

CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, January 11, 2010 - 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 Guingona at 7:00 P.M.; 7:02 PM

PLEDGE TO THE FLAG:

ROLL CALL:

Minutes: Councilmember Gomez arrived at 7:05 P.M.; 7:02 PM

PRESENTATIONS:

10th Annual Daly City Holiday Decoration Contest (Marian Mann)

Minutes: Marian Mann reported that eighteen homeowners associations in Daly City participated in the 10th Annual Daly City Holiday Decoration Contest. The winners of each association will be given their awards by Mayor Guingona, Mike Leong, General Manager of Serra Bowl, and a representative from each homeowner association. Mr. Leong thanked the winners.

Mayor Guingona presented plaques to the winners of each Homeowners Association of the 10th Annual Daly City Holiday Decoration Contest. A list of the winners is on file in the Office of the City Clerk.

; 7:03 PM

League of California Cities - Peninsula Division

Minutes: Chuck Page, Councilmember of the City of Saratoga and Director of the

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.

Peninsula Division, League of California Cities, gave a PowerPoint presentation on the League's partnership with the city and how it benefits the city. A copy of the presentation is on file in the Office of the City Clerk.

; 7:18 PM

APPROVAL OF MINUTES:

Motion on Approve

Motion to approve the minutes of the Special Meeting of December 7, 2009 and Regular Meeting of December 14, 2009.

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

Special Meeting of December 7, 2009 and Regular Meeting of December 14, 2009

APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the agenda.

Passed For: 5; 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 Guingona stated it was requested that Item No. 7, Authorizing Execution of Amendments to the Employment Agreement of City Manager, and Item No. 8, Authorizing Execution of Amendments to the Employment Agreement of City Attorney, would be taken at the end of the Consent Agenda.

; 7:33 PM

Resolutions:

1. Annual Delegation of Authority to City Treasurer to Invest City Funds

Motion on Adopt

Motion to adopt Resolution No. 10-1, Renewing Delegation of Investment Authority to the City

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

2. Authorizing the Police Department to Use Asset Forfeiture funds to Purchase the RIMS Training Management System

Motion on Adopt

Motion to adopt Resolution No. 10-2, Authorizing Use of Federal and State Asset Forfeiture Funds for the Purchase of RIMS Training Management System

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

3. Approving Expenditure Plan for Funds Allocated to the City of Daly City Under the State of California " 'Citizens' Option for Public Safety--Supplemental Law Enforcement Services" (COPS - SLES) Program

Motion on Adopt

Motion to adopt Resolution No. 10-3, Setting Time and Place of Public Hearing on Expenditure Plan for Use of Allocated Funds Under the State of California Citizens' Option for Public Safety Program (COPS) Supplemental Law Enforcement Service Fund (SLES) Grant, Hearing 2/22/10 – 7:00 P.M.

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

4. Authorizing the Police Department to Use Asset Forfeiture Funds to Purchase One Thermal Imaging Device

Motion on Adopt

Motion to adopt Resolution No. 10-4, Authorizing Use of Federal and State Asset Forfeiture Funds for the Purchase of Thermal Imaging Device

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

5. Commending Linda Shea on the Occasion of her Retirement

Motion on Adopt

Motion to adopt Resolution No. 10-5, Commending Linda Shea on the Occasion of her

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

6. Approval of the Daly City/Colma Chamber of Commerce Annual Contract for 2009-2010

Motion on Adopt

Motion to adopt Resolution No. 10-6, Authorizing Execution of Agreement with Daly City/Colma Chamber of Commerce

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

7. Authorizing Execution of Amendments to the Employment Agreement of City Manager (Cont'd. from 11/23/09)

Minutes: Mayor Guingona explained that the Council, with the help of an outside negotiator, conducted an annual performance review of the City Manager and City Attorney at a management retreat. The Council recommended giving the City Manager and City Attorney an additional severance package for doing a good job.

Joshua Rees, representing AFSCME, was opposed to the amendment to the Employment Service Agreement for the city manager and city attorney and requested that the amendments be postponed until after the zero-based City budget is passed and all city employee contracts have been settled.

Judith Christensen asked the council why they needed to pay an additional severance of over \$690,000 when the current severance package is over \$460,000 for the current 12 month contract when the city is in economic crisis, laying off, program cutbacks and furloughs.

