

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
March 23, 2009

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

Mayor Torres asked for a moment of silence in memory of the fallen Oakland Police Officers.

ROLL CALL: Councilmembers Present:

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

Staff Present:

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

APPROVAL OF MINUTES:

Regular Meeting of February 23, 2009

It was moved by Councilmember Guingona, seconded by Councilmember Klatt and carried to approve the minutes of February 23, 2009.

APPROVAL OF AGENDA:

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

CONSENT AGENDA

Mayor Torres requested that Item No. 5, Adoption of New Fees and Charges for Recreation Programs and Item No. 8, Resolutions Implementing Furloughs, Salary, and Health and Welfare Benefit Freezes for Executive Management Employees and Elected City Treasurer be taken at the end of the Consent Agenda.

RESOLUTIONS:

Setting Time and Place for Joint Public Hearing with Daly City Redevelopment Agency - re: Disposition and Development Agreement (DDA) for 101 Parkview Avenue

Resolution No. 09-28, Setting Time and Place of Joint Public Hearing of the City Council of the City of Daly City and the Governing Board of the Daly City Redevelopment Agency Re:

Proposed Disposition and Development Agreement for 101 Parkview Avenue Development
(Hearing date: April 27, 2009, Time: 7:00 P.M.)

Setting Time and Place for Public Hearing - re: Consider One-Year HUD Action Plan for Fiscal Year 2009-2010

Resolution No. 09-29, Setting Time and Place of Public Hearing on Daly City's One-Year Action Plan for Fiscal Year 2009-2010 Under the Community Development Block Grant and HOME Programs, Hearing 04/27/09 – 7:00 P.M.

Amending Traffic Regulations

Resolution No. 09-30, Establishing Traffic Regulations

1. Extend the Existing 40-foot No Parking (Red) Zone 20 Feet Easterly and 20 Feet Westerly, in Front of Panorama School (25 Bellevue Avenue), on the South Side of Bellevue Avenue
2. Eliminate Existing Time Restricted No Parking Zone (8 am - 5 pm, Monday-Friday), in Front of Panorama School (25 Bellevue Avenue)
3. Designate a Time Restricted 120-foot Passenger Loading/Unloading (White) Zone on the South Side of Bellevue Avenue, 30 Feet West of the Crosswalk in Front of Panorama School (25 Bellevue Avenue). Loading Zone to be Effective between 8:00 am - 8:30 am and 2:30 pm - 3:30 pm on School Days
4. Designate 16-Foot No Parking (Red) Zone Along the South Side of Bellevue Avenue, 160 Feet West of the Crosswalk in Front of Panorama School (25 Bellevue Avenue)

Authorizing Submittal of Application to the State of California Department of Transportation for Safe Routes to School (SR2S) Program Funding

Resolution No. 09-31, Authorizing Submission of a Grant Application to the California Department of Transportation (CALTRANS) Re: Safe Routes to School (SR2S) Program

Setting Time and Place of Public Hearing - re: Daly City's National Pollutant Discharge Elimination System Program Regulatory Fee

Resolution No. 09-32, Setting Time and Place of Public Hearing Re: Maintaining Adopted Regulatory Fees Necessary to Fund Local Specific Program Activities Mandated Under the Stormwater Management Plan, and Requesting San Mateo County to Collect Such Fees, Hearing 04/27/09 – 7:00 P.M.

Setting Time and Place of Public Hearing - re: Penalty Increase for Parking Violations Within the City of Daly City

Resolution No. 09-33, Setting Time and Place of Public Hearing Re: Amend Bail Schedule for Parking Violations, Hearing 04/27/09 – 7:00 P.M.

Resolution Implementing Furloughs, Salary, and Health and Welfare Voluntary Benefit Freezes for City Manager and City Attorney

Resolution No. 09-34, Authorizing Implementation of Furloughs, Salary and Health and Welfare Voluntary Benefit Freezes (City Manager and City Attorney)

Adoption of Side Letter Agreement Between the City of Daly City and the Economic and Community Development Professional Staff Association

Resolution No. 09-35, Authorizing Implementation of Furloughs, Salary and Health and Welfare Benefit Freezes (Economic and Community Development Professional Staff Association)

Adoption of Side Letter Agreement Between the City of Daly City and Secretary III Association

Resolution No. 09-36, Adopting Side Letter Agreement Authorizing Implementation of Furloughs, Salary and Health and Welfare Benefit Freezes (Secretary III Association)

