

CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, July 13, 2009 - 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 7:07 P.M.

; 7:07 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

STAR Awardee Recognition

Minutes: Assistant City Manager Kerry Burns stated Building Permit Technician Omar Guzman submitted the Star Recognition Award for Heather Spooner in the Department of Economic and Community Development, in recognition of her hard work, dedication, team work and willingness to learn unrelated task to her position. Mr. Guzman highly recognized her initiative, common sense and higher contribution to the building department. Ms. Spooner thanked the Council.; 7:11 PM

APPROVAL OF AGENDA:

Motion on Approve

Motion to approve agenda

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

CONSENT AGENDA

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.

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: Mayor Torres stated it was requested that Item No. 5, Authorizing Use of Asset Forfeiture Funds for Purchase of Software Upgrade for Automated Citation Issuance Devices, would be taken at the end of the Consent Agenda.; 7:07 PM

Resolutions :

1. Resolution Implementing Furloughs for Teamsters Local 856, Clerical Technical

Motion on Adopt

Motion to adopt Resolution No. 09-105, Adopting Side Letter Agreement Authorizing Implementation of Furloughs (Teamsters Local 856, Clerical/Technical Unit)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

2. Implementation of Furloughs for Safety Inspectors

Motion on Adopt

Motion to adopt Resolution No. 09-106, Adopting Side Letter Agreement Authorizing Implementation of Furloughs (Teamsters Local 856, Safety Inspectors)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

3. Amending Traffic Regulations:
 1. Re-designating One (1) Existing One-hour Metered Parking Stall in front of 6748 Mission Street to a 15-minute Metered Parking Stall (TSR 09-71)

Motion on Adopt

Motion to adopt Resolution No. 09-107, Establishing Traffic Regulations

1. Re-designating One (1) Existing One-hour Metered Parking Stall in front of 6748 Mission Street to a 15-minute Metered Parking Stall (TSR 09-71)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

4. Accepting Notice of Completion for 40 Ton Rooftop VAV Unit Replacement for Civic Center North

Motion to adopt Resolution No. 09-108, Accepting Completion of Certain Project in the Department of Public Works (40 Ton Rooftop VAV Unit Replacement for Civic Center North)
Passed For: 4; Against: 0; Abstain: 0; Absent: 1

5. Use of Traffic Safety Fund Balance for Purchase of Upgrade Software for Automated Citation Issuance Devices

Motion on Approve

Motion to adopt Resolution No. 09-113, Authorizing Use of Traffic Safety Funds for Purchase of Upgrade Software for Automated Citation Issuance Devices

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Minutes: City Manager Patricia Martel explained this item was pulled because the title on the agenda was incorrect but the staff report in the Council's packet is accurate. The title should have been "Authorizing Use of Traffic Safety Fund Balance for Purchase of Software Upgrade for Automated Citation Issuance Devices". The title actually had been changed, but it did not print correctly.

; 7:07 PM

6. Authorizing Execution of Agreement with the Professional Golf Association for the Use of Westlake Park for Pre-sale Parking Spaces during the President's Cup Golf Tournament

Motion on Adopt

Motion to adopt Resolution No. 09-109, Authorizing Agreement Between the City of Daly City and the Professional Golf Association (PGA) for the Use of Westlake Park for Pre-Sale Parking Spaces During the President's Cup Golf Tournament

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

7. Agreement with San Mateo County Human Services Agency for the Summer Jobs for Youth Program

Motion on Adopt

Motion to adopt Resolution No. 09-110, Authorizing Execution of Agreement with the San Mateo County Human Services Agency for the Summer Jobs for Youth Program

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

8. Approval of Final Map - "Map of the Geneva", Acceptance of Public Improvements and Execution of Improvement Warranty Agreement for the Geneva Subdivision for Residential and Retail Condominium Purposes

Motion to adopt Resolution No. 09-111, Accepting and Approving Final Subdivision Map, Accepting Public Improvements, and Authorizing Execution of Improvement Warranty Agreement for the Geneva Subdivision for Residential and Retail Condominium Purposes (2665 Geneva Avenue, Daly City, California)

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

9. Authorize Daly City Participation in Neighborhood Stabilization Program Collaboration

Motion on Adopt

Motion to adopt Resolution No. 09-112, Authorizing Participation in Neighborhood Stabilization Program Collaboration

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

Authorizing Budgetary Adjustments:

Minutes: There were no Budgetary Adjustments.; 7:07 PM

END OF CONSENT AGENDA

COMMUNICATIONS:

