

# CITY OF DALY CITY

## Regular Meeting - CITY COUNCIL

### AGENDA

Monday, September 13, 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.

#### APPROVAL OF MINUTES:

Regular Meetings of July 26, and August 9, 2010

Motion on Approve

Motion to approve  
Regular Meetings of  
July 26, 2010

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

Motion on Approve

Motion to approve the  
Regular Meeting of  
August 9, 2010.

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

#### APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the  
agenda.

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

#### *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 90<sup>th</sup> 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.*

**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 requested  
that Item No. 10,  
Supporting an  
Amendment to  
S.1315, the Veterans'  
Benefits Enhancement  
Act of 2007, be taken  
at the end of the  
Consent Agenda.;  
7:36 PM**

### Resolutions :

1. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Teamsters Local 856 - Clerical/Technical

Motion on Adopt

Motion to adopt  
Resolution No. 10-114,  
Adopting Composite  
Summary  
Memorandum of  
Understanding with  
Teamsters Local 856  
Clerical Technical  
Bargaining Unit  
(October 1, 2010  
through September 30,  
2012)  
**Passed For: 5;  
Against: 0; Abstain:  
0; Absent: 0**

2. Adoption of Composite Summary Memorandum of Understanding between the City

of Daly City and the Teamsters Local 856 - Safety Inspectors

Motion on Adopt

Motion to adopt  
Resolution No. 10-115,  
Adopting Composite  
Summary  
Memorandum of  
Understanding with the  
Teamsters Local 856 -  
Safety Inspectors  
(August 1, 2010  
through July 31, 2012)  
**Passed For: 5;**  
**Against: 0; Abstain:**  
**0; Absent: 0**

3. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Economic and Community Development Professional Staff Association

Motion on Adopt

Motion to adopt  
Resolution No. 10-116,  
Adopting Composite  
Summary  
Memorandum of  
Understanding with the  
Economic and  
Community  
Development  
Professional Staff  
Association (July 1,  
2010 through June 30,  
2011)  
**Passed For: 5;**  
**Against: 0; Abstain:**  
**0; Absent: 0**

4. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the International Union of Operating Engineers/Stationary Engineers Local 39

Motion on Adopt

Motion to adopt  
Resolution No. 10-117,  
Adopting Composite  
Summary  
Memorandum of  
Understanding with the  
International Union of  
Operating  
Engineers/Stationary  
Engineers Local 39  
(September 1, 2010  
through August 31,  
2011)  
**Passed For: 5;  
Against: 0; Abstain:  
0; Absent: 0**

5. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Secretary III Association

Motion on Adopt

Motion to adopt  
Resolution No. 10-118,  
Adopting Composite  
Summary  
Memorandum of  
Understanding with the  
Secretary III  
Association (July 1,  
2010 through June 30,  
2011)  
**Passed For: 5;  
Against: 0; Abstain:  
0; Absent: 0**

6. Proposed Assignment of Police Property Room Specialist (at the Pleasure of the City Manager) to Salary Range 34 of Miscellaneous/Unrepresented Salary Schedule

Motion on Adopt

Motion to adopt  
Resolution No. 10-119,  
Authorizing  
Establishment of Police

Property Room  
Specialist  
**Passed For: 5;**  
**Against: 0; Abstain:**  
**0; Absent: 0**

7. Authorizing Execution of Lease Agreement with Clearwire for Communications Facilities at 590 Pointe Pacific Drive

Motion on Adopt

Motion to adopt  
Resolution No. 10-120,  
Authorizing Execution  
of Lease Agreement  
with Clear Wireless  
LLC, for Lease of  
Reservoir 2 Re:  
Communications  
Facilities (590 Pointe  
Pacific Drive)  
**Passed For: 5;**  
**Against: 0; Abstain:**  
**0; Absent: 0**

8. Authorization to Solicit Bids for the Civic Center South Heating, Ventilation and Air Conditioning Replacement Project

Motion on Adopt

Motion to adopt  
Resolution No. 10-121,  
Approving Bid  
Documents and  
Authorizing Bid  
Invitations Re: Civic  
Center South Heating,  
Ventilation and Air  
Conditioning  
Replacement Project  
**Passed For: 5;**  
**Against: 0; Abstain:**  
**0; Absent: 0**

