

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, July 22, 2013 - 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 Buenaventura at 7:00 P.M.

7:01 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Daly City Public Library Associates Grant Presentation (Paula Stillman and Susan Brissenden-Smith)

Minutes:

Paula Stillman and Susan Brissenden-Smith from the Daly City Public Library Associates presented a check in the amount of \$1,630 to purchase a mobile display case at Serramonte Library. They also presented a grant in the amount of \$370 to fund the purchase of prizes for the summer reading program.

7:02 PM

APPROVAL OF AGENDA:

Motion to approve the 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.

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt; Against: (None); Abstain: (None); Absent: Michael Guingona, 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. Setting Time and Place for a hearing to consider the proposed Planned Development Amendment PD-5-13-7294

Motion to adopt Resolution No. 13-102, Setting Time and Place of Public Hearing Regarding Proposed Planned Development Amendment PD-5-13-7294 (Hearing Date: Monday, August 12, 2013, Time: 7:00 P.M)

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

2. Approving the Annual Agreement Between the City of Daly City and the Daly City/Colma Chamber of Commerce for Fiscal Year 2013-2014

Motion to adopt Resolution No. 13-103, Authorizing Execution of Agreement with Daly City/Colma Chamber of Commerce (Fiscal Year 2013-2014)

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

3. Accepting and Appropriating a Grant from the Thelma Doelger Charitable Trust

Motion to adopt Resolution No. 13-104, Approving Receipt of Grant from the Thelma Doelger Charitable Trust for Youth Library Programs

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

4. Accepting and Appropriating a Grant from the Daly City Public Library Associates

Motion to adopt Resolution No. 13-105, Accepting and Appropriating Grants Funds from the Daly City Public Library Associates

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

Check Registers:

5. Check Registers for the Month of June 2013

Motion to approve check registers for the month of June 2013

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

6. Appeal of the Findings and Order of the Administrative Hearing Board for 141 Flournoy Street, (APN 004-011-070) Tina Wilson, Property Owner

Staff:

Campbell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

Minutes:

Mayor Buenaventura stated, for the record, this is a code enforcement action related to construction activities without benefit of a building permit within a residence at 141 Flournoy Street. Mayor Buenaventura explained the Administrative Hearing Board determined the presence of a public nuisance at 141 Flournoy Street, ordered abatement of the violations and assessed costs and penalties. The property owner filed an appeal to the City Council of the Findings and Order of the Administrative Hearing Board.

The purpose of tonight's hearing is to hear the appeal of the property owner, and decide whether to affirm or reject the Administrative Hearing Board's order. Code Enforcement Officer Kathy Campbell and the property owner, Tina Wilson, will each have ten minutes to present their arguments.

Mayor Buenaventura opened the public hearing.

Code Enforcement Officer Kathy Campbell stated on April 2011, Code Enforcement received a complaint from the San Mateo County Environmental Health Division of a possible illegal secondary unit at the subject property. Code Enforcement contacted the property owners, Tina and Leslie Wilson, and scheduled a site inspection.

The inspection was conducted on May 20, 2011, and photographs were taken.

Ms. Campbell gave a PowerPoint presentation summarizing several violations outlined in the Administrative Hearing Board's Findings and Order, which is attached to the agenda report.

Tina Wilson, property owner, was present to provide testimony and explained the reason for the delays in abating the violations was in part due to the lack of communication between the contractor she hired and the City's inspector in code enforcement and misinformation she was given by the contractor as well as issues with the renter. She stated she made a good faith effort to proceed with the work as required.

Michael Wilson requested that the appeal be granted. He acknowledged that they are aware of the fact that Code Enforcement issued a letter to Ms. Wilson, and she has taken steps to rectify the situation.

A discussion ensued between the Council and Ms. Wilson on why she did not take advantage of the Homesafe Program, and why nothing was done during a seven month period.

7:08 PM

Motion to close the public hearing.

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

Motion to adopt Resolution No. 13-106, Confirming and Adopting the Findings of the Administrative Appeal Board, Declaring Residential Premises to be a Public Nuisance (141 Flournoy Street, Daly City, California)

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

COMMUNICATIONS:

7. Major Subdivision SUB-1-13-6712—Subdivision of 3 lots into 17 lots on the West Side of Annie Street between Washington Street and 92nd Street
 - A. EA (Categorical Exemption)
 - B. Findings
 - C. SUB-1-13-6712

Staff:

Naughton

Recommended Action:

Motion on A
Adopt Resolution B & C
Roll Call

Minutes:

Associate Planner Jeanne Naughton gave a PowerPoint presentation on the project site and reviewed the proposal to subdivide three parcels into seventeen parcels for the possible future development of single family residents. The site was part of a larger annexation of 2.6 acres from unincorporated Broadmoor to the City of Daly City. This proposal consists of 1.36 acres of that annexation. It was largely undeveloped and has been utilized with a variety of uses such as a storage yard, construction and granite businesses. Currently, it contains a mix of uses and storage structures on the site. No construction is proposed for this project. This is strictly a proposal for land subdivision.

Justin Rehfeld, Broadmoor Resident, was concerned about lot size, additional traffic and parking. He suggested the City put in a park instead of retail businesses.

7:43 PM

Motion to concur with the Categorical Exemption under CEQA requirements.

