

# CITY OF DALY CITY

## Regular Meeting - CITY COUNCIL

### AGENDA

Monday, September 10, 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 7:04 P.M.**

**7:02 PM**

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Presentation by the Daly City Public Library Associates to the Daly City Public Library of a \$3,200 Grant from the Serramonte Shopping Center and a \$2,000 Grant from the Italian Catholic Federation

#### Minutes:

**Al Teglia, President of the Daly City Public Library Associates, introduced Paula Stillman-Vice President and John Zirelli-Board of Director of the Daly City Public Library Associates.**

**Mr. Teglia presented a \$2,000 grant from the Italian Catholic Federation for the purchase of materials to serve the visually impaired, such as large print books and books on tape.**

**Paula Stillman and Jennifer Duarte presented a \$3,200 grant from the Serramonte**

#### ***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 90<sup>th</sup> 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.***

**Shopping Center for the purchase of four art display units for the four libraries.**

**7:05 PM**

Proclaiming National Preparedness Month (Matt Lucett, Community Emergency Planning and Preparedness Chief)

**Minutes:**

**Councilmember Canepa presented a proclamation proclaiming September 2012 as National Preparedness Month to Matt Lucett, Community Emergency Planning and Preparedness Chief.**

**7:12 PM**

Proclaiming September 15 - October 15, 2012 as National Hispanic Heritage Month (Bayshore Elementary School District Board Member Rachel Garibaldi)

**Minutes:**

**Mayor Torres presented a proclamation proclaiming September 15 to October 15, 2012 as National Hispanic Heritage Month to Rachel Garibaldi, Bayshore Elementary School District Board Member.**

**7:17 PM**

APPROVAL OF MINUTES:

Regular Meeting of July 23, 2012

Motion to approve the minutes of July 23, 2012.

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

APPROVAL OF AGENDA:

Motion to approve the agenda.

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

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 thanked Georgette Sarles (Georgette's of Westlake), Evan Boyd (Allied Waste) and Jennifer Duarte (Serramonte Shopping Center) as Board of Directors of the Daly City/Colma Chamber of Commerce on all the work they have done for the community. He reported on the successful "Business to Consumer Showcase" at Serramonte Shopping Center last Saturday.**

**7:24 PM**

**Resolutions:**

1. Accepting and Appropriating a \$3,200 Grant from the Daly City Public Library Associates and Serramonte Shopping Center

Motion to adopt Resolution No. 12-127, Accepting and Appropriating Grants Funds from the Daly City Public Library Associates and Serramonte Shopping Center

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

2. Accepting and Appropriating a \$2,000 Grant from the Daly City Public Library Associates and the Italian Catholic Federation

Motion to adopt Resolution No. 12-128, Accepting and Appropriating Grants Funds from the Daly City Public Library Associates and the Italian Catholic Federation

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

3. Accepting and Appropriating an Office of Traffic Safety Grant/ DUI Enforcement and Prevention Campaign 2012/2013

Motion to adopt Resolution No. 12-129, Approving Receipt of Grant Funds from the California State Office of Traffic Safety for the Daly City Police Department

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

4. Accepting and Appropriating an Office of Traffic Safety Grant for Continuing the "Avoid the 23" DUI Traffic Enforcement Program

Motion to adopt Resolution No. 12-130, Approving Receipt of Grant Funds from the California State Office of Traffic Safety for the Daly City Police Department

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

5. Adopting FEMA Flood Insurance Rate Maps

Motion to adopt Resolution No. 12-131, Adopting Flood Insurance Rate Maps

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

6. Authorizing the City Manager to Execute a Funding Agreement between the Metropolitan Transportation Commission and the City of Daly City for Lifeline Transportation Program Funds (Bayshore Shuttle Service)

Motion to adopt Resolution No. 12-132, Approving and Authorizing Execution of Funding Agreement Between the Metropolitan Transportation Commission and the City of Daly City for Lifeline Transportation Program Funds (Bayshore Shuttle Service)

