

CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, August 24, 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 7:00 P.M.; 7:00 PM

PLEDGE TO THE FLAG:

ROLL CALL:

APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the agenda.

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

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.

Minutes: Mayor Torres stated it was requested that Item No. 4B. Approval of Written Responses to 2008-2009 Grand Jury Reports: B. Determining Elected Officials' Compensation: Daly City's City Clerk would be taken at the end of the Consent Agenda.; 7:00 PM

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.

Resolutions :

1. Adoption of Side Letter Agreement Between the City of Daly City and Police Management Association

Motion on Adopt

Motion to adopt Resolution No. 09-121, Adopting Side Letter Agreement Authorizing Implementation of Furloughs (Police Management Association)

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

2. Application for Bicycle Facilities Program Grant Funds for Southgate Avenue Bike Lane Gap Closure

Motion on Adopt

Motion to adopt Resolution No. 09-121, Authorizing Executing Bicycle Facility Program (BFP) Grant from the Bay Area Air Quality Management District (Southgate Avenue Bike Lanes Gap Closure Project)

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

3. Memorandum of Agreement with the Jefferson Union High School District for Teen Services

Motion on Adopt

Motion to adopt Resolution No. 09-122, Authorizing Execution of Memorandum of Agreement with the Jefferson Union High School District for Teen Services

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

4. Approval of Written Responses to 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

Minutes: This item was taken at the end of the Consent Agenda. #4 Approval of Written Responses to 2008-2009 Grand Jury Reports: B. Determining Elected Officials' Compensation: Daly City's City Clerk

City Manager Patricia Martel gave a brief background on the City Council July 13, 2009 public hearing, at which time the Council directed that a draft letter of response be prepared for the Grand Jury Report for the above subject. The City Council held a Study Session to review the draft letter and to provide whatever editorial the Council wanted. The letter being considered relates to the Grand Jury Report concerning determining

elected officials' officials compensation for Daly City's City Clerk.

Sylvia Alvarez Lynch and Dana Smith spoke on behalf of the current the City Clerk's work experience and the reduction of the City Clerk's salary.

Bob Quinn, expressed his support of Ms. Hipona and suggested that the Council look at reducing everyone's salary by 10%.; 7:10 PM
Motion on Adopt

Motion to Adopt Resolution No. 09-123, Approving and Authorizing the Mayor to Execute the City of Daly City Response to the 2008-2009 San Mateo County Grand Jury Report
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adopt

Motion to adopt Resolution No. 09-126, Approving and Authorizing the Mayor to Execute the City of Daly City Response to the 2008-2009 San Mateo County Grand Jury Report
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

5. Authorizing Budgetary Adjustments:

Motion on Adopt

Motion to adopt Resolution No. 09-124, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2009-2010
Passed For: 5; Against: 0; Abstain: 0; Absent: 0

- A Acceptance and Appropriation of Grant Funds of \$18,733 from Aging and Adult Services of San Mateo County to the Senior Services Fund for the First Quarter of FY 2009-2010 for Ongoing Congregate Nutrition and Health Promotion Programs
- B Adoption of After School Education and Safety Program Budget Appropriation

6. Check Registers :

Motion on Approve

Motion to approve Check Registers for the month of July 2009
Passed For: 0; Against: 0; Abstain: 0; Absent: 0

- A Check Registers for the Month of July 2009

END OF CONSENT AGENDA

AWARD OF BIDS/CONTRACTS:

7. Street Resurfacing 2009

Staff

Fuller

Recommended Action

Adopt Resolution Roll Call

Minutes: Director of Public Works John Fuller reviewed the Agenda Report and recommended that the Council accept all bids, waive minor irregularities, and award a construction contract for Street Resurfacing 2009 to Pavex Construction of San Jose in the amount of \$908,492 and authorize the City Manager to execute the contract. It is further recommended that the City Council accept and appropriate Federal American Recovery and Reinvestment Act (ARRA) funding for this project in the amount of \$1,090,190.

Staff further recommends that the City Council authorize the City Manager to award the contract to the second lowest responsible bidder, Gallagher & Burk, Inc., without further action by the Council, if Pavex Construction fails to execute the contract documents.

Mr. Fuller stated this project was made possible by the Federal Government's Stimulus Program and the adoption of the American Recovery and Reinvestment Act. Under this act, the City was allocated approximately \$1.3 million. All the streets had to be on a Federal Aid Route.

We selected Callan Boulevard from Hickey Boulevard to Serramonte Boulevard; Mission Street from Wellington Avenue to Crocker Avenue; Glenwood Avenue from Eastgate Drive to Lake Merced Boulevard and John Daly Boulevard from Cliffside Drive to Sheffield Drive. We also selected pavement repairs at various locations along Carter Street and Hillside Boulevard.

