

CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, December 14, 2009 - 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.

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Lions International Peace Poster Contest Awards Winners (Denise Kelly and Marian Mann)

Minutes: Marian Mann introduced Co-Chair Aaron Strauss, Denise Kelly and Teresa Proaño. Ms. Mann stated this is the 8th Annual Peace Poster Contest. The theme is “Peace Begins with Me”.

Mayor Guingona presented the following awards: Holy Angels School, First Place: Jeremiah Ponce and Second Place: Mikee Gacad; Sponsored by: Gustavo & Teresa Proaño; Our Lady of Perpetual Help School, First Place: Angelina Gica and Second Place: Rachel Schlicht, Sponsored by: Duggan’s Serra Mortuary; Benjamin Franklin Intermediate, First Place: Amanda Ancheta and Second Place: Tianna Chapman, Sponsored by: Pat & Denise Kelly; and Fernando Rivera School, First Place: Lillian Lee and Second Place: Sabrina Degon, Sponsored by: Serra Bowl.

; 7:03 PM

Commending the Members of the Graduating Class of the Daly City Citizens Academy

Minutes: City Manager Patricia Martel stated this is the second year that Daly City has been providing a citizens academy that allows members of the community to participate in

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.

a multi-week overview of City government and all the City's various operations.

Mayor Guingona presented Certificate of Commendations to the Second Graduating Class of the Daly City Citizens Academy:

**Amadeo R. Agetano
Sylvia Alvarez-Lynch
Jovimay D. Bañez
Carlos Benito
Sandra Blue-Jones
Ivy Caldwell
Leslie Choy
Dolly Clemente
Luella Garrett
Melinda Gonzales-Guevara
Leah F. Guevarra
James Helpern
Sabrina M. Hildebrand
Denise A. Kelly
John S. Klatt
Bernard Kriegel
Judith Lim
Betsy Lindsey
Jericho Lindsey
Kimberly Mahon
Irene Mani
Stephen Summers
Jocelyn Mendoza
Robert Mendoza, Jr.
Dolores Preza
Christina Ramirez
Antonio Salcedo
Mary Ellen Scherer**

; 7:24 PM

Census 2010 Partnership Proclamation (Lia Bolden, U.S. Census Bureau and Margot Grant, San Mateo County Complete Count Committee)

Minutes: Mayor Guingona presented a proclamation proclaiming December 14, 2009, as 2010 Census Partnership Day to Lia Bolden, U.S. Census Bureau and Margot Grant, San Mateo County Complete Count Committee.

Margot Grant, San Mateo County Complete Count Committee and Lia Bolden, U.S. Census Bureau, gave a brief background on the 2010 Census and the reasons why it is

; 7:25 PM

APPROVAL OF MINUTES:

Regular Meeting of November 23, 2009

Motion on Approve

Motion to Approve Regular Meeting of November 23, 2009
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

APPROVAL OF AGENDA:

Motion on Approve

Motion to Approve APPROVAL OF AGENDA:
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

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 of Public Hearing for Indoor Water Use Efficiency Ordinance **Set Hearing 01/25/10**

Motion on Adopt

Motion to adopt Resolution No. 09-170, Setting Time and Place of Public Hearing Re: Indoor Water Use Efficiency Ordinance, Hearing 01/25/10 – 7:00 P.M.
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

2. Proposed Assignment of Police Property Room Specialist Classification to Miscellaneous/Unrepresented Salary Schedule, Range 31

Motion on Adopt

Motion to adopt Resolution No. 09-171, Authorizing Establishment of Police Property Room

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

3. Authorization to Execute Professional Services Agreement with Brown and Caldwell to Augment Local Groundwater Supplies

Motion on Adopt

Motion to adopt Resolution No. 09-172, Approving and Authorizing Execution of Professional Services Agreement with Brown and Caldwell

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

4. Approving Plans and Specifications, Affirming CEQA Determination and Authorizing Solicitation of Bids for Sidewalk, Driveway, and Curb and Gutter Improvements 2010

Motion on Adopt

Motion to Adopt Resolution No. 09-173, Approving Design Documents and Authorizing Bid Invitations Re: Sidewalk, Driveway, and Curb and Gutter Improvements 2010 Project

