

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, October 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 7:35 P.M.; 7:33 PM

PLEDGE TO THE FLAG:

PRESENTATIONS:

Proclamation for National Arts and Humanities Month

Minutes: Mayor Guingona presented proclamation proclaiming October 2010 as National Arts and Humanities Month to Bea Sharp, Boardmember, Peninsula Arts Council. Ms. Sharp thanked the Council.; 7:40 PM

Proclaiming Filipino-American History Month - October 2010

Minutes: Mayor Guingona presented a proclamation proclaiming October 2010 as Filipino-American History Month to Perla Ibarrientos. Ms. Ibarrientos thanked the Council.; 7:37 PM

Proclamation for Fire Prevention Month - October 2010

Minutes: Mayor Guingona presented a proclamation proclaiming October 2010 as Fire Prevention Month to Deputy Fire Chief/Fire Marshal Frank Panacci. Mr. Panacci thanked the Council.; 7:43 PM

STAR Awardees Recognition

Minutes: Assistant City Manager Kerry Burns announced the following STAR Awardees

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.

from the Department of Parks and Recreation, Kelley Braas, Jim Manson, Juan Melgar, Paul Thompson; and from the Department of Water and Wastewater Resources, Cynthia Royer. Each was nominated by the Director of their departments for outstanding performances in assessing the volume of water in seven City parks and creating a model to analyze that volume so it can be reduced.; 7:47 PM

Management Talent Exchange Program

Minutes: City Manager Patricia Martel stated she developed this program to give Daly City employees an opportunity to learn new skills and learn more about City operations. Ms. Martel introduced the First Class of the Management Talent Exchange Program:

- **Siu Li Ley was assigned to the Department of Economic and Community Development to create performance measures to identify areas of improvement in the code enforcement process.**
- **Warren Chan was assigned to the Department of Parks and Recreation to participate in the building of the Bayshore Heights Park playground and developing a system to track tree work throughout the City.**
- **Natalia Turnbeaugh was assigned to the Department of Public Works to develop a system to track maintenance workers' daily activities and establish a tracking system to base performance measures.**
- **Leslie Peay was assigned to the Department of Water and Wastewater Resources to enhance Daly City's water conservation program along with environmental compliance associated with new stormwater regulations and sanitary sewer overflows.**
- **Jennifer Der was assigned to the Fire Department to assess their fire record management system software and identify ways to use it more effectively and efficiently.**

; 7:50 PM

ROLL CALL:

Minutes: Councilmember Torres stated it has come to his attention after the agenda was published that we are currently celebrating October as Filipino-American History Month.; 7:34 PM

Motion on Add

Motion to add to the agenda under presentations a resolution declaring October as Filipino-American History Month.

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

APPROVAL OF MINUTES:

Regular Meeting of September 13, 2010

Motion on Approve

Motion to approve the minutes of September 13, 2010

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. 17, Appropriate \$3,600 from Fund Balance in the Traffic Enforcement Fund to Comply with the Red Light Camera Program Regulations, would be taken at the end of the Consent Agenda.; 8:36 PM

Resolutions :

1. Amended Residential Combined Domestic/Fire Water Meter Charge

Motion on Adopt

Motion to adopt Resolution No. 10-129, Authorizing Adoption of Amended Water Meter Charges Residential Combined Domestic/Fire Water Meter Charge

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 Daly City Fire Management

Motion on Adopt

Motion to adopt Resolution No. 10-130, Adopting Composite Summary Memorandum of Understanding with the Daly City Fire Management Bargaining Unit (August 1, 2010 through July 31, 2011)

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

3. Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and Dispatchers/ Police Assistants

Motion on Adopt

Motion to adopt Resolution No. 10-131, Adopting Composite Summary Memorandum of Understanding with Teamsters Local 856 Public Safety Dispatchers and Police Assistants (October 1, 2010 through September 30, 2012)

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

4. Notice of Completion for Street Resurfacing 2010 - Phase I

Motion on Adopt

Motion to adopt Resolution No. 10-132, Accepting Completion of Certain Project in the Department of Public Works (Street Resurfacing 2010 Phase I)

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

5. Amending Traffic Regulations: Designate 55-feet of a No Parking (Red) Zone on the South Side of North Mayfair Avenue, Across the Street from 138 and 140 North Mayfair Avenue (TSR 11-12)

Motion on Adopt

Motion to adopt Resolution No. 10-133, Establishing Traffic Regulations

1. Designate 55-feet of a No Parking (Red) Zone on the South Side of North Mayfair Avenue, Across the Street from 138 and 140 North Mayfair Avenue (TSR 11-12)

