

CITY OF DALY CITY

REGULAR MEETING - CITY COUNCIL

AGENDA

Monday, January 25, 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.

; 6:59 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

San Francisco Public Utilities Commission - Overview of the Water System Plan (Maureen Barry)

Minutes: City Manager Patricia Martel introduced Maureen Barry from the San Francisco Public Utility Commission, who will give an overview of the Water System Plan.

Maureen Barry, Communications Manager for the Water System Improvement Program, gave a PowerPoint presentation on the San Andreas Pipeline No. 3 Installation that extends from Merced Manor Reservoir near Sloat Avenue in San Francisco through Daly City. Ms. Barry introduced Mark Evans, the Quality Assurance/Quality Control point person for the project. A copy of the presentation is on file in the Office of the City Clerk.

; 6:59 PM

Leadership Academy

Minutes: City Manager Patricia Martel introduced the members of the 2009-2010

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.

Leadership Academy, who were given an assignment to research best practices across the cities in our county and outside of our county on performance measures. They worked with our city departments to refine the research and develop a series of performance measures.

The Performance Measurement Analysts Team gave the following presentations:

Natalie Guzman from the Human Resources Department outlined the purpose of performance based measurements.

Matt Lucett, North County Fire Authority, defined what a performance measurement is.

Paul Siapno, Police Department, explained the research and menu development of performance measures.

Frank Panacci, North County Fire Authority, provided details on the menu that will be provided to each department as a measurement tool.

Victor Spano, Economic & Community Development, and Karl Moll, Public Works, provided the next step and summary of the presentation.

Ms. Guzman introduced the Project Advisors: Kerry Burns, Assistant City Manager, Don McVey, Director of Finance and Administrative Services and Jesse Myott, Administrative Intern in the City Manager's Office.

**A copy of the presentation is on file in the Office of the City Clerk.
; 7:16 PM**

APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the agenda, as amended.

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

Minutes: Mayor Guingona stated at the request of the City Attorney, the City Council added an item to the agenda based upon a need for immediate action. The need for action came to the attention of the City Attorney after the agenda was posted.

As authorized under Government Code Section 549554.2(b)(2), the Council may add an item to the agenda if there is an immediate need for action, and the need for action came to the attention of the City after the agenda was posted.

The City request that we adjourn into closed session for a Conference with Legal Counsel pursuant to existing litigation, in the case of the City of Daly City v. Kovatch Mobile Equipment Corporation, Case Number 484761.

; 8:09 PM

Motion on Amend

Motion to amend the agenda to add a closed session Conference with Legal Counsel Existing

Litigation, pursuant to Government Code Section 54956.9(a)

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. 4, Accept Bicycle Facilities Program Grant and Appropriate Grant Funds for the Southgate Avenue Bike Lane Gap Closure, be taken at the end of the Consent Agenda.

; 8:11 PM

Communications :

1. Report on Collection and Use of Public Facility Developer Fees

Resolutions :

2. Authorization to Execute Professional Services Agreement with HydroFocus, Inc. for Groundwater Modeling and Monitoring

Motion on Approve

Motion to Adopt Resolution No. 10-14, Approving Professional Services Agreement with Hydrofocus Inc. (Westside Basin Groundwater Modeling and Monitoring)

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

3. Proposed Assignment of Greenhouse/Nursery Specialist (Hourly) Classification to Salary Range 110

Motion on Approve

Motion to Adopt Resolution No. 10-15, Authorizing Establishment of Greenhouse/Nursery Specialist

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

4. Accept Bicycle Facilities Program Grant and Appropriate Grant Funds for the Southgate Avenue Bike Lane Gap Closure

Minutes: Vice Mayor Klatt stated this is grant money from the Bay Area Air Quality Management District. Their Mobile Source Board awarded a \$25,000 grant to the City of Daly City for bicycle lanes along Southgate and Westmoor Avenues to St. Francis Boulevard.; 8:12 PM

Motion on Approve

Motion to Approve Resolution No. 10-18, Accepting Bay Area Air Quality Management District Bicycle Facilities Program Grant (BFP) and Appropriating Funds for the Southgate Avenue Bike Lane GAP Closure Project

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

5. Notice of 2009 Completion for Street Resurfacing Project

Motion on Approve

Motion to Adopt Resolution No. 10-16, Accepting Completion of Certain Project in the Department of Public Works (Street Resurfacing 2009)

