

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, March 26, 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.

; 1:21 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

In Commemoration of the 100th Anniversary of Girl Scouts of the USA (Susan Von Hagel)

Minutes:

Mayor Torres presented a proclamation in commemoration of the 100th Anniversary of Girl Scouts of the USA to Susan Von Hagel and Girl Scout Cadet Troop 32785.

; 1:23 PM

APPROVAL OF AGENDA:

Motion to approve the agenda.

Passed For: Raymond A. Buenaventura, David J Canepa, Michael Guingona, Carol Klatt,

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.

Sal Torres; Against: (None); Abstain: (None); Absent: (None)

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:

Resolution Accepting Regional Firefighters Grant Funding in the amount of \$508,082

Motion to adopt Resolution No 12-43, Approving Receipt of Grant from FEMA Assistance to Firefighters Grant Funding Program and Appropriating Grant Funds

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

General Plan Annual Progress Report (2011)

Motion to adopt Resolution No 12-44, Accepting General Plan Annual Progress Report (2011)

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

Commending Carol Sloane on the Occasion of Her Retirement

Motion to adopt Resolution No 12-45, Commending Carol Sloane on the Occasion of Her Retirement

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

Commending Robert Payne on the Occasion of His Retirement

Motion to adopt Resolution No 12-46, Commending Robert Payne 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)

Commending Allen Prows on the Occasion of His Retirement

Motion to adopt Resolution No 12-47, Commending Allen Prows on the Occasion of His

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

Commending Vincent Sturtevant on the Occasion of His Retirement

Motion to adopt Resolution No 12-48, Commending Vincent Sturtevant 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)

Commending Vera Peterson on the Occasion of Her Retirement

Motion to adopt Resolution No 12-49, Commending Vera Peterson on the Occasion of Her Retirement

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

Acceptance and Appropriation of One-Time-Only Grant Funds from Aging and Adult Services of San Mateo County

Motion to adopt Resolution No 12-50, Accepting a One-Time Only Grant Fund from the San Mateo County Aging and Adult Services Department and Authorize Appropriation of Grant Funds for Senior Lunch Program at Doelger Senior Center (July 1, 2011 through June 30, 2012)

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

Check Registers:

Check Registers for the Month of February 2012

Check Registers for the Month of January 2012

Motion to approve Check Registers for the Months of January and February 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:

Public Hearing and Introduction of the Ordinance Adopting Amendments to the Municipal Code Sections Relating to the Public Library and Parks and Recreation Commission

Staff:

Burns

Recommended Action:

Open/Close Hearing

Motion for City Attorney to Read by Title Only

Councilmember Introduce Ordinance

Minutes:

Assistant City Manager and Interim Director of the Department of Library and Recreation Services Kerry Burns stated, as a result of the consolidation of the Department of Parks and Recreation and the Library Department, and shifting parks maintenance duties to Department of Public Works, amendments to the municipal code are required.

There are three significant changes contained in the language. 1. The change clarifies the advisory roles of the Parks and Recreation Commission and the Library Board of Trustees. 2. Changing the name of the Parks and Recreation Commission to Recreation Commission to reflect the shift of the parks function to Public Works. 3. Changing the Library Board of Trustees meeting time to 6:00 p.m.

Mayor Torres opened the public hearing.

Councilmember Canepa made the following friendly amendments:

- **In Section 2.26.080, Relation with the Press, include the Chair to work with staff.**
- **At the end of Section 2.27.030, Membership – Appointment – Compensation, add “Shall not be councilmembers, officers, or employees of Daly City. Each member of the Library Board shall have a demonstrated interest in public library matters”.**
- **Under General Objectives after Section 2.26.020, Board of Trustees – Created, add “The trustees passionately support the mission of the library as a learning center of the community, where people turn for discovery of ideas, joy of reading and the power of information”.**

; 1:29 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 approve that Ordinance No. 1360 be read by title only by the City Attorney.

Councilmember Canepa introduced the following ordinance:

Ordinance No. 1360, Repealing and Replacing Chapter 2.26 and Chapter 2.20 of Title 2 of the Daly City Municipal Code, and Amending Chapter 12.40 and Chapter 12.36 Re: Board of Library Trustees, Recreation Commission

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

12. Public Hearing RE: Proposed Ordinance Related to Medical Marijuana Distribution Facilities

Staff:

Martel

Recommended Action:

Open/Close Hearing

Minutes:

City Manager Patricia Martel stated the Council is being requested to hold a public hearing on the proposed ordinance related to medical marijuana distribution facilities.

The Council will review the policy considerations and legal framework regarding medical marijuana dispensaries and make determination to (1) allow such facilities by enacting an ordinance to regulate their operations; or (2) adopt an ordinance to prohibit medical marijuana dispensaries citywide; or (3) take no action to medical marijuana dispensaries in Daly City.

At the March 5, 2012 Study Session, the City Council reviewed and discussed the options to regulate or prohibit medical marijuana dispensaries in Daly City. Direction was given to prepare an ordinance that would potentially prohibit medical marijuana facilities citywide. However, several questions were raised about information not available at the Study Session.