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

6. Accepting Transit Oriented Development Grant and Appropriating Matching Funds for Citywide Accessibility Improvements

Motion on Adopt

Motion to adopt Resolution No. 10-134, Authorizing the Filing of an Application for Federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) Funding and Committing the Necessary Non-Federal Match and Stating the Assurance to Complete the Project

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

7. Authorization to Execute an Agreement with the State of California Department of Education and Appropriation of Grant Funds for the Bayshore Neighborhood Afterschool Education and Safety Program

Motion on Adopt

Motion to adopt Resolution No. 10-135, Authorizing Execution of Agreement with the State of California Department of Education and Appropriation of Grant Funds (Bayshore Neighborhood Afterschool Education and Safety Program)

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

8. Authorization to Execute an Agreement with the Jefferson Elementary School District and Appropriation of Grant Funds for the After School Education and Safety Program

Motion on Adopt

Motion to adopt Resolution No. 10-136, Authorizing Execution of Agreement with the Jefferson Elementary School District and Appropriation of Grant Funds (After School Education and Safety Program)

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

9. Set Time and Place for Public Hearing on Proposed Adoption of New Model Codes Adopted by the State of California
Set Hearing 11/8/10

Motion on Adopt

Motion to adopt Resolution No. 10-137, Setting Time and Place for Public Hearing Regarding Adoption of New Model Codes Adopted by the State of California and Consideration of Amendments to Adopted Codes, Hearing 11/8/10 – 7:00 P.M.

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

10. Authorization to File Unfunded Mandates Test Claim

Motion on Adopt

Motion to adopt Resolution No. 10-138, Authorizing Filing of Test Claim with California Commission on State Mandates to Seek Reimbursement for Costs Re: Municipal Regional Stormwater Permit

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

11. Amending Conflict of Interest Resolution - Designated Employees

Motion on Adopt

Motion to adopt Resolution No. 10-139, Amending Daly City's Conflict of Interest Code as to Positions

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

12. Fiscal Year 2009-10 Consolidated Annual Performance Evaluation Report for the Community Development Block Grant and HOME Programs

Staff

ZoBell

Recommended Action

Open/Close Hearing

Adopt Resolution Roll Call

Motion on Adopt

Motion to adopt Resolution No. 10-140, Approving Submission to the Federal Department of Housing and Urban Development (HUD) for Fiscal Year 2009-2010 Consolidated Annual Performance Evaluation Report for the Community Development Block Grant Program

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

Check Registers :

13. Check Registers for the Month of August 2010

Motion on Approve

Motion to approve check registers for the month of August 2010

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

14. Check Registers for the Month of September 2010

Motion on Approve

Motion to approve check registers for the month of September 2010

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

Authorizing Budgetary Adjustments:

15. Appropriating \$20,000 for a Feasibility Study of a North County Communications Joint Powers Authority

Motion on Adopt

Motion to adopt Resolution No. 10-141, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2010-2011

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

16. Appropriate Additional New Revenue of \$78,211 for Street Resurfacing - Prop 1B

Motion on Adopt

Motion to adopt Resolution No. 10-142, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2010-2011

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

17. Appropriate \$3,600 from Fund Balance in the Traffic Enforcement Fund to Comply with the Red Light Camera Program Regulations

Motion on Adopt

Motion to adopt Resolution No. 10-144, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2010-2011

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

**Minutes: The person wished to speak on Item No. 18 instead.
; 8:36 PM**

Proclaiming Filipino-American History Month - October 2010

Motion on Adopt

Motion to adopt Resolution No. 10-143, Proclaiming Filipino-American History Month in Daly City - October 2010

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

APPROVAL OF AGENDA:

END OF CONSENT AGENDA

PUBLIC HEARINGS:

18. Consideration of Amendment to HUD Action Plan for Fiscal Year 2008-09 Pertaining to Homelessness Prevention and Rapid Rehousing Program Funding

Staff

Berger

Recommended Action

Open/Close Hearing

Adopt Resolution Roll Call

Minutes: Housing Coordinator Lenelle Suliguin stated Daly City received \$510,070 in Homelessness Prevention and Rapid Rehousing Program funds. The funds are part of the American Recovery and Reinvestment Act of 2009 and are intended to assist households from becoming homeless or to rapidly rehouse households that are already homeless. In April 2009, the City Council amended the 2008-09 HUD Action Plan to incorporate the Homelessness Prevention and Rapid Rehousing Program and budget.

In September 2009, the City approved a contract with Shelter Network to carry out the Homelessness Prevention and Rapid Rehousing Program activities. Over the last several months of program implementation, Shelter Network has seen the demand for homelessness prevention exceed the demand to rapidly rehouse homeless persons. We would like to amend the Homelessness Prevention and Rapid Rehousing Program budget to shift the allocation of funds to our homelessness prevention.