June Neuhaus, representing St. Francis Heights Association, stated no matter how the Council wants to reward their good work, it is simply impossible to find this kind of money if they leave. She asked the Council to reconsider their gift.

Charles Tallerico suggested continuing the current contracts and postponing these amendments until the financial situation for the City allows us to review the things employees have given back.

Gloriann Jones was opposed to the amendments for the city manager and city attorney. She asked if the Council should be doing these amendments to the citizens of Daly City.

Nadia Bledsoe, representing AFSCME Local 829, stated that even if these changes are warranted, now is not the time to do it. She asked to differ the changes until the financial situation in the City improves.

Sylvia Alvarez Lynch, representing Neighbors for Responsible Redevelopment, stated that under this financial crisis, how can the Council think of spending \$690,000 when they are making cuts to vital senior services, park and recreation, library and asking lower paid employees to sacrifice.

Sandee Holman felt that the city manager's and city attorney's salaries are ridiculous. She stated this is the wrong time; the Council should be cutting salaries across the board.

Cathy Pantazy stated it is a nice gesture to reward the city manager and city attorney for their good work, but it creates an unfunded liability. She suggested giving recognition in a different way, such as a Council commendation.

Richard Klapp stated that these are grave economic times where people are frightened of the future. He stated that what the council is proposing is something that is going to incur real fiscal liability.

Sonny Quinquini stated he was told by staff that Daly City was looking at a six million dollar shortfall. He asked where the City is going to get the money to reward the city manager and city attorney.

Councilmember Gomez moved to amend the resolution by striking out the Management Leave amendment in its entirety.

Discussion ensued with Mayor Guingona and Councilmember Torres answering Councilmember Canepa's request for clarification on how these amendments will not have any fiscal impact.

Councilmember Canepa apologized for initially agreeing with these amendments. He stated that it was difficult for him to support the benefit for two employees when other employees did not get benefits. He acknowledged Ms. Zimmerman and Ms. Martel have done an admirable job.

Councilmember Torres stated this is not a benefit. This was an issue of parity because city managers and city attorneys across the bay area are getting this severance package.

Councilmember Canepa made a friendly amendment to Councilmember Gomez' motion He asked to postpone this item until we resolve our financial situation. Councilmember Gomez declined the request to amend her motion.

Councilmember Canepa motioned to remove the additional six month severance package. Mayor Guingona asked if there was a second. Due to a lack of a second, the motion failed.

; 7:34 PM
Motion on Adopt

Motion to adopt Resolution No. 10-10, Authorizing Execution of Amendment to the Employment Agreement of the City Manager

Passed For: 3; Against: 1; Abstain: 0; Absent: 0

8. Authorizing Execution of Amendments to the Employment Agreement of City Attorney (Cont'd. from 11/23/09)

Motion on Adopt

Motion to adopt Resolution No. 10-11, Authorizing Execution of Amendment to the Employment Agreement of the City Attorney

Passed For: 3; Against: 1; Abstain: 0; Absent: 0

Minutes: This report was discussed with the prior item.; 8:25 PM

9. Approval is Requested to Authorize the City Manager to Sign a Lease Agreement with the Jefferson Union High School District for the City of Daly City Use of Westmoor Park and Westmoor Clubhouse

Motion on Adopt

Motion to adopt Resolution No. 10-7, Authorizing Execution of Lease Agreement with Jefferson Union High School District and the City of Daly City (Westmoor Park and Clubhouse, Daly City, California)

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

10. Agreement with the Second Harvest Food Bank for the Produce Mobile and Food Assistance Program

Motion on Adopt

Motion to adopt Resolution No. 10-8, Approving Agreements Between Second Harvest Food Bank of Santa Clara and San Mateo Counties (Food Assistance Program and Produce Mobile Agreements)

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

Authorizing Budgetary Adjustments:

11. Approval to Accept a \$100,000 Grant from the California Re-Leaf American Recovery

Motion on Adopt

Motion to adopt Resolution No. 10-9, Approving Grant Funds and Appropriate Funding from California Re-Leaf American Recovery and Reinvestment Act

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

12. Authorizing the City of Daly City to Join the CaliforniaFIRST Program

Staff

Pirnejad

Recommended Action

Open/Close Hearing

Adopt Resolution Roll Call

Minutes: Assistant Director of Economic and Community Development Peter Pirnejad reported before the City Council a pilot program called CaliforniaFirst and subsequent, authorize for Sacramento to prepare and submit an application on our behalf for a grant. CaliforniaFirst is a finance program for residential and commercial energy and water conservation improvements.