10. Review and Discussion of 2008-2009 Grand Jury Reports:

A. Reversing the Upward Trajectory of Employee Costs in the Cities of San Mateo County; and,

B. Determining Elected Officials' Compensation: Daly City's City Clerk

Staff

Martel/McVey

Recommended Action

Motion to Accept Reports and Authorize City Manager to Prepare Written Responses

Minutes: City Manager Patricia Martel and Director of Finance and Administrative Services Don McVey gave a PowerPoint presentation on the 2008-2009 San Mateo County Grand Jury Report on Reversing the Upward Trajectory of Employee Costs in the Cities of San Mateo County for Council's review and input. A written response to this report must be submitted to the Presiding Judge of the Superior Court by September 3, 2009.

Ms. Martel also gave a PowerPoint presentation outlining the 2008-2009 Grand Jury Report on Determining Elected Officials' Compensation: Daly City's City Clerk for Council's review and input. A written response to this report must be submitted to the

Presiding Judge of the Superior Court by September 23, 2009.

In order to solicit appropriate input from the City Council in response to the 2008-2009 Grand Jury Reports, Ms. Martel and Mr. McVey provided a detailed presentation on the findings and recommendations contained in each of the respective reports.

Councilmember Gomez asked if the Grand Jury took into consideration that public employees are not paid Social Security that PERS is their only source of income when they retire. She questioned expertise of the members of the Grand Jury. She felt that the Grand Jury recommendations were unequal and unfair.

In response to Councilmember Gomez' questions, City Attorney Rose Zimmerman stated the Grand Jury is made up of nine citizen volunteers of the County. Their job and duty is to investigate, fact-finding and make constructive recommendation for the public. City Manager Patricia Martel pointed out that some cities in San Mateo County do combine Social Security with their CalPers benefits, Daly City does not.

Councilmember Canepa asked how many City employees are in Daly City and how many make over \$100,000, excluding Police and Fire Departments. He also asked if we have spoken to the different labor union about the report. Councilmember Canepa felt the Grand Jury Report gives good ideas but it is not the end all be all. Overall, he was not comfortable moving the recommendation forward.

In response to Councilmember Canepa's questions Mr. McVey stated we have approximately 530 employees, and he would have to look up how many employees make over \$100,000. Ms. Martel also responded that we have not spoken to the labor unions. Our obligation under the Grand Jury Report is to talk to the Council.

Mayor Torres asked if the Grand Jury's recommendations are binding, and City Attorney Rose Zimmerman stated their recommendations are not binding. Mayor Torres suggested holding a study session to discuss it more before the City Manager has to respond to the Grand Jury.

Ms. Martel stated in the report that the Grand Jury stated that the budget reduction reflected an anticipated compensation reduction, including benefits, that is an inaccurate statement. It will correct it when we send the response to the Grand Jury because benefits were not reduced for the City Clerk, merely the bi-weekly salary only.

Councilmember Gomez asked for clarification regarding the Grand Jury's finding on qualifications for Daly City resident to run for City Clerk and recommendation on training. She also asked if the City pays for the training.

Ms. Martel stated the California City Clerks Association is a professional organization of City Clerk throughout the State that have a certification process within their organization that allows clerks training opportunities to earn certification. The City does provide

funding for the training.

Annette Hipona, City Clerk, read into the record a statement in regards to the Grand Jury Report on the recommendation and action by the City Manager and the City Council on March 9, 2009 about reducing the City Clerk's Compensation that "sparked a controversy that has generated outrage locally and throughout the state".

Sylvia Alvarez Lynch, Dana Smith and Gloriann Jones read the remainder of Ms. Hipona's statement into the record.

A copy of Ms. Hipona's statement is on file in the Office of the City Clerk.

; 9:11 PM

Motion on Accept

Motion to accept the 2008-2009 San Mateo County Grand Jury Reports and authorize the City Manager to prepare written responses to the reports by the established September 2009 deadlines.

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

11. Planning Commission – re: Use Permit and Environmental Assessment for Minor Site Improvements at Mussel Rock Transfer Station at 120 Westline Drive
 - A. EA (Mitigated Negative Declaration)
 - B. Findings
 - C. UP08-18

Staff

Mothershead

Recommended Action

Motion on A

B & C Adopt Resolution Roll Call

Minutes: Planning Manager Tatum Mothershead gave a PowerPoint presentation on the project site and reviewed the applicant's request to expand their use permit for facility improvements at the Mussel Rock Transfer Station. The project site is located at the west end of Westline Drive. The site has a general plan designation of open space and is zoned open space within the Resource Protection Zoning Overlay District.