Mayor Guingona opened the public hearing.

Jacob Lile, Shelter Network, stated he was present to answer Council's questions and to

request they be allowed to transfer funds from rapid rehousing to homelessness prevention.

; 8:37 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. 10-145, Amending 2008-2009 HUD Action Plan Pertaining to Homelessness Prevention and Rapid Rehousing Program Funding (HPRP)

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

COMMUNICATIONS:

19. Approval of Written Response to the 2009-2010 San Mateo County Civil Grand Jury Report: Sex Offender Law Enforcement in San Mateo County

Staff

Martel

Recommended Action

Motion to Accept Report and Authorize City Manager to Prepare Written Response

Minutes: City Manager Patricia Martel presented the 2009-2010 San Mateo County Civil Grand Jury Report, relating to Sex Offender Law Enforcement. She stated the issue the Grand Jury identified was: Are there adequate investigation, coordination and enforcement of sexual offenses by San Mateo County law enforcement agencies?

Ms. Martel reviewed the Civil Grand Jury findings, recommendations, and the City's draft responses to the report. A copy of the report is on file in the Office of the City Clerk.

After the City Council reviews and provides final direction on the draft response, the City Manager will submit the approved response to the San Mateo County Civil Grand Jury Report to the Presiding Judge of the Superior Court. In addition, the City will submit the written response to be placed on the Civil Grand Jury website and make available in the City Clerk's Office.

Councilmember Canepa suggested creating a link on the City's website to the Megan Law's website.

; 8:43 PM

Motion on Accept

Motion to accept the report and authorize the City Manager to prepare a written response.

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

RESOLUTIONS:

20. Residential and Commercial Photo Voltaic Permit Fees

Staff

Pirnejad

Recommended Action

Adopt Resolution Roll Call

Minutes: Assistant Director of Economic and Community Development Peter Pirnejad gave a PowerPoint presentation on the residential and commercial photo voltaic permit fee reduction recommendation and outlined the cost of service method for both residential and commercial installations.

Mr. Pirnejad stated he received an email from Kurt Newick asking the City to reduce the residential fee and to prepare guidelines that would expedite an over the counter review. **Mr. Newick** also stated that State law requires cities to go through this cost of service exercise to ensure that cities are charging the true cost of the service.

; 9:04 PM

Motion on Adopt

Motion to adopt Resolution No. 10-146, Authorizing Residential and Commercial Photo Voltaic Permit Fees

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: Sylvia Alvarez Lynch called the Daly City upper management salaries outrageous after five years of raises totaling more then 32%. She went on to say that in 2008 our City Manager received more than \$300,000 and many department heads received more than the US Senators and Federal judges while our median Daly City family income is less than \$70,000.

Dana Smith said the Council voted in 2002 for a 6% raise but the former City Manager received a 25% raise and the former City Attorney received a 20% raise. She suspects some very funny math and pension spiking and compared Daly City to Bell, California.

Judith Christensen handed packets of information to the Council, City Manager, City Clerk and City Attorney regarding what she called the financial debacle. Ms. Christensen went on to say that the situation demands an independent investigation and full restitution of all moneys owed to the people of Daly City.

; 9:28 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: There were no appointments.; 9:38 PM

REPORTS:

21. Council Committee

A Council Committee Meetings, September 13 - October 10, 2010

Minutes:

The Council Committee reported on the Centennial Committee. (Torres/Gomez)

; 9:38 PM

22. City Council

Minutes: Councilmember Gomez reported that she attended the meeting of the Office of Emergency Service Committee two weeks ago, at which time she was briefed on the San Bruno Fire. Councilmember Gomez reported that United Way is funding about \$2,000,000 for a 211 Help Link Call Center to help people in need.

Councilmember Gomez stated she met with a resident on St. Francis Boulevard who complained about parking overflowing into his neighborhood from the Skyline apartments.

Vice-Mayor Klatt thanked the employees on the fall festival. Councilmember Torres thanked the City Manager for creating the Management Talent Exchange Program.

Mayor Guingona reported that the re-opening of the Westmoor Pool will be on Saturday at 10:00 a.m. He wanted to recognize his son for taking second in the Pan-American Judo Championships.

; 9:42 PM

23. Staff

Minutes: There were no reports.; 9:51 PM

ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 10:00 P.M. in memory of Claire Johnston, Victor

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**Rodriguez and William James Mahoney, Concepcion De La Cruz, Ronaldo Guzman,
Henry Pengel, Andres Portillo, Tonsi Zidich and Ben T. Largusa.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0**