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

7. Approving the Annual Agreement between the City of Daly City and the Daly City/Colma Chamber of Commerce for Fiscal Year 2012-13

Motion to adopt Resolution No. 12-133, Authorizing Execution of Agreement with Daly City/Colma Chamber of Commerce (Fiscal Year 2012-2013)

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

8. Authorizing City Manager to Execute an Agreement with the Jefferson Elementary School District and Appropriate Grant Funds for the After School Education and Safety Program

Motion to adopt Resolution No. 12-134. Authorizing Execution of Agreement with the Jefferson Elementary School District and Appropriation of Grant Funds (After School Education and Safety Program)

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

END OF CONSENT AGENDA

**PUBLIC HEARINGS:**

9. An Ordinance of the City Council of the City of Daly City Amending Chapter 8.36 of the Daly City Municipal Code Regulating Secondhand Smoke

**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 before the City Council this evening is the proposed ordinance amending Chapter 8.36 of the Daly City Municipal Code regulating secondhand smoke. This public hearing was properly noticed in the Examiner. We have received no written correspondence in support of or against the ordinance. This ordinance was reviewed by the City Council at a Study Session on March 5, 2012.

Mr. Curran reviewed some of the highlights featured in the proposed secondhand smoke ordinance, as outlined in the agenda report.

City Manager Patricia Martel pointed out that banning smoking in all multi-family units will probably raise an important policy issue once this ordinance is implemented. When these issues come out, we will work with all the multi-family property owners as we move forward to implement this ordinance.

Mayor Torres opened the public hearing.

Pamela DiGiovanni, representing the Sierra Club's Daly City Cool City Team, spoke in favor of the proposed ordinance.

**7:27 PM**

Motion to close the public hearing.

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

Motion that Ordinance No. 1363 be read by title only by the City Attorney.

On behalf of Councilmember Guingona, Mayor Torres introduced the following ordinance:

Ordinance No. 1363, Amending Chapter 8.36 of the Daly City Municipal Code Re:  
Regulation of Smoking

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

10. Public Hearing on Claim to Lien Property at 302 Northgate Avenue

**Staff:**

Campbell

**Recommended Action:**

Open/Close Hearing

Adopt Resolution

Roll Call

**Minutes:**

**Mayor Torres stated this item is continued to the meeting of September 24, 2012.**

**7:46 PM**

**COMMUNICATIONS:**

11. Use Permit UPR-3-12-5226 and Design Review DR-3-12-5228 for the  
Conversion of Second Floor Commercial Offices to Six Residential Apartment Units at  
6755 Mission Street

A. EA (Categorical Exemption)

B. Findings

C. UPR-3-12-5226, DR-3-12-5228

**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, Hau Ching Lau, and owner's, Hocking Zhang, representing COMO Mission LLC, application for the conversion of the second floor commercial offices to six residential apartments, and some exterior changes. The proposed office to residential conversion requires a use permit and the proposed exterior changes require a design**

The former Daly City Redevelopment Agency granted a parking waiver in 1989 for a parking reduction for the mixed-use building from thirty-four to nineteen spaces. The nineteen spaces continue to serve the entire building. Because parking for the entire building was previously addressed by the City, this use permit focuses solely on the proposed conversion in use of the second floor, and parking demand just related to that conversion.

Staff has requested that the owner establish a parking management plan that incorporates parking space assignments to the units as a condition of approval.

According to the owner, the second floor commercial offices proposed for conversion have been difficult to market and vacant since 2009.

Councilmember Klatt was concerned about parking in the area and asked if there was a way that the property owner could force the residents to use the garage spaces.

The property manager of 6755 Mission Street was present to answer Council's questions regarding parking and storage in the parking area.

**7:46 PM**

Motion to concur with the Categorical Exemption under CEQA requirements.

