

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JULY 13, 2009

The meeting was called to order by Mayor Torres at 7:07 P.M.

ROLL CALL: Councilmembers Present:

Sal Torres, Mayor
David J. Canepa
Maggie Gomez
Carol L. Klatt

Councilmembers Absent:

Michael P. Guingona,

Staff Present:

Patricia E. Martel, City Manager
Kerry E. Burns, Assistant City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

PRESENTATIONS:

STAR Awardee Recognition

Assistant City Manager Kerry Burns stated Building Permit Technician Omar Guzman submitted the Star Recognition Award for Heather Spooner in the Department of Economic and Community Development, in recognition of her hard work, dedication, team work and willingness to learn unrelated tasks to her position. Mr. Guzman highly recognized her initiative, common sense and higher contribution to the building department. Ms. Spooner thanked the Council.

APPROVAL OF AGENDA:

It was moved by Councilmember Klatt, seconded by Councilmember Gomez and carried to approve the agenda.

CONSENT AGENDA

Mayor Torres stated it was requested that Item No. 5, Authorizing Use of Asset Forfeiture Funds for Purchase of Software Upgrade for Automated Citation Issuance Devices, would be taken at the end of the Consent Agenda.

RESOLUTIONS:

Resolution Implementing Furloughs for Teamsters Local 856, Clerical Technical

Resolution No. 09-105, Adopting Side Letter Agreement Authorizing Implementation of Furloughs (Teamsters Local 856, Clerical/Technical Unit)

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JULY 13, 2009

Page 2

CONSENT AGENDA: Continued

RESOLUTIONS: Continued

Resolution Implementing Furloughs for Teamsters Local 856, Safety Inspectors

Resolution No. 09-106, Adopting Side Letter Agreement Authorizing Implementation of Furloughs (Teamsters Local 856, Safety Inspectors)

Amending Traffic Regulations

Resolution No. 09-107, Establishing Traffic Regulations

1. Re-designating One (1) Existing One-hour Metered Parking Stall in front of 6748 Mission Street to a 15-minute Metered Parking Stall (TSR 09-71)

Accepting Notice of Completion for 40 Ton Rooftop VAV Unit Replacement for Civic Center North

Resolution No. 09-108, Accepting Completion of Certain Project in the Department of Public Works (40 Ton Rooftop VAV Unit Replacement for Civic Center North)

Authorizing Execution of Agreement with the Professional Golf Association for the Use of Westlake Park for Pre-sale Parking Spaces during the President's Cup Golf Tournament

Resolution No. 09-109, Authorizing Agreement Between the City of Daly City and the Professional Golf Association (PGA) for the Use of Westlake Park for Pre-Sale Parking Spaces During the President's Cup Golf Tournament

Agreement with San Mateo County Human Services Agency for the Summer Jobs for Youth Program

Resolution No. 09-110, Authorizing Execution of Agreement with the San Mateo County Human Services Agency for the Summer Jobs for Youth Program

Approval of Final Map - "The Geneva", Acceptance of Public Improvements and Execution of Improvement Warranty Agreement for the Geneva Subdivision

Resolution No. 09-111, Accepting and Approving Final Subdivision Map, Accepting Public Improvements, and Authorizing Execution of Improvement Warranty Agreement for the Geneva Subdivision for Residential and Retail Condominium Purposes (2665 Geneva Avenue, Daly City, California)

Authorize Daly City Participation in Neighborhood Stabilization Program Collaboration

Resolution No. 09-112, Authorizing Participation in Neighborhood Stabilization Program Collaboration

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JULY 13, 2009

Page 3

END OF CONSENT AGENDA

It was moved by Councilmember Gomez, seconded by Councilmember Klatt and carried to approve and adopt the Consent Agenda, as amended.

RESOLUTIONS:

Authorizing Use of Asset Forfeiture Funds for Purchase of Software Upgrade for Automated Citation Issuance Devices

City Manager Patricia Martel explained this item was pulled because the title on the agenda was incorrect but the staff report in the Council's packet is accurate. The title should have been "Authorizing Use of Traffic Safety Fund Balance for Purchase of Software Upgrade for Automated Citation Issuance Devices". The title actually had been changed, but it did not print correctly.

It was moved by Councilmember Klatt, seconded by Councilmember Gomez and carried by unanimous roll call vote to adopt the following resolution:

Resolution No. 09-113, Authorizing Use of Traffic Safety Funds for Purchase of Upgrade Software for Automated Citation Issuance Devices

COMMUNICATIONS:

Review and Discussion of 2008-2009 Grand Jury Reports: A. Reversing the Upward Trajectory of Employee Costs in the Cities of San Mateo County; and B. Determining Elected Officials' Compensation: Daly City's City Clerk

City Manager Patricia Martel and Director of Finance and Administrative Services Don McVey gave a PowerPoint presentation on the 2008-2009 San Mateo County Grand Jury Report on Reversing the Upward Trajectory of Employee Costs in the Cities of San Mateo County for Council's review and input. A written response to this report must be submitted to the Presiding Judge of the Superior Court by September 3, 2009.

