

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, September 26, 2011 - 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 Klatt at 7:03 P.M.; 7:02 PM

PLEDGE TO THE FLAG:

Minutes: Jonah Miller led the Pledge of Allegiance.; 7:02 PM

ROLL CALL:

PRESENTATIONS:

Fire Prevention Month (Klaus Zalinskis)

Minutes: Councilmember Canepa presented a proclamation proclaiming October 2011 as Fire Prevention Month to Fire Safety Inspector Klaus Zalinskis. Safety Inspector Klaus Zalinskis stated this year's theme is "Protect Their Family from Fire". It is an excellent opportunity to get together as a family and look into all the safety items that are critical; 7:03 PM

APPROVAL OF AGENDA:

Motion on Approve

Motion to approve the agenda.

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

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. Notice of Completion for City Hall Chiller Replacement Project (333 - 90th Street)

Motion on Adopt

Motion to adopt Resolution No. 11-134, Accepting Completion of Certain Project in the Department of Public Works (City Hall Chiller Replacement – 333 90th Street)

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

2. Notice of Completion for Doelger Senior Center Boiler Replacement Project (101 - Lake Merced Boulevard)

Motion on Adopt

Motion to adopt Resolution No. 11-135, Accepting Completion of Certain Project in the Department of Public Works (Doelger Senior Center Boiler Replacement - 101 Lake Merced Boulevard)

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

3. Proposed Revision to Recreation Supervisor Job Specification (Civil Service)

Motion on Adopt

Motion to adopt Resolution No. 11-136, Adopting Revised Job Specifications for the Position of Recreation Supervisor

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

4. Request for Purchase of GPS Tracker

Motion on Adopt

Motion to adopt Resolution No. 11-137, Authorizing Use of Asset Forfeiture Funds for Purchase of CTI GPS Tracking Device

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

5. Adoption of Composite Summary Memorandum of Understanding and Salary Schedules between the City of Daly City and Specific Employee Organization

Motion on Adopt

Motion to adopt Resolution No. 11-138, Adopting Composite Summary Memorandum of Understanding with the International Union of Operating Engineers, Stationary Engineers, Local #39 (September 1, 2011 through August 31, 2013)

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

6. Resolution of the City Council of the City of Daly City Imposing the City's Last, Best and Final Offer to Daly City Firefighters Union Local 1879 Pursuant to Government Code Section 3505.4

Minutes: Mayor Klatt stated it was requested that Item No. 6, Resolution of the City Council of the City of Daly City Imposing the City's Last, Best and Final Offer to Daly City Firefighters Union Local 1879 Pursuant to Government Code Section 3505.4, be taken at the end of the Consent Agenda.; 7:02 PM

Minutes: City Manager Patricia Martel stated before the City Council is a resolution, which, if approved, would impose the City's last, best and final offer to Daly City Firefighters Union Local 1879. As the Council and all labor groups in Daly City are well aware that the City has been experiencing a significant budget crisis for a couple of years, which necessitates reducing our expenditures across every department.

We have met and conferred with the firefighters in good faith the past four months. Unfortunately, we have been unable to reach an agreement with them. On or about August 8th, the parties called an impasse as a result of our inability to reach agreement. Representatives of the Union and the City attempted to resolve the impasse through the mediation process but unfortunately mediation was not able to resolve the impasse. Last month, the Union rejected the City's last, best and final offer on or about August 31.

Imposing labor concessions based on the resolution would result in a 4.7% reduction in total compensation for members of Local 1879. The reduction in total compensation would be implemented through a 5.32% salary reduction.

In response to Councilmember Canepa's question regarding the scheduling of this item for tonight, Ms. Martel stated she received direction from the Mayor and Vice Mayor about placing this item on the agenda.

Peter Hoffman, Attorney with Rains, Lucia and Stern, representing the firefighters, stated the firefighters are willing to pass a three year proposal that calls for a 5.8% concession in the first year, an accumulative saving of 11.6% the second year and a 16.4% in the third

year. He urged the Council to reconsider imposing the City's offer.