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

5. Accepting Federal American Recovery and Reinvestment Act of 2009 - Energy Efficiency and Conservation Block Grant (EECBG)

Motion on Adopt

Motion to adopt Resolution No. 09-174, Accepting Energy Efficiency and Conservation Block Grant Funds from the United States Department of Energy

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

6. Authorizing Execution of Professional Services Agreement with Glumac for Civic Center South HVAC Replacement Project

Motion on Adopt

Motion to adopt Resolution No. 09-175, Approving and Authorizing Execution of Professional Services Agreement with Glumac of San Francisco (Civic Center South HVAC Replacement)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

7. Cabaret License for Francesca's Mink Bar Lounge at 6192 Mission Street

Motion on Adopt

Motion to Adopt Resolution No. 09-176, Adopting Findings Relating to a Variance from Security and the Imposition of Further Conditions for a Cabaret Permit Re: Francesca's Mink Bar Lounge (6192 Mission Street, Daly City, CA)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

8. Cabaret License for Spicy Element at 83 Skyline Plaza

Motion on Adopt

Motion to adopt Resolution No. 09-177, Adopting Findings Relating to a Variance from Security and the Imposition of Further Conditions for a Cabaret Permit Re: Spicy Element (83 Skyline Plaza, Daly City, CA)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Check Registers:

9. Check Registers for the Month of November 2009

Motion on Approve

Motion to approve Check Registers for the Month of November 2009

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

END OF CONSENT AGENDA

PUBLIC HEARINGS:

10. Community Development and Housing Needs

Staff

ZoBell

Recommended Action

Open/Close Hearing

Adopt Resolution Roll Call

Minutes: Housing and Community Development Supervisor, Betsy ZoBell, stated the City receives an allocation of Community Development Block Grant funds from the U.S. Department of Housing and Urban Development that are intended to be used primarily to benefit low and moderate-income residents and used for a variety of activities including housing, public services, infrastructure and economic development. In addition, the City receives federal HOME funds that may be used for affordable housing.

Tonight, the City Council will be conducting a public hearing to obtain citizen input on Housing and Community Development needs and adopting a resolution, which identifies funding categories with funding percentage ranges for the City's Community Development Block Grant (CDBG) and HOME Programs for Fiscal-Year 2009-10.

The staff has received written correspondence from the Service League, the Center for Independence of the Disabled, Max Children and Family Services and Bay Area Legal Aid copies of which are on file in the Office of the City Clerk.

Mayor Guingona opened the public hearing.

The following individuals expressed appreciation to the Council for their support and presented a brief description of services they provide to assist the citizens of Daly City:

**Tulin Acikalin, Managing Attorney, Bay Area Legal Aid
Sergio Robledo-Maderazo, LKC's Kalayaan School for Equity
Alan David, LKC's Pilipino Youth Coalition of San Mateo County
Nikki Santiago, Liwanag Kultural Center
Brian Ragas, LKC's Downe Organization Project
Kimberly Gillette, Daly City Youth Health Center
Lois Ward, HIP Housing
Laura Schultz, Habitat for Humanity Greater San Francisco**

; 7:35 PM
Motion on Close

Motion to close the public hearing.
Passed For: 4; Against: 0; Abstain: 0; Absent: 1
Motion on Adopt

Motion to adopt Resolution No. 09-178, Approving and Adopting Funding Categories with Funding Percent Ranges for the City's Community Development Block Grant Entitlement and the City's HOME Fund for Fiscal Year 2010-2011
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

COMMUNICATIONS:

11. Planning Commission - re: Use Permit to Establish a Car Rental Business at 7046 Mission Street and 7-9 Bruno Avenue
 - A. EA (Categorically Exempt)
 - B. Findings
 - C. UP09-8

Staff

Mothershead

Recommended Action

Motion on A

B & C Adopt Resolution Roll Call

Minutes: Planning Manager, Tatum Mothershead, gave a PowerPoint presentation of the project site and reviewed the applicant's request to establish a Car Rental Business at 7046 Mission Street and 7-9 Bruno Avenue. The Planning Commission is recommending approval of the use permit, subject to Conditions of Approval.