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

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, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona**

Motion to adopt Resolution No. 12-135, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit UPR-3-12-5226 and Design Review DR-3-12-5228, for the Conversion of Second Floor Commercial Offices to Six Residential Apartment Units (6755 Mission Street)

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

12. Approval of Written Response to the 2011-2012 San Mateo County Civil Grand Jury Report: Does San Mateo County Need 13 Separate Police Dispatch Centers

**Staff:**

Martel

**Recommended Action:**

Motion to Accept Report and Authorize City Manager to Prepare Written Response

**Minutes:**

**Daly City Police Captain Patrick Hensley presented the San Mateo County Civil Grand Jury report, which pertains to whether or not there exists the need to operate 13 separate dispatch centers in the County. The majority of the report is not directed at Daly City. Captain Hensley reviewed the City's responses to the Civil Grand Jury findings and recommendations.**

**Staff recommends that the Council review and provide final direction on the draft written response to the 2011-2012 Civil Grand Jury Report and authorize the City Manager to transmit the approved correspondence to the Presiding Judge of the Superior Court.**

**8:05 PM**

Motion to accept the report and authorize the City Manager to prepare a written response.

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

**RESOLUTIONS:**

13. Authorizing the Issuance and Sale of Water Revenue Refunding Bonds

**Staff:**

McVey

**Recommended Action:**

Adopt Resolution

Roll Call

**Minutes:**

**Director of Finance and Administrative Services Don McVey stated the City Council previously authorized staff to pursue refinancing the 2004 Certificates of Participation to finance improvements capacity and reliability in the Bayshore Area of Daly City. The principle amount at that time was \$9,860,000. Rates have come down and financing has become available.**

**The average coupon rate on the existing debt is about 4.7%. We anticipate receiving approximately a 2.5% rate, yielding an expected savings over the life of the new bonds in excess of \$750,000. Final maturity will remain unchanged. The resolution will allow for an issuance up to \$8,000,000, although the amount should be closer to \$7,000,000.**

**The bonds will be secured only by net revenues of the water utility, and will not be general debt of the City.**

**Staff requested Council authorization to execute documents necessary to accomplish the refinancing and to approve the following documents: the Preliminary Offering Statement, Notice of Intention to Sell, Official Notice of Sale, Indenture of Trust with U.S. Bank as Trustee and Escrow Agreement with the Bank of New York Mellon Trust Company.**

**8:11 PM**

Motion to adopt Resolution No. 12-136, Authorizing the Issuance and Sale of Water Revenue Refunding Bonds in the Maximum Amount of \$8,000,000 to Refinance Outstanding 2004 Installment Payment Obligations, and Approving Related Agreements and Actions

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

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.**

**8:14 PM**

APPOINTMENTS: Board/Commission Membership Committee Appointments

**Minutes:**

**There were no appointments.**

**8:16 PM**

REPORTS:

14. Council Committee

A Council Committee Meetings, August 27 - September 9, 2012

**Minutes:**

**The Council Committee reported on Design Review Permit DR-6-12-5744, 165 Pierce Street – Construction of Drugstore with Drive-Through Pharmacy. (Klatt/Guingona)**

**8:15 PM**

15. City Council

**Minutes:**

**Mayor Torres reported that they met with the executive vice president of Equity One, the new owner of Serramonte Shopping Center, and welcomed a new tenant, Dick's Sporting Goods.**

**8:18 PM**

16. Staff

**Minutes**

**City Manager Patricia Martel reported that there was a problem with some structural steel at the Top of the Hill transit hub, a bench being removed and refabricated adjacent to the War Memorial building, and concrete work that needs to be completed, as well as other work in front of the First National Bank.**

**8:19 PM**

**ADJOURNMENT:**

**Motion to adjourn the meeting at 8:25 P.M. in memory of Herminie H. Belarmino, Manfred Speier, Virginia Orloff, Russell "Russ" Ranson, Annetta Jolivette, Werner Bertram, Dario A. Montenegro, Gloria Reade and Isaac Mejia.**

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