

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, November 08, 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.

; 3:02 PM

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

Certificates of Appreciation to Food Distribution Volunteers

Minutes: In recognition of valuable contributions to the residents of Daly City for assistance with the Federal American Recovery and Reinvestment Act community distribution of Stimulus Food Boxes, assisting over 4300 residents, Mayor Guingona presented Certificates of Appreciation to the following:

**Demolay of Daly City Crocker Chapter
Future Business Leaders of America Westmoor High School
Cheryl Crofts
Rita Meriweather
Kevin Matlock**

; 3:05 PM

Proclaiming November Pancreatic Cancer Awareness Month

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.

Minutes: Mayor Guingona presented a proclamation proclaiming November 2010 as Pancreatic Cancer Awareness Month to Sarah Broussard of Pancreatic Cancer Action Network.; 3:11 PM

APPROVAL OF AGENDA:

Minutes: Mayor Guingona requested that the Council add to the agenda a resolution asking State Legislators to draft legislation to allow Daly City local control over certain specified events at the Cow Palace.

; 3:16 PM

Motion on Approve

Motion to add a resolution requesting State Legislators to draft legislation to allow Daly City local control over certain specified events at the Cow Palace.

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.

Resolutions:

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

Motion on Adopt

Resolution No. 10-147, Authorizing Execution of Agreement with the Jefferson Union High School District and Appropriation of Grant Funds (After School Safety and Enrichment of Teens Program)

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

2. Resolutions Amending Public Employees' Medical and Hospital Care Act for Members of Specific Employee Organizations (19 Resolutions)

Motion on Adopt

Resolution No. 10-148, Setting Employers' Contribution Under Public Employees' Medical and

Hospital Care Act for Members Represented by the American Federation of State, County and Municipal Employees, Local 829

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

Motion on Adopt

Resolution No. 10-149, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act with Respect to Members of the City Council

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

Motion on Adopt

Resolution No. 10-150, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act with Respect to Members of the City Council Non-PERS

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

Motion on Adopt

Resolution No. 10-151, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Economic & Community Development Professional Staff Association

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

Motion on Adopt

Resolution No. 10-152, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications of City Clerk and City Treasurer

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

Motion on Adopt

Resolution No. 10-153, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Teamsters Local 856, Safety Inspectors

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

Motion on Adopt

Resolution No. 10-154, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Fire Management

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

Motion on Adopt

Resolution No. 10-155, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act with Respect to Unaffiliated Alternate Miscellaneous Employees (Part-Time Hourly)

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

Motion on Adopt

Resolution No. 10-156, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act with Respect to Unaffiliated Miscellaneous Employees (Hourly)

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

Motion on Adopt

Resolution No. 10-157, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act with Respect to Members of Executive Management

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

Motion on Adopt

Resolution No. 10-158, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Operating Engineers/Stationary Engineers Local 39

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

Motion on Adopt

Resolution No. 10-159, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Plant Maintenance Association

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

Motion on Adopt

Resolution No. 10-160, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Police Management Association

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

Resolution No. 10-161, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Daly City Police Officers Association

Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adopt

Resolution No. 10-162, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Secretary III Association

Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adopt

Resolution No. 10-163, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Teamsters Local 856, Clerical Technical

Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adopt

Resolution No. 10-164, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act for Classifications Represented by the Teamsters Local 856, Public Safety Dispatchers and Police Assistants

Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adopt

Resolution No. 10-165, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act with Respect to Unaffiliated Public Safety Dispatchers and Police Assistants

Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Adopt

Resolution No. 10-166, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act with Respect to Eligible Unrepresented Employees

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

3. Authorization to Submit Application to the State of California Department of

Transportation for Highway Safety Improvement Program Grant Funds for Traffic Signal Modification Project at Hickey Boulevard/Callan Boulevard Intersection

Motion on Adopt

Resolution No. 10-166, Setting Employers' Contribution Under Public Employees' Medical and Hospital Care Act with Respect to Eligible Unrepresented Employees

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

4. Authorization to Solicit Bids for the Reservoir 3 Seismic Upgrade Project

Motion on Adopt

Resolution No. 10-168, Approving Bid Documents and Authorizing Bid Invitations Re: Reservoir 3 Seismic Upgrade Project

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

5. Amending Traffic Regulations to Prohibit Left Turns and Establishing No Parking and Loading Zones at Various Locations

Minutes: 1. Designate 10-foot No Parking (Red) zone along the north curb of Mission Street, north of the Jefferson High School driveway at 6996 Mission Street, extending in a southerly direction.

2. Prohibit left-turns at the driveway exiting Fernando Rivera and Thomas Edison Schools between the hours of 8:00 — 8:30 a.m. and 2:45 — 3:15 p.m., Monday through Friday.

3. Prohibit left-turns at the driveway exiting Franklin D. Roosevelt School between the hours of 8:15 — 8:45 a.m. and 2:30 — 3:15 p.m., Monday through Friday, and 12:20 — 12:50 p.m. on minimum school days.