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

6. Notice of Completion for John Daly Boulevard and Westmoor Avenue Sidewalk Improvements Project

Motion on Approve

Motion to Adopt Resolution No. 10-17, Accepting Completion of Certain Project in the Department of Public Works (John Daly Boulevard and Westmoor Avenue Sidewalk Improvements)

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

Check Registers :

7. Check Registers for the Month of December 2009

Motion on Approve

Motion to Approve Check Registers for the Month of December 2009

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

8. Indoor Water Use Efficiency and Conservation Ordinance

Staff

Sweetland

Recommended Action

Open/Close Hearing

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

Minutes: Director of Water and Wastewater Resources Patrick Sweetland reviewed the Agenda Report and stated the proposed Indoor Water Use Efficiency and Conservation Ordinance adds a chapter to the Daly City Municipal Code, is consistent with SB 407, and would require the installation of water efficient fixtures and appliances in all new construction and remodeled buildings.

Mayor Guingona opened the public hearing.

; 8:13 PM

Motion on Approve

Motion to close the public hearing

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

Motion on Approve

Motion carried that Ordinance No. 1348 be read by title only by the City Attorney.

Mayor Guingona introduced the following ordinance:

Ordinance No. 1348, Adding Chapter 15.66 Re: Indoor Water Use Efficiency and Conservation Standards Program for New and Remodeled Buildings

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

ORDINANCES:

9. Second Reading, Ordinance No. 1347, Amending Chapter 2.30 of the Municipal Code Re: Bonding Requirements for Certain City Officials

Staff

Zimmerman

Recommended Action

Adopt Ordinance Roll Call

Motion on adopt

Adopt Ordinance No. 1347, Amending Chapter 2.30 of the Municipal Code Re: Bonding Requirements for Certain City 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: Bob Quinn stated the people of Daly City need to elect a new Council in the next election. This council has controlled Daly City for nearly two decades, and it is time for real change. Mr. Quinn suggested that a mandatory drug testing policy be implemented for all city employees.

Sylvia Alvarez-Lynch stated at the last Council Meeting, the Council voted for the City Manager and the City Attorney severance packages even though people spoke against it. When the City Manager and City Council try to balance the budget, the Council approved cutting programs for the elderly, children's recreational services, library hours and services, and wages to the lowest paid employees.

Gloriann Jones stated Article I, from the Bill of Rights of the United States gives her the right to disagree with the Council on any subject. Disagreement is not tantamount to disrespect.

Candi Campbell, Franciscan Mobile Home Park, thanked Councilmember Canepa for bringing members of the Council to the Franciscan Mobile Home Park to discuss their issues. She stated one of the primary issues she continues to have is the property taxes assessed against them in the amount of \$450,000 a year for one parcel at the mobile home park, which does not include the Podesta Property or the water tank parcels. She asked what is the purpose for the City Manager to receive a list of 20% of our park households who fall under a government regulated very low income level.

Sandee Holman stated she has no expectations that the City Council has any intention of assisting the Franciscan residents with their on-going issue. She wanted the Council to know that their group has had physical threats against them.

Sonny Quinquini found it interesting that the Council listened to the presentation on a performance management system. He questioned if there was a system in place. He stated if there is no system in place, the Council did not have the right to serve as managers of this City.

; 8:19 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.; 8:32 PM

REPORTS:

10. Council Committee

Minutes: Councilmember Gomez stated the San Mateo County Pre-Hospital Emergency Medical Group updated the ambulance Joint Powers Agreement, which expired December 31. The new contract results are no new increase costs for the current fiscal year.; 8:32 PM

11. City Council

**Minutes: In response to Vice Mayor Klatt's question if Daly City's representative on the Bicycle Pedestrian Advisory Commission was reappointed, Councilmember Canepa stated he would like to give a comprehensive analysis on how he had voted. He said to the best of his knowledge, there was no one present at that meeting from Daly City.
; 8:32 PM**

12. Staff

**Minutes: There were no reports.; 8:36 PM
Minutes: 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 — Existing Litigation
Government Code Section 54956.9(a)**

City of Daly City v. Kovatch Mobile Equipment Corp., CIV484761 City Council updated on status of the case and authorized Legal Counsel to settle this matter as authorized.

The Council accepted the settlement offer from other party or parties to the above actions, which finalizes the settlement of existing litigation.

; 8:36 PM

ADJOURNMENT:

Minutes: adjourn the meeting in memory of David Francis McHugh and Amado Villanueva.

8:40 p.m.

; 8:36 PM

Motion on Adjourn

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Motion to adjourn the meeting in memory of David Francis McHugh and Amado Villanueva.

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