; 7:15 PM

Motion on Adopt

Motion to adopt Resolution No. 09-127, Authorizing Execution of Contract with Pavex Construction and Accepting and Appropriating Federal American Recovery and Reinvestment Act Funding (Street Resurfacing 2009 Project)

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

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: Candi Campbell, Franciscan Mobile Home Resident, voiced concerns about LINC defaulting on the property taxes, which accrued about \$555,000 in penalties and interest and neglecting to collect the rent income declaration forms.

Bob Quinn, Franciscan Mobile Home Resident, spoke about reviewing the financial statements that showed the property taxes are not being paid. The 2003-2004 audits showed that management is contesting the denial of exempt status for the real estate taxes by the County. Instead of paying the entire amount and then applying for a refund pending an appeal, management has chosen to pay the amount it would be if the exemption status had been granted.

Ricci Rubio, Franciscan Mobile Home Resident, reviewed the letter dated December 1, 1993 explaining the advantages of the conversion of the Franciscan from a rental mobile home park to a park owned by the residents. He also reviewed a letter dated November 15, 1999 regarding a deal to help the residents purchase the park and have control over the park.

Betty Manuel, Franciscan Mobile Home Resident, spoke on the number of rent increases. She submitted a document showing the suspension of FAC was on March 3, 2005 by the State of California. She does not believe that the three board members have the authority to vote on the rent increases due to the suspension.

Mamie Zhu, Franciscan Mobile Home Resident, spoke about Mayor Torres' promises to help the residents of the Franciscan Mobile Home Park. She stated that she submitted a petition with the State of California Attorney General's Office.

Bill Stipinovich, Franciscan Mobile Home Resident, was disgusted with the situation at the Franciscan Mobile Home Park.

Sandra Holman, Franciscan Mobile Home Resident, was concerned that residents were being held responsible for the tax issue even though it is not the residents fault. Ms. Holman was also concerned with Mr. Berger sitting on the Board with LINC as an official of the City, who is involved with Hunter Johnson in San Diego using a Daly City address. We filed petitions with the District Attorney and the State Attorney General's Office.

Virginia Crosby, Franciscan Mobile Home Resident, asked the Council to do something for us.

Concordia D. Tindal, Franciscan Mobile Home Resident, spoke against the management of the Franciscan.

Sonny Quiniquini, Franciscan Mobile Home Resident, was disappointed with the Council for not helping them with their cause. He stated that the documents proved that the city knew that the right of ownership was removed and property tax issue is clearly an illegal action along with the transfer of title. He asked that the Rent Review Process be fair to the residents.

Donna Crosby, Franciscan Mobile Home Resident, asked the Council to do something for the Franciscan Mobile Home residents.

Ken Lundie, Franciscan Mobile Home Resident, stated it was his opinion that no formal petition has been submitted to the Council for many years. He asked that great deliberation and care be devoted to the selection of the individuals who will be appointed to this commission.

Sylvia Alvarez-Lynch, representing Original Daly City Protection Association, expressed concerns regarding the Council's lack of response to the Grand Jury Report's findings and recommendations.

Dana Smith, spoke on the Grand Jury's findings and recommendations regarding the reduction of the City Clerk and that the Grand Jury Report said this salary cut looks like political reprisal. Ms. Smith stated political reprisal is exactly the reason the City Council is targeting the City Clerk.

City Attorney Rose Zimmerman stated the City received a petition for the Rent Review Commission to review the rent increase the Franciscan residents received. The Council will be considering appointments at the next City Council meeting in order to adhere to the petition. In accordance to the ordinance, they have 30 days to respond and have a commission formulated. The Rent Review Commission is an independent commission of the Council that reviews for the rent review only and there will be no appeal to the Council.

; 7:42 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Motion on Approve

Motion to reappoint Eric Zeemering to the Parks and Recreation Commission with term expiring August 28, 2012

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

Minutes: Mayor Torres motioned to reappoint Eric Zeemering to the Parks and Recreation Commission.; 7:00 PM

REPORTS:

8. Council Committee

Minutes: The Council Committee reported on the General Plan Steering Committee (Klatt/Gomez); 7:00 PM

A Council Committee Meetings from July 17 - August 23, 2009

9. City Council

Minutes: There were no reports.; 7:00 PM

10. Staff

Minutes: There were no reports.; 7:48 PM

CLOSED SESSION:

Minutes: There was no Closed Session; 7:00 PM

- A. Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation. Meeting pursuant to Government Code Section 54956.9(b)(2) to evaluate litigation exposure; if confirmed, continued session shall commence pursuant to Government Code Section 54956.9(b)(1).

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 7:55 P.M. in memory of Harry Christen, Ava Roman, Isabelle Hubble, Ian Miller, Daniel Loobey, Ramon Ordoveza, Lee Fong and Julie Brizuela.

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