Joel Abelsan, President, Firefighter Local 1879, stated the firefighters came up with concession that the City was asking for plus more. The members of the fire department were attending the Angela Ciucci benefit golf and dinner tournament and did not understand why the Council could not continue tonight's action until the next meeting

Nick Gracia, Vice President, Firefighter Local 1879, stated we came to the table with an open mind thinking that we are going to collaborate with City management to find some common ground but found that they were shut down. This group is willing to give up wages and benefits to meet the needs of the City.

Dave Riessen, representing Local 1879, stated we have placed on the table many dynamic proposals of which you can agree on. We have given all that we can to this Council and to this City. He implores the Council to renegotiate with them.

Matt Petersen, Daly City Firefighter, expressed his disappointment with the City's negotiation practices. Based on his previous negotiations, he was confident that they would work together to find creative cost saving solutions for the City. He asked why the City would not entertain the cost saving solutions they provided during the negotiations and mediation process.

Brian Smazenko, Secretary, Daly City Firefighters Local 1879, stated we feel strongly about the work we did during negotiations. We came up with creative solutions but the City keeps rejecting them. It is unfair that we are being treated differently now because we are standing up for a fair process.

Christine Fuller stated that she and her mother's home caught on fire yesterday and wanted to thank all the firefighters for saving their lives. She urged the City to return to negotiations and negotiate fairly.

Wilson Chu was thankful for the firefighters' quick response to the fire at his mother's home this past weekend. He encouraged the Council to negotiate a fair and equitable solution to the current situation at hand.

Ms. Martel explained the firefighters were offered the same two year, 3.7% proposal that every other group has agreed to. Tonight's action is to unilaterally implement a one year agreement to hopefully bring the firefighters back to the negotiating table. It does not preclude it from being adopted by the Council.

; 7:08 PM

Motion on Continue

Motion to continue this item to the meeting of October 10, 2011.

Failed For: 2; Against: 3; Abstain: 0; Absent: 0

Motion on Reconsider Continuing

Motion to reconsider the Council's denial to continue this issue to the meeting of October 10, 2011.

Failed For: 2; Against: 3; Abstain: 0; Absent: 0

Motion on Adopt

Motion to adopt Resolution No. 11-141, Imposing the City's Last, Best and Final Offer to the Daly City Firefighters Union Local 1879 (IAFF) Pursuant to Government Code Section 3505.4

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

7. Fiscal Year 2010-11 Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant and HOME Programs

Motion on Adopt

Motion to adopt Resolution No. 11-139, Approving Submission to the Federal Department of Housing and Urban Development (HUD) for Fiscal Year 2010-2011 Consolidated Annual Performance Evaluation Report for the Community Development Block Grant Program

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

Check Registers :

8. Check Registers for the Month of August 2011

Motion on Approve

Motion to approve Check Registers for the Month of August 2011

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

Authorizing Budgetary Adjustments:

9. Appropriate \$235,000 of Proposition 42/Gasoline Excise Tax Funds from Fund Balance for Additional Street Slurry Seal in Fiscal Year 2011/12

Motion on Adopt

Motion to adopt Resolution No. 11-140, Authorizing Budgetary Adjustments and Appropriations for Fiscal Year 2010-2011

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

END OF CONSENT AGENDA

PUBLIC HEARINGS:

10. Reconsider Denial of Administrative Use Permit AUP-12-10-3199 for Co-Location of New Verizon Wireless Facility at Westmoor High School - 163 Edgemont Drive

Staff:

Engfer

Recommended Action:

Open/Close Hearing

Council Determination

Roll Call

Minutes: Assistant Planner Steven Engfer gave a PowerPoint presentation recapping the project, the reconsideration of the additional information and staff recommendation regarding the Administrative Use Permit AUP-12-10-3199 for a co-location of a new Verizon Wireless Telecommunication Facility at an existing T-Mobile wireless facility at 163 Edgemont Drive that was approved on May 23, 2011. An appeal was received on May 27, 2011. On August 8, 2011 the City Council considered the appeal request and upheld the appeal. On August 22, 2011 a motion to reconsider the grant of appeal was considered and the City Council granted a motion to reconsider the appeal.