Resolution Implementing Voluntary Furloughs, and Voluntary Salary, and Health and Welfare Benefit Freezes for City Council

Resolution No. 09-37, Authorizing Implementation of Furloughs, Salary and Health and Welfare Voluntary Benefit Freezes (City Councilmembers)

Resolution Implementing Furloughs, Salary, and Health and Welfare Benefit Freezes for Miscellaneous/Unrepresented Employees

Resolution No. 09-38, Authorizing Implementation of Furloughs, Salary and Health and Welfare Benefit Freezes (Miscellaneous/Unrepresented Employees)

Approving Revision to Existing Job Specification for the Position of Engineer I

Resolution No. 09-39, Adopting Revised Job Specifications for the Position of Engineer I

END OF CONSENT AGENDA

It was moved by Councilmember Klatt, seconded by Councilmember Guingona and carried to approve and adopt the Consent Agenda, as amended.

RESOLUTIONS:

Adoption of New Fees and Charges for Recreation Programs

Director of Parks and Recreation Michael Stallings asked the City Council to approve the Parks and Recreation Commission's recommendation to adopt fees for seven existing programs currently funded by the General Fund.

As part of the overall City-wide effort to address the City's fiscal crisis and budget shortfall, staff developed a series of program fee increase proposals. These proposals were presented to the City Council at its February 25, 2009 Study Session. On March 21, 2009, the Parks and Recreation Commission reviewed and considered adoption of fees for seven programs

currently subsidized by the City's General Fund including various After School Youth Recreation and Senior Programs.

Mr. Stallings gave an overview of the proposed fees and charges for recreation programs as outlined in the Agenda Report.

Discussion ensued with Staff addressing Council's concern regarding low income families not being able to afford the new fees. After further discussion, Councilmember Guingona proposed a sliding scale concept so more people can afford the fees for the after school and summer programs.

The following individuals were in support of keeping the After School Recreation and Summer Youth Recreation Programs affordable and keeping the food for the homebound seniors affordable:

Debbie Ann Zetzer, Employee with the Parks and Recreation Department
Rich Brugger, representing Cypress Point Homeowner Association and VFW
Bridget Eddings, Employee in the Parks and Recreation Department
Michael T. Morla, employee of the Parks and Recreation Department

Gloriann Jones suggested that the City Council require 19 unpaid furlough days to the employees that make over \$100,000 a year.

Vaughn Jones stated the Parks and Recreation Commission violated the Brown Act by voting to increase the fees at the March 21st Commission meeting since their agenda clearly stated that the meeting was for review and discussion only.

Parks and Recreation Commissioner Jack Pastor stated the Commission met on Saturday to discuss the afterschool recreation programs and several suggestions were discussed.

Parks and Recreation Commissioner Teresa Proaño stated that the Commission does not take any of these cuts lightly. The Commission looked at over 200 programs and is only recommending adjusting seven.

Judy Reed felt the City should be trying to get more money for the houses that are sold in Daly City. There is no reason why our homes should go for the same price as the worst cities in San Mateo.

It was moved by Councilmember Guingona, seconded by Councilmember Gomez and carried by unanimous roll call vote to continue the After School Recreation and Summer Youth Recreation Program's fees to the meeting of April 13, 2009 and adopted the following resolution:

Resolution No. 09-40, Approving Fees and Charges for Recreation Programs

Resolutions Implementing Furloughs, Salary, and Health and Welfare Benefit Freezes for Executive Management Employees and Elected City Treasurer

City Manager Patricia Martel stated items 8 through 13 are recommendations to authorize the implementation of furloughs as well as salary and health and welfare benefit freezes for

various groups within the City. Item 8 specifically deals with the Executive Management employees for the City as well as the elected City Treasurer.

Due to the downturn in the economy and the fact that the City of Daly City are experiencing a budget crisis of unprecedented proportions, it has necessitated my recommending to the Council that every City department re-examine their businesses in order to produce certain savings. The savings from this group will be about a quarter of a million dollars. An additional \$720,000 will result in savings from the other bargaining groups which will total about \$950,000. In addition, we are still in the process of meeting and conferring with ten other bargaining groups. If we are able to reach agreements from those labor groups, the total savings would be about an additional \$2.6 million, which will total \$3,572,000.

