

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
DECEMBER 14, 2009

The meeting was called to order by Mayor Torres at 7:00 P.M.

ROLL CALL: Councilmembers Present:

Michael P. Guingona, Mayor
David J. Canepa
Maggie Gomez
Carol L. Klatt

Councilmembers Absent:

Sal Torres

Staff Present:

Patricia E. Martel, City Manager
Kerry E. Burns, Assistant City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

PRESENTATIONS:

Lions International Peace Poster Contest Awards Winners

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.

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

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 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

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PRESENTATIONS:

Commending the Members of the Graduating Class of the Daly City Citizens Academy –
Cont'd.

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

Census 2010 Partnership Proclamation

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 important to be counted.

APPROVAL OF MINUTES:

Regular Meeting of November 23, 2009

It was moved by Councilmember Gomez, seconded by Vice Mayor Klatt and carried to approve the minutes of November 23, 2009.

APPROVAL OF AGENDA:

It was moved by Vice Mayor Klatt, seconded by Councilmember Gomez and carried to approve the agenda.

CONSENT AGENDA

RESOLUTIONS:

Setting Time and Place of Public Hearing for Indoor Water Use Efficiency Ordinance Hearing 01/25/10

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.

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CONSENT AGENDA Continued

RESOLUTIONS: Continued

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

Resolution No. 09-171, Authorizing Establishment of Police Property Room Specialist

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

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

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

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

Accepting Federal American Recovery and Reinvestment Act of 2009 - Energy Efficiency and Conservation Block Grant

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

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

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

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

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)

Cabaret License for Spicy Element at 83 Skyline Plaza

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)

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CONSENT AGENDA: Continued

CHECK REGISTERS:

Check Registers for the Month of November 2009

END OF CONSENT AGENDA

It was moved by Vice Mayor Klatt, seconded by Councilmember Gomez and carried to approve and adopt the Consent Agenda.

PUBLIC HEARINGS:

Community Development and Housing Needs

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

It was moved by Vice Mayor Klatt, seconded by Councilmember Gomez and carried to close the public hearing.

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PUBLIC HEARINGS: Continued

Community Development and Housing Needs –Cont’d.

It was moved by Vice Mayor Klatt, seconded by Councilmember Gomez and carried by unanimous roll call vote to adopt the following resolution:

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

COMMUNICATIONS:

Use Permit to Establish a Car Rental Business at 7046 Mission Street and 7-9 Bruno Avenue

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 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.

It was moved by Vice Mayor Klatt, seconded by Councilmember Gomez and carried to concur with the Categorical Exemption under CEQA requirements.

It was moved by Councilmember Gomez, seconded by Vice Mayor Klatt and carried to affirm the findings of the Planning Commission as contained in their communication on file in the Office of the City Clerk.

It was moved by Councilmember Gomez, seconded by Vice Mayor Klatt and carried by unanimous roll call vote to adopt the following resolution:

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)

It was moved by Councilmember Gomez, seconded by Vice Mayor Klatt and carried to approve Use Permit UP09-8, subject to Conditions of Approval, as modified.

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COMMUNICATIONS: Continued

Presentation of Comprehensive Annual Financial Report

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.

It was moved by Vice Mayor Klatt, seconded by Councilmember Gomez and carried to accept the report.

RESOLUTIONS:

Notice of Completion for Reservoir 2B Reconstruction

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.

It was moved by Councilmember Gomez, seconded by Vice Mayor Klatt and carried by unanimous roll call vote to adopt the following resolution:

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

ORDINANCES:

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

It was moved by Vice Mayor Klatt, seconded by Councilmember Gomez and carried by unanimous roll call vote to adopt the following ordinance:

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

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PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

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.

APPOINTMENTS:

Board/Commission Membership Committee Appointments

Appointments to the Mobile Home Rent Review Commission

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.

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APPOINTMENTS: Continued

Board/Commission Membership Committee Appointments - Continued

Appointments to the Mobile Home Rent Review Commission – Cont'd.

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.

It was moved by Councilmember Canepa, seconded by Mayor Guingona and carried to appoint Jonah Chew as an At Large Member to the Mobile Home Rent Review Commission.

It was moved by Vice Mayor Klatt, seconded by Councilmember Canepa and carried to appoint George Mockridge as an At Large Member to the Mobile Home Rent Review Commission.

It was moved by Mayor Guingona, seconded by Councilmember Canepa and carried to appoint Mary Ellen Scherer as an At Large Member to the Mobile Home Rent Review Commission.

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

It was moved by Councilmember Gomez, seconded by Vice Mayor Klatt and carried with Councilmember Canepa voting "No" to appoint Jean Hayner as the Franciscan Mobile Home Park Member to the Mobile Home Rent Review Commission.

It was moved by Vice Mayor Klatt, seconded by Councilmember Gomez and carried with Councilmember Canepa voting "No" to appoint Rebecca Clark, as LINC Housing Corporation Member to the Mobile Home Rent Review Commission.

Parks and Recreation Commission

It was moved by Mayor Guingona, seconded by Councilmember Gomez and carried to appoint Thomas Ledda to the Parks and Recreation Commission with term expiring December 14, 2012.

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

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REPORTS:

Council Committee

There were no reports.

City Council

There were no reports.

Staff

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.

ADJOURNMENT:

It was moved by Councilmember Gomez, seconded by Vice Mayor Klatt and carried to 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.

City Clerk

Approved as submitted, this _____
day of _____, 2010.

Mayor