CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, July 09, 2012 - 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 Torres at 7:00 P.M.;

7:00 PM

PLEDGE TO THE FLAG:

ROLL CALL:

APPROVAL OF MINUTES:

Special Meeting of May 29, 2012

Motion to approve the minutes of May 29, 2012.

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

APPROVAL OF AGENDA:

Motion to approve the agenda.

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

CONSENT AGENDA

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.

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. Authorizing Submittal of an Application for Measure A Highway Program Funding for the Traffic Signal System and Traffic Signal Controller Upgrade Project

Motion to adopt Resolution No. 12-105, Authorizing Submission of a Grant Application to the San Mateo County Transportation Authority (TA) for Measure A Highway Program Funding Re: Traffic Signal System and Traffic Signal Controller Upgrade Projects

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

2. Refinancing of 2004 Water Utility Certificates of Participation and Appointment of Financial Advisor and Bond Council

Motion to adopt Resolution No. 12-106, Refinancing of 2004 Water Utility Certificates of Participation and Appointment of Financial Advisory and Bond Council

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

3. Authorizing Engagement of Union Bank as Third-Party Custodian for City Investments in GNMA Securities

Motion on adopt Resolution No. 12-107, Authorizing the City to Engage Union Bank as Third-Party Custodian for City Investments in Government National Mortgage Association (GNMA)

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

4. Accepting and Appropriating a Grant from San Mateo County Aging and Adult Services for the Congregate Nutrition Program

Motion to adopt Resolution No. 12-108, Accepting a Grant from the San Mateo County Aging and Adult Services Department and Authorizing Appropriation of Grant Funds (Congregate Nutrition Program)

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against:

(None); Abstain: (None); Absent: Michael Guingona

END OF CONSENT AGENDA

PUBLIC HEARINGS:

5. Major Subdivision SUB-7-11-4269, Use Permit UPR-7-11-4270, Zone Change ZC-10-11-4681, Design Review DR-7-11-4272 and Environmental Assessment CEQA-7-11-4271 - Peoria Street/Wellington Avenue/Lausanne Avenue/Chelsea Court Townhomes (Cont'd from 5/14/12)

   A. EA (Negative Declaration)
   B. Findings
   C. SUB-7-11-4269, UPR7-11-4270, DR-7-11-4272
   D. Introduction of Ordinance ZC-10-11-4681

   Staff:
   Naughton
   Recommended Action:
   Open/Close Hearing
   Motion on A
   Adopt Resolutions B & C
   Roll Call
   Motion for City Attorney to Read by Title Only
   Councilmember Introduce Ordinance

Minutes:

Mayor Torres stated the applicant KB Homes has requested that this item be continued to allow time to resolve employment issues.

Ray Panek, Senior Vice President, KB Homes, stated we are hoping to work out some final personnel issues by July 23, 2012. He explained there are certain provisions of the purchase agreement that need to be done to close in the next two weeks. He preferred a certain date but would accept your decision.

; 7:02 PM

Motion to table this item until the applicant reaches an agreement with the Building Trades. Due to a lack of a second, the motion failed.

Failed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

Motion to continue this item to the meeting of August 13, 2012.

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

6. Consideration of a Substantial Amendment to the Current Fiscal Year 2008-2009 HUD Action Plan

   Staff:
   ZoBell
   Recommended Action:
   Open/Close Hearing
   Adopt Resolution
   Roll Call

Minutes:

Housing and Community Development Supervisor Betsy ZoBell requested that the Council conduct a public hearing to obtain citizen comments on a substantial amendment to the current Fiscal Year 2008-2009 U.S. Department of Housing and Urban Development (HUD) Action Plan. Staff is recommending that these funds be formally reallocated for housing rehabilitation.

In 2009, the City received a one-time allocation of Community Development Block Grant (CDBG-R) funds in the total amount of $333,637. At the time the funds were allocated, the City's specific plan for how they would be spent was reflected in the City's FY 2008-09 HUD Action Plan. To date, these funds have been utilized for two eligible activities, sidewalk curb ramps, and site preparation for Habitat for Humanity project at 7555 Mission Street. Both projects have come in under budget. We now have $17,000 remaining in CDBG-R funds. The deadline to utilize these funds is September 30, 2012 or the funds will be recaptured by HUD.

Mayor Torres opened the public hearing.

; 7:12 PM

Motion to close the public hearing.

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

Motion to adopt Resolution No. 12-109, Amending 2008-2009 HUD Action Plan to Reflect Reprogramming of Funds Provided Under the American Recovery and Reinvestment Act of 2009

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

AWARD OF BIDS/CONTRACTS:

7. Award of Contract for 2012-13 Street Resurfacing

Staff:
Fuller
Recommended Action:
Adopt Resolution
Roll Call

Minutes:

Senior Civil Engineer Robert Ovadia recommended that the City Council accept all bids, waive minor irregularities, and award a construction contract for 2012-2013 Street Resurfacing to O'Grady Paving, Inc. in the amount of $1,174,375.50 and authorize the City Manager to execute the contract. In the event that O'Grady Paving, Inc. is unable to execute the contract documents within the specified time limit, the City Council authorizes the City Manager to award the contract to the second lowest responsible bidder, Gallagher & Burk, Inc., without further action by the City Council.;