Ms. Mothershead stated that that the property owner Arnold Steeg spoke at the Planning Commission meeting and is incorrectly listed in the Agenda Report as the owner of Masters Autobody at 7031 Mission Street. She would like to make that correction.

For Council's consideration, Ms. Mothershead made the following modification to Conditions 10: "No vehicles may be parked across the frontage of 7046 Mission Street for extended periods of time". Temporary parking of vehicles for staging and passenger loading may be permitted if it does not encroach on the public right-of-way.

; 7:03 PM

Motion on Approve

Motion to concur with the Categorical Exemption under CEQA requirements

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Motion on Approve

Motion to affirm the findings of the Planning Commission as contained in their communication on file in the Office of the City Clerk

Motion on Adopt

Motion to adopt Resolution No. 09-179, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit (UP09-8), to Operate an Auto Repair Garage (7046 Mission Street, Daly City, CA)

Motion on Approve

Motion to Approve Use Permit UP09-8, subject to Conditions of Approval, as modified.

12. Presentation of Comprehensive Annual Financial Report

Staff

McVey

Recommended Action

Motion to Accept

Minutes: Director of Finance and Administrative Services, Donald McVey, reviewed and submitted the Comprehensive Annual Financial Report for the City of Daly City for the

year ended June 30, 2009, which includes all funds and account groups for the City of Daly City as well as the activities of the Daly City Redevelopment Agency and the North San Mateo County Sanitation District.

The City Council contracted for an independent audit of the books of accounts, financial records and transactions of City departments, divisions and functions by the firm of Maze and Associates, Certified Public Accountants. The audit is complete and the firm's unqualified opinion has been included in the document.

Mr. McVey gave a PowerPoint presentation on the City's General Fund update.

; 8:19 PM

Motion on Accept

Motion to accept report.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

RESOLUTIONS:

13. Notice of Completion for Reservoir 2B Reconstruction

Staff

Sweetland

Recommended Action

Adopt Resolution Roll Call

Minutes: Director of Water and Wastewater Resources, Patrick Sweetland, gave a PowerPoint presentation on the Reservoir 2B Reconstruction Project and requested that the City Council accept the improvements completed for the Reservoir 2B Reconstruction.

; 8:20 PM

Motion on Adopt

Motion to adopt Resolution No. 09-180, Accepting Completion of Certain Project (Reservoir 2B Replacement)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

ORDINANCES:

14. Second Reading, Ordinance No. 1346, Adopting Chapter 15.65 of Title 15 of the Daly City Municipal Code Re: Green Building Program for New Residential Buildings

Staff

Zimmerman

Recommended Action

Adopt Ordinance Roll Call

Motion on Adopt

Motion to adopt Ordinance No. 1346, Adopting Chapter 15.65 of Title 15 of the Daly City Municipal Code Re: Green Building Program for New Residential Buildings

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

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: Z.S. “Goldy” Goldenberg challenged the Council for being politically complaisant because he felt they were aiding and abetting a felony for allowing someone on the council to serve on the council while out on bail.

Marian Mann reminded the audience and people at home that in this country everyone is innocent until proven guilty.

Jim Strasser stated a person is innocent until proven guilty in this country.

; 8:36 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: Mayor Guingon motioned to appoint ThomasLedda to the Parks and Recreation Commission.

Thomas Ledda thanked the Council for this opportunity to serve the City of Daly City.

; 8:59 PM

15. Appointments to the Mobile Home Rent Review Commission

Staff

Zimmerman

Recommended Action

Motion to Appoint

Minutes: City Attorney, Rose Zimmerman, recommended that the City Council make formal appointments to the Mobile Home Rent Review Commission. Ms. Zimmerman gave a brief background on the City receiving a petition from 51% of the tenants of the Franciscan Mobile Home Park to initiate a review of a rental increase before the Mobile

Home Rent Review Commission. Attached to the Agenda Report is a list of applications that was received through the City Clerk's Office.

Judith Christensen quoted remarks made by Mayor Torres at the previous Council meeting where the council made appointments to the Mobile Home Rent Review Commission. Since there was no discussion at the last council meeting or any other agendized public meeting, Ms. Christensen stated the decision was made behind closed doors and clearly a violation of the Brown Act.