Applicants would submit an application and select from a variety of water and energy conservation improvements. The cost of those improvements would be placed on that individual property tax bill and they would pay it back over a period of time. The loan would not be due upon refinance or sale.

Mayor Guingona opened the public hearing.

; 8:28 PM

Motion on Close

Motion to close the public hearing

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

Motion on Adopt

Motion to adopt Resolution No. 10-12, Approve Authorizing the City of Daly City to Join the CaliforniaFIRST Program

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

Motion on Adopt

Motion to adopt Resolution No. 10-13, Authorizing the Lead Collaborative Entity to Apply for Funds on Behalf of the Local Governmental Jurisdiction

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

ORDINANCES:

13. First Reading - Ordinance re: Amending Chapter 2.30 of the Municipal Code Re: Bonding Requirements for Certain Public Officials

Staff

Zimmerman

Recommended Action

Motion for City Attorney to Read by Title Only
Councilmember Introduce Ordinance

Minutes: Assistant Director of Finance and Administrative Services Michael Wilson stated currently the entire City's elected officials and employees are covered by a comprehensive crime policy and blanket public official bond that covers faithful performance as well as all the other requirements of a public official bond.

The City has in its municipal code a requirement that the City Clerk, Finance Director and City Treasurer have separate bonds and the code prohibits the use of a blanket bond for the Treasurer and the Finance Director, which was in conformance with State law. But State law has been amended and the bonds and blanket policies provide more coverage.

Staff recommends amending the municipal code to allow requirements for individual faithful performance bonds for the City Treasurer and Finance Director to be met through use of a master employee bond and adopt a resolution designating the master employee bond as meeting the bonding requirements for the City Clerk, City Treasurer and the Director of Finance.

; 8:36 PM

Motion on Introduce

Motion for City Attorney to read by Title only. Councilmember Torres introduced Ordinance No. 1347, Amending Chapter 2.30 of the Municipal Code Re: Bonding Requirements for Certain Public Officials

Councilmember Torres introduced the following Ordinance:

Ordinance No. 1347, Amending Chapter 2.30 of the Municipal Code, Re: Bonding Requirements for Certain Public Officials

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: Sandee Holman stated the people at the Franciscan need help and no one has come out to help them. The city received poor counseling advice on the land acquisition.

Bob Quinn asked why not give a nice plaque or wall clock to the city manager or city attorney.

Marian Mann stated she attempted to take pictures of the holiday contest but she only has one disk. Next year, we are planning something new. She commented on the small radical group that does not respect the office.

Judith Christensen stated she believed in democracy and freedom of information. She mentioned that the Council has violated the Brown Act on multiple occasions.

; 8:39 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.; 8:47 PM

REPORTS:

14. Council Committee

A Committee Meetings, December 15, 2009 -
January 10, 2010

Minutes: The Council Committee reported on the Design Review Permit DR09-8, 601 Westlake Center Safeway Expansion and Related Improvements in the Westlake Shopping Center. (Gomez/ Klatt)

; 8:47 PM

15. City Council

Minutes: There were no reports.; 8:52 PM

16. Staff

Minutes: City Manager Patricia Martel reported on a summit she attended this past Saturday on the cities, counties and schools partnership that was established for various entities to collectively work on improving State government. They would eliminate the dysfunctional budget process and a variety of other activities that are having a negative impact on local governments and school districts throughout San Mateo County.

; 8:52 PM

ADJOURNMENT:

Minutes: adjourn the meeting in memory of Daniel Matthew Begovich, Alfred Belotz, Marie Loretta, Tom Enriquez, Angie Swanner, Richard Hatch, Monica Imelda Elizabeth McHugh, Rafael Valencia Ochoa and Berthold Herpe.

; 9:01 PM

Motion on Adjourn

Motion to adjourn the meeting at 8:10 P.M. in memory of Daniel Matthew Begovich, Alfred Belotz, Marie Loretta, Tom Enriquez, Angie Swanner, Richard Hatch, Monica Imelda Elizabeth McHugh, Rafael Valencia Ochoa and Berthold Herpe.

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