7:14 PM

Motion to adopt Resolution No. 12-110, Authorizing Execution of Contract with O'Grady Paving, Inc. for the Street Resurfacing 2012-13 Project

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

8. Award of Contract for Sidewalk, Driveway, and Curb and Gutter Improvements 2012

Staff:
Fuller
Recommended Action:
Adopt Resolution
Roll Call

Minutes:

Senior Civil Engineer Robert Ovadia recommended that the City Council accept all bids, waive minor irregularities, and award a construction contract to S & H Concrete in the amount of $84,235, for Sidewalk, Driveway, and Curb and Gutter Improvements 2012 and authorize the City Manager to execute the contract. If S & H Concrete is unable to execute the contract documents within the specified time limit, the City Council authorizes the City Manager to award the contract to the second lowest responsive bidder, J. A. Gonsalves & Son Construction, Inc., without further action by the City Council.

This project is a twelve month contract for on-call, as needed service with an allowance for an additional twelve month extension upon mutual agreement with the city and contractor without further action by the City Council. It allows an increase in the unit prices up to 5% to reflect current market conditions.

; 7:18 PM

Motion to adopt Resolution No. 12-111, Authorizing Execution of Contract Re: Sidewalk, Driveway, Curb and Gutter Improvements, 2012

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

AWARD/REJECTION OF BIDS/CONTRACTS:

9. Rejecting Bids Received for Distribution Valve Replacement Project

Minutes:

Director of Water and Wastewater Resources Patrick Sweetland recommended that the Council reject all bids received as non-responsive and authorize staff to solicit new bids to complete the work.

Mr. Sweetland stated the apparent lowest bidder, Grand Industries, was non-responsive as they failed to submit required disclosure documents. Subsequently, the next lowest bidder, Trinet Construction, withdrew their bid citing a mathematical calculation error in the amount of $14,400 (plus overhead and profit). The two remaining bids far exceed staff's estimate range of $95,000 to $105,000 and are deemed unresponsive.

; 7:25 PM

Motion to adopt Resolution No. 12-112, Rejecting all Bids and Authorizing Re-Solicitation for the Distribution Valve Replacement Project

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona

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:

Tina Acrec, representing AFSCME, Local 829, stated it is unfair to give a salary

range increase to two manager positions, while the lowest paid employees have taken furloughs, unpaid days off, pay cuts and an increase in employees' medical contribution. Ms. Acrec stated the lack of transparency, communication and false promises to the AFSCME unit is disrespectful and a slap in the face.

Rino Ceccato was concerned about trash bins being left in their driveways in the Valley Street area. He suggested the City consider adopting an ordinance requiring the bins be put away. He was also concerned about the absentee homeowners letting their lawns go and allowing the weeds to grow.

Marie Nguyen, representing AFSCME, felt mistreated, and stated her shift has doubled and her colleagues are working with a skeleton crew with no relief. We are working harder and making more financial sacrifices to give the public the quality of service they deserve.

Laurie Giusti, representing AFSCME, asked the Council to reconsider their decision to raise the salaries of the two manager positions, at least until such time the City has sufficient amount of reserves to restore reduced City services.

Angela Waters, representing AFSCME, felt the salary increases were unfair and inequitable, and hoped the Council would reconsider their decision.

Joel Abelson, President of the Daly City Firefighter Local 1879, expressed his frustration with the recent raises while other employees have been asked to give concessions.

Sylvia Alvarez-Lynch, representing Original Daly City Protective Agency, stated it seems the Council is developing a culture of resentment and unfairness with its employees and depriving citizens of public services, while management continues to receive high salaries.

City Manager Patricia Martel explained that due to the consolidation of the library and recreation departments and the elimination of two department heads, an assistant department head and a division head, two new classifications were created. Based on the scope of responsibility being greatly increased on the two new employees, we felt it was fair to provide equity adjustments.

Linda Barnes stated employees that are civil service and/or union have been asked to make sacrifices, but questioned the equity and fairness regarding people that serve at the pleasure of the City Manager.

Richenda Briones felt disrespected because she works hard and puts in extra hours but is paid less. She stated we agreed to take cuts and furloughs.

; 7:28 PM

APPOINTMENTS:

Board/Commission Membership Committee Appointments

Minutes:

There were no appointments; 8:02 PM

REPORTS:

10. Council Committee

Minutes:

There were no reports.;

8:02 PM

11. City Council

Minutes:

Councilmember Canepa reported on the Fourth of July Celebration at Doelger Center. Councilmember Canepa also reported he and Councilmember Klatt met with the Skyline/Palisades Residents Association to discuss a number of issues;

8:02 PM

12. Staff

Minutes:

City Manager Patricia Martel asked for Council approval to cancel the August 27, 2012 meeting. The Council concurred.;

8:04 PM

ADJOURNMENT:

Motion to adjourn the meeting at 8:08 P.M. in memory of Rev. Robert F. Curran, S.J., James J. Fisicaro, Robert Ammermen, Mildred Joan Anders, Maria Dora Bendana, Maurine Caldwell, Joao DiNapoli and Jack McVeigh.

Passed For: Raymond A. Buenaventura, David J Canepa, Carol Klatt, Sal Torres; Against: (None); Abstain: (None); Absent: Michael Guingona