Mayor Klatt opened the public hearing.

Councilmember Canepa made a motion to continue this item to October 10, 2011 so Verizon can meet with the residents to discuss possible conflicts. Councilmember Buenaventura seconded the motion and made a friendly amendment to continue this item to October 24, 2011. Vice Mayor Torres made an amendment to Councilmember Canepa's motion to direct staff with a proposed agenda of what he exactly wants discussed. Councilmember Guingona seconded the amendment. The motion carried with both amendments.

City Attorney Rose Zimmerman stated for the record, a motion is on the table for continuance with the friendly amendments. Since the public hearing is not closed, we can take the public comments as part of the record to be continued and considered in the continued public hearing.

Debbie Martin, was concerned about a number of problems living across the street from the high school, such as drug use and drug dealing, dogs being poisoned and people

hanging around.

Fred Martin Jr. was concerned about drug use, noise from the new pool and kids hanging around the pool area. He suggested putting the pole in the back of the school where it is open.

Tom Tirtadinata stated Verizon's website showed that Verizon's coverage map in Daly City area is excellent with no gap in service and no dropped calls. He was opposed to having the co-location across from his home. He suggested locating the tower in an area where there are no houses nearby.

Teresa Urrutia, was opposed to the tower being across the street from her house.

Rufino Urrutia suggested moving it to a different location.

Shirley Choo was concerned about home values decreasing.

Roszena Iskandak wanted the City to stick to the Daly City Municipal Code 17.39.050, which specifies that wireless communication facilities should avoid sites within and near residential areas. She suggested that Verizon try to locate its tower somewhere else. She was concerned about the tower devaluing our property.

Rulon Scoville agreed with everything that the neighbors have said. She was concerned about the types of radio frequency that are emitted by cell phone towers penetrating their skin and causing brain cancer. We need more up to date research so we are not exposed to any possible health risk.

Paul Albritton, Counsel, stated Charnel James, Russ Bentson, Verizon Wireless and Lynn Bruno of Hammitt and Edison were present to make their presentation and move forward. We have heard the concerns that were expressed this evening, and we are willing to meet with the residents. We worked with the City to come up with a location. We put off our plans and looked at four other locations to co-locate with a tree pole to minimize the impacts on the neighborhood. He did not think the high school would want a second pole on their property.

Vice Mayor Torres would like to see the following added to the community agenda:

- 1. Redacted list of customers within a 300 yard radius of Verizon customers who have complained to Verizon about dropped calls in the area.**
- 2. How does Verizon identify a dropped call area?**
- 3. What criteria and information was used to identify the intersection of Midvale Drive and St. Francis Boulevard as a dropped call area?**
- 4. What information does Verizon have to establish that in-vehicle service is unreliable and if it has been done by more than one person?**
- 5. How many of those in-house service calls complaining about dropped calls**

- actually live in Daly City?**
6. **How many statements of support letters have Russ Benson authored in the last 24 months?**

Councilmember Canepa wants to see on the community agenda:

1. **Take public comments and incorporate that into a detailed response.**
2. **What this means for the City of Daly City if this is approved? What is the risk? What is the potential downfall?**
3. **Is there equipment for EMFs that can be brought out to the residents' site to do EMF testing?**
4. **What is Verizon doing to make that area better? Who is responsible for the maintenance of the area?**
5. **Explain to the residents why Verizon could not do an alternative site.**

; 7:50 PM

Motion on Continue

Councilmember Canepa made a motion to continue this item to October 10, 2011 so Verizon can meet with the residents to discuss possible conflicts. Councilmember Buenaventura seconded the motion and made a friendly amendment to continue this item to October 24, 2011. Vice Mayor Torres made an amendment to Councilmember Canepa's motion to direct staff with a proposed agenda of what he exactly wants discussed. Councilmember Guingona seconded the amendment. The motion carried with both amendments.