4. Re-designate existing 50-ft. No Parking (Red) zone to Passenger Loading (White) zone along the east curb of El Dorado Drive, commencing at the curb return at the southerly entrance to Daniel Webster School and extending in a southerly direction. The White zone is to be enforceable between the hours of 8:00 — 8:30 a.m. and 1:30 — 3:30 p.m. on school days.

5. Relocate existing 75-ft. Passenger Loading (White) zone along the east curb of Miriam Street to south of the driveway at 11 Miriam Street. The White zone is to be enforceable between the hours of 8:00 — 8:30 a.m. and 1:30 — 3:30 p.m. on school days.

6. Designate 75-ft. Passenger Loading (White) zone along the west curb of Santa Barbara Avenue, commencing at the south crosswalk at Theta Avenue and extending in a southerly direction. The White Zone is to be enforceable between the hours of 8:00 — 8:30 a.m. and 1:30 — 3:30 p.m. on school days.

7. Designate 45-ft. Passenger Loading (White) zone along the north side of Eastmoor Avenue, commencing east of the crosswalk at Camelia Drive and extending in an easterly

direction. Designate 45-ft. White zone along the north side of Eastmoor Avenue, commencing west of the crosswalk at Camelia Drive and extending in a westerly direction. The White Zones are to be enforceable between the hours of 8:00 — 8:30 a.m. and 1:30 - 3:30 p.m. on school days.

; 3:17 PM
Motion on Adopt

Resolution No. 10-169, Establishing Traffic Regulations

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

6. Acceptance of Office of Traffic Safety Grant/DUI Enforcement and Prevention Campaign 2010-2011

Motion on Adopt

Resolution No. 10-170, Approving Receipt of Grant Funds from the California State Office of Traffic Safety for the Daly City Police Department

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

7. Time Extension for Use Permit UP08-12 for Overnight Pet Boarding at 315 Gellert Boulevard (PetSmart)

Motion on Adopt

Resolution No. 10-171, Approving Extension of Use Permit UP08-12 for Overnight Pet Boarding at 315 Gellert Boulevard

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

8. Setting Time and Place for Public Hearing on Community Development and Housing Needs
Set Hearing: 12/13/10

Motion on Adopt

Resolution No. 10-172, Setting Time and Place of Public Hearing Re: Assessment of Community Development and Housing Needs and Authorizing the Solicitation of Request for Proposals of CDBG Funds

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

9. Authorizing Execution of Contract with Dowling Associates, Inc. for General Plan Travel Demand Model Consultant

Motion on Adopt

Resolution No. 10-173, Approving and Execution of Contract and Budget Allocation for Development of Travel Demand Model Consultant

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

END OF CONSENT AGENDA

ADDED ITEM:

RESOLUTION:

State Legislators to Draft Legislation to Allow Daly City Local Control Over Certain Specified Events at the Cow Palace

Minutes: Mayor Guingona read the resolution into the record, a copy of which is on file in the Office of the City Clerk. The City Council is requesting that State Senator Leland Yee and State Assemblywoman Fiona Ma draft legislation and take the necessary steps to grant local control to Daly City over certain specified events that take place at the Cow Palace.

; 3:18 PM

Motion on Adopt

Resolution No. 10-174, Requesting State Legislators to Draft Legislation to Allow the City of Daly City Local Control Over Certain Specified Events at the Cow Palace

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

PUBLIC HEARINGS:

10. Adoption of Model Codes Adopted by the State of California

Staff

Berger

Recommended Action

Open/Close Hearing

City Attorney read by Title Only

Councilmember Introduce Ordinance

Minutes: Chief Building Supervisor/Building Official Val Mandapat introduced the 2010 Edition of the California Building, Residential, Green Building Standards, Mechanical, Electrical, Fire, and Plumbing Codes, including the 2009 International Property Maintenance Code.

Mr. Mandapat stated the State of California recently published the International Model Codes, which will become effective January 1, 2011. The California codes are based on the 2009 Edition of the International Building and International Residential Code, International Fire Code, Uniform Plumbing and Mechanical Code 2009 Editions and the National Electrical Code 2008 Edition.

New in the State of California is the separation of the residential code and building code making regulations of single and two-family residential buildings less commercialized in regulations. The other new regulation is the California Green Building Standards Code, which is published by the Building Standards Commission. This code is further raising the energy and water savings standards of buildings and providing guidelines for material conservation including environmental quality.

By adopting the 2010 building codes, Daly City will be enforcing codes that are consistent with State regulations. The new codes reflect changes in technology, fire safety techniques and the building industry including environmental.

Mr. Mandapat reviewed the proposed basic changes to the Municipal Code outlined in the Agenda Report.

Fire Marshal Frank Panacci stated we only have numerical changes that refer to the California Fire Code and we added Appendix J, which relates to firefighters' safety and communications that entails a developer/builder of a high speed rail or a building that can not receive communications to the firefighters or emergency responders, supply some kind of equipment that will allow some kind of communication to emergency crews.

Mayor Guingona opened the public hearing.

; 3:29 PM
Motion on Close

Close the public hearing.
Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Read

Ordinance No. 1353 be read by title only by the City Attorney.