Ms. Martel also gave a PowerPoint presentation outlining the 2008-2009 Grand Jury Report on Determining Elected Officials' Compensation: Daly City's City Clerk for Council's review and input. A written response to this report must be submitted to the Presiding Judge of the Superior Court by September 23, 2009.

In order to solicit appropriate input from the City Council in response to the 2008-2009 Grand Jury Reports, Ms. Martel and Mr. McVey provided a detailed presentation on the findings and recommendations contained in each of the respective reports.

Councilmember Gomez asked if the Grand Jury took into consideration that public employees are not paid Social Security and that PERS is their only source of income when they retire. She questioned the expertise of the members of the Grand Jury. She felt that the Grand Jury recommendations were unequal and unfair.

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JULY 13, 2009

Page 4

COMMUNICATIONS: Continued

Review and Discussion of 2008-2009 Grand Jury Reports: A. Reversing the Upward Trajectory of Employee Costs in the Cities of San Mateo County; and B. Determining Elected Officials' Compensation: Daly City's City Clerk – Cont'd.

In response to Councilmember Gomez' questions, City Attorney Rose Zimmerman stated the Grand Jury is made up of nine citizen volunteers of the County. Their job and duty is to investigate, fact-finding and make constructive recommendation for the public. City Manager Patricia Martel pointed out that some cities in San Mateo County do combine Social Security with their CalPers benefits, but Daly City does not.

Councilmember Canepa asked how many City employees are in Daly City and how many make over \$100,000, excluding Police and Fire Departments. He also asked if we have spoken to the different labor unions about the report. Councilmember Canepa felt the Grand Jury Report gives good ideas but it is not the end all be all. Overall, he was not comfortable moving the recommendation forward.

In response to Councilmember Canepa's questions Mr. McVey stated we have approximately 530 employees, and he would have to look up how many employees make over \$100,000. Ms. Martel also responded that we have not spoken to the labor unions. Our obligation under the Grand Jury Report is to talk to the Council.

Mayor Torres asked if the Grand Jury's recommendations are binding, and City Attorney Rose Zimmerman stated their recommendations are not binding. Mayor Torres suggested holding a session to discuss it more before the City Manager has to respond to the Grand Jury.

Ms. Martel stated in the report that the Grand Jury stated that the budget reduction reflected an anticipated compensation reduction, included benefits, which is an inaccurate statement. It will be corrected when we send the response to the Grand Jury because benefits were not reduced for the City Clerk, merely the bi-weekly salary only.

Councilmember Gomez asked for clarification regarding the Grand Jury's finding on qualifications for a Daly City resident to run for City Clerk and the recommendation on training. She also asked if the City pays for the training.

Ms. Martel stated the California City Clerks Association is a professional organization of City Clerks throughout the State that has a certification process within their organization that offers clerks training opportunities to earn certification. The City does provide funding for the training.

Annette Hipona, City Clerk, read into the record a statement in regards to the Grand Jury Report on the recommendation and action by the City Manager and the City Council on March 9, 2009 about reducing the City Clerk's compensation that "sparked a controversy that has generated outrage locally and throughout the state."

Sylvia Alvarez Lynch, Dana Smith and Gloriann Jones read the remainder of Ms. Hipona's statement into the record.

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JULY 13, 2009

Page 5

COMMUNICATIONS: Continued

Review and Discussion of 2008-2009 Grand Jury Reports: A. Reversing the Upward Trajectory of Employee Costs in the Cities of San Mateo County; and B. Determining Elected Officials' Compensation: Daly City's City Clerk – Cont'd.

A copy of Ms. Hipona's statement is on file at the Office of the City Clerk.

It was moved by Councilmember Klatt, seconded by Mayor Torres and carried to accept the 2008-2009 San Mateo County Grand Jury Reports and authorize the City Manager to prepare written responses to the reports by the established September 2009 deadlines.

Use Permit and Environmental Assessment for Minor Site Improvements at Mussel Rock Transfer Station at 120 Westline Drive

Planning Manager Tatum Mothershead gave a PowerPoint presentation on the project site and reviewed the applicant's request to expand their use permit for facility improvements at the Mussel Rock Transfer Station. The project site is located at the west end of Westline Drive. The site has a general plan designation of open space and is zoned open space within the Resource Protection Zoning Overlay District.

The transfer station is currently permitted to operate as a large volume transfer station for up to 500 tons per day, through the San Mateo County Environmental Health and the California Integrated Waste Management Board. Currently, there are approximately 260 tons per day being processed.