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

Resolution No. 09-41, Authorizing Implementation of Furloughs, Salary and Health and Welfare Benefit Freezes (Executive Management Employees and City Treasurer)

Mayor Torres called on Police Captain Eric Wollman to present a commendation to Jesse Palasuma.

Police Captain Eric Wollman presented a Citizen Appreciation Commendation to Jesse Palasuma for his assistance in the apprehension of a suspect. Mr. Palasuma thanked his co-workers and the City.

PUBLIC HEARINGS:

Request for Approval of Expenditure Plan for Supplemental Law Enforcement Service (SLES) Funds

Police Captain Eric Wollman requested approval of the expenditure plan for funds allocated to the City under the State of California "Citizens' Option for Public Safety – Supplemental Law Enforcement Services" (COP-SLES) Program.

Captain Wollman stated the State of California has announced the available funding under the COPS Program to supplement existing police services and equipment needs. Funds cannot be used to supplant existing budgeted items and positions. Also, the funds cannot be used for administrative overhead costs in excess of five-percent nor can the funds be used for any construction project that does not directly support "front-line" law enforcement.

The award amount is \$169,593 for Fiscal Year 2008-09. The expenditure plan complies with the requirements of support for front-line law enforcement. Captain Wollman summarized the Police Department's proposed expenditure program and expense plan as outlined in the agenda report.

Mayor Torres opened the public hearing.

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

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

Resolution No. 09-42, 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)

Amendments to Municipal Code Sections Relating to Garbage & Recycling Containers

Assistant to the City Manager Joseph Curran stated these amendments are for the municipal code pertaining to garbage and recycling containers and the placement of the containers. The City Council reviewed the proposed amendments and the rescinded sections were discussed at its study session on January 21, 2009.

The existing municipal code sections have been on the books since the mid-1970s and with the drastic changes to our recycling and garbage collection program that was implemented in April 2008, rendered some sections inconsistent with the new program, specifically Section 8.12.140 pertaining to containers. Other issues were the placement of the containers and the public nuisance of leaving garbage, yard waste and recycling containers stored in the front or side yards visible from the public street and sidewalk.

Mayor Torres opened the public hearing.

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

It was moved by Councilmember Guingona, seconded by Councilmember Klatt and carried that Ordinance No. 1344 be read by title only by the City Attorney.

Councilmember Gomez introduced the following ordinance:

Ordinance No. 1344, Repealing and Replacing Certain Sections of Chapter 8.12 and Chapter 8.16 of the Municipal Code Re: Garbage and Recycling Containers

First Reading - re: Adopting Chapter 2.50 of Title 2 of the Daly City Municipal Code Re: Disqualification of Former Officers and Employees in Matters Connected with Former Official Responsibilities

City Attorney Rose Zimmerman stated this is an introduction of an ordinance for the post-employment restrictions, also called the "Revolving Door" ordinance. This item first came to the City Council in an open study session on January 21, 2009. At that study session, the Council directed Staff to proceed with a drafting and implementation of an ordinance.

Ms. Zimmerman laid out the existing law to this particular ordinance. Currently the Government Code section restricts government officials, administrative officers, county and city managers after leaving that office from representing for compensation, any person by making for purposes of influencing administrative or legislative action, or influencing any action.

The restrictions are only applicable to former employees who are acting for the benefit of compensation and with the intent to influence their agency. State law gives the power of enforcement to the Fair Political Practices Commission and not to the local agency. The law allows local governments to implement their own restrictive ordinance.

The provision applies to all former employees, part-time and full-time and all officials of the City, Redevelopment Agency and Sanitation District. It also increased the term of the restriction from one year to eighteen months, as well as the definition of the prohibitive activities.

The draft ordinance expands the application of “Revolving Door” ordinance to include former officials and employees acting with or without compensation. The ordinance also allows for a former official or employee to apply for a waiver of the restrictions.

The City Manager is delegated with the authority to grant a waiver upon the showing of undue influence and anything that is not in the best interest of the City with her decision appealable to the City Council. The ordinance allows the City Attorney to file an injunctive relief in Superior Court for any willful violation which can be an infraction and seek civil penalties up to \$500.

Mayor Torres opened the public hearing.

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

It was moved by Councilmember Klatt, seconded by Councilmember Guingona and carried that Ordinance No. 1345 be read by title only by the City Attorney.