Ordinance No. 1353 Amending Title 15 of the Daly City Municipal Code, by Repealing and Replacing Chapters 15.00, 15.08, 15.14, 15.16, 15.20, 15.22, 15.24, 15.32, 15.60; Repealing Chapters 15.12, 15.36 15.58; Adding Chapter 15.10 - Residential Building Code; and Adding Chapter 15.22 – California Green Building Standards Code Thereof, as Set Forth in Sections 1

Passed For: 5; Against: 0; Abstain: 0; Absent: 0
Motion on Introduce Ordinance

Councilmember Gomez introduced the ordinance.

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

AWARD OF BIDS/CONTRACTS:

11. Fire Department Mobile Radios

Staff

Myers

Recommended Action

Adopt Resolution

Roll Call

Minutes: Deputy Fire Chief Richard Johnson stated the North County Fire Authority, on behalf of the Cities of Brisbane, Daly City and Pacifica, applied for grant funding and was awarded a project of \$390,717.50 for the upgrading of mobile radios and fire station alerting communications systems for all jurisdictions to conform to all federal mandates.

It is recommended that the City Council accept Metro Mobile's bid in the amount of \$147,154.79 for the purchase, installation and programming of mobile radios component of that grant.

; 3:40 PM

Motion on Adopt

Resolution No. 10-175, Authorizing Purchase, Installation and Programming of Mobile Radios

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: The following individuals asked the Council to reconsider the City's financial contribution to the Housing Endowment and Regional Trust (HEART) fund:

Pat Saunders, Broadmoor Presbyterian Church/Peninsula InterFaith Action
Shirley Stone, Broadmoor Presbyterian Church/Peninsula InterFaith Action
Karyl Eldridge, HEART Board Member/Peninsula InterFaith Action
Judy Burnham, Broadmoor Presbyterian Church/Peninsula InterFaith Action
Serena Ip, representing Housing Leadership Council/Housing Committee
Veronica Flores, representing Housing Leadership Council/Community Builders Program
Committee member

Kevin Patterson, representing Red Barn Productions, Producer of the Great Dickens Christmas Fair at the Cow Palace, stated despite certain events bringing problems to the community, there are many more valuable events that take place at the Cow Palace.

Serena Ip, announced they are starting a Community Builders Program and will be meeting with residents once a month at Hillcrest Gardens.

Sonny Quinquini, thanked the Council for the resolution on the Cow Palace issue. However, he suggested the Council reach out and get the community involved in the Cow Palace issue.

Pamela DiGiovanni addressed the Council with her concerns regarding the future development of the Christopher Columbus School site. She would like to be informed about the upcoming project.

Sylvia Alvarez Lynch compared Daly City to Bell, California and complained that our City Manager was making over \$300,000 and six Department Heads were making over \$180,000 when half our Daly City families survive on less then \$70,000.

Dana Smith reviewed a fifty year history of salary resolutions and Resolution No. 02-50 that authorized 6% raises. She expressed concern that the former City Manager and City Attorney received 25% and 20% raises in error and that proper oversight of these raises was lacking.

Judith Christensen stated City Manager refused to meet with Christensen and a San Mateo Times reporter together to review all evidence and Christensen fears that City Manager Ms. Martel plans to tell different stories to both. Ms. Christensen invited Councilmembers Torres and Guingona to join a future meeting.

; 3:43 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Motion on Appoint

Appoint Olga Stavinskaya to the Personnel Board to fill the unexpired term of Laurie Rose L. Lubiano. Her term will expire July 28, 2014.

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

REPORTS:

12. Council Committee

**A Council Committee Meetings, October 11 -
November 7, 2010**

Minutes: The Council Committees reported on the following:

**Centennial Committee Meeting (Torres)
Taxi Cab Committee meeting (Gomez/ Klatt)**

; 4:07 PM

13. City Council

Minutes: Councilmember Torres thanked Peninsula InterFaith Action Organization for the work they do with the community. He stated after reviewing the July 28, 2010 Council Meeting when the HEART issue came up, the Council decided to suspend the payment to HEART and agendized the matter for further discussion. Councilmember Torres asked that the HEART funding issue be agendized for the next meeting.

Vice-Mayor Klatt congratulated the Daly City Softball Team, which came in second at Project Read last Friday evening.

Vice-Mayor Klatt announced that a flyer for free electronic recycling with no company name or license number listed is being circulated asking people to leave this flyer with their electronic devices out with personal information on it. She stated you can instead call Joseph Curran for more information on electronic recycling or wait for the free electronic recycling at City Hall in February.

Councilmember Torres commended his daughter, Sofia, for joining the newspaper committee and becoming the official photographer, and his son Christen for winning a math test and for scoring his first soccer goal.

; 4:11 PM

14. Staff

Minutes: There were no reports.

; 4:16 PM

ADJOURNMENT:

Motion on Adjourn

Adjourn the meeting at 9:00 P.M. in memory of Lilia “Baby” Corpus, Ellen “Muffie” Meier, Mauricio Vela, Eddie Regal Apostol, Joe Medina, Lila Burke, Rose Harris, Belma Margin, Neil Moe, Joan Wollman, Yu-Tian Chang and Ernesto A. Presas.

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