Sandee Holman stated it was her understanding that the rent review board was already appointed and was concerned about the appointment process.

Bob Quinn stated you should appoint someone who is well qualified and knows the issues of the park. The community needs to know who these applicants are and you should have an interview process done in public.

Sonny Quinquini informed the Council that LINC Housing does not own Franciscan Mobile Home Park. Therefore, Rebecca Clark can not represent in the commission. Since 2002 there have been a series of title changes, LINC Housing transferred ownership to LINC Franciscan LP and in 2007 they transferred ownership to Franciscan Park LLC.

Bill Stipinovich implored the Council to appoint someone who is qualified and knows their issues. He stated we own our homes but LINC manages the finances and should be managing the maintenance of the park.

Ms. Zimmerman stated the City received a Brown Act notification from Judith Christensen with a copy sent to the District Attorney's Office. The City Clerk has been informed that we acknowledged that notification. We also received a follow up letter from Ms. Christensen indicating what is going to happen and my response is provided.

Councilmember Canepa motioned to appoint Rosendo "Sonny" Quinquini as the Franciscan Mobile Home Park Member to the Mobile Home Rent Review Commission and there was no second. Mayor Guingona asked for the following roll call vote:

Ayes: Canepa
Noes: Gomez, Klatt, Guingona

; 8:55 PM
Motion on Appoint

Appoint Jonah Chew as an At Large Member to the Mobile Home Rent Review Commission
Passed For: 4; Against: 0; Abstain: 0; Absent: 1
Motion on Appoint

Motion to appoint George Mockridge as an At Large Member to the Mobile Home Rent Review Commission

Passed For: 4; Against: 0; Abstain: 0; Absent: 1
Motion on Appoint

Motion to appoint Mary Ellen Scherer as an At Large Member to the Mobile Home Rent Review Commission

Passed For: 4; Against: 0; Abstain: 0; Absent: 1
Motion on Appoint

Motion to appoint Rosendo “Sonny” Quinquini as the Franciscan Mobile Home Park Member to the Mobile Home Rent Review Commission and there was no second. Mayor Guingona asked for a roll call vote.

Failed For: 1; Against: 3; Abstain: 0; Absent: 1
Motion on Appoint

Motion to appoint Jean Hayner as the Franciscan Mobile Home Park Member to the Mobile Home Rent Review Commission.

Passed For: 3; Against: 1; Abstain: 0; Absent: 1
Motion on Appoint

Motion to appoint Rebecca Clark, as LINC Housing Corporation Member to the Mobile Home Rent Review Commission

Passed For: 3; Against: 1; Abstain: 0; Absent: 1
Motion on Appoint

Motion to appoint Thomas Ledda to the Parks and Recreation Commission with term expiring December 14, 2012

REPORTS:

16. Council Committee

Minutes: There were no reports.; 7:03 PM

17. City Council

Minutes: There were no reports.; 7:03 PM

18. Staff

Minutes: City Manager Patricia Martel stated as a reminder that due to the financial crisis, all non-public safety employees will be furloughed out and the City’s non-public safety facilities will be closed from December 24, 2009 to January 1, 2010.

City Manager Patricia Martel stated Monday, December 21, 2009 at 5:30 P.M. the City will hold a Budget Study Session in the Council Chambers to discuss the information gathered through the Community Value Forums and our employee engagement discussions.

; 9:03 PM

ADJOURNMENT:

Minutes: Adjourn the meeting at 8:10 P.M. in memory of Carmen Brown, Walters Alan Slitter, Carolyn Ann O'Hara, Charles Sinai, Floyd Hall, Patricia Kelly Leaper, Ronald Lee and Mae Schmidt.

; 9:06 PM

Motion on Adjourn

Motion adjourn the meeting at 8:10 P.M. in memory of Carmen Brown, Walters Alan Slitter, Carolyn Ann O'Hara, Charles Sinai, Floyd Hall, Patricia Kelly Leaper, Ronald Lee and Mae Schmidt.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

CALL TO ORDER:

Minutes: The meeting was called to order by Mayor Guingona.

; 7:03 PM