CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, March 22, 2010 - 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 Guingona at 7:03 P.M.; 7:01 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Proclamation Designating April 11, 2010 as World Health Day 2010

Minutes: Mayor Guingona presented a proclamation designating April 11, 2010 as World Health Day 2010 to Vice-Mayor Klatt.; 7:01 PM

APPROVAL OF MINUTES:

Regular Meetings of February 8, 2010 and March 8, 2010

Motion on Approve

Motion to approve the minutes of February 8, 2010 and March 8, 2010. Councilmember Torres abstained on the minutes of March 8, 2010.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

APPROVAL OF AGENDA:

Motion on Approve

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.

Motion to approve the agenda.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

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: City Manager Patricia Martel stated the resolution which the City Council just adopted in Support of the Local Taxpayer, Public Safety and Transportation Act of 2010 is a constitutional amendment that would close loopholes and restrict the State from raiding and borrowing funds from local governments.
; 7:05 PM

Resolutions :

1. Setting Time and Place for Public Hearing to Consider One-Year HUD Action Plan for Fiscal Year 2010-2011 **Set Hearing 04/26/10**

Motion on Approve

Motion to adopt Resolution No. 10-32, Setting Time and Place of Public Hearing on Daly City's One-Year Action Plan for Fiscal Year 2010-2011 Under the Community Development Block Grant and HOME Programs, Hearing 04/26/10 – 7:00 P.M.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

2. Notice of Completion for Serramonte Library/Gellert Park Parking Lot "Green Streets" Demonstration Project.

Motion on Approve

Motion to adopt Resolution No. 10-33, Accepting Completion of Certain Project in the Department of Public Works (Serramonte Library/Gellert Park Parking Lot "Green Streets" Demonstration Project)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

3. Support of the Local Taxpayer, Public Safety and Transportation Act of 2010

Motion on Approve

Motion to adopt Resolution No. 10-34, Supporting the Local Taxpayer, Public Safety and Transportation Act of 2010

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

4. Resolution Authorizing Use of Asset Forfeiture Funds for Range Video Projector Purchase

Motion on Approve

Motion to adopt Resolution No. 10-35, Authorizing Use of Asset Forfeiture Funds for Purchase of One Portable Video Projector
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

END OF CONSENT AGENDA

PUBLIC HEARINGS:

5. Supplemental Law Enforcement Service (SLES) Funds Expenditure Plan

Staff
Wollman
Recommended Action
Open/Close Hearing
Adopt Resolution Roll Call

Minutes: Police Captain Eric Wollman reviewed the Agenda Report and summarized the Police Department's proposed expenditure program and expanse plan as outlined in the report. Captain Wollman recommended that the City Council approve the expenditure plan for funds allocated under the State of California Citizens' Option for Public Safety program.

Mayor Guingona opened the public hearing.
; 7:12 PM
Motion on Close

Motion to close the public hearing.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Approve

Motion to adopt Resolution No. 10-36, Approving Expenditure Plan for Use of allocated Funds Received by the City of Daly City under the State of California Citizens' Option for Public Safety (COPS) Program and Authorizing Appropriations in the Adopted City Budget to Utilize such Funds (Supplemental Law Enforcement Service Fund (SLES) Grant)
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

COMMUNICATIONS:

6. Planning Commission - re: Use Permit and Environmental Assessment for Co-location of

a New Wireless Facility at 812 Skyline Drive

A. EA (Categorical Exemption)
B. Findings
C. UP09-6

Staff
Mothershead
Recommended Action
Motion on A
B & C Adopt Resolution
Roll Call

Minutes: Planning Manager Tatum Mothershead gave a PowerPoint presentation on the applicant's request for a use permit approval of a Wireless Facility for the co-location on an existing 57½ foot monopole structure at 812 Skyline Drive. The proposed facility includes three panel antennas, three remote radio units, two microwave antennas and an equipment area of approximately twenty-five square feet.

Vaughn Jones, representing Skyline Palisades Residential Association, stated there is a heavy tower already at this location and the residents are opposed to this additional facility and any future facilities on our crumbling cliffs.

Doug Munoz was concerned about neighbors being affected by radiation exposure from additional microwave antennas to the area. He stated this needs to be explored further.

Victor Muñoz was opposed to this system, citing concerns with the type of system and equipment that would be used and to the radiation issue.

Ana Gomez, applicant representing Clearwire Communications, stated Clearwire contracted a third vendor, Hemet and Edison, who did a study taking into consideration our proposed equipment and the existing equipment and found it was below the threshold set by the FCC standards. They did not recommend any mitigation. Ms. Gomez described the type of service Clearwire provides.

Councilmember Torres expressed concern with the issue of what the FCC's standards are based on and what the affects of EMFs are.

Mayor Guingona suggested adding a condition that the applicant meet with Douglas and Victor Muñoz to address their concerns.

Mayor Guingona motioned to concur with the Categorical Exemption under CEQA requirements. Due to a lack of a second, the motioned failed.

Mayor Guingona asked if there was a motion to adopt a resolution on the findings and approval of Use Permit UP09-6. Due to a lack of a motion, this item failed.; 7:16 PM

Motion on Approve

Mayor Guingona motioned to concur with the Categorical Exemption under CEQA requirements. Due to a lack of a second, the motioned failed.
Failed For: 1; Against: 0; Abstain: 4; Absent: 0

7. Planning Commission - re: Use Permit and Environmental Assessment for Minor Modifications to an Existing Wireless Facility at 2116 Olympic Way

A. EA (Categorical Exemption)
B. Findings
C. UP09-7

Staff
Mothershead
Recommended Action
Motion on A
B & C Adopt Resolution
Roll Call

Minutes: Planning Manager Tatum Mothershead gave a PowerPoint presentation on the applicant's request for a Wireless Facility Modification and use permit approval for the addition of a telephone panel at 2116 Olympic Way.