The transfer station is currently permitted to operate as large volume transfer station for up to 500 tons per day, through the San Mateo County Environmental Health and the California Integrated Waste Management Board. Currently, there are approximately 260 tons per day being processed.

The proposal is to make the necessary infrastructure improvements to divert a variety of

materials for recycling, which include commercial/residential recyclables, clean dirt, mixed aggregate, tires, universal wastes and electronic waste. The two reasons for these changes are to comply with State law governing the handling of waste and other recyclable materials and to meet the States mandated diversion requirements.

Because this project is located in the Resource Protection Zoning Overlay District, it required a use permit and subsequent environmental review. Staff prepared an initial study and prepared a Mitigated Negative Declaration, which were routed to the State Clearinghouse for review between May 29, 2009 and June 29, 2009.

; 9:19 PM

Motion on Approve

Motions that this project will not have a significant effect on the environment and instructed that a Mitigated Negative Declaration be filed; to affirm the findings of the Planning Commission as contained in their communication on file in the Office of the City Clerk; to approve Use Permit UP08-18, subject to Conditions of Approval. & to adopt Resolution No. 09-114, Adopting Findings of Fact on Use Permit (UP08-18) Mussel Rock Transfer Station 120 Westline Drive – Minor Site Modifications

Passed For: 4; Against: 0; Abstain: 0; Absent: 1

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: Jim Douglas, J&T Enterprises, LLC stated he tried to obtain a business license/home occupation use permit to start a dog breeding business. He was denied the Home Occupation request because Daly City has an ordinance that regulates the maximum number of animals permitted. He felt that the limitation of two animals per residence was ridiculous, and he believed that six animals were a fair number for each residence in Daly City.

Judith Christensen read quotes from the Grand Jury Report that were left out in the City Manager's presentation. The Grand Jury commented on the size of the salary reduction along with Council's endorsement of the other candidate raised the appearance of political reprisal. Also stated was that the city clerk makes \$30,000 less than any other clerks in the county.

Mayor Torres repeatedly told Ms. Christensen to stop speaking after the timer went off; when she continued to make her statement, Mayor Torres called a recess at 9:26 P.M. and reconvened the meeting at 9:37 P.M.

Sylvia Alvarez Lynch spoke on the City Clerk's salary being cut because of budget concerns; and the City Manager earning \$301,000 with full benefits per year. She stated the City Manager should have known in September what was going on financially and should have planned accordingly. She urged this Council and City Manager to look at all employees getting paid \$100,000 or more and do desk audits to see how much duplication and pay we are actually wasting.

; 9:28 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.; 9:40 PM

REPORTS:

12. Council Committee

A Council Committee Meetings from June 22 - July
12, 2009

**Minutes: The Council Committee reported on the General Plan Steering Committee.
(Klatt/Gomez)**

; 9:42 PM

13. City Council

Minutes: Mayor Torres stated he attended the Home Depot Car Show on Saturday that was hosted by the Golden Hot Rod Association and Home Depot, to raise money for the North Peninsula Dining Center in Daly City. Home Depot charged a \$10 car entrance fee that Home Depot matched at 100%.

Councilmember Klatt reported that Councilmembers Gomez, Canepa and I attended the Green Summit at Serramonte Shopping Center with several business attending as well as the Director of Water and Wastewater Patrick Sweetland about going green.

; 9:44 PM

14. Staff

Minutes: City Manager Patricia Martel advised the Council that the City is a recipient of some stimulus funding in the amount of more than \$500,000 for the purpose of insuring homelessness prevention and rapid re-housing.

Ms. Martel stated for several weeks we have been experiencing a street light outage in the

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vicinity of Skyline/Palisades neighborhood. It has been a very slow process to repair because of the age of our street lighting system.

Ms. Martel advised the Council of a sewer overflow incident that occurred in Original Daly City in the vicinity of Santa Barbara and Parkview, which affected six homes along Santa Barbara Avenue. The cause of that spill was a blockage from the release of sand bags that had been used by staff in Water and Wastewater Resources as part of the construction activity at the Parkview Habitat Project.

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ADJOURNMENT:

Motion on Adjourn

Motion to Adjourn the meeting at 9:54 P.M. in memory of Ann Marie Cremen, Dorothy Carman and Tony Patch.

in memory of Anne Marie Cremin, Dorothy Harmen and Tony Patch

Passed For: 4; Against: 0; Abstain: 0; Absent: 1