Councilmember Klatt introduced the following ordinance:

Ordinance No. 1345, Adding Chapter 2.50 of Title 2 of the Daly City Municipal Code
Re: Post Employment Restrictions

AWARD OF BIDS/CONTRACTS:

Bullet-Proof Vest Replacement

Police Captain Eric Wollman recommended that the City Council approve a bid award to Adamson Police Products in the amount of \$59,429.25 for purchase of 100 bullet-proof vests to replace the vest expiring in April 2009. Only one bid proposal was received.

Captain Wollman stated sworn police personnel are required to wear bullet-proof vests as a measure of protection against weapons. Such equipment must be replaced every five years due to material breakdown. In April 2004, the Police Department was forced to purchase 100 new bullet-proof vests to replace units that were recalled as defective. Because of the five-year life of such vests, they need to be replaced in April 2009.

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

Resolution No. 09-43, Authorizing Purchase for Bullet-Proof Vest Replacement

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Dana Smith, representing the Daly City/Colma Democratic Club, read the Club's resolution that was passed on March 16, 2009 in support of the City Clerk, a copy of which is on file in the Office of the City Clerk.

Sylvia Alvarez-Lynch, representing the Original Daly City Protection Association, commented on the City Council cutting their time to make public comments and not letting the public hear Ms. Martel's report on why they are cutting the City Clerk salary as well as the Mayor calling the police to remove the City Clerk from the speaker's podium for exceeding the two-minute time limit.

Judith Christensen reported that over 1,100 people have viewed the YouTube video of the last City Council meeting. She said democracy demands equal treatment for all. We expect our elected officials to do their best to promote open government and full public disclosure especially when requested. Ms. Christensen asked the Council to rethink their action.

Lillian Carlson was shocked with all the negative attacks on the City Clerk since she was elected. She asked if cutting the City Clerk's salary was about the economic crisis and her experience; and why the City Clerk was singled out and no one else's salary was cut.

Judy Reed felt that it was unfair to single the City Clerk out. Although there is a budget crunch, it is below the dignity and the ethics of the Council and our community to expect one individual to suffer 53% of her wages to be decreased.

Tim Gaffney read about the City Clerk being singled out for a gigantic pay cut while others got furlough days. He asked why all the employees that make over \$100,000 can not take a 10% cut. He suggested doing it more equally and fairly.

Marian Seikl, stated she was here before with her neighbors and submitted a petition requesting a stop sign at the intersection of Zita Manor and Eastmoor Avenue. She asked what does she need to get a four-way stop sign installed.

Rich Brugger, representing Cypress Point Homeowners Association and VFW, suggested getting donations from different corporations in Daly City to help keep the after school recreation programs going in Daly City. At the COHRA meeting, we suggested promoting the program, Live, Play and Buy in Daly City. He was concerned about the businesses on Mission Street closing early because of the economic issue. He suggested making more businesses aware of programs that are available for small businesses.

APPOINTMENTS:

Board/Commission Membership Committee Appointments

There were no appointment.

REPORTS:

Council Committee

Council Committee Meetings from March 9-22, 2009

The Council Committees reported on the following:

General Plan Steering Committee (Klatt/Gomez)

Design Review Permit DR01-17, PD57-Serramonte Vista, 200 Residential Condominium Units (Torres/Klatt)

Allocation of Fiscal Year 2009-10 Community Development Block Grant Funds (Gomez/Klatt)

Development and Disposition Agreement and HOME Funding Agreement for Habitat for Humanity Proposed Development of Parkview Clubhouse (Torres/Guingona)

City Council

Councilmember Guingona reported that there is a free youth wrestling program in South San Francisco called "The Gator Wrestling Club" that meets at El Camino High School on Monday, Wednesday and Friday and is open to anybody who is interested from four years old to eighteen years old. The Club brought 20 young people to the State's Championships in Fresno this weekend and out of the 20, three placed.

Staff

There were no reports.

ADJOURNMENT:

It was moved by Councilmember Guingona, seconded by Councilmember Gomez and carried to adjourn the meeting at 8:40 P.M. in memory of Don Dorr, Caroline Hope Vanlandingham, Oakland Police Officers: Sergeant Mark Dunakin, Sergeant Daniel Sakai, Sergeant Ervin Romans and Officer John Hege, Gene Hubble and Melvin Prescott.

K. ANNETTE HIPONA

City Clerk

Approved as submitted, this 27th

day of April, 2009.

SAL TORRES

Mayor