The proposal is to make the necessary infrastructure improvements to divert a variety of materials for recycling, which include commercial/residential recyclables, clean dirt, mixed aggregate, tires, universal wastes and electronic waste. The two reasons for these changes are to comply with State law governing the handling of waste and other recyclable materials and to meet the State's mandated diversion requirements.

Because this project is located in the Resource Protection Zoning Overlay District, it required a use permit and subsequent environmental review. Staff prepared an initial study and prepared a Mitigated Negative Declaration, which were routed to the State Clearinghouse for review between May 29, 2009 and June 29, 2009.

It was moved by Councilmember Gomez, seconded by Councilmember Klatt and carried that this project will not have a significant effect on the environment and instructed that a Mitigated Negative Declaration be filed.

It was moved by Councilmember Klatt, seconded by Councilmember Gomez and carried to affirm the findings of the Planning Commission as contained in their communication on file in the Office of the City Clerk.

It was moved by Councilmember Klatt, seconded by Councilmember Gomez and carried by unanimous roll call vote to adopt the following resolution:

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JULY 13, 2009

Page 6

COMMUNICATIONS: Continued

Use Permit and Environmental Assessment for Minor Site Improvements at Mussel Rock Transfer Station at 120 Westline Drive – Cont'd.

Resolution No. 09-114, Adopting Findings of Fact on Use Permit (UP08-18) Mussel Rock Transfer Station 120 Westline Drive – Minor Site Modifications

It was moved by Councilmember Klatt, seconded by Councilmember Gomez and carried to approve Use Permit UP08-18, subject to Conditions of Approval.

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Jim Douglas, J&T Enterprises, LLC, stated he tried to obtain a business license/home occupation use permit to start a dog breeding business. He was denied the Home Occupation request because Daly City has an ordinance that regulates the maximum number of animals permitted. He felt that the limitation of two animals per residence was ridiculous, and he believed that six animals were a fair number for each residence in Daly City.

Judith Christensen read quotes from the Grand Jury Report that were left out in the City Manager's presentation. The Grand Jury commented on the size of the salary reduction along with council's endorsement of the other candidate raised the appearance of political reprisal. Also stated was that the city clerk makes \$30,000 less than other clerks in the county

Mayor Torres repeatedly told Ms. Christensen to stop speaking after the timer went off; when she continued to make her statement, Mayor Torres called for a recess at 9:26 P.M. and reconvened the meeting at 9:37 P.M.

Sylvia Alvarez Lynch spoke on the City Clerk's salary being cut because of budget concerns; and the City Manager earning \$301,000 with full benefits per year. She stated the City Manager should have known in September what was going on financially and should have planned accordingly. She urged this Council and City Manager to look at all employees getting paid \$100,000 or more and do desk audits to see how much duplication and pay we are actually wasting.

APPOINTMENTS:

Board/Commission Membership Committee Appointments

There were no appointments.

REPORTS:

Council Committee

Council Committee Meetings from June 22 - July 12, 2009

The Council Committee reported on the General Plan Steering Committee. (Klatt/Gomez)

CITY OF DALY CITY
MINUTES – REGULAR MEETING - CITY COUNCIL
JULY 13, 2009

Page 7

REPORTS: Continued

City Council

Mayor Torres stated he attended the Home Depot Car Show on Saturday that was hosted by the Golden Hot Rod Association and Home Depot to raise money for the North Peninsula Dining Center in Daly City. Home Depot charged a \$10 car entrance fee that Home Depot matched at 100%.

Councilmember Klatt reported that Councilmembers Gomez, Canepa and I attended the Green Summit at Serramonte Shopping Center with several business attending as well as the Director of Water and Wastewater Patrick Sweetland about going green.

Staff

City Manager Patricia Martel advised the Council that the City is a recipient of some stimulus funding in the amount of more than \$500,000 for the purpose of insuring homelessness prevention and rapid re-housing.

Ms. Martel stated for several weeks we have been experiencing a street light outage in the vicinity of Skyline/Palisades neighborhood. It has been a very slow process to repair because of the age of our street lighting system.

Ms. Martel advised the Council of a sewer overflow incident that occurred in Original Daly City in the vicinity of Santa Barbara and Parkview, which affected six homes along Santa Barbara Avenue. The cause of that spill was a blockage from the release of sand bags that had been used by staff in Water and Wastewater Resources as part of the construction activity at the Parkview Habitat Project.

ADJOURNMENT:

It was moved by Councilmember Gomez, seconded by Councilmember Klatt and carried to adjourn the meeting at 9:54 P.M. in memory of Ann Marie Cremen, Dorothy Carman and Tony Patch.

City Clerk

Approved as submitted, this _____
day of _____, 2009.

Mayor