

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
APRIL 13, 2009

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

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
Kelly Schott, Assistant City Attorney
K. Annette Hipona, City Clerk

PRESENTATIONS:

Proclamation for Earthquake Preparedness Month

Councilmember Gomez presented a proclamation proclaiming April 2009 as Earthquake Preparedness Month to Matt Lucett, Preparedness Chief in the Office of the Fire Chief Emergency Preparedness Office North County Fire District. Mr. Lucett thanked the Council for the opportunity to remind Daly City residents about being prepared by having an earthquake kit, an emergency plan at home, and getting involved in the community.

Proclamation for Volunteer Month

Councilmember Guingona presented a proclamation proclaiming April 2009 as Volunteer Month to the Bayshore Advisory Committee. The Committee thanked the Council.

Assistant City Manager Kerry Burns stated we have been working on creating a more robust volunteer program. If you would like to volunteer for a variety of different opportunities in each department, you will find information on volunteer opportunities on the City's website by the end of April.

Proclamation for West Nile Virus and Mosquito and Vector Control Awareness Week

Mayor Torres presented a proclamation proclaiming the week of April 20, 2009 through April 26, 2009, as West Nile Virus and Mosquito and Vector Control Awareness Week to Christine Fuller, Daly City Representative to San Mateo County Mosquito and Vector Control District. Ms. Fuller thanked the Council and introduced Dr. Chindi Peavey.

Dr. Chindi Peavey stated the District services are covered by property taxes. We conduct integrated pest management. not only West Nile disease but also lime disease, plague and a

number of other diseases carried by wild life and vectors. We primarily do preventive control methods. We use environmentally safe materials.

STAR Awardee Recognition

Assistant City Manager Kerry Burns stated Steve Hatting, Custodian in the Department of Public Works is the recipient of a Star Award in recognition of his highly ethical behavior and honesty in returning a \$10 bill he found while performing his custodial duties. Mr. Hatting thanked the Council.

APPROVAL OF AGENDA:

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

CONSENT AGENDA

Mayor Torres stated it was requested that Item No. 7, Adoption of New Fees and Charges for Recreation Programs (Cont'd. from 3/23/09), would be taken at the end of the Consent Agenda.

RESOLUTIONS:

Commending Fire Captain Mike Vanlandingham

Resolution No. 09-44, Commending Mike Vanlandingham Upon His Retirement

Authorizing the Erasure of the Police Department's Public Safety Radio/Telephone Tape Recordings for July through December 2007 and January through March 2008

Resolution No. 09-45, Authorizing Erasure by the Police Department of Routine Public Safety Radio/Telephone Tape Recordings for July through December 2007 and January through March 2008

Authorizing Destruction of Police Department Records - Crime and Investigation Reports Through the Calendar Year 2001

Resolution No. 09-46, Authorizing Destruction by the Police Department of Certain Routine Records of the Police Department

Acceptance and Appropriation of the California Association of Food Banks Food Stamp Outreach Program Stipend from Santa Clara/San Mateo County Second Harvest Food Bank

Resolution No. 09-47, Approving Funds and Appropriate Funding from the Santa Clara/San Mateo County Second Harvest Food Bank

Resolution Implementing Furloughs, Salary, and Health and Welfare Benefit Freezes for Fire Management

Resolution No. 09-48, Authorizing Implementation of Furloughs, Salary and Health and Welfare Benefit Freezes (Fire Management Employees)

Amending Traffic Regulations

Resolution No. 09-49, Establishing Traffic Regulations

1. Convert existing Commercial Loading/Unloading (Yellow) zone to No Parking (Red) Zone on Acton Street, on the north side of the Lincoln Community Center (TSR 09-53)
2. Extend existing "No Parking" zone on the north side of East Market Street, east of Hillside Boulevard by a distance of 79 ft., to a total of 169 ft. (TSR 09/56)
3. Remove 40-ft. taxi zone on the west side of DeLong Street, just north of Hillcrest Drive and the DeLong Street BART Station entrance (TSR 09/58)
4. Install 30-ft. No Parking (Red) zone on the north and south sides of Vista Grande Avenue, west of Mission Street

CHECK REGISTERS:

Check Registers for the Month of March 2009

END OF CONSENT AGENDA

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

RESOLUTIONS:

Adoption of New Fees and Charges for Recreation Programs (Cont'd. from 3/23/09)

City Manager Patricia Martel stated at the last meeting, the Council requested that the Staff reviewed the cuts that were made to the after school youth recreation program and the summer youth recreation program in the Parks and Recreation Department.

We were going to increase the fees significantly to try and cover our cost as part of our budget reduction efforts. We also looked at eliminating Friday programming as another means of saving funds that are urgently needed to bring the City's budget into balance.