Ms. Martel reviewed additional information staff compiled regarding zoning and regulatory considerations that would allow for the regulation of medical marijuana dispensaries; and an analysis of potential financial impacts arising from regulating potential medical marijuana dispensaries. In addition, Ms. Martel provided a report from the Police Chief regarding law enforcement concerns with medical marijuana distribution; and the City Attorney provided a draft ordinance that would prohibit such facilities in Daly City.

Ms. Martel stated the City received six letters and three telephone calls opposed to

the medical marijuana dispensaries.

Mayor Torres opened the public hearing.

The following individuals spoke in favor of prohibiting medical marijuana dispensaries in Daly City:

**Richard Rocchetta, representing Hillside Homeowners Improvement Association
Richard Brugger
Vaughn Jones, Skyline Palisades Homeowners Association President
Marian Mann**

The following individuals spoke in favor of allowing medical marijuana dispensaries in Daly City:

**Jessica Borja
Stephen Zyszkiewicz**

Mr. Zyszkiewicz suggested the Council consider no on-site consumption instead of prohibiting dispensaries.

The City Council expressed opposition to medical marijuana dispensaries in Daly City. Mayor Torres felt that it would cause more problems for the City than the revenue the City could get from the medical marijuana dispensaries.

Councilmember Klatt was concerned about the negative impact on the City after speaking with law enforcement, meeting with people from dispensaries and visiting a dispensary. Councilmember Canepa was concerned about the challenges it imposes, the secondary market to resale to school children. Vice Mayor Buenaventura was not impressed with the revenue the City would get from these dispensaries. Councilmember Guingona briefly explained that marijuana use under the Compassionate Use Act in California.

Mayor Torres asked to strike the wording in the proposed ordinance, Section 8.62.010 Definition, Paragraph A, “that does not have an active role in the cultivation of the marijuana product that it sells, dispenses, or distributes, or when its cultivation of the marijuana product is off-site from the facility or location for retail sale, dispensation or distribution”.

; 1:48 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 approve that Ordinance No. 1361 be read by title only by the City Attorney.

Ordinance No. 1361, Adding Chapter 8.62 to the Daly City Municipal Code Relating to the Prohibition of Medical Marijuana Distribution Facilities

13. Request for Continuance to May 14, 2012, 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:

Motion to Continue

Roll Call

Motion to continue this item to the meeting of May 14, 2012.

COMMUNICATIONS:

14. Minor Subdivision SUB-10-10-2809 Design Review DR-10-10-2809, Four-lot Subdivision and Four New-Single Family Residences, Vacant Lot Adjacent to 983 Crocker Avenue APN 004-223-110
 - A. EA (Categorical Exemption)
 - B. Findings
 - C. SUB-10-10-2809, DR-10-10-2809

Staff:

Engfer

Recommended Action:

Motion on A

Adopt Resolutions B & C

Roll Call

Minutes:

Assistant Planner Steve Engfer gave a PowerPoint presentation on the project site and reviewed the applicant's request for a minor subdivision and design review approval to subdivide one lot into four lots, in conjunction with the construction of one new single family residence on each lot adjacent to 983 Crocker Avenue between Point Pacific Drive and Templeton Avenue.

Councilmember Guingona left the meeting at 8:46 p.m.

Councilmember Klatt was concerned about the basement level unit becoming a

secondary unit. Mayor Torres asked if the applicant would be willing to change the full bath to a half bath in the basement level unit and change the half bath to a full bath on the first floor.

Ramon Lei, property owner, requested Council's approval of his project and was agreeable to changing the bathrooms in the basement level and the first floor.

; 2:50 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 adopt Resolution No. 12-51, Adopting Findings of Fact Re: Minor Subdivision (SUB-10-10-2809), Design Review (DR-10-10-2809) Four-Lot Subdivision and Four New Single Family Residences, Vacant Lot Adjacent to 983 Crocker Avenue

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.

; 3:21 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes:

There were no appointments.

; 3:22 PM

REPORTS:

15. Council Committee

A Council Committee Meeting, March 12 - March 25, 2012

Minutes:

The Council Committee reported on the Allocation of FY2012-13 Community Development Block Grant and HOME funds (Klatt/Buenaventura)

; 3:22 PM

16. City Council

Minutes:

Vice Mayor Buenaventura reported he attended the meeting of the Airport Land Use Committee at which time they elected Richard Newman as the new chair, and discussed the airport influence areas.

Councilmember Klatt announced the Daly City Recreation Department is co-sponsoring with the Daly City Host Lions Club the Spring Fun Day at Thomas Pollicita School this Saturday from 11:00 a.m. to 1:30 p.m.

Mayor Torres announced that on Thursday he will be gathering with the Counsel Generals from the Countries of El Salvador, Honduras, Mexico, Venezuela, and Columbia to discuss community services that each of the consulates provide to their own constituents.

; 3:23 PM

17. Staff

Minutes:

There were no reports.

; 3:26 PM

ADJOURNMENT:

Motion to adjourn the meeting at 9:05 P.M. in memory of Retired Sergeant Paul Bruemmer.

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