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

Motion on Close

Motion to close the public hearing.

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

COMMUNICATIONS:

11. **Approval of Written Response to the 2010-2011 San Mateo County Grand Jury Report: Running on Empty?**

Staff:

Martel

Recommended Action:

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

Minutes: City Manager Patricia Martel stated the Grand Jury has asked the cities to review the report on Running on Empty, which relates to reserves in the cities within San

Mateo County. We will consider the draft response tonight based on the findings made by the Grand Jury and their recommendations. If after review of the draft responses there are any changes, we will make the changes and transmit the approved responses to the Grand Jury. It will be posted on the City's website and the Grand Jury's website.

Director of Finance and Administrative Services Donald McVey presented the 2010-2011 San Mateo County Civil Grand Jury Report relating to Running on Empty? The issue the Grand Jury identified was: To what extent have San Mateo County and the cities relied on their reserves to get through the recession and how are they positioned for the future? Have they deferred expenditures, such as annual retiree health care payments, that will result in even higher future costs? How easy is it for interested citizens to determine the answers to such questions from publicly available information?

Mr. McVey reviewed the findings, recommendations and the City's draft response to the report, a copy of which is on file in the Office of the City Clerk.

; 8:57 PM

Motion on Accept

Motion to accept the Grand Jury Report and authorize City Manager to prepare written response.

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: There were no speakers.; 9:15 PM

APPOINTMENTS: Board/Commission Membership Committee Appointments

Minutes: Parks and Recreation Commission

Ms. Jopands thanked the Council for the support.

; 9:15 PM

Motion on Appoint

Motion to appoint Genevieve V. Jopands to the Parks and Recreation Commission with term expiring August 28, 2012.

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

REPORTS:

12. Council Committee

Council Committee Meetings, September 13 - 25, 2011

Minutes: The Council Committee reported on the Centennial Committee Meeting. (Klatt/Torres); 9:17 PM

13. City Council

Minutes: Mayor Klatt and Councilmember Buenaventura reported on the sessions they attended at the League of California Cities meeting. Topics discussed were CEQA-Greenhouse Gases, Rosenberg's Rules of Order: Simple Parliamentary Procedures for Mayors and Councilmembers, Leadership, Strategies, and the Time of Economic Development, Linking Generational Differences for a Stronger Sitting and Legal Regulations on Medical Marijuana Distilleries

; 9:18 PM

14. Staff

Minutes: City Manager Patricia Martel gave an update on the Top of the Hill project, 88 Hillside Boulevard, formerly known as the Landmark Site. She stated it was sold to Equity Residential on September 16, 2011. The parking garage is open for two hour parking from 9:00 a.m. to 6:00 p.m., seven days a week. Access to the parking garage closes at 6:00 p.m. There will be no overnight parking. Public Works is working on new signage to redirect the business patrons to the parking garage for the duration of the street improvements at the Top of the Hill.

Ms. Martel reported the residential units at 88 Hillside Boulevard will be rental units for the short term by the new project owner, Equity Residential, until such time the market improves for single-family ownership. The City retained the below market rate units in the project. They have submitted a marketing plan for those below market rate units. Applications will be publicized. There will be a preference for Daly City residents in those below market rate units. There will be a lottery held. The commercial space that has been under improvement for some time now will be finished soon.

; 9:23 PM

Agenda – City Council
Monday, September 26, 2011
Page 11
ADJOURNMENT:

Motion on Adjourn

Motion to adjourn the meeting at 9:30 P.M. in memory of Alex Zouzounis and Richard Shawn Mao.

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