Chad Christie, applicant representing T-Mobile West Corporation, was present to answer Council's questions and explained what the telephone panel does.

; 7:40 PM
Motion on Approve

Motion to " to concur with the Categorical Exemption under CEQA requirements.
Passed For: 3; Against: 2; Abstain: 0; Absent: 0
Motion on Approve

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

Passed For: 3; Against: 2; Abstain: 0; Absent: 0
Motion on Approve

Motion to adopt Resolution No. 10-37, Adopting Findings to Approve use Permit (UP09-7) Modification to Wireless Facility at 2116 Olympic Way
Passed For: 3; Against: 2; Abstain: 0; Absent: 0
Motion on Approve

Motion to to approve Use Permit UP09-7, subject to the Conditions of Approval.
Passed For: 3; Against: 2; Abstain: 0; Absent: 0

ORDINANCES:

8. Second Reading, Ordinance No. 1349, Zone Text Amendment ZC-12-09-1453 to Repeal and Replace Chapter 17.41 of the Daly City Municipal Code Re-establishing Water Conservation Landscaping Regulations - City-Wide

   Staff
   Zimmerman
   Recommended Action
   Adopt Ordinance Roll Call

Motion on Approve

Motion to adopt Ordinance No. 1349, Zone Text Amendment ZC-12-09-1453 to Repeal and Replace Chapter 17.41 of the Daly City Municipal Code Re-establishing Water Conservation Landscaping Regulations - City-Wide
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

9. Temporary Moratorium on the Establishment and Operation of Medical Marijuana Collectives

   Staff
   Schott
   Recommended Action
   Open/Close Hearing
   Adopt Ordinance Roll Call

Motion on Close

Motion to close the public hearing.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Approve

Motion to waive the reading and adopt Ordinance No. 1350, An Interim Ordinance of the City Council of the City of Daly City Adopting a Temporary Moratorium on the Establishment and Operation of Medical Marijuana Collectives
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Minutes: Assistant City Attorney Kelly Schott reviewed the Agenda Report and recommended that the Council by a 4/5 majority vote waive reading and adopt an interim ordinance for a moratorium on the establishment and operation of medical marijuana collectives.

Ms. Schott stated because of the high number of inquiries received by staff by applicants

wanting to operate medical marijuana establishments, it is appropriate to adopt a moratorium to allow staff to do the research necessary to draft appropriate regulations. It would also be useful to await pending litigation to know whether a ban is an option for consideration.

Councilmember Gomez stated a study was done by the DEA in San Diego under the Office of National Policy of United States and the data shows only a small minority of marijuana dispensary customers has AIDS, glaucoma or cancer, and most are under 40. She felt this was just a pretense to purchase dope.

Councilmember Canepa suggested a Council Committee be formed to look at the financial benefits to the City and protection and quality of life for its residents.

Councilmember Torres stated we have only heard from people who want to open an establishment to make money and nothing from people who says they can really use a medical marijuana dispensary. Councilmember Torres felt there is no reason to have one in Daly City.

Mayor Guingona stated he had agreed with Councilmember Torres up until yesterday, when two individuals approached him and asked about medical marijuana. After hearing from them, Mayor Guingona stated if the ordinance is adopted, he would appoint a Council Subcommittee to work on getting information needed so we can make a decision on this issue.

Mayor Guingona opened the public hearing.

Craig Litwin, former Mayor of Sebastopol and co-author of Sebastopol's medical marijuana dispensary ordinance, was in support of the Council adopting the moratorium to study how it can be regulated and done in the right way that benefits the City.

; 7:45 PM

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.; 8:04 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: Vice-Mayor Klatt nominated William Lex to be appointed to the Library Board of Trustees with term expiring March 22, 2013.; 8:04 PM
Motion on Approve

Motion to appoint William Lex to the Library Board of Trustees with term expiring March 22, 2013.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

REPORTS:

10. Council Committee

Minutes: The Council Committee reported on the CDBG Advisory Committee Re: CDBG Allocation. (Gomez/Klatt); 8:05 PM

A Council Committee Meetings, March 8 - March 21, 2010

11. City Council

Minutes: Councilmember Gomez reported on the discussion at the HOPE meeting regarding a pilot project to assist people living on the streets to get jobs. There is also a program, Operation Veteran Connect, that was held on March 19th to help veterans with benefit assistance.

Vice-Mayor Klatt announced that on Saturday at the Pollicita School yard, Parks and Recreation is going to have their Fun Day. Vice-Mayor Klatt reminded everyone to return their Census envelopes as soon as possible.
; 8:07 PM

12. Staff

Minutes: City Manager Patricia Martel reminded the Council that today is Daly City's 99th Anniversary, one year from the Centennial of the Incorporation of Daly City and that they wanted to select a Committee to assist with generating ideas on how best to commemorate the City's Centennial.; 8:09 PM

ADJOURNMENT:

Motion on adjourn

Motion to adjourn the meeting at 8:15 P.M. in memory of John Connolly, Donna Grangoff, Kamilah Marie Russell and Ben Guingona.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0