9. Authorization to Solicit Bids for Top of the Hill Improvements - Mission Street Project

Motion on Adopt

Motion to adopt  
Resolution No. 10-122,  
Approving Bid  
Documents and  
Authorizing Bid  
Invitations Re: Top of  
the Hill Improvements  
– Mission Street  
Project  
**Passed For: 5;**  
**Against: 0; Abstain:**  
**0; Absent: 0**

10. Supporting an Amendment to S.1315, the Veterans' Benefits Enhancement Act of 2007

**Minutes: Assistant to  
the City Manager  
Joseph Curran gave a  
report regarding a  
resolution supporting  
an amendment to  
S.1315, the Veterans'  
Benefits Enhancement  
Act of 2007, to  
recognize the military  
service of Filipino  
World War II  
Veterans.**

**Ago Pedalizo, Justice  
of Filipino-American  
Veterans, explained  
that Filipinos were  
singled out to not be  
recognized as  
American veterans.  
Partial benefits have  
been given by the  
government. As each  
year passes, there are  
fewer Filipino World**

**War II veterans left so there is a sense of urgency to correct history for them. Mr. Pedalizo introduced Second Lieutenant Felino Punzalan and Flor de los Santos, widow of a veteran.**

**; 7:37 PM**

Motion on Adopt

Motion to adopt  
Resolution No. 10-126,  
Supporting an  
Amendment to S.1315:  
The Veterans' Benefits  
Enhancement Act of  
2007, to Recognize the  
Military Service of  
Filipino World War II  
Veterans as Active  
Military Service to the  
United States

**Passed For: 5;**

**Against: 0; Abstain:**

**0; Absent: 0**

11. Setting Time and Place for Public Hearing to Consider Amendment to U.S. Department of Housing and Urban Development Action Plan for Fiscal Year 2008-09  
Set Hearing 10/11/10

Motion on Adopt

Motion to adopt  
Resolution No. 10-123,  
Setting Time and Place  
for Public Hearing to  
Amend Daly City's  
One-Year Action Plan  
for Fiscal Year 2008-  
2009 Under the  
Community

Development Block  
Grant and HOME  
Programs  
**Passed For: 5;**  
**Against: 0; Abstain:**  
**0; Absent: 0**

12. Amending Traffic Regulations: Remove 10 metered-parking stalls on the east side of Junipero Serra Boulevard between San Pedro Road and Washington Street and designate this location a No Stopping Zone (TSR 11-05)

Motion on Adopt

Motion to adopt  
Resolution No.  
10-124, Establishing  
Traffic Regulations

Remove 10 metered-  
parking stalls on the  
east side of Junipero  
Serra Boulevard  
between San Pedro  
Road and Washington  
Street and designate  
this location a No  
Stopping Zone (TSR  
11-05)

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

Check Registers :

13. Check Registers for the Month of July 2010

Motion on Approve

Motion to approve  
Check Registers for the  
Month of July 2010  
**Passed For: 5;**  
**Against: 0; Abstain:**  
**0; Absent: 0**

Authorizing Budgetary Adjustments:

14. Appropriation of \$1,500 Grant received from Target Stores to be used for Graffiti Abatement Activities

Motion on Adopt

Motion to adopt  
Resolution No. 10-125,  
Authorizing Budgetary  
Adjustments and  
Appropriations for  
Fiscal Year 2010-2011

Appropriation of  
\$1,500 Grant received  
from Target Stores to  
be used for Graffiti  
Abatement Activities

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

END OF CONSENT AGENDA

COMMUNICATIONS:

15. Approval of Written Responses to the 2009-2010 San Mateo County Civil Grand Jury Reports: A) City Fire Department Consolidations/Mergers; and, B) The Effectiveness of Red Light Traffic Enforcement

**Staff**

Martel

**Recommended Action**

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

**Minutes: City Manager  
Patricia Martel  
presented the 2009-2010  
San Mateo County Civil  
Grand Jury Reports,  
relating to the City Fire  
Department  
Consolidations/Mergers;  
and, The Effectiveness**

**of Red Light Traffic Enforcement. She reviewed the findings and the City's draft response to each of the reports. A copy of the agenda report is on file in the Office of the City Clerk.**