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

Motion to adopt Resolution No. 13-107, Adopting Findings of Fact Subject to the Findings and Conditions of Approval on Major Subdivision SUB-1-13-6712 for Subdivision of 3 Lots Into 17 Lots for the Construction of 17 Single Family Residences (West Side of Annie Street between Washington Street & 92nd Street)

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

8. Minor Subdivision SUB-4-13-7184 and Design Review DR-4-13-7185 to Allow the Subdivision of One Lot into Two Lots on the West Side of Third Avenue Between Castle Street and Habitat Way

- A. EA (Categorical Exemption)
- B. Findings
- C. SUB-4-13-7184

Staff:

Mothershead

Recommended Action:

Motion on A

Adopt Resolution B & C

Roll Call

Minutes:

Planning Manager Tatum Mothershead gave a PowerPoint presentation on the project site and reviewed the applicant's request for minor subdivision and design review approval to subdivide a 5,000 square foot lot, into two 2,500 square foot lots, in conjunction with the construction of one new single family residence on each lot located at Third Avenue between Castle Street and Habitat Way.

7:52 PM

Motion to concur with the Categorical Exemption under CEQA requirements.

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

Motion to adopt Resolution No. 13-108, Adopting Findings of Fact Re: Minor Subdivision (SUB-4-13-7184), Design Review (DR-4-13-7185) to Allow the Subdivision of One Lot into Two Lots Third Avenue between Castle Street and Habitat Way

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

9. Public Convenience and Necessity PCN-5-13-7327 - Alcohol Beverage Control License for CVS Drugstore – 135 Pierce Street

Staff:

VanLonkhuysen

Recommended Action:

Adopt Resolution

Roll Call

Minutes:

Planning Manager Tatum Mothershead stated on August 28, 2012, the City Council Design Review Committee approved a design review permit to allow the construction of a 14,000 square foot CVS drugstore with drive-through pharmacy. CVS has applied to the State Department of Alcoholic Beverage Control (ABC) to receive a Type 21 license for the drugstore, which would allow for the retail sale of all types of alcohol at this location.

ABC reviewed the request and found it is located in a high-crime reporting district. Therefore, before continuing the process, they are referring it to the City to consider a public convenience and necessity finding. Ms. Mothershead reviewed the findings, as outlined in the agenda report.

A brief discussion ensued with Councilmember Klatt and Vice Mayor Canepa expressing concerns about the need to sell alcohol at this store and its close proximity to schools.

The applicant, Bill McDermott of Armstrong Development, explained that CVS operates over 460 facilities in California with 410 of those facilities having an ABC licenses. Mr. McDermott explained CVS follows strict standards throughout their stores, and have a very strict training program. Selling alcohol beverage is a small portion of their sales, but a crucial part nonetheless.

Vice Mayor Canepa motioned that the public convenience or necessity would not be served by the addition of an off-premises liquor license at the CVS Store at 135 Pierce Street.

7:56 PM

Motion to adopt Resolution No. 13-109, Adopting Findings in Response to an Application for a Liquor License – CVS, LLC – 135 Pierce Street

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

AWARD OF BIDS/CONTRACTS:

10. Award of Construction Contract for Delong Street and Station Avenue Sewer Main Improvements

Staff:

Ritchie

Recommended Action:

Adopt Resolution

Roll Call

Minutes:

Acting City Engineer Robert Ovadia stated this item has been presented to the North San Mateo County Sanitation District Board, at which time, they voted to accept all bids, waive minor irregularities, reject the bid protest, award a construction contract to Stoloski & Gonzales, Inc. in the amount of \$678,237.75. This item is being brought to the Council to provide concurrence on the award since the City is spending approximately \$100,000 for street work using gas tax funds. We request the City Council to concur with the Board.

The City extended the limits of the project to include some minor street repairs, street resurfacing and slurry seal, so it could be concurrent to the project to minimize the impact on the property owners.

8:14 PM

Motion to adopt Resolution No. 13-110, Authorizing Execution of Contract with Stoloski & Gonzales, Inc. and Rejection of Bid Protest (Delong Street and Station Avenue Sewer Main Improvements)

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

AWARD/REJECTION OF BIDS/CONTRACTS:

11. Rejection of Bids for Lake Merced Boulevard Crosswalk Improvements Project

Staff:

Chan

Recommended Action:

Adopt Resolution

Roll Call

Minutes:

Traffic Engineer Shirley Chan stated the project would install a curb bulb-out on the west side of Lake Merced Boulevard, new high visibility striping, overhead lighting and a pedestrian activated Rectangular Rapid-Flash Beacon warning system.

Ms. Chan recommended that the City Council reject all bids received for the Lake Merced Boulevard Crosswalk Improvements project, and authorizes staff to re-advertise the project for new construction bids with necessary amendments to the bid documents. Due to confusing bidding instructions, staff felt that all bids should be rejected.

8:15 PM

Motion to adopt Resolution No. 13-111, Rejecting All Bids and Authorizing Re-Solicitation for the Lake Merced Boulevard Crosswalk Improvement Project

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

James Counts, resident, informed the Council on the San Mateo County Mosquito and Vector Control District issue of mismanagement. He submitted a copy of the San Mateo County Grand Jury Report to the Council. Mr. Counts asked the Council to request the City's representative on the County's Mosquito and Vector Control District to step down.

8:20 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

There were no reports.

8:21 PM

REPORTS:

12. Council Committee

A Council Committee Meetings, July 8 - July 21,
2013

Minutes:

The Council Committee gave an update on 6800 Mission Street. (Klatt/Guingona)

8:23 PM

13. City Council

Minutes:

There were no reports.

8:25 PM

14. Staff

Minutes:

City Manager Patricia Martel reported the City Council will hold a Special Study Session Meeting on July 29, 2013 at 6:00 P.M. in the Administrative Conference Room. Ms. Martel announced that the City Council Meeting of August 29, 2013 has been cancelled.

8:26 PM

ADJOURNMENT:

Motion to adjourn the meeting at 8:26 P.M. in memory of Angelo Kyer, Nancy Ray Anders, Sven Moll and Robert Tone.

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