After reviewing the cuts, we reduced the fees and included the difference in costs for the afterschool program, the summer program and the Friday program for the afterschool playground program for our residents particularly those that are low income; and insure that we will be able to provide five-day programming on the afterschool playground program at least through next fiscal year ending in June 2010.

As to the overall fiscal issue we have been facing, we have to make up the funding somewhere and so as part of the proposal we are going to be starting at zero base for the Department of Parks and Recreation and all other departments in the next budget process.

The Council will not need to take action because the programs will be restored and fees will not be increased.

COMMUNICATIONS:

Use Permit, Design Review and Environmental Assessment for New Construction of Two Duplexes at 363 San Diego Avenue (Cont'd from 2/23/09)

Planning Manager Tatum Mothershead stated the City Council originally considered the proposal on October 27, 2008, at which time the Council directed the applicant to revise the development by reducing the number of bedrooms in the duplexes. The applicant reduced the number of bedrooms in the lower unit of the non-owner occupied duplex from five to four. The item was brought back to the Council on January 12, 2009, but further reductions were recommended.

Rather than returning to the Council for an additional public hearing with a proposal that might require further revisions, a Council Committee, consisting of Vice Mayor Guingona and Councilmember Canepa, was appointed. The Council Committee reviewed the proposal on February 19, 2009 and again on April 3, 2009. The proposal being presented reflects the changes recommended by the Council Committee.

Ms. Mothershead gave a PowerPoint presentation on the project site and reviewed the revised proposal to construct two duplexes at 363 San Diego Avenue, just north of Vista Grande Avenue. The light well depth was reduced to seven feet deep, reducing the building length by five-feet for both units.

The first floor units have been reduced by one bedroom and the non-owner occupied unit has a half bathroom and the owner-occupied unit lost a bathroom. The second floor plan reflects the non-owner occupied unit, a bedroom has been converted to an open dining room, while the owner-occupied unit maintains the fourth bedroom, but has less common space. The third floor plans reflect the upper units remain as the original proposal, three bedrooms and three baths but the reduced light well length has created some changes to the layout for common areas. The family room in the previous proposal is now a small storage and utility closet.

Councilmember Canepa stated that Staff put a lot of work into it. There has been a substantial reduction in the amount of rooms in both duplexes. The overall lot coverage was reduced from 55% to 53%.

Councilmember Guingona stated when they first came to us, there was concern that the project was a little large and that it could be converted into illegal second units. The Council Committee considered those concerns and believed that those two considerations were met.

Bill Quan, Project Manager, XIE Associates and Sharon Hilgert, owner, were present to answer Council's questions.

It was moved by Councilmember Guingona, seconded by Councilmember Canepa and carried with Councilmembers Gomez and Klatt voting "No" to concur with the Categorical Exemption under CEQA requirements.

It was moved by Councilmember Guingona, seconded by Councilmember Canepa and carried with Councilmembers Gomez and Klatt voting “No” 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 Guingona, seconded by Councilmember Canepa and carried with Councilmembers Gomez and Klatt voting “No” to adopt the following resolution:

Resolution No. 09-50, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit (UP08-6) and Design Review DR08-6, to Construct Two Duplexes (363 San Diego Avenue)

It was moved by Councilmember Guingona, seconded by Councilmember Canepa and carried with Councilmembers Gomez and Klatt voting “No” to approve Use Permit, UP08-6 and Design Review DR08-6, subject to the Conditions of Approval.

AWARD OF BIDS/CONTRACTS:

New Generator at Reservoir 6B Pump Station

Director of Water and Wastewater Resources Patrick Sweetland stated we solicited bids to fifteen qualified suppliers and received four bid proposals with a price range of \$164,500 to \$249,000. The Engineer’s Estimate for this work is \$244,600. Reservoir 6B is the last single auxiliary engine with limited capacity. All other facilities have been upgraded with a fully capable emergency generator with an automatic transfer switch that runs all the facilities at the pump station.

Mr. Sweetland recommended that the City Council accept all bids, waiver any minor bid inconsistencies and authorize the City Manager to execute a contract with the lowest responsible bidder, Pump Repair Service in the amount of \$164,500 to install a new generator at the Reservoir 6B Pump Station.

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

Resolution No. 09-51, Authorizing Execution of Contract for Purchase of New Generator at Reservoir 6B

ORDINANCES:

Second Reading, Ordinance No. 1344, Amendments to Municipal Code Sections Relating to Garbage & Recycling Containers

Judy Reed was concerned about the beeping noise, flashing lights and messy garbage caused by the garbage trucks picking up the garbage at 4:00 a.m. She felt she should be able to call the police if trucks beep for more than ten minutes.

