatest Generation” with the residents.

; 7:42 PM

15. Staff

Minutes:

There were no reports.

7:47 PM

ADJOURNMENT:

Motion to adjourn the meeting at 7:50 P.M. in memory of Dolores Marie Baugh, Manuel Ser Angeles, Saul Schwartz, Harry Huey, Samuel Chandler and Margaret Elsbernd.

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