**The issue the Grand Jury identified was: Have San Mateo County fire department consolidations achieved their goal of reducing costs without sacrificing services and can they be models for other consolidations? The other issue they examined was: Is the installation of red light traffic cameras a cost effective and productive strategy for reducing the incidence of vehicle collisions, or are cities using these camera installations primarily as a source of revenue?**

**Councilmember Torres made the following suggestions to the City's responses:**

**Finding #9, The amount of the fine is in proportion to the level of risk posed by the violation.**

**Finding #10, The City's response should be: Daly City concurs with this finding as it relates**

directly to the 2004 average operating cost for the North County Fire Authority.

Finding #12, The additional staffing and resource commitment is probably more of an  
Finding #13, indication of the results of layoffs or furloughs rather than the increase in the amount of violations

Finding #16, Adding which obviates the need to place additional signs at each intersection after posting warning signs at all major entrances to the City.

Fire Chief Ron Meyers and Police Captain Eric Wollman were present to answer Council's questions.

Ms. Martel stated the suggestions have been noted and will be incorporated in the final letter, and transmitted to the Presiding Judge of the Superior Court. The Presiding Judge has requested that the written responses be placed on the Civil Grand Jury website and a copy filed in the Office of the City Clerk for public review.

**; 7:44 PM**  
Motion on Accept

Motion to accept the reports and authorize the City Manager to prepare written responses

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

16. Finding of Public Convenience and Necessity for Alcohol Beverage Control License for CVS at 375 Gellert Boulevard

**Staff**

Mothershead

**Recommended Action**

Adopt Resolution Roll Call

Motion on adopt

Motion to adopt Resolution No. 10-127, Adopting Findings in Response to an Application for a Liquor License – CVS, LLC – 375 Gellert Boulevard

**Passed For: 3;  
Against: 2; Abstain: 0; Absent: 0**

**Minutes: Planning  
Manager Tatum  
Mothershead stated in June 2010 the City Council approved a use permit and design review for the establishment of a drive-thru pharmacy with related exterior façade and site improvements for CVS at 375 Gellert Boulevard. CVS purchased Longs Drug Stores in 2008.**

**There was an existing Type 21 license at the former Longs Drug Store at 60 Serramonte Center and CVS has applied to Alcohol Beverage Control for a premise-to-premise transfer to their new location. A Type 21 license allows for the sale of all types of alcohol for consumption off-premises.**

**Steven Kattner, a representative for CVS, has submitted an application requesting the City Council make a finding that the sale of alcoholic beverage at this location would serve a public convenience and necessity.**

**Ms. Mothershead summarized a list of facts that that the Council may find useful in determining whether the issuance of the Type 21 license for this business would serve the public convenience or necessity as outlined in the Agenda Report.**

**; 8:48 PM**

**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: Nikolas Paraiso addressed the Council regarding the denial by the City of Daly City for a claim filed by Mercy Housing on behalf of his family to replace the apartment door, which was damaged by the Daly City Police Department during a call to his apartment. He requested help because his family received a 30 day eviction notice due to the inability to pay for the damage.**

**Marian Mann, representing San Mateo County Commission on Women, announced the 27<sup>th</sup> Annual San Mateo County Women's Hall of Fame and Young Women of Excellence Awards will be held on Thursday, March 24, 2010. Nominations are being accepted, and the nomination deadline is November 1, 2010.**

**Sylvia Alvarez-Lynch addressed the council regarding upper management salaries in Daly City and the City of Bell. She stated that 40 percent of the 204 Daly City employees were paid over \$100,000; the City Manger was paid \$300,000 and department heads making more the \$180,000. She compared the City's management salaries with U.S. Senator Feinstein, Federal Judges, Mayor of New York, and Los Angeles Mayor who earn less.**

**Judith Christensen addressed the Council regarding the City's financial crisis. Councilmembers Klatt, Guingona and Torres gave total raises of over 32%. This raise, when applied to upper management is and has been more than a financial catastrophe with some upper management getting a raise of more than \$44,000.**

**; 8:54 PM**

CLAIMS:

17. Application for Leave to Present Late Claim – Angela Davenport

**Staff**

Schott

**Recommended Action**

Council Determination

**Minutes: Assistant City Attorney Kelly Schott stated this item is a leave to present late claim. On June 25, 2010, Angela Davenport presented a Tort Claim to the City, stating that on October 25, 2009, her vehicle sustained damage caused by a pothole at the intersection of King Drive and Skyline Boulevard. Under State law, a Tort claim must be presented within six-months of the date of injury. In this case, Ms. Davenport had until April 26, 2010 to file her claim. Because her claim was not filed until June 25, 2010, Ms. Davenport must apply to the City Council for leave to present a late claim within a reasonable time not exceeding one year.**

**Ms. Schott said, Ms. Davenport states that the reason for filing her claim late is that she filed a Tort Claim**

with the City and County of San Francisco. She received a notice of denial from San Francisco on March 31, 2010 stating the location was not in the jurisdiction of San Francisco.

Staff recommends that the City Council deny the application for leave to present a late claim.

Angela Davenport, claimant, explained that she sent her claim to the wrong entity and was denied but was not given the information to the right entity.

Councilmember Torres recommended that we allow Ms. Davenport to file a late claim and pursue her claim accordingly.

**; 9:07 PM**

Motion on Adopt

Motion to adopt  
Resolution No. 10-128,  
Adopting Findings of  
Fact Following Hearing  
on Application for  
Permission to Present a  
Late Claim Re: Angela

Davenport  
**Passed For: 3;  
Against: 2; Abstain:  
0; Absent: 0**

APPOINTMENTS: Board/Commission Membership Committee Appointments

Motion on Reappointed

Motion to reappoint  
Howard Edelman to the  
Planning Commission  
with term expiring  
September 11, 2013.

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

Motion on Reappoint

Motion to reappoint  
Erlinda Galeon to the  
Library Board of  
Trustees with term  
expiring June 11, 2013.

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

Motion on Appoint

Motion to appoint the  
Daly City Centennial  
Committee.

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

**Minutes: Daly City  
Centennial  
Committee**

|        |           |
|--------|-----------|
| Stan   | Gustavson |
| Steven | Adwers    |
| Albert | Teglia    |
| Melody | Gawliu    |
| Amilca | Velasquez |

**Lilian C. Rosales  
Lola Preza  
Bunny Gillespie  
Georgette Sarles  
Marilyn Olcese  
Marian Mann**

**Mayor Guingona  
stated the Committee  
will be led by the  
Council  
Subcommittee,  
consisting of  
Councilmembers  
Gomez and Torres.**

**; 9:20 PM**

**REPORTS:**

18. Council Committee

A Council Committee Meetings - August 9 -  
September 12, 2010

**Minutes: There were  
no reports.; 9:22 PM**

19. City Council

**Minutes: There were  
no reports.; 9:22 PM**

20. Staff

**Minutes: City  
Manager Patricia  
Martel announced on  
Saturday, October 23,  
2010, Daly City will  
celebrate its 12<sup>th</sup>  
Annual Make a  
Difference Day  
Celebration. Ms.  
Martel stated  
interested individuals**

**and organizations  
wanting to participate  
in “Make a Difference  
Day” check on the  
City’s website for the  
application and select  
the project they are  
interested in.; 9:22  
PM**

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the  
meeting at 9:29 P.M. in  
memory of Antonio  
Arugay, Carlo Crivello,  
Melisa Orantes and  
Alfredo Velasquez.

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

CALL TO ORDER:

**Minutes: Mayor Call  
meeting to order.;  
7:20 PM**

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

National Preparedness Month Proclamation (Matt Lucett)

**Minutes:  
City            Manager  
Patricia Martel gave  
an update to the  
Council on the action  
Daly City took in  
support of San Bruno  
during the horrible**

**gas line explosion last  
Thursday night.**

**Mayor**

**Guingona presented a  
proclamation  
proclaiming  
September 2010 as  
National  
Preparedness Month.  
Community Disaster  
Preparedness  
Coordinator Matt  
Lucett accepted the  
proclamation and  
encouraged the Daly  
City residents to  
increase their  
knowledge and  
awareness of proper  
safety measures to  
follow before, during  
and after a disaster.**

**; 7:21 PM**