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

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

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

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

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Xiao Lei, representing Senator Leland Yee, invited everyone for a community pancake breakfast on Saturday, May 2, 2009 at 9:30 a.m. at the Armenian Day School at 825 Brotherhood Way, San Francisco.

Sylvia Alvarez-Lynch read an article from Free Willis SF Blog Spot. Pay Cut or Pay Back that is the question being asked after Ms. Hipona's salary was cut in half. The article states that the Daly City Council voted to slash Ms. Hipona's salary two months after she was sworn into office.

Dana Smith read from the New Democracy Blog by Warren Slocum, County Clerk and Election Official, dated March 31, 2009, Clerk's Pay Cut Sparks Outrage: Was it Legal?

Judith Christensen read a news article on behalf of Helen Flowerday. It states, as a former City Clerk in Daly City she is upset by the Council's shameful attack on the Office of the City Clerk. This sort of political reprisal is embarrassing and inappropriate, not only because it is undermining the effectiveness and independence of the City Clerk's Office, but also because it injects the kind of ugly politics that we all want kept away from the day to day operations of our government.

Thomas Dickerman, President of the Board of Directors of the St. Francis Heights Association, stated cutting the City Clerk's salary by almost 60% smacks of political retribution and backroom politics at its worst.

Rich Brugger, representing Cypress Point Homeowners Association and VFW, stated at the previous Council meeting the Mayor stated the cutting of the City Clerk salary was planned prior to the election.

Marian Mann announced that the Daly City History Guild opened the Daly City History Museum at 6351 Mission Street. The museum is open every Tuesday and the first Saturday of every month from 12:00 p.m. to 3:00 p.m. The Guild is looking for volunteers so they can have the Museum opened more often. She expressed appreciation for the Council and staff's support.

Christine Fuller expressed outrage at the augments that have been impending back and forth for quite some time. Ms. Fuller felt that this should be a private matter verses a public matter. We are here to discuss what is going on in the community. I am tired of the personal attacks.

Judy Reed expressed appreciation for the good job the Council's has done for Daly City. Ms. Reed asked the Council to reverse their decision regarding the City Clerk's salary. The discussions in the local papers and the internet do not show this Council in a flattering light.

APPOINTMENTS:

Board/Commission Membership Committee Appointments

Mayor Torres appointed Paula Stillman to the General Plan Update Steering Committee. Paula Stillman thanked the Council.

Mayor Torres expressed appreciation to Susan Salamy for serving on the Planning Commission.

REPORTS:

Council Committee

Council Committee Meetings from March 23 - April 12, 2009

The Council Committee reported on the Water Issues Committee – Briefing Meeting Re: New Water Supply Agreement with San Francisco (Klatt/Guingona)

City Council

Councilmember Canepa stated that he and Councilmember Guingona met regarding the Sullivan Avenue Subcommittee but there was no consensus on whether or not there should be parking on Sullivan Avenue during church services.

Staff

City Manager Patricia Martel assigned the Assistant to the City Manager Joseph Curran to work with the County of San Mateo Board of Supervisor Rose Jacob Gibson who is spearheading the initiative to get the most significant count for the 2010 Census. We are looking for interested Daly City residents to assist our Full Count Committee that we will establish, and identify interested individuals in paid employment with the federal government. We will have a meeting on April 21, 2009 with other elected and appointed officials in the County to talk about how San Mateo will undertake a full count of our County.

Councilmember Klatt added that the United States Census workers are out already in our neighborhood asking about the number of people in the house; if you have a secondary unit or not. They are also confirming the addresses. She stated that you should make sure you see their identification.

It was moved by Councilmember Guingona, seconded by Councilmember Klatt and carried to recess the meeting to sit in Closed Session.

The meeting reconvened at 9:00 P.M.

CLOSED SESSION:

From the closed session of the Daly City City Council the following report is provided pursuant to California Government Code Section 54957.1 (The Ralph M. Brown Act):

A. Conference with Legal Counsel – Anticipated Litigation, pursuant to Government Code Section 54956.9

1. Significant Exposure to Litigation pursuant to Subdivision (b) of Government Code Section 54956.9

Number of Cases: One

Council updated on current status of potential litigation. Authority was given to City Attorney to continue negotiations.

ADJOURNMENT:

It was moved by Councilmember Guingona, seconded by Councilmember Klatt and carried to adjourn the meeting in memory of Robert Basconcillo, Eric Culp, Jr., Ada Rocchi, Leonor Sosa and Herman Kristel.

K. ANNETTE HIPONA

City Clerk

Approved as submitted, this 8th

day of June, 2009.

SAL TORRES

Mayor